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Makmor Tumin

Civil Society in Iraqi Kurdistan: A Historical Perspective

Jamal Mohammed Ameen Hussein¹ and Abdulwahed Jalal Nori²

Abstract: This article analyses the history of civil society organisations (CSOs) in Iraqi Kurdistan, which has passed through several stages due to the attitudes of the political systems that have ruled Iraq. In this regard, under the rule of several Iraqi governments, CSOs in Iraqi Kurdistan were banned and repressed from their inception until 1991 because they were a living part of the Kurdish society, which was in the process of liberation. However, since the establishment of the Kurdistan Regional Government (KRG), they have been given some freedom to work, which has led to their growth. Nevertheless, CSOs have faced many internal and external obstacles in recent years. This study is based on a scientific method and uses historical and political analysis to show the historical reality of CSOs in Iraqi Kurdistan. Despite having a long history of difficult periods, since 1991, with the establishment of the first cabinet of the KRG, CSOs' activities have increased. Nevertheless, in recent years, CSOs have faced many internal and external obstacles, though they continue to grow and remain agile.

Keywords: Civil Society, Iraqi Kurdistan, Iraqi Government, Political Situation, Kurdistan Regional Government.

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Introduction

The concept of civil society is a recent concept that is on the political and social scene, especially in European countries, as it arose at the beginning of the early 1980s. The idea is that democratic rules should govern the relationship between the state and society based on respect, tolerance, and cooperation (Ayman, 2014). This means that violence, exclusion, and social and political marginalisation should be avoided in order to create a peaceful society. Contemporary democratic governments seek this peace through several civilised means, including the civil society thesis. In the Middle East, the situation is different in terms of the activities of civil society organisations (henceforth CSOs). Most countries do not entertain their presence in society as a democratic environment is absent. Although the situation is gradually changing in Islamic countries, it is still challenging for CSOs to run their activities smoothly (Norton, 1995).

With regards to Iraq, some level of freedom for work and civil society activities existed during the royal era. The monarchy system was abolished in 1958, leading to a change in Iraq (NCCI, 2011). The country saw the emergence of a republican system and, from then on, civil society activities decreased compared to the royal era (Jabbar, 2006). During the Ba'ath regime from 1968 to 2003, all civil society activities were banned because the regime considered civil society a threat to its power (Bakhtiar, 2001). Under the rule of Iraqi republic government, CSOs in Iraqi Kurdistan were banned and repressed from their inception until 1991 because they were a living part of the Kurdish society that was in the process of liberation (N. Omer, personal communication, January 6, 2022).

CSOs in Iraqi Kurdistan have had a long history of difficult periods. Since 1991, with the establishment of the first cabinet of the Kurdistan Regional Government (henceforth KRG), CSOs' activities have increased. After 2003, the number of CSOs and their activities increased. However, they faced many internal and external obstacles in 2014. In this regard, Iraqi Kurdistan has seen growth in the development of civil society (A. Medeni, personal communication, February 2, 2022).

The significance of this study lies in the fact that: it highlights the historical phases of CSOs, which were political in nature; it analyses the mystery of the reasons for the vitality of civil society, and it also

explains the role of social organisations in the Iraqi Kurdish society. This study also contributes to contemporary knowledge on the impact of civil society in the de facto state of Iraqi Kurdistan.

This article discusses the history and establishment of CSOs in Iraqi Kurdistan and also examines and mentions the Iraqi government's efforts to control CSOs during the republic era in 1958 and later years, which are divided into several stages, including the Monarchy period (1921-1958), the Iraqi Republic from 1958 to 1963, and from 1963 to 1991, during the establishment of KRG and, lastly, civil society after 2003.

Historical Background of Civil Society

The idea of civil society as a separate realm that exists between the state and the family was initially put forth by Hegel, who equated it with the sphere of the economy (Salih, 2005, p. 7; Hegel, 1996 & 1820). Later, Gramsci looked at how the state and civil society (i.e., the private sector) interacted and how this interplay benefited particular social strata, institutions, and groups. Gramsci abandoned the idea that the economy sector corresponded to civil society and began to view it as the field of hegemony (Buttigieg, 1995, pp. 6-7; Kaldor, 2003, p. 8).

Regarding the concept of civil society, experts have differing viewpoints. In this regard, Larry Diamond (1994) states that civil society is the force that opposes and restrains the state. Civil society is the arena for policymaking whereby self-organising and autonomous groups, movements and people try to express their ideals, form alliances and solidarities and also pursue their interests (Linz & Stepan, 1996, p. 17). Civil society refers to a variety of independent organisations that have a legal connection to the state and represent civic behaviour in the particular society in which they operate. These topics are all connected to democratic maturity and the full division between the state and civil society (Shils, 1991, p. 4).

Tomlinson (2013) claims that in addition to these organisations and people, civil society also comprises common people who do not belong to any particular group, journalists, attorneys, business groups and trade unions. CSOs have a variety of governance forms, but they are all, by definition, outside of the direct direction and control of the government.

Moreover, Keane (2009) believes that civil society promotes freedom of expression for individuals and groups within a broad framework, while safeguarding people from repression, disorder, and violence. It seeks to strengthen civic involvement, bridge social, political, and economic disparities as well as empower citizens. The functioning of clubs, organisations, and groups as a barrier between the state's authority and citizens' daily lives is referred to as "civil society". Therefore, in the absence of such an organisation, the state takes control of economic and personal matters, strengthening its tendency towards authoritarianism (Gellner, 1991; Musleh & Norton, 1991). Another name for the realm outside the family, market and state is "civil society" (Aguado, 2007; Arko-Cobbah, 2006; Fukuyama, 2001; Lewis, 2001; World Economic Forum, 2013). A "network of groups that institutionalises problem-solving discourses on topics of public concern within the context of organised public spaces" is the foundation of civil society (Habermas, 1996, p. 367).

Historical Analysis of Civil Society in Iraqi Kurdistan

The Monarchy period guaranteed the right to form CSOs (Halper, 2003). In this regard, the Monarchy is considered to initiate the beginning of the formation of CSOs, but it forbade some of their activities as they were considered a threat to its power. When the Monarchy collapsed in 1958, major changes occurred in Iraq, which saw the emergence of a republican system. Nevertheless, the political situation was not stable and civil society activities declined (NCCI, 2011). During the period of the Ba'ath regime, CSOs in Iraqi Kurdistan suffered and were forbidden altogether as the regime exercised a dictatorship and did not believe in democracy. This government did not provide freedom to the CSOs of Kurdistan and, instead, attempted to control them. At the same time, CSOs were accused of being affiliated with Kurdish political parties in opposition from 1970 to 1991.

However, following the United Nations Security Council Resolution 688 on April 5, 1991, in order to protect the Kurdish civilians from the Ba'ath regime and the establishment of the first cabinet of the KRG in 1992, CSOs' activities increased (N. Omer, personal communication, January 6, 2022) and they enjoyed more freedom compared to previous governments. Further, a large number of international organisations

came to Iraqi Kurdistan, mostly working in the fields of services, development, and charity. They played a role in raising awareness and supported the establishment of CSOs, both materially as a way to assist them in implementing their projects. After 2003, the Kurdistan Parliament passed Law No. 1 in 2011 to establish the Office of NGOs as a way to register social organisations instead of obtaining a licence from the Ministry of Interior – this increased the freedom of CSOs and led to their further development.

The analysis of the history of CSOs in Iraqi Kurdistan can be divided into several stages, including the Monarchy (1921-1958), the Iraqi Republic from 1958 to 1963, and from 1963 to 1991, during the establishment of the Kurdistan Regional Government, and the civil society organisations after 2003, as follows:

The Monarchy Period (1921-1958)

The Monarchy period is considered to be the beginning of the establishment of CSOs in Iraqi Kurdistan since the right to do so was guaranteed by this regime. According to the Iraqi Constitution, Article 12 of the Royal Constitution of 1925 protects the Iraqi people's freedom of opinion and expression as well as the establishment of political parties, trade unions and associations without conditions (Halper, 2003). The Monarchy encouraged CSOs that promoted social services and tolerated those with moderate political demands, as long as they did not pose a threat to the authorities. Concerning this point, they formed various CSOs, such as the Women's Revival Club (1923), the Iraqi Red Society (IRCS) (1932), the Al-Bayt Schooling Association (1950) and the Women's Rights League (1952) (NCCI, 2011). These organisations ran regular campaigns in support of the poor, democracy, education, and social solidarity. The Monarchy also backed organisations that provided social assistance to the public and made moderate political claims that were not seen as a threat to them.

The first Kurdish association was the Kurdistan Independence Society, which was established in July 1922 and led by the former Ottoman officer and writer, Mustafa Pasha Yamolki (Taheri, 2007). After the Lausanne Agreement of 1923, this organisation mixed their civil work with political work and helped Kurdish political organisations

because the Kurdish nation was in the process of national liberation (Gardawani, 1999). During this time, the Kurdish society was alive with CSOs. Many intellectuals from the city of Sulaymaniyah gathered around the group with the intent to support the Kurd revolution led by Sheikh Mahmoud, who was a clergyman and clan elder before he became a Kurdish revolution leader against the British occupiers in Iraqi Kurdistan.

In addition, in 1926, the Kurdistan Scientific Society was founded as a CSO to promote education and awareness. The head and members of the group were influenced by the idea of national independence and demanded the independence of Iraqi Kurdistan. The head of the association was Mustafa Pasha, and his successor was Jamal Bagi Baban. In 1926, when the Wilayat of Mosul was annexed to the Iraqi state and the demands of the Kurds were not met, the Kurdish people resorted to protests, which erupted again in Sulaymaniyah Sarai Square on September 6, 1930. At the local level, Hakeem (2017) indicates that the 1930s marked the emergence of the reality of civil society in the Kurdistan Region, which lasted until the mid-1940s, with several organisations and institutions emerging that can be considered as civil society institutions.

According to Talabani (1971), civil society in Iraqi Kurdistan was established in the early 1930s. According to al-Shamzini (1960), in 1937, a group of enlightened Kurdish youths formed The Brotherhood Association in Sulaymaniyah under the leadership of Sheikh Latif, the son of Sheikh Mahmoud al-Barzinji, whose aim was to establish the independent state of Kurdistan. It is worth noting that the Kurdistan Independence Society issued a newspaper called *Call of Kurdistan*. Many artistic associations were also established at that time, which was political, but they could not continue their activities due to the political instability in Iraqi Kurdistan. It was one of the most important youth groups that engaged in education and included Kurdish students and youths, and it published a magazine called *Youth Gifts*.

In 1938, a group of students and young people who had completed their studies in Baghdad formed the Kurdish Freedom Organisation. Also, as Gardawani (1999) points out, in 1937, students and youths made a significant contribution to the formation of the Darker Organisation, an educational and political organisation that advocated for Kurdish rights.

Kurd intellectuals, writers and nationalists also formed the Hope Party in 1939, which played a significant role in establishing and reaching the societies and organisations that existed at the time (Auni, 2021). To emphasise, when we say that students and youths participated, we mean that all genders participated in establishing societies and organisations without discrimination.

It turned out that students and youths played a key role in establishing the organisations that we talked about, and those organisations and societies were not specific to one layer of society. Since the basic goal of these organisations was the same goal and demand of the Kurdish people, in one way, these organisations and political societies, both popular and artistic, carried the concept of national rights. In another way, the situation and persecution of the Kurdish people and the division of their lands was a common sorrow for all classes of Kurdish society.

For the first time, the Iraqi Students Union was established in 1948, which included Kurdish, Arab and other ethnic minorities. However, due to ethnic differences and the imposition of the will of Arab nationalism on Kurdish nationalism, the Kurdistan Democratic Party (henceforth KDP) decided to establish the organisation of Kurdistan Union students in Iraqi Kurdistan in the name of the Kurdistan Students Union on February 18, 1953, which then separated from the Iraqi Student Union. Due to the Kurds' nationalism and the fact that the Arabs are different, and each of them has its own goals, this was felt in all classes of society. At that time, Kurdish nationalism differed from Arab nationalism in terms of national goals and interests. All Arab nationalists in Iraq considered Iraq to be a part of the Arab nations and had worked to strengthen pan-Arabism, especially under the Ba'ath Party. Kurdish nationalism, on the other hand, upheld that Iraqi Kurdistan is a part of Kurdistan that had been forcibly annexed by Iraq. In this regard, Iraq is a Kurdish and Arab country, and both must be equal in rights and duties, as stated in the 1958 Constitution (Wishyar, 2012).

The nature of profession in any organisation's work does not exclude it from political and social activities. At the same time, the work of youth and women's organisations was limited to professional and political matters. It is natural for CSOs to participate in political party activities, and we see that societies and organisations in Iraqi Kurdistan reflected the historical needs of the Kurdish community

to secure the legitimate rights of this stage of the Kurdish liberation movement to achieve their goals. Regarding the women's movement, the first women's organisation was the Kurdistan Democratic Sisters' Union, which was established in 1947 by Nahida Sheikh Salam and Mina Khan (Shirin, 1998). Next, according to Auni (2021), was the Kurdistan Students Union established on February 18, 1953.

Politically, after Britain seized the city of Sulaymaniyah and crushed the Kurdish resistance under Sheikh Mahmoud Sheikh Saeed Sheikh Mohammed Barzanji's leadership, the UK restored him to power in 1922. He was a clergyman, clan elder and Kurd leader in the last decade of Iraqi Kurdistan. The British believed that he would use the Kurds as a buffer against the Turks, who claimed Mosul as their own. Instead, Shaikh Mahmoud declared himself as the king of the Kurdistan kingdom, though he accepted some autonomy within the nascent Iraqi state. Klieman (1970) as well as Farouk-Sluglett, Marion and Peter (2001) state that Mustafa Barzani built up the Kurdistan majority's ruling KDP in 1946 (Gunter, 1996). It also supported the establishment of several CSOs in Iraqi Kurdistan, including the Kurdistan Women's Union in 1952, the Kurdistan Students Union in 1953 and the Kurdistan Youth Union in 1953 (Auni, 2021).

The Iraqi Republic from 1958 to 1963

During the period of the Iraqi Republic (1958-1963), a conducive environment was created for the activities of CSOs due to the drafting of the new Iraqi Constitution, which referred to the composition of Iraq consisting of two nations: Kurds and Arabs (Rubin, 2007). This opened the door for the development of CSOs in Iraq.

A new group of CSOs were formed in Iraqi Kurdistan, including professional organisations, such as the Kurdish Writers Union in 1960, to demand the Kurds' rights and democracy for all of Iraq as well as equality, justice, freedom of expression and professional organisations' rights (Auni, 2021). The Kurdistan Women's Union was founded on December 11, 1952 (Shirin, 1998) and it played an important role in ensuring women's rights and eliminating gender inequality. It was also officially licenced to operate following Law No. (1), 1960 (Saleh, 2002).

Teachers, employees, students, and women all took an active part in the creation of political parties and groups after the revolution of July 14, 1958. Such events disregarded the customs of a liberal civil society and the cultural diversity that prevailed before the Ba'athist party's ascension to power in 1968. Under General Qassim's rule, progressive initiatives, including land reforms, legal changes in family law as well as ideological politics, significantly undermined the influence of tribes, clans, and communities in 1958 (Rubin, 2007). At that time, the Communist Party initiated a broad-based mobilisation of several strata of the populace. This in turn sparked responses from the opposition, mostly different types of Arab nationalism (Woshyar, 2012). This movement expanded beyond politics and strengthened the already well-established forms of literature, theatre, visual arts as well as the vibrant journalism community that accompanied them. Wider segments of the population's citizens were integrated into civil society by the citizens (NCCI, 2011).

Poutros (2013) believes that the period between 1958 and 1963 was of utmost importance in the history of Iraq because it was the first time the Constitution became a source of authority for the people, conferring equal rights and duties on all citizens, which paved the way for the emergence of organisations, unions, associations, political parties, and civil society institutions. However, Jabbar (2006) considers the 1958 Revolution as the beginning of the demise of civil society. This revolution increased the activities of CSOs with Iraqi women and student organisations, for example, by participating in raising awareness of the Iraqi community's rights to freedom of expression, democracy, and gender equality. There was a mix of trade unions and democratic organisations across Iraq, including Kurdish unions and organisations. It reflected the differences of opinion between Iraq and Kurdish political parties, which sparked widespread disagreements among students, youths and women across Iraq and Kurdistan.

Based on the circumstances, Kurdish democratic organisations, such as the Kurdistan Women's Union and the Kurdistan Student's Union, withdrew from the Iraqi democratic organisations and their interests in Iraqi Kurdistan were protected. Concerning the political situation, Marion, and Peters (2001) explain that "Barzani supported the 1958 military overthrow driven by 'The Free Officers' that built up a dynamic republic beneath the rule of Abd al-Karim Qassim" (p.

81). Even though the Iraqi Constitution of 1958 stated that Arabs and Kurds were partners in Iraq, Qassim went against the principles of the 1958 Revolution and broke a deal with the leaders of the Kurdistan Democratic Party that would have given the Kurds the political rights guaranteed by the Constitution. As a result of severe conflicts in an unstable Iraqi society, the traditional forces came forth in ideological grabs, mostly as Arab nationalists. It was these events that eventually overthrew Qassim in 1963 and instituted a clan-based military rule, which was to metamorphose into the subsequent regime, the Arab Ba'ath Socialist Party, which seized power in 1963.

From 1963 until 1991

In 1963, a coup d'état occurred, where Qassim was executed and the Ba'ath Party, which had a socialist Pan-Arab patriot belief system, took control of the authorities, and started the oppression of CSOs (Woshyar, 2012). In the 1960s, all the opposition political forces in Iraq, Kurdistan and the democratic organisations in Iraq were engaged in a clandestine struggle. Since the main task of the struggle against the dictators and occupiers of Kurdistan fell on the shoulders of the Kurdish revolution, this led to a decline in the mentality of democratic organisations throughout Iraq (Auni, 2021). From 1970 to 1974, the situation in Iraqi Kurdistan became stable due to a peace agreement between the Iraqi government and the leadership of the September Revolution on March 11, 1970 (N. Omer, personal communication, January 6, 2022). Some CSOs were formed, such as the Kurdish Artists Union in 1972 in Sulaymaniyah and the Kurdistan Muslim Scholars Union in 1971 (Auni, 2021). They played a role in the development of the Kurdish community at that time.

However, after the Ba'ath regime withdrew from the agreement in 1974, the situation of CSOs deteriorated and all their activities were banned until the Gulf War (1990-1991) and the liberation of Iraqi Kurdistan from the regime (Auni, 2021). The same Ba'ath regime then established its control over civil society institutions legislatively through Article 26 of the Iraqi Constitution issued in 1990, which stipulated that the exercise of freedom of opinion, publication, assembly, and demonstration as well as the establishment of political parties, trade unions and associations should be consistent with the national and

progressive line of the revolution. The Ba'athist regime systematically destroyed Iraqi civil society, while intellectuals and political activists were persecuted, arrested, tortured, executed, or expelled from the country (Poutros, 2013). From the beginning of the Ba'ath regime in power in 1968 to its fall in 2003, CSOs in Iraq were, in general, subjected to harassment – their activities were in most cases forbidden and officials were persecuted by the ruling authorities, particularly Kurds demanding national rights (Bakhtiar, 2001). The Ba'athist regime did not leave any room for civil society to work and put Iraqi civil society under the control of the security and intelligence services, as they considered CSOs to be threatening to their authority (Bakhtiar, 2001). The rise of the Ba'ath Party to power in the 1960s resulted in the state's dominance over civil society (Zubaida, 2006). According to Rishmawi and Morris (2007), before the March 2003 invasion of Iraq, civil society was severely restricted. Saddam Hussein, the Iraqi president at the time, labelled the few international organisations working in Iraq as spies, while individuals in contact with them faced grave danger.

In Iraqi Kurdistan, several members of these societies were killed or detained by the Ba'ath regime because they supported Kurdish nationalism or opposed the regime. For example, Laila Qassim, a Kurdish student at Baghdad University, was the first woman who was executed in Iraq on May 12, 1974, for participating in the Kurdish student movement (Caliskan, 2014, p. 8). McDowall (2021) claims that in 1974, the Ba'athist government launched an attack on Kurds, pushing them closer to the Iranian border.

At the opening of the OPEC summit in Algeria in March 1975, at the request of President Houari Boumediene, Saddam Hussein, the deputy chairman of the Revolutionary Command Council at that time, and the Iranian King Mohammed Reza Pahlavi signed an agreement in Algeria to resolve the border issue and water rights in Shat al-Arab. According to the agreement, Iraq ceded part of Shat al-Arab to Iran in exchange for the Iranian King withdrawing Iranian support for the Kurdish revolution, which thereupon collapsed (Kadivar, 2009). Also, the 1975 Algiers Agreement led to the Kurdish aid from the US being withdrawn because they did not have their own state, causing the Iraqi Kurds to suffer greatly.

The situation of CSOs remained bad and the Iraqi regime not only decided to suppress them but also decided to commit genocide and chemical attacks on Kurdistan. According to Galbraith (2005), Iraqi Kurds were the victims of crimes against humanity and genocide under Saddam Hussein's regime. As Leezenberg (2017) points out, the Iraqi regime could only maintain control of Iraqi Kurdistan through the systematic use of terror and distractive, large-scale violence, which reached genocidal proportions during the 1988 Anfal Campaign. According to Human Rights Watch, the regime automatically stripped civilians living in these areas of their right to Iraqi citizenship and life. In general, the establishment of quasi-urban resettlement camps, or compulsory housing complexes, in the 1980s saw a radical restructuring of rural space.

In the early 1990s, a new spatial, if not territorial, entity started to form in Iraqi Kurdistan. Zubaida (2006) refers to the Ba'athists' crackdown of political and cultural networks and identities, which led to ethnic and religious divisions within the country. Concerning the development of CSOs, after the Kurdish people's uprising in Iraqi Kurdistan in 1991, a respectable number of humanitarian and charitable organisations turned to Kurdistan to show solidarity and rebuild the infrastructure of Iraqi Kurdistan. Appropriate steps for the civil world and democratic system to show an appropriate image of the Kurdish self-governing authorities were quickly attempted in order to create an appropriate environment for civil work.

After the liberation process, the relationship between local and international organisations improved and expanded, positively increasing their growth. Since 1991, there has been civil society-related development in Iraqi Kurdistan in terms of various media channels, political pluralism, and public participation in the political process. After the formation of the KRG in 1992, the CSOs participated in social and media activities and monitored the government's agendas in various fields. After the uprising in Iraqi Kurdistan in 1991, when civil society started to play a role, they had some problems, which are explained below.

After the establishment of the KRG in 1992, the KDP and Patriotic Union of Kurdistan (henceforth PUK) monopolised civil society in Iraqi Kurdistan, which is worth mentioning. The KDP, the PUK and the

Islamist parties enjoyed a monopoly on state and civil society control in their respective territories. Only one of the CSOs received government money, whereas international donors funded the other 54 CSOs and peacebuilding organisations in Iraqi Kurdistan. Additionally, CSOs must obtain permission from the government to carry out projects. Following the uprising in 1991, these advancements began. However, there has been too short of a period for civil society to emerge in a region with limited potential due to various ongoing conflicts and foreign interference. Hakeem (2017) notes that the region was not ready for the emergence of civil society and was in a state of anarchy after 1991.

Medeni (2017) also puts forth that civil society developed in Iraqi Kurdistan during the 1990s, following liberation from the clutches of the Ba'athists and the establishment of local government. Previously, civil society was limited to establishing unions and syndicates (e.g., for students, youths, and women) directly under the auspices and control of the Iraqi Government (IG). After 1991, there were two types of organisations: one was neutral and not affiliated with the parties, while the other was majority-controlled and dependent on the parties. There were also three types of assistance to CSOs: some provided by political parties, others provided by foreign consulates and organisations, and several supported by the KRG. Regarding this point, Medeni (2017) explains that there are two main types of CSOs in Iraqi Kurdistan. The most well-resourced are those associated with major political parties, such as the Students' Union, Teachers' Union, Women's Union as well as syndicates of lawyers, engineers, doctors and the like that include representatives of such parties that receive funding from them in return for supporting their agenda, within the Kurdistan community. These constitute the majority of CSOs. The second are independent CSOs that are not directly supported by political parties and factions, such as charitable organisations, Stop Organisations for the observation of the Government Agenda, Organisations Authority of Monitoring in the Halabja Governorate, Kurdistan Platform Organisation, Mitro Centre to defend the Rights of Journalists and Opposition "Teachers" Organisations.

It is worth noting that some CSOs – for example, Kurdistan Women's Union and Kurdistan Artists' Union – were suppressed and subjected to violent repression during the civil conflicts of 1993 and 1998 among the major Kurdish political factions. At that time, CSOs

were slowly expanding to raise awareness for various causes, such as women's rights and child protection. Medeni (2017) focuses on the concepts of democracy and political participation, which were not on the agenda of most organisations until the collapse of the Ba'ath regime in April 2003. Soon after, Iraq and the Kurdistan Region experienced a boom in registered CSOs and, at the same time, civil society began educating voters, monitoring elections, actively participating in drafting the new constitution and the like. As CSOs started to look for ways to make it easier for people to talk to their elected representatives in local and national councils, they started to fight for the rights of women, children, and young people.

The Establishment of Kurdistan as a De Facto State

The Kurdish uprising on March 7, 1991, happened against the Ba'athist regime and led to opening the door to freedom of work for CSOs in Iraqi Kurdistan (A. Medeni, personal communication, February 2, 2022). The displacement of hundreds of thousands of Kurdish families as a result of the failure of this uprising and the return of the Ba'ath regime to the major cities of Iraqi Kurdistan at the request of Turkey and France resulted in UN Resolution No. 688 on April 5, 1991, which established an anti-flight zone to protect the Kurdish people. Hundreds of charities came to Iraqi Kurdistan through Turkey to help resettle the displaced people, to show solidarity and to rebuild the infrastructure of Iraqi Kurdistan.

Appropriate steps for the civil world and democratic system to show an appropriate image of the Kurdish self-governing authorities were quickly attempted to create a conducive environment for civil work. The link between local and international organisations developed and expanded after the invasion of Iraq by the US in 2003, which helped to favourably accelerate their development. When the Iraqi regime withdrew its administration and created an administrative vacuum in Iraqi Kurdistan (IK) at the request of Masoud Barzani, the head of the Iraqi Kurdistan Front, on March 22, 1991, the IK Front (IKF) organised a regional election in 1992 to fill the administrative vacuum. The parliamentary elections were held on May 19, 1992, in Kurdistan, Iraq, with the help of the Allied countries, the United Nations and international observers. Considering the election results or based on

an agreement between the two main Kurdish parties that won the most votes equally, a real parliament was established. As a result, a coalition government was formed with the participation of the main Kurdish parties, the KDP, the PUK and other secondary parties (Othman, 2013). This development, according to the majority of scholars, resulted in Iraqi Kurdistan becoming a de facto state in 1992.

Since then, Kurdistan has been in de facto existence as an autonomous administrative unit – Gunter (1993, p. 295) refers to it as a “de facto Kurdish state in northern Iraq”. A de facto state is a country that is a state in all but name but is not recognised by other countries or the UN despite having authority over the territory, people, and government institutions. Iraqi Kurdistan is in northern and eastern Iraq. It consists of five provinces, namely Erbil, Sulaymaniyah, Kirkuk, Duhok and Halabja (McDowall, 1996). It has a population of about seven million across an area of 83,634 square kilometres. There are four ethnic and religious groups that live in the five provinces, consisting of mostly Kurds and a minority of Turkmen and Assyrians and Chaldeans. The Kurds play a significant role in social, economic, political, and cultural discourses. Despite this, most of the inhabitants of Iraqi Kurdistan are Muslims. Other religions, such as Christianity and Yazidis, coexist alongside Islam. All religions have the same freedom of equality in rights. The language of Iraqi Kurdistan is the Kurdish language, which has been known as the formal language of Iraq alongside the Arabic language in the new Constitution in 2005. Assyrian, Chaldean, and Armenian languages, as well as Turkman and Arabic languages, are also spoken by their respective community.

Following the uprising in 1991, these advancements began. However, there has been too short of a period for civil society to emerge in a region with limited potential due to various ongoing conflicts and foreign interference. Hakeem (2017) notes that the region was not ready for the emergence of civil society and was in a state of anarchy. After two years of the first KRG cabinet being in place, CSOs such as the Kurdistan Women’s Union and the Kurdistan Artists’ Union had their activities shut down due to fighting between political parties. After the formation of the KRG in 1992, the CSOs participated in social and media activities. They monitored the government’s agendas in various fields.

Still, they had some weaknesses, as explained here. In their respective territories, the KDP, the PUK and the Islamist parties enjoyed a monopoly on state and civil society control. The pressure between the two essential political parties played out in a four-year war, undermining this development. The PUK central station is in Sulaymaniyah, while the KDP central command is in Erbil, the capital of Iraqi Kurdistan (Gunter, 1993). This situation continued until the Washington Agreement was signed in 1998 between Jalal Talabani, Secretary of the PUK, and Masoud Barzani, President of the KDP, under the supervision of the then-US Secretary of State, Madeleine Albright (Voller, 2014). The end of the civil war was a good start for the reactivation of CSOs. Despite this, CSOs needed to obtain permission from the government to conduct projects.

From 1991 to 1993, in Iraqi Kurdistan, authorities significantly broadened the scope of civil society. During the civil war, civil society faced difficult situations because all their activities were controlled by the KDP and the PUK. However, after the civil war ended between 1998 and 2003, in an environment of freedom and democracy, professional unions, labour unions, women's organisations and employers' organisations were founded. For the first time in their history, Iraqi Kurds were able to express themselves fully in terms of their culture and politics, thanks to the burgeoning of a variety of ideological radio and television networks. Due to tendencies that many saw as extreme authoritarianism on the part of the Kurdish political leadership, this freedom included criticism of that leadership. The advancement of women's roles in Kurdish society via better education and other possibilities was accompanied by the construction of new schools and hospitals.

The increase in the number of NGOs in the post-Saddam Hussein era is evidence of the amount of freedom the Kurds enjoyed after 1991 (Davis, 2005). CSOs were gradually growing at the time to promote matters such as women's rights and child welfare. Their work concentrated on the ideas of democracy and political engagement, which most organisations had not prioritised until the fall of the Ba'ath government in April 2003. Soon after, the number of officially recognised CSOs grew rapidly in Iraq and the Kurdistan Region. Moreover, civil society started raising awareness of voters, overseeing elections, and starting to fight for the rights of marginalised groups, including women, youths, and children, as they started to think about

how to create communication channels between the populace and their elected local and national council members.

Civil Society After 2003

According to the National Endowment for Democracy (2017), after 2003, due to the improvement in the political situation and the liberation process in Iraq, the number of CSOs increased, along with their activities. In this regard, the Iraqi Kurdistan region has seen growth in the development of civil society, though the functions and roles of the groups have remained unstable. At the regional level, the Kurdistan Region has provided a favourable environment for organisations to ensure human rights and the importance of upholding the foundations of democracy.

CSOs have played a significant role in the development of democracy and the formation of several independent institutions and bodies in the region. For example, the platform Dabran holds conferences every year, from which their suggestions are sent to several ministries for reform, including the Ministry of Education and the Ministry of Higher Education and Scientific Research (K. Majeed, personal communication, December 7, 2021). Several other CSOs are working in Iraqi Kurdistan, such as Metro for the Defense of Journalists' Rights and the Pay Centre for Parliamentary Monitoring (A. R. Sarwar, personal communication, January 24, 2022), and the Kurdistan Organization for Human Rights, Watches for Human Rights (M. Hoshyar, personal communication, February 2, 2022). Halwest and Stop organisations are also monitoring the KRG (C. Hogr, personal communication, January 7, 2022). Furthermore, other CSOs, such as Peace and Freedom Organization and PAO, have helped the refugees in the camp. They have also influenced the enactment of several advanced laws for Kurdish society, such as the Demonstration Law and the Access to Information Law. In terms of building the institutions of the Kurdistan Regional Government, they have proposed the establishment of several new offices, including the Anti-Corruption Commission, the Human Rights Commission, the Environment Commission, and the Office for Combating Violence against Women.

On the contrary, some CSOs have had a weak influence on democracy and rebuilding institutions due to internal and external challenges. There is no distinction between the executive, legislative and judicial powers. Also, it is doubtful that civil society contributes effectively to the democratic process, whether at the group level as a social need or as an individual psychological need. If we look at the democracies of developed countries, we see that under civil society groups, areas such as sociology, individualism and psychology have become the real beneficiaries. So, the problems of setting up civil society hurt the democratic process. Giving people the chance to vote is a form of real democracy.

In 2011, the Non-Government Organisation (NGO) Law facilitated the operation of CSOs by improving and simplifying the process for registration and funding, while establishing the conditions for NGO financial sustainability. Since 2013, there has been a positive change in the works of CSOs, including impacts on political parties and participation in political decision-making. They were able to lobby Parliament for the passing of several new laws and amendments, such as the law to reduce the proportion of the budget of political parties from the state budget (July 1, 2014), which was an important and positive development. CSOs actively participated in the Kurdish referendum on September 25, 2017, in which 92.73% of the inhabitants of Kurdistan overwhelmingly voted “Yes” to national self-determination (i.e., independence from Iraq) (Cockburn, 2017). However, there was no consensus among the political parties to hold a referendum; the Kurds did not have a strong unified army and were not economically and financially prepared to face the reactions of the Iraqi government and neighbouring countries. However, the referendum was held on September 25, 2017, against the protests of the major powers, the international community, neighbouring countries, and the Iraqi government. It occupied the disputed areas with direct Iranian assistance and Turkish logistical support and isolated the Kurdistan Regional Government. By most people’s standards, this referendum showed that the Iraqi Kurdish people have the right to an independent state. However, since it was not in the interests of the superpower and neighbouring countries, it failed.

The Future of CSOs in Iraqi Kurdistan

CSOs are essential in the development of democracy, freedom of expression and oversight of the executive and legislative institutions in Iraqi Kurdistan. Nevertheless, in recent years, they have faced many internal and external obstacles and threats that prevent them from further developing and progressing their activities. For example, politically, most CSOs are under the influence of political parties and are divided between the ruling and opposition parties, which has hurt them. These parties have a lot of influence on CSOs and try to control them by using the labour force and money for their active members. Concerning that point, Hassan (2015) indicates that the ruling factions are trying to consolidate an undemocratic sultanate system, while members of society (and CSOs themselves) would prefer a more democratic system based on the rule of law, merit, transparency, and accountability. Nonetheless, the government, through the security forces, monitors working CSOs. Concerning this point, there is no greater freedom for CSOs to work in Baghdad. In Iraqi Kurdistan, CSOs are under strict surveillance of the KRG in some cities and towns. Social culture, tribal customs and Islamic extremism are other threats to the development of CSOs. In addition to the government and political parties, CSOs have also been affected by corruption in those groups. The lack of financial assistance from the KRG and international organisations is another obstacle they face.

The biggest challenge for the KRG and CSOs is the military intervention threats from the Iraqi government and its allies, Turkey, and Iran. In this regard, these two countries have repeatedly violated the sovereignty of the Kurdistan Region in the name of fighting their rival Kurdish armed parties. Both countries have established military bases in many parts of Iraqi Kurdistan. Iran's military threat to CSOs in Iraqi Kurdistan is increasing in this regard. Challenged internally by a wave of anti-regime demonstrations, Iran is projecting the crisis and violence beyond its territory. regarding that point on September 26, 2022, Iran launched a series of cross-border attacks in Iraqi Kurdistan against the offices and bases of Iranian Kurdish parties based in Iraqi Kurdistan. This is a threat to the situation in the Kurdistan Region and civil society organizations. However, these threats do not have much impact on civil society organizations, and they continue their activities. As the Kurdistan Regional Government improves relations with the

Iraqi Government, these internal problems and external threats will likely diminish. This will make it easier for the international community to support the growth of democracy in Iraq and the Kurdistan Region.

Conclusion

The concept of civil society is one of the more recent concepts to have emerged. The beginning of the 1980s is the most important modern mechanism on the political and social scene, especially in European countries. If we look at society as a mechanism or a practical formula that guarantees a citizen's right to express his opinion freely and defend his interests within an organised institutional framework, that is civil society. During the royal era of Iraqi Kurdistan, there was some freedom for work and civil society activities. However, after the monarchy system was destroyed in 1958, which led to Iraq changing into a republic system, the activities of civil society decreased. Under the Ba'ath regime, CSOs in Iraqi Kurdistan suffered and were banned as the dictatorship did not believe in democracy. Conversely, the Kurdish political party, which was in opposition from 1970 to 1991, supported CSOs. After the UN passed Resolution 688 to protect Kurdish civilians from genocide by the Ba'ath regime – and after the first cabinet of the KRG was set up in 1992 and Iraqi Kurdistan became a de facto state – CSOs became more active. However, they have since not developed properly due to internal and external obstacles. Also, the KRG did not follow the laws of the Ba'ath Party until the new Iraqi Constitution was written in 2005, in which Kurdish representatives also participated.

However, the Kurdistan Region has its own parliament and has passed 405 laws in various fields. After 2003, with the issue of Resolution No. 1 in 2011, the activities of CSOs have continually progressed. The CSOs of Iraqi Kurdistan participated in the progressing democratic process because they perceived that the government believed in the freedom of the CSOs, as the government introduced and organised CSOs' activities by law. Iraqi Kurdistan is also in a unique situation as it is not an independent country, but a de facto country; it has an independent parliament, government, and courts, but they have not been recognised by the UN or another country. Also, under Iraqi Kurdistan, Law No. 1 of 2011, which enables CSOs' operations, is in line with

Iraqi Civil Organisations Authorization Law No. 12 of 2010. It is worth mentioning that in Iraqi Kurdistan, CSOs had a more conducive environment for their activities than CSOs in Baghdad because the democratic process was progressive.

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