

MOVEMENTS BEFORE MECHANISMS:

COMMUNITY GRIEVANCES & WINDOWS OF
OPPORTUNITY FOR RESTORATIVE JUSTICE
IN A TRANSITIONAL JUSTICE CONTEXT

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EXECUTIVE SUMMARY

The path toward just and lasting societal change often may feel like being caught in a cycle of defiance against an unjust status quo and a despair that this status quo will never change. Transitional justice measures may serve as a guide on this path and an avenue to channel defiance and staunch despair toward bringing some modicum of accountability and redress to victims of mass human rights (and increasingly socio-economic rights) violations, recognizing the dignity of victims as citizens and offering a potential means to come to terms with an entrenched and unjust past (or present). In a similar vein, restorative justice as a separate practice which centers on the idea that justice must involve an effort to address the harm caused by wrongdoing and that penal sanction is not the only or best way to achieve this, also seeks participatory processes involving victims, perpetrators, and the wider community to identify and address underlying social and political causes of offending acts or violations. The aim generally is to restore or make whole not only direct victims, but the wider community at large as well as perpetrators themselves, taking into account the non-linearity of harm, recovery, and change.

As such, these two discourses and approaches – transitional justice and restorative justice – though distinct, are increasingly seen as paradigmatically complementary vehicles for change. Both focus on inclusive and non-adversarial frameworks that seek to prevent the past from being repeated through overlapping values including truth, accountability, reparation, reconciliation, conflict resolution, and participation. In addition, both can be viewed as responses to vacuums of social control created by conflict or upheaval. Restorative justice may also be used as a complementary strategy of transitional justice facilitating approaches to dispute resolution that contribute to changing the attitudes of actors and cultures of institutions. This contributes to increasing the legitimacy of state institutions by ensuring their reform to more adequately reflect the norms of a democratic and non-coercive society. And finally, the temporal flexibility inherent in restorative justice approaches may serve to create more open-ended, context-relevant transitional justice processes that are responsive to the multiplicity of experiences of victims and society as they stop and start toward wider transformation.

Despite these linkages, challenges remain in connecting transitional justice and restorative justice in practice in transitional contexts. It is not particularly clear how to define how restorative a transitional justice measure is and whether this is determined by the process by which it takes place, its outcomes, or some combination of both. It is also not clear how to “scale-up” restorative justice processes, whose aims tend to be more localized and focused on individual issues, to meet the aims of transitional justice. The latter of which are traditionally linked to broader, collective narrative setting or nation-building after violence and conflict, repression, and/or systemic injustice and inequity, and where the lines between victims and perpetrators can be quite blurred and the involvement of the state and wider community more complex.

These complementarities and challenges are particularly resonant for a context like Iraq, where multiple transitions and upheavals, one of the most recent being the IS conflict from 2014-2017, have occurred in relatively short succession and the justice response for violations that have taken place over time remains partial at best in terms of what and who it corresponds to and how it is implemented. Because accountability

and redress efforts to date are time-bound and pertain to specific communities, they also do not necessarily grapple with the underlying root causes that have led to the current grievances to begin with.

Recent research on accountability and redress in Iraq is similarly constrained, with the most detailed and comprehensive work found in Ninewa Governorate specifically, Mosul city and some of its surroundings as well as the ethno-religiously diverse districts of the Ninewa Plains east of the city and Northern Ninewa west of it. While there are growing efforts to capture justice perceptions across the wider swath of IS conflict-affected areas – and to communities that do not fall under the purview of Iraq’s formal investigative and reparations measures – there is less information on their preferences and priorities for accountability and redress (beyond the return of families with perceived IS affiliation) nor how they see these grievances connecting to older ones that remain unaddressed.

The aim of this in-depth qualitative study then is to fill this gap in research and analysis to identify where to start in durably addressing multi-layered harms, particularly beyond a specifically punitive framing, by establishing a better understanding of what different communities in more understudied areas of the country are focused on as priorities, the ways in which they have engaged in resolving these issues already, and what outcomes they would like to see for positive change to identify contextually and culturally relevant openings for restorative transitional justice that not only look back at past harms, but forward in preventing them from happening again as well. Salah al-Din, Kirkuk, and Diyala governorates are of particular interest here because of their diverse populations, their being part of the disputed territories, and as sites of conflict and repression pre- and post-2003 and during and after the IS conflict.

The findings presented herein come from qualitative analysis of 211 study participant interviews: 178 structured interviews with community members across districts and geographic corridors in Salah al-Din, Kirkuk, and Diyala governorates conducted between September and early October 2021 and 33 semi-structured interviews with key informants from each of these governorates conducted between November 2021 and January 2022.

Five cross-cutting themes emerge from the analysis:

1. Structural marginalization as a first priority grievance undergirds other more recent ones

We find that community members and key informants alike raise the same priority grievances across the three study governorates. Exclusion, marginalization, and neglect is the most important issue to resolve by far, followed by dynamics stemming from the IS conflict and particularly its aftermath related to the current and future risks of not allowing the return of families with perceived IS affiliation and the entrenchment of the current security configurations in study locations. The specific contours of these grievances vary by governorate, but there remains considerable overlap between the three and certainly their impacts across target locations or geographic corridors in each is described relatively consistently. Further to this, interview data highlights how interconnected these grievances are – how the secondary grievance is a symptom of the primary one and serves to further exacerbate it.

In other words, underlying the emergence of IS and the emergence and entrenchment of current security configurations – and all the material and psychological destruction reported here in their

wakes – is corruption, exclusion, marginalization, and neglect stemming from the creation of an identitarian and non-representative political system set in place since 2003. Thus, while perhaps facilitating the return of families with perceived IS affiliation may be an initial issue to engage with through restorative processes, as some key informants note, the sustainability and impact of such efforts even in the immediate-term are reliant on addressing more structural concerns that have so far impeded critical initiatives for all conflict-affected communities, including reconstruction and reintegration support to say nothing of the political motivations behind blocked returns in the first place. Similarly, addressing issues related to the conduct and presence of current security configurations and the associated political power they have in the aftermath of conflict will also circle back to structural issues linked to poor governance.

2. Similar grievances but isolated efforts to address them

We find that community members are relatively active in their communities in general with respect to civic activities (e.g., volunteering or giving charity) and to a bit of a lesser extent in relation to public affairs (e.g., contacting authorities, posting about issues on social media, or participating in public meetings or demonstrations). Respondents in Salah al-Din Governorate indicate the highest levels of public participation and in Diyala Governorate the lowest, based on those in the sample overall who chose to answer these questions – the fraught political and security landscape seemed to hinder respondents’ willingness to disclose any such activities. Most of this engagement in public affairs relate to respondents’ stated priority grievance, namely exclusion, marginalization, and neglect and to a lesser extent the IS conflict and its aftermath. And as such, many community members interviewed describe their own efforts to seek remedies as well as broader efforts at addressing the issue that they may or may not themselves have participated in.

Despite the relatively widespread nature of these priority grievances within each governorate of study, the efforts at remedy-seeking described tend to be focused on the particularly local level, either at subdistrict or district level, usually directed toward district or provincial authorities. They are deemed to have limited effect, with community members pointing out that there is only so much they and local officials can do without greater pressure on higher-level actors in the current political landscape. It is unclear how much cross-subdistrict or cross-district organizing is being carried out between citizens or other actors in seeking to resolve entrenched, governorate-wide issues, particularly as relates to exclusion, marginalization, and neglect, concerns over present security configurations and their conduct, and the prevention of returns. Nor is it clear from this data how much higher-level government efforts (“track 1”) related to local peace agreements or reaching political settlement over the governorship of Kirkuk, for example, engage with civil society-level (“track 2”) or more grassroots (“track 3”) constituencies in raising concerns, monitoring processes, and bolstering outcomes.

Indeed, key informants for their part indicate that reform efforts to date have lacked unity and coherence to affect meaningful change and further to this is the need to connect localized efforts to each other and to higher levels to not only ensure comprehensiveness of change processes but generate pressure for their proper implementation. This is not to negate the impact of local initiatives or the imperative for them, but to highlight the importance of broader potential collective action as well, particularly considering the outcomes respondents across study locations seek.

3. A desire for justice and reform and an openness to restorative processes (with caveats)

We find that across governorates, priority issues, and population groups, criminal accountability is the first outcome community members (and indeed key informants) find necessary to sustainably resolve their grievances. That is, respondents wish for perpetrators to be punished to the full extent of the law based on the level and type of wrongdoing they have been fairly assessed to have committed. This seems like less a need for revenge than for a genuine desire to end the longstanding impunity of those in power and those most responsible for harm, the so-called “decision-makers” of violations be they related to IS perpetration, conduct of current security forces and powerful parties, or large-scale socio-economic crimes, particularly as some feel these actors either do not recognize they are the cause of harm or do not care. A focus on ending impunity rather than exacting revenge is further supported by the fact that most respondents feel that all sides of a grievance have victims and that the best way to ensure criminal accountability is through participatory community mechanisms involving multiple stakeholders (i.e., using restorative justice) or a combination of courts and tribes. While not asked directly, this preference for more community involvement in the adjudication of criminal sanctions may potentially be seen as a refutation of the practice of using counter-terrorism laws and protocols for certain violations that cut defendants off from due process and victims and witnesses from testifying – and which have disproportionately affected Sunni populations in the target locations since their enactment in 2005. It may also be a way to mitigate political interference in high-profile cases within standard criminal proceedings as well.

Furthermore, preference for criminal accountability through more participatory means seems to fit within some of the traditional contours of restorative justice where it is often (though not exclusively) used within criminal justice settings in recognition of the fact that penal sanction may not be the best way or the only way to sustainably redress harm and ensure its prevention going forward. That reforms to guarantee non-repetition is the second most needed outcome underscores this point. As described by community members and key informants, the reform process could entail learning the full truth of the problem including through sharing experiences as a first step; changing laws, regulations, or structures; enforcing existing laws, plans, or agreements; monitoring authorities, institutions, or processes and societal outcomes; and removing bad actors and replacing them with those who have been vetted. These efforts, per interview data, entail engaging at all levels of society and, while containing elements of transitional justice, also fit within a restorative paradigm, either as a precursor to penal sanction or in tandem with it.

Given these preferences, it is perhaps not surprising that community members here, by and large, seem to be willing, and in some cases especially keen, to participate in restorative justice processes related to addressing exclusion, marginalization, and neglect and to a lesser extent addressing post-IS conflict dynamics. Their participation is predicated, in some cases, on the sincere engagement of other higher-level stakeholders to address issues as too often previous attempts to raise concerns have been met with promises that never materialize. Acknowledgement is seen as a first step, but at this point, it is not enough without firmer commitments and actions. More critically still, and for far more respondents overall, their participation is predicated on guarantees of their safety and protection in doing so. There is considerable concern among respondents over closing civic space

and the ability to publicly express critical views without severe repercussions to themselves or their families.

As such, the picture is mixed with respect to the feasibility of restorative justice processes in general and under these specific conditions taking place to say nothing of yielding change over time among respondents. While change will invariably take considerable time, even in ideal conditions, the only way it seems possible is with more, not less public engagement to push others into action.

4. Demands and possible solutions unwittingly reflect the Tishreen Movement

We find that community members are increasingly frustrated and upset with elites. This spans identity groups, with respondents expressing anger at those in power regardless of whether they are the same ethno-religious or tribal identity or not. There seems to be a growing class divide and respondents are seeking significant change in governance and how they are represented. Based on their responses, the representation they desire is based more on need and wider public interest than on identarian terms and that such decisions need to be made at local and provincial levels by citizens more directly.

Key informants here echo this, noting that there is a need to rebuild the whole political process in order to address the priority grievances raised. Some critical points they highlight in doing so includes further amendments to the electoral law to make it more representative including through more direct citizen decision-making in selecting provincial leaders and less gerrymandered electoral units, more independent and impartial journalism, training of citizens to better engage in making rights demands, and perhaps related to the latter point, broader public participation in general at all levels through elections and in running for public office in particular. The rationale here being that these factors together can over time mitigate the impact of spoilers (e.g., political elites at the provincial and central levels, their parties, and linked armed groups and media operations).

These calls for less identity-based rule, changes in electoral laws and the political process, and more space for independent candidates also reflect demands that came out of the Tishreen Movement, though no one referenced the 2019 and 2020 protests or the recent elections. What this indicates perhaps is that regardless of these communities' views of that protest movement in general, the underlying message resonates because these feelings are widespread and have been for a long time. Indeed, many locations targeted in this study were sites of mass protests against the government in 2012 and 2013 that were themselves violently put down with little to no accountability or redress. For key informants, it may be that the recent national elections, with its low voter turnout, diminishing returns for certain political blocs and their affiliated armed groups, and the victories of a small number of independent candidates gave further clarity on a path forward, provided it is possible to re-engage citizens in these efforts.

5. Recreancy and breakdown of community cohesion

We find that while across the data it seems clear that both citizen engagement and the involvement of formal, customary, and informal institutions on priority grievances is critical for justice and redress, there is also a deep unabating belief in pervasive recreancy – that is, the failure of institutions to uphold the public's trust that they will act and operate responsibly, if at all. While

recreancy is generally seen as the cause of major, man-made technical disasters, it seems relevant to raise as a concept here as most respondents and key informants tend to attribute the post-2003 political system in the country for installing the institutions and actors that keep failing society by not acting reliably and competently as they should nor in consciously serving the best interest of the public.

This sentiment is seen in the extremely low levels of trust community members report in formal, customary, and informal actors, with the exception being courts, and the low levels of belief that elections can bring change – particularly since the same people keep running and winning, there is limited voter decision-making power, and no one has reportedly experienced improvements over time. The need to staunch and rectify these feelings is critical as prolonged recreancy (and perceptions of it) has the capacity not only to reduce state legitimacy but also to engender apathy and weaken social cohesion and social capital as people retreat from society. This seems to already be happening considering the growing concern all study participants express toward what they feel is a fraying and disjointed social fabric. This is most starkly seen in the low levels of trust respondents indicate having in other members of their respective communities as well. These latter findings as well as those related to trust in institutions and elections also hold true for IS conflict-affected communities in Ninewa Governorate as well with negative results remaining steady over time. A central element for accountability and redress will be to begin shifting these feelings over time in a more positive direction.

The voices and ideas emanating from Salah al-Din, Kirkuk, and Diyala governorates help further confirm the need for transitional justice interventions in Iraq to expand the time periods, types of violations, and victims and perpetrators they seek to engage with. It does not seem possible to focus on accountability and redress for violations of the previous regime or those of the IS conflict and have sustainable outcomes to build upon without examining what happened in the period between the latter conflict and the end of the former regime, particularly as these long unaddressed harms continue to perpetuate themselves into the present. The current data also presents openings for ways in which restorative justice can help facilitate transitional justice, with respect to both punitive and non-punitive remedies (specifically criminal accountability and reforms).

The central tension within the analysis, however, falls around community member and key informant views on the impact citizens can have in making society more just, peaceful, and equitable. Community members, while still interested in potentially engaging in participatory processes seem also to be retreating from civic space given the growing threats they face and limited impact their efforts to date have yielded; their defiance is shifting toward despair that they have the power to make change or that conditions will improve. Key informants, on the other hand, seem keenly aware that citizens are the critical agents for change; without their pressure, their decision-making, and their entrance into public office, the status quo remains if not worsens.

Thus, any transitional justice efforts may need to focus less on building toward specific mechanisms to start with than building toward the citizen-led movements that can advocate for them. Restorative justice can support transitional justice in this way by helping to harness the power of the people to create the change they wish to see. The following points provide further explication of what this could look like in practice:

- **Corruption and economic and social rights violations as transitional justice concerns**

The data here highlight how unaddressed past grievances create new ones while also further amplifying themselves into the present. Thus, seeking to resolve issues related to the return and reintegration of families with perceived IS affiliation and/or the installation of current security configurations in the target locations (new grievances) without also seeking to address issues related to corruption, marginalization, neglect, exclusion, and unrepresentative governance (previous and ongoing grievance) would contravene the aims of both transitional justice and restorative justice to identify and address underlying social and political causes for violation and prevent them from occurring again – this is a risk that both key informants and community members have pointed out in this data and it conforms to the literature on the links between overt and covert corruption and the commission of atrocity crimes as well as state corruption, neglect/exclusion, and the worsening of social cohesion and inter-personal trust.

Given this, it is important to note that large-scale corruption and violations of economic and social rights are increasingly being incorporated into transitional justice. The truth commissions in Kenya, Tunisia, and Gambia, for example, all had remit over investigating and detailing the extent of corruption, its impacts, and violations ensuing from it. The difference between those contexts and Iraq is that in the former, the corruption and exclusion being examined were all part of past regimes or administrations, while the issues here are primarily coming from the current political system, established after the old regime fell in 2003 and entrenched to date. This makes seeking to address it particularly difficult but given how big a priority it is for all study participants and how they see it negatively impacting their lives and wider communities, it is necessary to include and strategize around in relation to just and equitable change.

- **“Framework approach” to transitional justice and prevention / non-repetition**

While the priority grievances detailed here seem at the surface particularly intractable, key informants and community members alike recognize that there is space and need for multiple actors across society to engage with sustainably resolving and redressing them, and that penal sanction while a priority is also not solely able to bring durable change without other efforts and the inclusion of more of the public. As such, key informants seem to recognize a “framework approach” to justice and prevention as described in a recent UN Human Rights Council study on transitional justice and atrocity prevention. This approach delineates that addressing root causes and guaranteeing non-repetition of violations involves three rubrics: government institutions (including constitutionalism, institutional reform, and security sector reform), a robust and representative civil society playing a wide role in helping steer public power and participation, and initiatives in the domain of culture and personal disposition to also change individual minds and norms on a broader scale.

This tracks with study data that describes, for example, not only the need for central government support and/or transformation for any governorate-level (or higher) change in terms of holding those most responsible to account and enacting reforms, but also roles for strong and independent journalism, monitoring and oversight of institutions and processes, and a population “trained” on citizenship rights and how to demand them within these efforts as well. The international

community's role is seen in helping to convene stakeholders for regular participatory meetings and workshops to discuss issues, leveraging their expertise, and applying pressure on the government.

- **Restorative justice may facilitate transitional justice and generate broader collective action in Iraq**

The outcomes that the majority of study participants seek in relation to the priority grievances detailed here, criminal accountability and reform to prevent harm or violation from reoccurring, connect very directly to transitional justice. Furthermore, study participants indicate that these outcomes are most likely to stem from participatory community processes and dialogues involving all concerned parties and segments of the community, in other words, from restorative justice settings. Criminal accountability may be restorative in such a setting because it allows the space for broader understanding of harm and wrongdoing and additional ways to heal from it. The process and concept of reform may be restorative as well as it could entail forms of truth-seeking as well as participatory mechanisms for their development, implementation, and monitoring and oversight, and in opening more civic space for debate and electoral participation. This seems to be how key informants indicate they see potential ways forward in relation to corruption, exclusion, marginalization, neglect, and unrepresentative governance and, to a certain extent, the ways in which to address concerns linked to the presence and actions of current security configurations.

Regarding the reintegration of families with perceived IS affiliation, respondents and key informants in particular seem to similarly take a more participatory and broader view, seeking not only to restore residents and IS victims, but also those families who are eligible to return. This is line with emerging best practice regarding local peace agreements developed in Iraq for this purpose. Improving implementation of existing agreements in this vein or initiating new ones will likely require significant dialogue efforts to eventually remove blockages and bring various parts of the community together. Regular and iterative engagement with stakeholders toward accountability and redress for this issue at a more localized level given the specificity of the IS conflict and dynamics across geographies may also potentially start laying the basis for how various actors can begin seeking avenues for mobilization for addressing the more structural issues related to exclusion, marginalization, and neglect, even amid an entrenched status quo. This study helps to further make clear that these latter concerns traverse all communities and districts in a governorate, and it may be possible to start “scaling up” restorative efforts to eventually cross district and perhaps even governorate lines.

A further case to be made for the utility of restorative justice within the Iraq transitional justice context is that the outcomes these communities want to see will take significant time to achieve, if they happen at all in the foreseeable future. Progress may be incremental at best to start with and will likely face both setbacks and stagnation over time before there is space and resources for any kind of meaningful transitional justice mechanism (whether official or unofficial) to be developed and implemented. Restorative justice processes are well-suited to supporting the advancement of transitional justice in this kind of context precisely because they involve regular and iterative engagements with stakeholders over time and support space for the dealing with the non-linear nature of progress, the multiplicity of experiences people have of harm and recovery, and how to address violation and wrongdoing at both smaller- and larger-scales in a community and society as a whole. These aspects of restorative justice should be capitalized upon in this context to manage

expectations for change, offer ways to initiate and try out different strategies for accountability and redress over time as contexts and communities evolve with the aim of seeking to repair harm at each step, and build connections among stakeholders to be able to create wider networks and coalitions for collective action.

- **Movements before mechanisms**

Restorative outcomes and positive social change take time and often require having to deal with setbacks or lack of progress while trying to push ahead with accountability and redress as noted above. The data here (and elsewhere in Iraq) show that there are consistently low levels of trust in formal, customary, and informal institutions and in other community members, growing apathy regarding participation, and pessimism about prospects for justice, redress, and positive change to the status quo. It also confirms that people seek justice at this point for violations from the entrenched post-2003 status quo as well as that stemming from the IS conflict and its aftermath.

Any efforts toward restorative transitional justice will need to address these issues as well as begin to shift the negative views associated with them and, while managing expectations, slowly engender hope again. It is here that there may be space for intervention with respect to civil society's role in steering public power and participation and in the realm of culture and disposition change. The focus may need to be less on specific transitional justice mechanisms per se and more on movement building as a start to address topics of concern, particularly in the face of strong spoilers.

Robust and representative civil society is critical in justice, prevention, and change processes. Their contribution to these through advocacy, monitoring, reporting, education, conflict prevention and resolution and reconciliation initiatives, among others, is well-recognized. However, in the current context where focus is not only on human rights but on economic and social rights and freedom, it may be critical to not only rely on these methods and the so-called "old civil society" that privileges them, with the state and state institutions as their main frame of reference but to also cede some ground to or incorporate in so-called "new civil society" that insists on independence and autonomy from the state and whose horizontal and leaderless structure enable different kinds of mobilization, engagement, and collective action. This may be particularly useful in building citizen-led pluralistic, inclusive, and flexible coalitions and networks that can enable the in-depth community organizing and engagement needed to harness and direct public power. Such efforts are critical now as it seems community members are retreating from public affairs and need to be drawn back into them; the risk in not doing so is that civic space itself codifies around the "same faces" as the political one has already done. These interventions may also open space and offer opportunities for individual change at a larger scale as well through, for example, bottom-up storytelling, participatory theatre work geared toward enabling people to rehearse strategies for engagement on issues and scenarios for change, and other forms of local cultural production.

1. INTRODUCTION

“[Q]uite frankly, we have not found any solution other than promises . . . [but] I’m satisfied with my action because I didn’t shut up.”¹

“There is no way to deal with the issue because all problems are inter-related . . . I don’t care about participating because society doesn’t care anymore.”²

The path toward lasting, transformational societal change, particularly in the midst or aftermath of repression, systemic injustice and inequality, and/or violence and conflict, is never a clear and direct one. Rather, it can meander away from its intended destination or double-back on itself and requires constant upkeep once it is set right again. For those living in such contexts and even more so for those engaged in such efforts, it may feel like being caught in a cycle of defiance against an unjust status quo and a despair that this status quo will never change, as the quotes from Iraqi citizens above attest.

Transitional justice measures may serve as a guide on this path and an avenue to channel defiance and to staunch despair toward bringing some modicum of accountability and redress to victims of mass human rights (and increasingly socio-economic rights) violations. In so doing, these measures, including criminal justice proceedings as well as non-judicial processes such as truth-seeking, reparations (material and symbolic), and guarantees of non-repetition or reforms, taken together recognize the dignity of victims as citizens and offer a potential means to come to terms with an entrenched and unjust past (or present).³ In a similar vein, restorative justice as a separate practice, which broadly defined centers on the idea that justice must involve an effort to address the harm caused by wrongdoing and that penal sanction is not the only or best way to achieve this, also seeks participatory processes involving victims, perpetrators, and the wider community to identify and address underlying social and political causes of offending acts or violations.⁴ The aim generally is to restore or make whole not only direct victims, but the wider community at large as well as perpetrators themselves, taking into account the non-linearity of harm, recovery, and change.⁵

As such, these two discourses and approaches – transitional justice and restorative justice – though distinct, are increasingly seen as paradigmatically complementary vehicles for change. Both transitional justice and restorative justice focus on inclusive and non-adversarial frameworks that seek to prevent the past from being repeated through overlapping values including truth, accountability, reparation, reconciliation, conflict resolution, and participation – where again prosecutions and penal sanctions are not seen as the only or necessarily best means for redressing harm and recognizing dignity.⁶ In addition, both can be viewed as responses to vacuums of social control created by conflict or upheaval. Restorative justice may also be

¹ Sunni Arab female community member #7, Samarra Center, Salah al-Din Governorate, September 2021.

² Sunni Arab male community member #3, Khanaqin Center, Diyala Governorate, October 2021.

³ UNSC, *Report of the Secretary General: The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*, S/2004/616, 23 August 2004, para. 8.

⁴ Kerry Clamp and Jonathan Doak, “More than Words: Restorative Justice Concepts in Transitional Justice Settings,” *International Criminal Law Review* 12 (2012): 341.

⁵ Marit de Haan and Tine Destrooper, “Using Restorative Justice to Rethink the Temporality of Transition in Chile,” *The International Journal of Restorative Justice* 4, no. 2 (2021): 207.

⁶ Clamp and Doak, “More than Words,” 341.

used as a complementary strategy of transitional justice facilitating approaches to dispute resolution that contribute to changing the attitudes of actors and cultures of institutions and thus, increasing the legitimacy of state institutions by ensuring their reform to more adequately reflect the norms of a democratic and non-coercive society.⁷ This point is particularly critical as the prevention of future harms and atrocities is “not merely a matter of ‘institutional engineering,’ but also of changes in culture and personal convictions.”⁸ Finally and related to this type of change, the temporal flexibility inherent in restorative justice approaches, particularly their recognition of the ongoingness of structural violence even after transition, the multiple and overlapping timelines of harm and recovery, and the nonlinearity of memory, the presence of setbacks, and the absence of progress, may serve to create more open-ended transitional justice processes that eschew a sequencing logic characteristic of many transitional justice interventions for more context-relevant formulations that are responsive to the multiplicity of experiences of victims and society as they stop and start toward wider transformation.⁹

This is not to say there are not challenges in linking transitional justice and restorative justice in practice in transitional contexts, however. It is not particularly clear how to define how restorative a transitional justice measure is and whether this is determined by the process by which it takes place, its outcomes, or some combination of both.¹⁰ It is also not clear how to “scale-up” restorative justice processes whose aims tend to be more localized and focused on individual issues and redress to meet the aims of transitional justice which are traditionally linked to broader, collective narrative setting or nation-building after violence and conflict, repression, and/or systemic injustice and inequity, where the lines between victims and perpetrators can be quite blurred and the involvement of the state and wider community more complex.¹¹

The complementarities and challenges between transitional justice and restorative justice are particularly relevant to and resonant for a context like Iraq. Specifically, where multiple transitions, or rather, as Zahra Ali describes them, “shock doctrines,”¹² have occurred in relatively short succession and any calls for justice to address violations stemming from them left either unheeded or addressed in ill-conceived or ill-suited manners.¹³ Thus, with each shock and each unfulfilled promise for accountability and redress, previously unaddressed root causes of repression, conflict, and instability build atop one another to create more harm and a bigger quagmire for society to pull itself out from, further closing the gap between defiance and despair. Identifying where to start in durably addressing these multi-layered harms, particularly beyond a specifically punitive framing, entails a better understanding of what different communities in more understudied areas of the country are focused on as priorities, the ways in which they have engaged in resolving these issues already, and what outcomes they would like to see for positive change to identify contextually and culturally relevant openings for restorative transitional justice that not only look back at past harms, but forward in preventing them from happening again as well. These are the broad aims of this

⁷ Ibid.

⁸ UNHRC, *Joint study of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Adviser to the Secretary-General on the Prevention of Genocide on the contribution of transitional justice to the prevention of gross violations and abuses of human rights and serious violations of international humanitarian law, particularly to the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity, and their recurrence*, AHRC/37/65, 1 March 2018, para. 27.

⁹ de Haan and Destrooper, “Using Restorative Justice,” 223.

¹⁰ Klamp and Doak, “More than Words,” 343.

¹¹ Ibid., 346-55.

¹² Zahra Ali, “From Recognition to Redistribution? Protest Movements in Iraq in the Age of ‘New Civil Society,’” *Journal of Intervention and Statebuilding* 15, no. 4 (2021), DOI: 10.1080/17502977.2021.1886794.

¹³ Abdulrazzaq Al-Saiedi et al., *Never Forget: Views on Peace and Justice within Conflict-Affected Communities in Northern Iraq* (Cambridge, MA: Harvard Humanitarian Initiative, 2020), 13.

in-depth qualitative study as a way of contributing to how to re-conceptualize what justice means and how it can be achieved among communities who have sought it for so long.

We will do this by first providing a brief overview of transitional justice mechanisms or aligned-efforts in Iraq to date, including the rationale for this study's focus on Islamic State (IS) conflict-affected areas of Salah al-Din, Kirkuk, and Diyala governorates and the methodology used in this regard. Following this, we will detail governorate-level and cross-cutting findings and provide potential windows of opportunity for restorative processes overall that widen the gap between defiance and despair to include hope.

2. ACCOUNTABILITY AND REDRESS IN IRAQ

Recent Iraqi history is marked by significant violence and upheaval. The IS conflict created and exacerbated many fault lines in the country that are continuing to evolve in its aftermath, nearly five years later. That conflict dredged up to the surface nearly every root cause of violence and conflict that has plagued Iraq prior to and after the 2003 U.S.-led invasion of the country. Such issues include mass human rights violations, political exclusion, identity-based targeting by armed groups, security forces, and rule of law actors, economic marginalization and discrimination, inequitable access to basic services and resources, competing territorial claims, forced displacement and demographic change, and poor governance, corruption, and impunity. The multiple layers and inter-connectedness of these grievances and dynamics is fertile ground for entrenching social fragility which in turn may increase the potential for intra- and inter-group mistrust, tension, and violence as well as reduce confidence in the state.

Thus, unpacking how to seek accountability and redress for widespread violations and longstanding grievances in Iraq involves sifting through layers of interlocking history that reverberate into the present. The approaches and efforts implemented in the country in this regard to date however have rather focused on close-bound time periods, incidents, or population groups in isolation, often taking particularly punitive and broad approaches to addressing harm and wrongdoing that do not always meet victims' needs and in some instances, beget more harm overall. This is the case even though evidence from Iraqis themselves across time indicate that they have much more nuanced views on who to hold to account for grievances and how to do so. It is this tension that we seek to address with this research and as such, briefly tracing the trajectories of some key justice and redress initiatives in Iraq as well as data related to different communities' perceptions helps in identifying changes in approaches to resolving grievances over time and gaps in the literature in this regard to better situate the methods, findings, and recommendations of this study.

Pre- and post-2003 accountability and redress

The period immediately following the 2003 U.S.-led invasion of Iraq offered some of the first broad insights into how different communities across the country perceived possibilities for justice in the wake of the fall of the previous regime. Iraqis surveyed and interviewed at this time tended to place particular emphasis on criminal accountability for those most responsible for the human rights violations of the past, specifically, Saddam Hussein, his family, and his closest supporters.¹⁴ While seeking “swift and vengeful”¹⁵ justice in this regard, respondents also noted the need for it to occur via fair and public trials, in part for those inside and out of Iraq to know the full extent of regime crimes and to prevent them from occurring again. Linked to this, there was some reported general openness to official truth-seeking and memorialization processes (though specific knowledge of these mechanisms was limited) as well as an emphasis on the need for long-term efforts to help victims rebuild their lives, restore dignity, and recover lost opportunities through both material and symbolic forms of social recognition and reintegration and the recapture of lost livelihoods.¹⁶

¹⁴ International Center for Transitional Justice and Human Rights Center, University of California, Berkeley, *Iraqi Voices: Attitudes Toward Transitional Justice and Social Reconstruction* (New York / Berkeley: ICTJ / HRC, 2004), ii.

¹⁵ *Ibid.*

¹⁶ *Ibid.*, 37-40.

Immediate focus was for rule of law and stability, basic needs provision, and economic opportunity. Those in the north and south of the country affected by Arabization campaigns also placed priority on the restitution of lost land and property.

Unsurprisingly, Iraqis at the time expressed conflicting feelings about the role the U.S. and wider international community should play in any such proceedings, with emphasis on trials, and uncertainty over whether or not the Iraqi judges and lawyers from the old regime could take on such endeavors without international expertise and assistance. What was clear however was their desire for an Iraqi-controlled accountability and redress process that included affected communities; one that made distinctions between Ba'ath Party leaders and those who were members and did not commit any major crimes. On this latter point, communities particularly from the center and south of the country raised concerns that wide-scale removal of Ba'ath Party members from their posts could deplete Iraq of crucial human resources when they may be most needed to rebuild the state, while others heavily criticized the total disbandment of the Iraqi Army that had already taken place.¹⁷

Much of what Iraqis had initially desired in terms of justice, social reintegration, and reform for violations of the previous regime either did not come to pass or did not yield what they had hoped for in the ensuing years that eventually led up to the IS conflict in 2014. While the Iraqi Special Tribunal for Crimes Against Humanity, later called the Iraqi High Tribunal, tried and convicted Saddam Hussein and dozens of regime officials for committing international crimes, including crimes against humanity, war crimes, and genocide, over the course of two trials by 2007, their impact was undercut by significant procedural and due process issues and the increasing violence and instability taking place in the country at the time.¹⁸ Similarly, the success and impact of more restorative bodies established, for example, to document evidence of harms committed during the Ba'ath regime and redress victims, provide information about the fate of the missing, establish memorials, and compensate and resolve land disputes, already beset with incomplete mandates and cumbersome bureaucratic procedures, were further limited by the lack of security in Iraq after invasion, and weakened, by extension, by allegations of illegitimacy due to U.S. influence.¹⁹

Overshadowing these mechanisms, and in a sense setting the tone for their implementation from the start, was the full-scale dismantling of existing government institutions and security apparatus in 2003 and 2004, including through de-Ba'athification. Vetting and lustration procedures can serve a critical function within transitional justice processes in post-authoritarian states to gradually and inclusively overhaul and reform institutions through targeted, varied, and context specific measures.²⁰ None of this took place in Iraq. Instead, the immediate and myopic²¹ nature of lustration led to tens of thousands of skilled public sector workers, soldiers, and security officers suddenly losing their jobs, status, and income. This in turn created an administration and security vacuum and a jurisdictional means for institutionalizing discrimination, impeding cross-communal cohesion and reconciliation.²²

¹⁷ Ibid., 52.

¹⁸ Al-Saedi et al., *Never Forget*, 12.

¹⁹ See, Ali Bakht et al., *Transitional Justice in Iraq: Memories and Future Prospects* (Amman: Friedrich-Ebert-Stiftung, 2021).

²⁰ Shamiran Mako, "Subverting Peace: The Origins and Legacies of de-Ba'athification in Iraq," *Journal of Intervention and Statebuilding* 15, no. 4 (2021): 488.

²¹ Ibid.

²² Ibid., 477.

The ensuing violence, insurgency, “militia-ization,” sectarian war, repression and targeting (including through 2005’s Federal Anti-Terrorism Law), and zero-sum, exclusionary, and corrupt governance can be seen, in part, as sequelae of these early policies. They came into being in the first place due to the U.S.’s reliance both pre- and post-invasion on expatriate and long exiled predominantly Shia and Kurd elites to negotiate the organizing principle and mechanism for the post-regime change political order, which they determined to be predicated on the recognition of ethnic and religious division (Kurd, Sunni, Shia). Notwithstanding that Iraq has more diversity than this, the now entrenched political structure, rather than create a commonality of elite interest for the public good has instead fueled elite sanctioned corruption and institutional incoherence which inhibits the government’s ability to deliver public goods and build trust and legitimacy amongst the population.²³ The ongoing fragility and instability in the country is linked to these political dynamics. To date, victims of the physical and structural violence, exclusion, and violation that have taken place since 2003 and continues into the present, including to those protesting this status quo most recently in 2019 and 2020, have had little to no recourse for meaningful accountability or redress of these harms.

IS conflict accountability and redress

The IS conflict created another wave of mass violations that require accountability and redress for the people in those parts of Iraq most affected by it. In general, as in 2003, communities feel that the central government bears the primary responsibility for addressing these violations, but do not feel it is up to the task of doing so.²⁴ Specific communities surveyed in Ninewa Governorate in and around Mosul explicitly on transitional justice mechanisms in this regard indicated strong desire for criminal prosecutions for those they deemed responsible for human rights violations (including all IS members, relevant national political officials, and relevant military leaders) as well as truth-seeking to know what happened and why.²⁵ Furthermore, major grievances reported since the end of the IS conflict across affected geographies in Ninewa Governorate (Sinjar, Tal Afar, and Hamdaniya districts), Salah al-Din Governorate (Baiji Center subdistrict), and Diyala Governorate (Al-Khalis, Al-Muqdadia, Kifri, and Baladrooz districts) relate not only to IS crimes, but also targeting and discrimination both before and after the IS conflict, forced displacement, social and political exclusion, and governance issues (including corruption and neglect), among others in relatively high proportions.²⁶ Linked to this, there is upset over how IS was able to take over large swaths of the country so quickly and the seeming lack of urgency and corruption inherent in reconstruction efforts in areas particularly destroyed by the conflict.²⁷

Despite the various interlinked grievances noted by IS conflict-affected communities, accountability and redress efforts currently underway are partial and time-bound to pertain only to the duration of the conflict (2014 to 2017) and only to certain victims and perpetrators and in this sense are similar to the justice mechanisms established in earlier periods. This limits their ability to unpack and address the root causes of

²³ Toby Dodge, “The Failure of Peacebuilding in Iraq: The Role of Consociationalism and Political Settlements,” *Journal of Intervention and Statebuilding* 15, no. 4 (2021): 463.

²⁴ See, USIP and Social Inquiry, Conflict and Stabilization Monitoring Framework, Rounds 4-6, <https://www.usip.org/programs/conflict-and-stabilization-monitoring-framework>; and Nadia Siddiqui, “Like a Father Who Does Not Love His Children”: Institutional Trust, State Neglect, and Prospects for Justice in Post-Conflict Iraq,” Research Brief (Erbil: Social Inquiry, 2021).

²⁵ Al-Siaedi et al., *Never Forget*.

²⁶ USIP and Social Inquiry, CSMF Rounds 4-6; Siddiqui, “Like a Father Who Does Not Love His Children”; and Sanad for Peacebuilding and Social Inquiry, *Conflict and Fragility Dynamics in Diyala Governorate* (Baghdad: Sanad for Peacebuilding, 2018).

²⁷ ZMkan Ali Saleem and Mac Skelton, *The Failure of the Reconstruction in Mosul: Root Causes from 2003 to the Post-ISIS Period* (Sulaimaniya: IRIS / KAS, 2020); and Siddiqui, “Like a Father Who Does Not Love His Children.”

this conflict overall (aims of both transitional justice and restorative justice), which at least in part connect to the existing unaddressed and longstanding grievances noted above.

Such specificity is seen starkly in the formal mechanisms established for investigations and reparations in the country, respectively. With regard to the former, in 2017, the Federal Government of Iraq requested international assistance in ensuring that IS members are held to account for crimes in the country and in 2018 the UN Secretary-General established the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/IS (UNITAD) to support domestic efforts to hold IS accountable by collecting, processing, and storing evidence in Iraq of acts that might amount to war crimes, crimes against humanity, and genocide that took place in the country.²⁸ Its focus in evidence gathering to date pertain to IS attacks against the Yezidi population in Sinjar in August 2014, crimes committed by IS in Mosul between 2014 and 2016, and the Camp Speicher massacre of Iraqi Army cadets in Tikrit in June 2014.²⁹ Similarly, the Kurdistan Regional Government's Committee for Investigation and Gathering Evidence, also collects evidence of crimes committed by IS against Yezidi and other ethno-religious minorities in Sinjar and Ninewa Plains during the conflict for use in future prosecutions.³⁰

International and national debate is ongoing as to which courts should try IS cases and how this evidence should be used. This is not to say however that prosecutions have not taken place in the country. Mass trials of IS suspects, often with blanket death sentences, have occurred in Iraq since the end of the conflict, mostly under the 2005 Anti-Terrorism Law to much criticism given the law's unclear and broad definition of terrorism, its failure to distinguish between types of affiliation to proscribed groups and types of alleged crimes perpetrated, and its lack of defendant due process.³¹ These types of proceedings, which took place in the post-2003 period leading up to the IS conflict as well, disproportionately target Sunni Arab populations.³² They also do not reflect conflict-affected communities' perceptions on perpetration, punishment, and victim inclusion. Representative analysis of Mosul residents' views on IS crimes and penal sanction, for example, finds that they are varied depending on the level of IS affiliation or support and severity of crimes committed.³³ Furthermore, because most existing proceedings have not allowed for witness testimony, many victims' communities have renounced them as having nothing to do with their justice needs.³⁴ A leading coalition of victims' organizations, primarily representing ethno-religious minorities from Ninewa Governorate, instead advocate for an international tribunal to try international crimes committed against them by IS that would enable victims to provide testimony in an impartial setting, underscoring their mistrust in national judges and prosecutors being able to adjudicate fair trials that reflect

²⁸ UNSC, *Security Council Resolution 2379 (2017)*, S/RES/2379 (2017), 21 September 2017 and UNSC, *Annex Terms of reference of the Investigative Team to support domestic efforts to hold Islamic State in Iraq and the Levant (Da'esh) accountable for acts that may amount to war crimes, crimes against humanity and genocide committed in Iraq, established pursuant to Security Council resolution 2379 (2017)*, S/2018/118, 14 February 2018.

²⁹ UNITAD, "Investigative Strategy," UNITAD, <https://www.unitad.un.org/content/investigative-strategy-0>

³⁰ Al-Siaedi et al., *Never Forget*, 13.

³¹ See, UNAMI, *Human Rights in the Administration of Justice in Iraq: Trials Under the Anti-Terrorism Laws and Implications for Justice, Accountability and Social Cohesion in the Aftermath of ISIL* (Baghdad: UNAMI / OHCHR, 2020); and Ben Taub, "Iraq's Post-ISIS Campaign of Revenge," *New Yorker*, 17 December 2018.

³² Ali Abdel Sadah, "Iraq in Crisis Over Terror Death-Penalty Law," *Al-Monitor*, 31 January 2013.

³³ Mara Redlich Revkin, "After the Islamic State: Balancing Accountability and Reconciliation in Iraq (Iraq Case Study)," in: *The Limits of Punishment: Transitional Justice and Violent Extremism* (Tokyo / Barcelona: UNU-CPR / IFIT, 2018): 44-82.

³⁴ EOD and SOD, "A Position Statement on the Trials and Execution of IS Suspects without the Involvement of Victims," press release, 16 July 2019. While not necessarily consistent, some efforts have recently been made regarding victims' participation in the trials of IS suspects. In March 2020, for the first time in the country, a trial went forward against an IS suspect in which a Yezidi survivor (or any victim of the conflict for that matter), gave testimony in open court and confronted her attacker. This trial was notable as well because it was also the first time the charge of rape was added to a terrorism case and addressed by the court. See, Alissa J. Rubin, "She Faced Her ISIS Rapist in Court, then Watched Him Sentenced to Death," *New York Times*, 2 March 2020.

their experiences.³⁵ In part as an attempt to address these concerns, in the spring of 2021, the Kurdistan Regional Government approved draft legislation to establish a criminal court in Erbil to try IS suspects (foreign and domestic) for international crimes, rather than those of terrorism.³⁶ Iraq's Federal Supreme Court rejected this on the grounds that it violated Article 95 of the Constitution which prohibits the formation of special courts and that the Kurdistan Regional Government does not have the authority to hire non-Iraqi judges and prosecutors, which was granted under the draft legislation.³⁷ At present, there are no specific official investigative mechanisms or accountability proceedings in discussion or development for victims of serious crimes perpetrated by entities other than IS in relation to this conflict, such as Iraqi Security Forces including Popular Mobilization Units (PMU), Peshmerga, or Coalition Forces.

With respect to reparations, the Iraqi Parliament passed the Yezidi Survivors Law in March 2021 which provides a reparations framework for survivors of IS crimes that would entail financial payment as well as access to education, psychosocial care, and housing and land. Such redress is available to Yezidi, Christian, Shia Turkmen, and Shabak communities.³⁸ This is a critically important step for non-punitive, more restorative redress in the country, however its timely implementation remains to be seen. Recent discussion with victims' organizations involved in this process revealed their uncertainty and skepticism that the current government could deliver on this promise of reparations in a timely and meaningful way.³⁹ There are no specific plans of any kind for reparations for victims of IS (and/or other conflict actors) who are not part of these ethno-religious communities. Rather, these conflict-affected communities can avail themselves of compensation offered under Law 20 for deaths, injuries, and damage affecting work, study, and property due to military operations, military mistakes, and terrorist acts. Displaced families who are seeking to return to their places of origin or have already returned may also be eligible for return grants to help them rebuild their lives. The compensation process however is not particularly easy to navigate and backlogged.⁴⁰ It is reportedly rife with nepotism and corruption, requires complex evidentiary documentation and security clearance, can be financially costly for families to apply, and is not a particularly transparent process once an application is made.⁴¹ Given the levels of harm people have experienced and the social, structural, and physical conditions they may be returning to there is also need to consider more restorative and reparative measures to include in this compensation scheme including, among others, psychosocial support and physical reconstruction efforts.⁴²

The one aspect of the post-IS conflict accountability and redress landscape that does pertain to broader swaths of conflict-affected communities and may have more space for restorative, participatory methods, relates to the negotiated return of still displaced families to their places of origin. The return of all displaced families from the IS conflict, including those with perceived IS affiliation, is a priority for the government. To spur these movements federal authorities announced the closure of nearly all remaining displacement camps where many of these particular families with perceived IS affiliation had resided in across Federal

³⁵ Discussion with Coalition for Just Reparations members during the "Stabilization Support in Iraq Through Violence Prevention" workshop held 30 November 2021 in Erbil, Iraq.

³⁶ Karwan Faidhi Dri, "KRG Pushing for Establishment of Criminal Court to Try ISIS Suspects: PM Barzani," *Rudaw*, 28 April 2021.

³⁷ Khazan Jangiz, "Iraq Rejects Kurdish Attempts to Establish Court for ISIS Crimes," *Rudaw*, 27 June 2021.

³⁸ Nicolette Waldman, "Iraq's Reparations Law for Yezidi Survivors in a Positive Step," *Al-Jazeera*, 28 June 2021.

³⁹ Discussion with Coalition for Just Reparations members during the "Stabilization Support in Iraq Through Violence Prevention" workshop held 30 November 2021 in Erbil, Iraq.

⁴⁰ Caroline Baudot, *"We Hope, but are Hopeless": Civilians' Perceptions of the Compensation Process in Iraq* (Washington, D.C.: CIVIC, 2018); and Khaled Zaza et al., *Mosul After the Battle: Reparations for Civilian Harm and the Future of Ninewa* (London: Ceasefire Center for Civilian Rights / Minority Rights Group International, 2020).

⁴¹ Baudot, *"We Hope, but are Hopeless."*

⁴² Zaza et al., *Mosul After the Battle*.

Iraq by the end of 2020.⁴³ Enabling these return movements is not only a matter of providing material support to displaced families to move back, but have critical socio-political and security dimensions that require some form of reconciliation or negotiation to ensure these families' safe return and eventual reintegration, balancing the needs of the wider community and IS victims as well.⁴⁴ Complicating this matter further are differing understandings of what "affiliation" means for each affected community and group. Tribal leaders have played an active role in facilitating the return of members of their own respective tribes given the sense of confusion and lack of clarity Sunni tribes in particular have felt regarding the relationship between the adjudication function of the state and the tribes in this regard.⁴⁵ This is not to say however that tribes would prefer to have the primary role in resolving returns over the state considering that traditional tribal mechanisms are not well-suited to dealing with IS-related crimes.⁴⁶ Conflict-affected communities also seem to hold this view – and a pervasive desire for criminal accountability – given that the overwhelming majority of respondents across studies indicate preferring either courts only or a combination of courts and tribes to handle responses to violations that occurred during and after the IS conflict rather than keeping these efforts to the sole purview of tribes alone.⁴⁷

Tribal processes tend to work best when seeking to resolve individual claims between an aggrieved party and an individual wrongdoer. This is often not possible with crimes attributed to IS as individual perpetrators are hard to identify. In addition, the scale of violations overwhelms standard tribal remedies including compensation and exile of perpetrators. Nonetheless, tribes have used two forms of disavowal processes to enable the return of families who have some perceived affiliation with IS and exile alleged perpetrators.⁴⁸ One form (*bara'a*) is more collective and involves the banishment of named male tribe members from a clan and the other form (*tabri'yya*) is more individualized, where direct relatives disavow a male tribe member and pledge to sever all ties with him. Those who perform these disavowals can come back into the fold while the tribe rescinds all protection to those cast out. These processes have no basis in formal law however are often confused with *ikhbar*, a legal process under the 2005 Anti-Terrorism Law in which an individual informs the state through the courts of their relatives with perceived IS affiliation. This is not a disavowal of, but rather a reporting on, and provides legal grounds for the state to respond to those individuals as it deems necessary. Certain security actors seem to be requiring this more frequently now to grant security clearances (itself a fraught process) that enable still displaced people to return.⁴⁹ Both tribal and legal processes described here raise serious protection concerns for those who participate in them and those who are their targets and as such do not generally have the support of the international community.

While these processes continue to take place, another avenue for facilitating the return of families with perceived IS affiliation has emerged that does have consistent international support – the establishment of local peace agreements negotiated and signed by tribal leaders and other stakeholders including government

⁴³ Human Rights Watch, "Iraq: Inadequate Plans for Camp Closures," *Human Rights Watch*, 3 June 2021.

⁴⁴ IOM, Returns Working Group, and Social Inquiry, "The Growing Role of Reconciliation in Return Movements: Snapshots from the Return Index," Return Index Thematic Series Briefing 2 (Erbil: IOM, 2019); Belkis Wille, "Iraq: Not a Homecoming," *Human Rights Watch*, 14 June 2019; and Nadia Siddiqui, "Balancing the Rights of Displaced, Returning and Remaining Populations: Learning from Iraq," *Forced Migration Review* 57 (2018): 64-5.

⁴⁵ Melisande Genat, *Tribal Justice Mechanisms and Durable Solutions for Families with a Perceived Affiliation to ISIS* (Baghdad: IOM, 2020): 10.

⁴⁶ *Ibid.*, 12-13.

⁴⁷ See, for example, USIP and Social Inquiry, CSMF Rounds 4-6; and Siddiqui, "Like a Father Who Does Not Love His Children."

⁴⁸ Genat, *Tribal Justice Mechanisms*, 14.

⁴⁹ *Ibid.*, 18.

officials and security actors.⁵⁰ Between 2015 and 2021, stakeholders brokered eleven such agreements in communities across Ninewa, Salah al-Din, Kirkuk, and Anbar governorates. Recent analysis of these agreements indicates that they do help foster safe returns regardless of whether those still displaced or the wider community participated in their negotiation; however, the sustainability of this return and reintegration and acceptance of such may be dependent on greater participation of women, youth, civil society, and the displaced to balance all parties' needs, and independent monitoring of their implementation.⁵¹ Finally, while there is some evidence that international involvement in the development of such agreements helps make them more inclusive,⁵² these processes remain complex, political, and may be vulnerable to co-optation.⁵³

Given the current data available, it is hard to know how communities on either side of these local peace agreements themselves feel about them. What is known, at least across Ninewa Governorate in the districts or subdistricts that have such agreements in place, is that a relatively small proportion of residents have heard of them and even fewer know what the terms of such agreements entail – with these findings holding over time as agreements are implemented.⁵⁴ At the same time, certain individual, communal, and structural factors in conflict-affected locations seem to be associated with more or less community acceptance of the return of perceived IS affiliated families; it should be noted that this acceptance may enable safe returns but may or may not be associated with their sustainability and families' subsequent reintegration. While in general people hold a relatively dim view of the prospect of families with perceived IS affiliation coming back, those most stringently opposed to this possibility are victims of IS, defined as those who have had at least one family member killed by the group or who had suffered grievous bodily harm by the group themselves, and families who have ties to security forces (who were often targets of IS violence).⁵⁵ At a more communal level, past experiences of intra-community violence seem to influence views on these families' return and reintegration. In Anbar Governorate, those communities that experienced lower levels of violence during the 2005-2012 *Sahwa* (Awakening) period were more likely to accept the return of displaced families than those that experienced high levels of violence in the same period.⁵⁶ Further to this, the physical and social structure of recipient environments also seem to matter in this regard. While both rural and urban communities express concern over the return of those with perceived IS affiliation in equal measure, the looser social fabrics and tribal customs found in urban settings enabled these communities to be more open to their return than those in rural settings with closer social ties and stronger tribal configuration. Linked to this, communities in areas seen as more prone to ongoing IS attacks (generally in more remote, rural parts of the governorate) also tended to be less inclined to accept such returns for fear that this may allow not only external attacks, but those from within as well.⁵⁷

Finally, the IS conflict disrupted the unresolved status quo ante of the disputed territories between the Federal Government of Iraq and the Kurdistan Regional Government, as fighting swept through them.

⁵⁰ Jacqueline Parry and Olga Aymerich, "Local Peace Agreements and the Return of IDPs with Perceived ISIL Affiliation in Iraq," Policy Research Working Paper 9961 (Washington, D.C.: World Bank Group Social Sustainability and Inclusion Global Practice, 2022).

⁵¹ Ibid.

⁵² Jessica Watkins and Mustafa Hasan, "Post-ISIL Reconciliation in Iraq and the Local Anatomy of National Grievances: the Case of Yathrib," *Peacebuilding* (2021), <https://doi.org/10.1080/21647259.2021.1940434>.

⁵³ Parry and Aymerich, "Local Peace Agreements."

⁵⁴ USIP and Social Inquiry, CSMF Rounds 4-6.

⁵⁵ IOM and Optimum Analysis, *Community Perceptions Survey on the Return and Reintegration of Persons with Perceived Affiliation in Iraq* (Erbil: IOM, 2021), 32.

⁵⁶ Olga Aymerich, "Community Resilience and the Return of Iraqi IDPs with Perceived Affiliation to the Islamic State," *Refugee Survey Quarterly* 39 (2020): 558.

⁵⁷ Ibid., 558-9.

While the Kurdistan Regional Government had de facto control over the administration of these areas prior to the IS conflict and in the midst of limited progress in implementing Article 140 of the 2005 Constitution to finally resolve this issue, the war enabled it to gain a stronger foothold as the Peshmerga forces moved further into these territories to expel IS.⁵⁸ This changed rather abruptly after the Kurdish Independence Referendum when, in October 2017, Federal Iraqi forces took back security control of these areas and as such their administration switched back to the Federal Government as well, causing its own wave of displacement⁵⁹ and more recently, the re-igniting agricultural land disputes among the population.⁶⁰ Several efforts are underway to share joint control over security and governance at least at the district level in some disputed areas, with the most high-level and prominent being the recently announced Sinjar Agreement negotiated between the Federal Government and the Kurdistan Regional Government (with little input from local authorities or communities in the district).⁶¹

Gaps in the literature

This brief overview highlights accountability and redress needs, and mechanisms for them, over time. What we find is that across time, the justice response is partial at best in terms of what and who it corresponds to and in a sense so too is the recent research from communities in this regard. The bulk of both cross-sectional and longitudinal data that exists to date on the IS conflict that explicitly examines community perceptions to traditional transitional justice measures, past and current grievances (IS conflict-related or not), and views on accountability and redress more broadly is primarily focused on Ninewa Governorate, specifically, Mosul and some of its surroundings as well as the ethno-religiously diverse districts of the Ninewa Plains east of the city and Northern Ninewa west of it. While there are growing efforts to capture justice perceptions across the wider swath of IS conflict-affected areas – and to communities that do not as yet fall under the purview of formal investigative and reparations measures in relation to this conflict – there is less information on their preferences and priorities for accountability and redress (beyond the return of perceived IS affiliated families) nor how they see these grievances connecting to older ones that remain unaddressed. This study is an effort to address this gap in the literature to help provide insight into the priority grievances across cycles of violence and upheaval of understudied communities and potential openings for holistic and restorative mechanisms to sustainably and equitably work toward accountability and redress for all victims. Salah al-Din, Kirkuk, and Diyala governorates are of particular interest here because of their diverse populations, their being part of the disputed territories, and as sites of conflict and repression pre- and post-2003 and during and after the IS conflict.

⁵⁸ International Crisis Group, *Reviving UN Mediation on Iraq's Disputed Internal Boundaries*, Middle East Report No. 194 (Brussels: ICG, 2018), 2.

⁵⁹ Martin Chulov, "Kurds Defeated, Displaced, and Divided After Iraq Claims Oil-Rich Kirkuk," *The Guardian*, 22 October 2017.

⁶⁰ Kirkuk Now, "Iraqi Army, Federal Police broker Agreement between Arab and Kurdish Farmers," *Kirkuk Now*, 4 November 2020; Goran Baban, "Kirkuk Agriculture Department Ignores Decree by Ministry of Justice," *Kirkuk Now*, 28 September 2020; and Kirkuk Now, "Interim Daquq Mayor: Farmland Claimed by Arab Tribes Belong to Kaka'i Villagers," *Kirkuk Now*, 22 August 2020.

⁶¹ Joe Snell, "Baghdad, Erbil Reach Security, Administrative Agreement on Sinjar District," *Al-Monitor*, 13 October 2020.

3. METHODOLOGY

Study Design

This research is designed to take an in-depth qualitative approach to understanding key fault lines or grievances in communities and potential for restorative approaches to holistically and sustainably address them. Because the target governorates tend to be understudied in relation to these topics among IS conflict-affected areas, we sought to build a more robust evidence base in two ways, as follows:

- 1) Structured interviews with community members to gain a sense of how they view their respective communities (i.e., districts or subdistricts) and how they engage (or not) with different structures or institutions in general before delving more deeply into the specific key priority fault line or grievance in their communities that they feel need resolution and how that could or should take shape. We chose a structured interview format for community members to ensure greater diversity in the sample and to better ease respondents into discussing more complex or abstract concepts linked to accountability and redress. The interview tool is predominantly open-ended with some close-ended prompts to initiate thinking and discussion. We sought to avoid using technical transitional justice and restorative justice terminology and definitions in asking respondents about their views on accountability and redress and instead used more common expressions or descriptions when asking about outcomes and processes. For example, we referred to restorative justice as a “participatory community process involving multiple stakeholders” and “process to address harm caused by wrongdoing through dialogue with victims, perpetrators, and the broader community including formal and customary authorities to identify and address underlying causes of violation or harm and determine remedies together” (see Table 1 for the phrasing of transitional justice- and restorative justice-specific questions and response options).

Table 1. Restorative justice and transitional justice questions and response options

<p><i>What would be your most preferred way to address [stated priority grievance]?</i></p> <ul style="list-style-type: none">- Through courts only- Through tribes only- Through a combination of courts and tribes- Through a participatory community process involving multiple stakeholders- There is no way to deal with this issue- I don't care- Other (explain)

What is the most needed outcome you would want to see to address the harm caused by [stated priority grievance]?

- Individual financial compensation for all affected people
- All perpetrators punished to the full extent of the law
- Learning the full truth of what happened and why
- Acknowledgement of wrongdoing by those most responsible
- Reforms to ensure that this issue does not occur again
- Material and social investment in the district to remedy the issue
- Other (explain)

Would you be willing to participate in a justice process for this issue that seeks to address harm caused by wrongdoing through dialogue with victims, perpetrators, and the broader community including formal and customary authorities to identify and address the underlying causes of the violations or harm and determine remedies together?

Key topics explored in the interviews include: self-identified fault lines or grievances and their underlying causes; scenarios of common incidents and the actors best placed to resolve them; trust in various formal, customary, and informal institutions and actors; participation in public affairs or community activities; priority fault line or grievance to resolve and impact on individual/community; knowledge of any existing mechanisms to resolve the issue and any remedies sought; preferred means of dealing with the issue; views of others on the opposing side of the issue; feelings of acknowledgement; willingness to participate in restorative processes and under what conditions; most needed outcomes of such a process for the community; and confidence in the prospects for such a process and outcomes in the current climate.

- 2) Semi-structured interviews with local experts, civil society, community leaders, and authorities (including security actors) focused on defining major fault lines or grievances and possibilities for resolving them, taking into account the perspectives of community members on these topics as well. Because the key informants had both an in-depth view of the issues as well as a more bird's eye view of the surrounding political and security context, questions here probed in more detail historical and ongoing mechanisms to address the issues raised, spaces for broader community participation, openness to and avenues for restorative processes either within existing mechanisms or as new endeavors in resolving longstanding grievances, and responses to community member perspectives on these topics.

The following typologies of fault lines or grievances across time, identified through the literature review and analysis presented above, served to further organize the design, geographic scope within governorates, and sampling of this study. They also helped in defining the contours of the qualitative interview tools while still allowing space for community members and key informants to raise other issues of concern that they felt needed prioritization instead or in addition to these main typologies.

- *IS conflict and its aftermath* – issues of concern relate to past IS violations, ongoing IS attacks, and/or the return and reintegration of individuals or families with perceived IS affiliation.
- *Conduct of Iraqi Security Forces and Coalition Forces during the IS conflict (and in the aftermath)* – the focus here is on the violations and destruction carried out by the state and its partners during and after the conflict.
- *Post-2003 tribal and/or ethno-religious tensions and violence* – issues here relate to dynamics that emerged between groups after 2003, including any unresolved grievances from the 2003 to 2013 period before the IS conflict, that may have fed into it or been exacerbated by it, and that may persist to date.
- *Exclusion, marginalization, or neglect* – concerns under this rubric pertain to macro- (central or provincial) and micro- (district or lower) forms of exclusion from political representation, jobs, or support, among others, and feelings of neglect, marginalization, or lack of acknowledgement stemming from policies, weak institutions, and/or corruption, that may date from the previous regime to the present.
- *Housing, land, and property disputes* – issues here relate competing housing, land, and property claims linked to forced population movement from the previous regime to present, particularly in areas of disputed governance.

These issues overlay, to varying degrees, onto the districts and geographic corridors of the target governorates of this study, also identified through the literature review process. By and large, we focused on district and subdistrict capitals unless otherwise specified. This was due in part to security concerns in accessing certain more remote locations and to consolidate data collection. The sample included a total of 211 interviews (178 community members and 33 key informants) conducted between September 2021 and January 2022.

Community member sample and data collection

The sampling strategy for community members per governorate relied on detailed context knowledge to understand similarities and differences between geographical areas in each to determine specific locations and/or corridors to group together for data collection, considering population diversity as well to ensure findings are indicative of the communities within each. The final sample is depicted in Table 2.

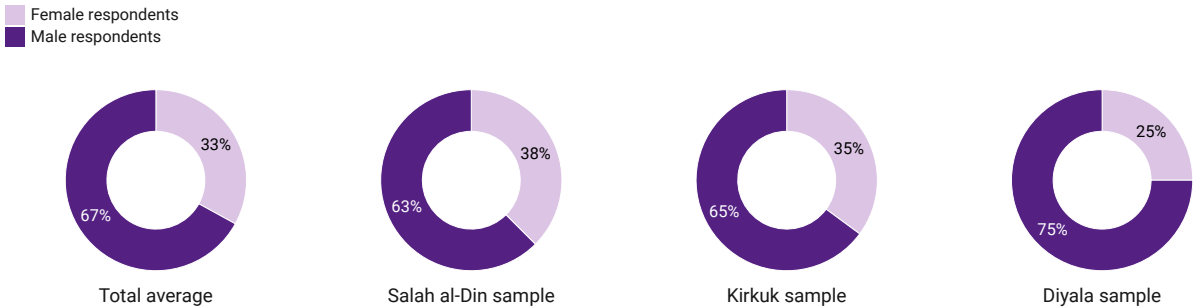
Table 2. Final community member interview sample by location and group

GOVERNORATE	DISTRICT OR GEOGRAPHIC CORRIDOR	SPECIFIC LOCATION(S)	ETHNO-RELIGIOUS GROUPS	NUMBER OF INTERVIEWS	TOTAL INTERVIEWS
Salah al-Din	Tooz	Tooz Khormatu Center	Sunni Kurds (4)	12	56
			Shia and Sunni Turkmen (4)		
	Balad	Balad Center (and surroundings)	Shia Arabs (4)	8	
			Sunni Arabs (4)		
			Yathrib		
	Samarra	Samarra Center	Sunni Arabs (8)	8	
Tikrit-Baiji-Shirqat			Tikrit Center	Sunni Arabs (4)	12
	Baiji Center	Sunni Arabs (4)			
	Shirqat Center	Sunni Arabs (4)			
Kirkuk	Kirkuk	Kirkuk Center	Sunni/Shia Kurds (4)	24	74
			Sunni Arabs (4)		
	Rural Kirkuk & Debes	Taza Yaychi	Shia Arabs (4)	26	
			Shia Turkmen (4)		
			Sunni Turkmen (4)		
	Debes Center	Sunni Turkmen (2)	16		
		Sunni Kurds (8)			
		Sunni Arabs (4)			
Daquq	Daquq Center	Sunni Kurds (4)	16		
		Sunni Arabs (4)			
Hawija	Hawija Center	Shia Turkmen (4)	8		
		Kaka'i (4)			
		Sunni Arabs (8)			

GOVERNORATE	DISTRICT OR GEOGRAPHIC CORRIDOR	SPECIFIC LOCATION(S)	ETHNO-RELIGIOUS GROUPS	NUMBER OF INTERVIEWS	TOTAL INTERVIEWS
Diyala	Al-Muqdadiya	Al-Muqdadiya Center	Shia Arabs (5) Sunni Arabs (3)	16	48
		Abu Saida	Shia Arabs (8)		
	Al-Khalis	Al-Khalis Center	Shia Arabs (4) Sunni Arabs (4)	8	
	Khanaqin	Khanaqin Center	Sunni Arabs (4) Shia Arabs (4) Sunni Kurds (4) Shia Kurds (4) Sunni Turkmen (4) Kaka'i (4)	24	
TOTAL				178 interviews	

The gender balance of the sample is relatively similar to that of other recent studies in Iraq but is lower on average due to the gender balance of respondents in Diyala Governorate, particularly in Al-Khalis and Al-Muqdadiya districts (Figure 1). The majority of the sample overall is married, has a high school or university level education, and is between their mid-20s and mid-40s in terms of age. A plurality of the sample work in the public sector, followed by those working in daily labor, which is unsurprising given the focus on district or subdistrict centers for data collection. A little over half the sample experienced internal displacement at some point (particularly related to the IS conflict), while roughly four of 10 had family experience conflict related violence from the previous regime to now.

Figure 1. Gender balance of community member sample overall and by governorate



Qualitative field teams, drawn from Social Inquiry’s network of local researchers in Kirkuk, Salah al-Din, and Diyala governorates, conducted these structured interviews in September 2021, completing fieldwork ahead of the national elections that took place on 10 October 2021. The teams came from the locations where data collection took place in each governorate and reflected the ethno-religious and linguistic diversity of the locations where they conducted interviews. The teams were gender-balanced as much as

each context would allow. To further build trust and ensure reliability of responses, field team members interviewed community members of the same ethno-religious/linguistic group and sex as them, whenever possible.

The structured interviews took place in-person with qualitative enumerators following COVID-19 protocols including wearing masks and conducting the interviews one-on-one either outside or in a well-ventilated space. The interviews were administered via phones or tablets using KoboToolBox software after local researchers obtained verbal informed consent from potential respondents. The KoboToolBox platform allows for both close-ended questions and set answers and open-ended questions and space for transcription of lengthy responses. For quality control purposes, Social Inquiry researchers monitored data collection each day and maintained regular contact with field teams via field team leaders. Furthermore, because local researchers uploaded interview data to Social Inquiry's secure server each day, transcripts were translated into English on a rolling basis. As such, Social Inquiry researchers analyzed transcripts as they came in, both in English and their original languages (Arabic or Kurdish) to ensure accuracy and consistency of translation as well as in identification of themes, sub-themes, and trends emerging from the data.

Key informant sample and data collection

Semi-structured interviews with key informants across Salah al-Din, Kirkuk, and Diyala governorates took place between November 2021 and January 2022. These were scheduled for after national elections (October 2021) in case electoral results may shift responses. The interview guides for each governorate were updated based on the findings from data collection with community members across target areas. This revision included focusing more particularly on the issues raised by community members as priorities in addition to giving room for key informants to raise any other issues of concern. In close coordination with Social Inquiry researchers, qualitative field team leaders selected key informants and conducted these interviews in person following COVID-19 protocols. They submitted typed transcripts on a rolling basis to Social Inquiry which were then translated into English. As before, Social Inquiry researchers analyzed transcripts as they came in, both in English and their original languages.

The total sample for this data collection includes 33 interviews across governorates (12 in Salah al-Din, 16 in Kirkuk, and 5 in Diyala). The key informants comprised local authorities such as mayors, directors-general and staff of provincial ministries, former provincial council members, investment commission and human rights commission members, security officials, and political advisors (13), tribal leaders (3), civil society such as academics and analysts, journalists, civil activists, legal professionals, and heads of local organizations (14), and IS conflict-affected individuals including a survivor of IS perpetration and members of a tribe with perceived IS affiliation (3).

Limitations

First, given the qualitative nature and size of this study, the findings here are not statistically representative, but rather highlight indicative trends of the locations and communities sampled. As such, it is not possible to extrapolate findings based on a respondent's household characteristics given the number of interviews conducted. However, the findings and trends identified here align with those of the limited other more representative studies of these areas and IS conflict-affected areas generally, while also providing more in-

depth insight into community members experiences and views in relation to longstanding grievances and means for resolving them.

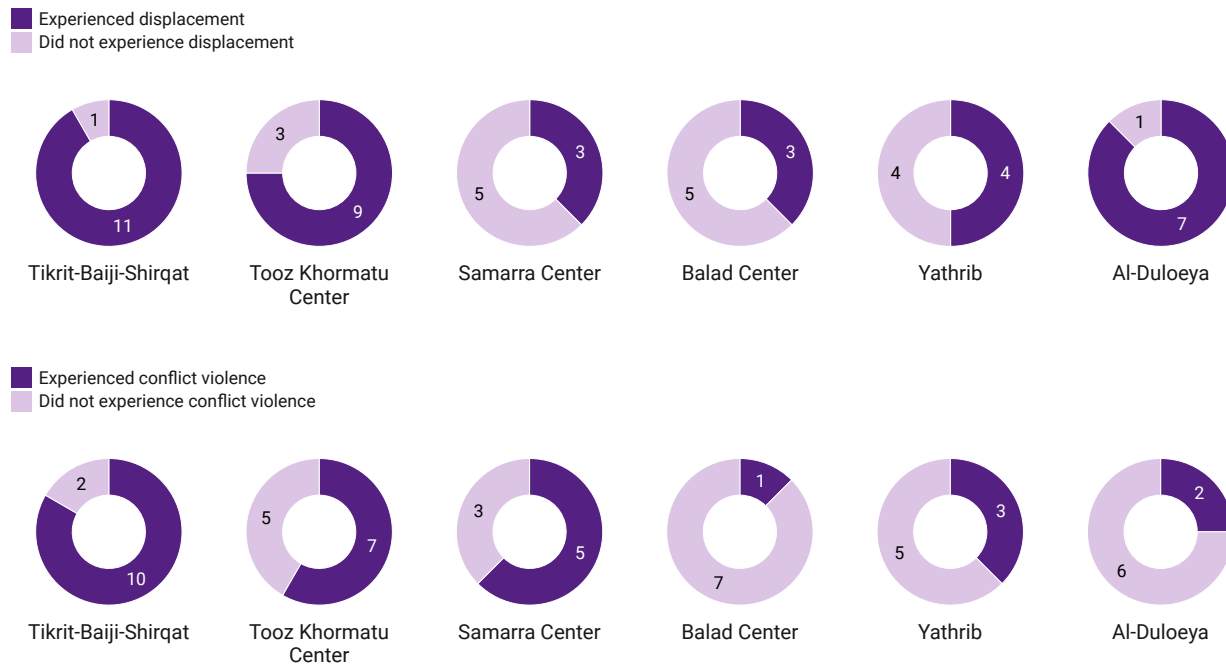
Second, while we sought a 50-50 gender balance across data collection, we were unable to achieve this, even with the inclusion of female field team members across governorates and locations. The gender balance was roughly 60-40 in across Kirkuk and Salah al-Din governorates, but significantly lower in Diyala, particularly because it was not possible to interview women in Al-Khalis and Al-Muqdadiya districts. This may relate to the sensitive nature of the research, particularly considering the worsening security situation in these areas over the course of the field work. Male respondents in these locations themselves were also more circumspect in their responses than either male or female respondents in the other target locations in that governorate or elsewhere in the study. No discrete divergences were noted between male and female respondents in terms of their priority grievances nor in the ways in which they felt was best to resolve them, though women were more adamant about ensuring their participation in any process than were male respondents.

4. SALAH AL-DIN GOVERNORATE FINDINGS

Displacement and conflict experiences and daily public life

Given the particular histories of the target locations in Salah al-Din, it is not surprising that the majority of community member respondents (or their families) experienced displacement and conflict-related violence at some point in time over the past decades (Figure 2). The primary period of displacement and conflict violence community member respondents (or their families) experienced relate to the IS conflict (2014-2017), followed by the period directly prior to that (2003-2013) which included the U.S.-led invasion, ensuing sectarian conflict, and violence linked to civil protests. Kurdish respondents in Tooz Khormatu Center also noted displacement histories in the 1990s-2002 period. Of note however is the non-negligible number of respondents (or their families) who did *not* experience displacement (Samarra Center, Balad Center, and Yathrib) or conflict-related violence (Balad Center, Al-Duloeya, and Yathrib) at any time.

Figure 2. Number of respondents (or their families) in the Salah al-Din sample who experienced displacement and conflict violence



With respect to community engagement in daily public life, respondents across locations note high levels of their own participation in civic activities related to volunteering, participating in activities organized by local organizations (or organizing such efforts themselves), and giving charity. Differences emerge between locations in relation to participation in public affairs (e.g., expressing grievances or demands on social media, in public, and/or to authorities). The vast majority of respondents in the Tikrit-Baiji-Shirqat corridor and in Samarra Center report having engaged in public affairs in the past year while relatively large majorities in Balad Center, Yathrib, and Al-Duloeya report either that they had engaged in the past year or had not

but would be willing to do so. We should also point out that one quarter of respondents in both Yathrib and Al-Duloeya also report that they had not and would not engage in public affairs. Reported participation in public affairs was notably fraught in Tooz Khormatu Center where no respondents participated in public affairs in the past year and half the sample refused to answer this question.

Those who did take part in public affairs or were willing to do so indicate that they feel it is their responsibility as citizens to raise concerns and access their rights.

I am part of this society and I feel what it feels and I must express its problems and needs and demands.⁶²

The right to express and criticize constructively is a guaranteed right and duty.⁶³

Their engagement entailed posting on social media or forming groups on social media platforms to discuss issues, raising them directly with local and governorate-level authorities, or filing complaints with relevant government departments. Issues of concern raised included poor service provision, inequality and unfair distribution of jobs and contracts, corruption in general and in relation to the allocation of post-IS conflict reconstruction funds, and concerns around those still blocked from return, among others.

For those who did not participate, their reasons stem from concerns over repercussions for speaking out, *“you may face problems and pressures for expressing your grievances and demanding your rights,”*⁶⁴ to the view that such actions would not result in much of anything.

I think there is no one to trust and I have not had the chance and I do not see the benefit of [engaging in public affairs].⁶⁵

I don't think there is a response to any appeal.⁶⁶

This lack of institutional response is echoed among those who have sought to engage in the public sphere as well. While noting that by continuing to make demands or propose initiatives *“surely something will change even a little”*⁶⁷ and that such action *“may have an impact if it is done collectively,”*⁶⁸ those who report the most engagement concede that they have little to show for it thus far given inaction on the part of authorities.

No response [from authorities] was given and therefore there has been no impact.⁶⁹

The impact was weak because of the difficulty of change at the moment.⁷⁰

There hasn't been much impact because city officials are afraid of the powerful.⁷¹

Priority grievances and efforts to date to resolve them

The issues respondents sought to act upon above are also reflected in their responses to the priority grievance that they felt was most necessary to resolve (Figure 3). Overwhelmingly, respondents cite exclusion,

⁶² Sunni Arab female community member #2, Tikrit Center, Salah al-Din Governorate, September 2021.

⁶³ Shia Arab female community member #1, Yathrib, Salah al-Din Governorate, September 2021.

⁶⁴ Shia Arab female community member #3, Balad Center, Salah al-Din Governorate, September 2021.

⁶⁵ Sunni Kurd female community member #2, Tooz Khormatu Center, Salah al-Din Governorate, September 2021.

⁶⁶ Sunni Arab male community member #3, Yathrib, Salah al-Din Governorate, October 2021.

⁶⁷ Sunni Arab female community member #4, Shirqat Center, Salah al-Din Governorate, September 2021.

⁶⁸ Sunni Kurd female community member #2, Tooz Khormatu Center, Salah al-Din Governorate, September 2021.

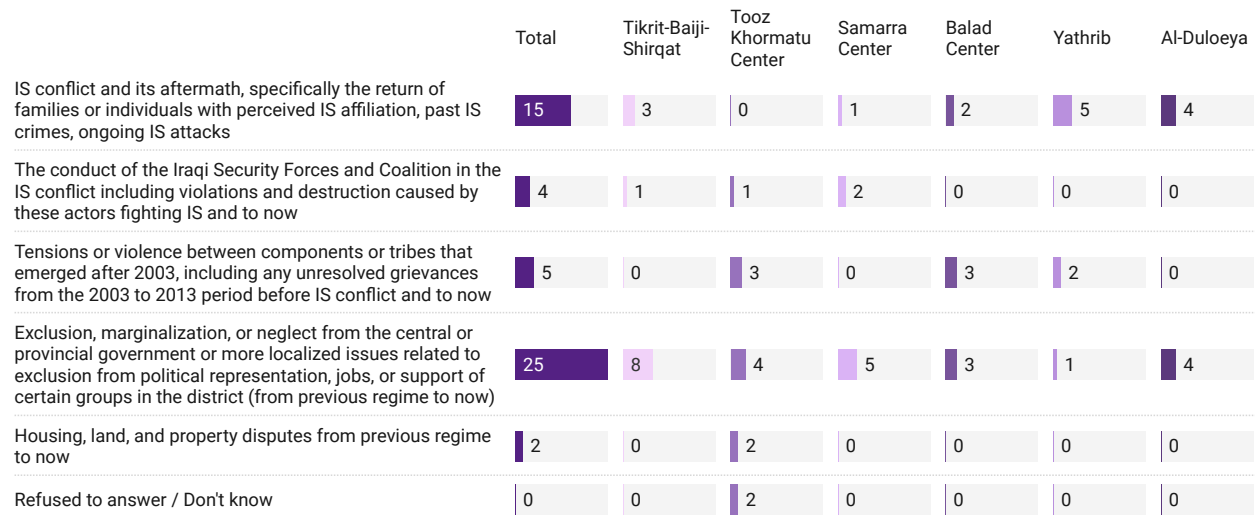
⁶⁹ Sunni Arab male community member #1, Tikrit Center, Salah al-Din Governorate, September 2021.

⁷⁰ Sunni Arab male community member #1, Samarra Center, Salah al-Din Governorate, September 2021.

⁷¹ Sunni Arab male community member #2, Samarra Center, Salah al-Din Governorate, September 2021.

marginalization, and neglect as the most important issue to resolve, followed by issues pertaining to the IS conflict and more particularly in relation to the return of families with perceived IS affiliation. Others still prioritize resolving ethno-religious tensions, which as we will describe below are often linked with poor governance and exclusion, marginalization, and neglect. Key informants also point to dealing with exclusion, marginalization, and neglect as a priority as everything else (i.e., ethno-religious tensions and issues emanating from the IS conflict) follows from this.

Figure 3. Priority grievance to resolve overall and by study location and geographic corridor



Exclusion, marginalization, and neglect

Turning to exclusion, marginalization, and neglect first, both key informants and community members alike note that its origins in the governorate began with the previous regime where “*priority for power and positions came by virtue of kinship, lineage, and loyalty to the government,*”⁷² and in the case of the particularly ethno-religiously diverse Tooz Khormatu, “*identarian foundations.*”⁷³ However, they also state clearly that the current dynamics at play both in the study locations and geographical corridors and the governorate as a whole, have entrenched since the fall of the regime in 2003, where new “*religious and political parties . . . walked on the same approach and even expanded it*”⁷⁴ considering that parties overall “*divided the government on a sectarian basis, leading to sectarian divisions between people.*”⁷⁵ Many in the governorate refused to participate in the formation of a new government at the time, or were blocked from doing so by policy given concerns of “*the former regime returning to power at any moment,*”⁷⁶ which led to the “*unilateralism of power to one tribe alone although our governorate is large.*”⁷⁷ This landscape remains to present where one Sunni tribe controls all the levers of power and wealth in the governorate, with the acquiescence of the central government, “*The corrupt[ion], whether in execution or*

⁷² District government official #1, Salah al-Din Governorate, December 2021.
⁷³ Former provincial government official #11, Salah al-Din Governorate, January 2022.
⁷⁴ Civil society member #10, Salah al-Din Governorate, January 2022.
⁷⁵ Shia Arab male community member #2, Yathrib, Salah al-Din Governorate, October 2021.
⁷⁶ Tribal senate member #2, Salah al-Din Governorate, December 2021.
⁷⁷ Sunni Arab female community member #4, Shirqat Center, Salah al-Din Governorate, September 2021.

*distribution of wealth [is due to] most of the positions being for the al-Jabour and I am one of this big tribe, but we must say the truth. And the central government turned a blind eye.*⁷⁷⁸

What this consolidation of power looks like on the ground varies by location but broadly speaking the unrepresentative nature of the provincial government has allowed for widespread administrative corruption – from poor and unequal service provision based on cronyism rather than need to lack of opportunities in either the public or private sector for all but the very well-connected to limited post-conflict reconstruction of heavily damaged areas despite earmarked funding to the increasing militarization of certain areas by non-local and politically connected forces. This has also sparked or intensified ethno-religious tensions in more diverse areas of the governorate as well. Box 1 highlights some examples of this raised by residents across locations.

Box 1. Examples of exclusion, marginalization, and neglect on the ground

Tikrit-Baiji-Shirqat

Neglect and marginalization begin from the central government and the reason is clear and known and may be the case for most cities in Iraq, but I am talking to you about the governorate. There are small villages in the rural areas that have more special services than Tikrit [the capital]. There is more than one public dispensary in the village of Hajjaj [where former governor is from] and where more than 800 employees were appointed, while Tikrit is trying to appoint a few people to meet the need of its hospitals and does not find any response. In the next few years, Tikrit will not be able to accommodate the numbers of unemployed youth. If you go to the administration of the province, it is located geographically in the city of Tikrit, but you will find that most of the managers especially for important positions are from a certain tribe: the director of investment, health, governor, and planning in the governorate.⁷⁹

I can tell you that Baiji is the city where officials have done the least justice to. Although the former governor is affiliated with Baiji since he is from the village of Hajjaj in the district, the city has received the least quota of appointments and benefits from projects. The city of Baiji was registered as a disaster city but no one paid attention to it.⁸⁰

As for the central government, I don't think it knows a city called Baiji. We didn't hear the day that the Baiji case was discussed neither in parliament nor in the cabinet. Administratively classified as a district while not even having the ingredients of a village.⁸¹

Divisions or problems are not an armed conflict or a tribal tension, but a rift between tribal representatives and politicians about the top positions [in district].⁸²

Tooz Khormatu Center

There is no justice in the distribution of administrative positions, which creates a sense of inequity during the review of these departments where there are no Kurds in any positions . . . there is a political, sectarian, and nationalist conflict that wants to control reality.⁸³

Political and tribal abuses occurred on some [individuals] and on the ownership of the state which developed for many reasons, for example, the lack of authority.⁸⁴

A city that is retreating day after day due to the interference of parties and the government is illegal.⁸⁵

⁷⁸ Provincial government official #8, Salah al-Din Governorate, December 2021.

⁷⁹ Sunni Arab male community member #3, Tikrit Center, Salah al-Din Governorate, September 2021.

⁸⁰ Sunni Arab male community member #2, Baiji Center, Salah al-Din Governorate, September 2021.

⁸¹ Sunni Arab female community member #4, Baiji Center, Salah al-Din Governorate, September 2021.

⁸² Sunni Arab female community member #4, Shirqat Center, Salah al-Din Governorate, September 2021.

⁸³ Sunni Kurd male community member #1, Tooz Khormatu Center, Salah al-Din Governorate, September 2021.

⁸⁴ Sunni Turkman female community member #1, Tooz Khormatu Center, Salah al-Din Governorate, September 2021.

⁸⁵ Shia Turkman female community member #2, Tooz Khormatu Center, Salah al-Din Governorate, September 2021.

Samarra Center

The central government and the parties [are part of the problem] and the central government's coverage of the poor performance of the local government which are the result of bribes and large amount of money obtained by some bodies to turn a blind eye to corruption-related issues of the provincial administration of the former governor. The city's mayor was installed more than 16 or 17 years ago and until now no one has been able to change this because he does not oppose the non-governmental security forces and the administration of the mobilization of a military threshold at the Al-Askari Shine.⁸⁶

Poor services, widespread unemployment, militarization of the city, and the unresolved file of the missing [since 2004] as a result of the government's lack of planning, administrative corruption, and failure to resolve the issue of terrorist groups that threaten the city and give a key role to residents of the city in the security file.⁸⁷

Balad Center

One of the problems that exists in Balad district in the spread of ignorance and reduced political awareness and discrimination between people in dealing and giving opportunities on a political basis.⁸⁸

There is not enough representation of the district population and support for interest groups.⁸⁹

Political parties and tribal parties are involved. The powerful parties restrict services and opportunities for specific groups within the district and neglect the rest of the people. Because there is no deterrent to this, the problem developed from a simple one to a big one.⁹⁰

Yathrib

The control of political parties that impose their hegemony and policy on society.⁹¹

There is no justice in the distribution of jobs and wealth . . . because of the state and the depth of sectarianism.⁹²

Sectarian division due to political policies and interest.⁹³

The arrival of a particular party in power in the district and the application of its rule in a dictatorial manner.⁹⁴

Al-Duloeya

Government policies are wrong because of tribal interference. People's access to their positions in local government were the result of their support from the provincial government on an unprofessional tribal basis.⁹⁵

The political parties that are in the area are involved. Some sides control all circles and rule in the area and exploit this for personal purposes.⁹⁶

Tribes and the provincial government are involved and allow the for the distribution of opportunities, services, and positions for a particular party or tribe. It seemed a small issue and developed significantly.⁹⁷

⁸⁶ Sunni Arab female community member #7, Samarra Center, Salah al-Din Governorate, September 2021.

⁸⁷ Sunni Arab male community member #1, Samarra Center, Salah al-Din Governorate, September 2021.

⁸⁸ Shia Arab male community member #1, Balad Center, Salah al-Din Governorate, September 2021.

⁸⁹ Shia Arab male community member #4, Balad Center, Salah al-Din Governorate, September 2021.

⁹⁰ Sunni Arab female community member #3, Balad Center, Salah al-Din Governorate, September 2021.

⁹¹ Sunni Arab male community member #1, Yathrib, Salah al-Din Governorate, September 2021.

⁹² Shia Arab female community member #1, Yathrib, Salah al-Din Governorate, September 2021.

⁹³ Shia Arab male community member #4, Yathrib, Salah al-Din Governorate, October 2021.

⁹⁴ Sunni Arab male community member #3, Yathrib, Salah al-Din Governorate, October 2021.

⁹⁵ Sunni Arab male community member #5, Al-Duloeya, Salah al-Din Governorate, September 2021.

⁹⁶ Sunni Arab male community member #7, Al-Duloeya, Salah al-Din Governorate, September 2021.

⁹⁷ Sunni Arab male community member #3, Al-Duloeya, Salah al-Din Governorate, September 2021.

Community members across locations have varying degrees of knowledge of or engagement in remedy-seeking to begin to resolve issues related to the reported exclusion, marginalization, and neglect stemming from corruption and poor representation. Some respondents indicate that no efforts are being made to resolve these issues at all and others indicate they are unwilling to participate in any efforts because they see no point in the current political context, are concerned about being negatively targeted, or in some cases are unable given gender disparities in their communities.

I for myself and those surrounding me don't have any tools for change for this problem, so every effort we make is an absurdity and indignity.⁹⁸

I don't see any solution except to completely change the system of government.⁹⁹

Because we're going to be charged with terrorism by the current government [if we speak out].¹⁰⁰

Being female, I can't participate because of societal constraints.¹⁰¹

The shape of the efforts men and women did report tended to be localized to their respective districts or subdistricts and involved some combination of meetings, dialogues, or workshops where community elders, tribal elders, intellectuals, civil society organizations, civil activists, and active community members engaged with local, district, or provincial officials and security actors to raise demands. These demands include not only improvement in service provision or employment prospects, but critically in better representation in local governance and decision-making.

One of the most important solutions is to demand broader representation of young people, bring fresh blood in all fields, and give a greater role to women.¹⁰²

The elders of the district and some tribal elders demanded better political representation.¹⁰³

We have turned to government agencies, officials and civil society leaders to find solutions to save and rehabilitate the city by providing jobs and balance of representation in decision-making.¹⁰⁴

Despite this, respondents report very little in the way of changes on the ground from these initiatives in part because they “do not correspond to the magnitude of the exclusion and great marginalization that [they] are living with today.”¹⁰⁵ Rather, they are left with “cold and empty promises”¹⁰⁶ and a feeling that “there are no ears to listen to people's demands.”¹⁰⁷ This limited action to inaction is attributed “a lack of seriousness”¹⁰⁸ on the part of those in power at both central and provincial levels to change the status quo that benefits them and that they have the means to put down dissent given their “strong supporters”¹⁰⁹ – a fact not lost on anyone seeking change (or afraid to do so).

⁹⁸ Sunni Arab female community member #2, Tikrit Center, Salah al-Din Governorate, September 2021.

⁹⁹ Sunni Arab male community member #7, Al-Duloeya, Salah al-Din Governorate, September 2021.

¹⁰⁰ Sunni Arab male community member #8, Samarra Center, Salah al-Din Governorate, September 2021.

¹⁰¹ Shia Turkman female community member #3, Tooz Khormatu Center, Salah al-Din Governorate, September 2021.

¹⁰² Sunni Arab female community member #5, Samarra Center, Salah al-Din Governorate, September 2021.

¹⁰³ Sunni Arab male community member #7, Al-Duloeya, Salah al-Din Governorate, September 2021.

¹⁰⁴ Sunni Arab female community member #3, Baiji Center, Salah al-Din Governorate, September 2021.

¹⁰⁵ Sunni Arab female community member #2, Tikrit Center, Salah al-Din Governorate, September 2021.

¹⁰⁶ Sunni Arab female community member #7, Samarra Center, Salah al-Din Governorate, September 2021.

¹⁰⁷ Sunni Arab male community member #1, Shirqat Center, Salah al-Din Governorate, September 2021.

¹⁰⁸ Sunni Arab male community member #1, Tikrit Center, Salah al-Din Governorate, September 2021.

¹⁰⁹ Sunni Arab male community member #5, Al-Duloeya, Salah al-Din Governorate, September 2021.

I don't believe that there are people who want to solve this problem . . . [there are a] lack of people who want comprehensive representation due to the presence of those who benefit from the current situation.¹¹⁰

This process has not achieved the desired success because of the threats of some parties forcing citizens to stop demanding services and reforms.¹¹¹

The [al-Jabour tribe] holds its political majority and does not want to lose any political position.¹¹²

Rights need to be ordered to be ensured from a central government that does justice to the people and this does not exist. It also needs a strong will and united effort to speak out directly and strongly and this also does not exist.¹¹³

Some community members in Samarra Center and Tooz Khormatu Center also raise the specter of foreign and regional actors and agendas that seek to destabilize these areas for their own gain as well.

Key informants for their part also echo community members' concern that the powers that be in the governorate unsurprisingly are not open to change, "*The province is going to the abyss . . . because the powerful continue their corruption, although we have tried to advise them and tell them that the situation will get worse. Services are declining significantly, and the people are complaining.*"¹¹⁴ A major factor contributing to these continuing dynamics is the lack of accountability for corruption and administrative maleficence at the highest levels in the governorate, as when the now former governor was imprisoned on corruption charges in 2017 and had those charges later dropped reportedly under political pressure.¹¹⁵ He was subsequently banned from participating in future elections by the Iraqi Appeal Court;¹¹⁶ however, this too did not stick and he only "*increased in strength.*"¹¹⁷

There remains a lot of corruption because the decision issued against [the former governor] to keep him away from political reference was overruled and he was returned to the scene. How do you explain that? We don't know how we can overcome all this corruption even though the government has many good people . . . The economy is in their [the powerful elite's] hands, buying people's loyalty.¹¹⁸

The deep concern in not tackling this issue head-on is that it could lead to "*collapse and social dismantling*"¹¹⁹ which opens the door for instability, mistrust, sectarianism/ethno-religious tensions, violent extremism, and the halting of even nascent efforts at reconstruction and development, particularly in areas heavily damaged by the IS conflict.

IS conflict and its aftermath

Past and current marginalization also play a role in how respondents and key informants across Salah al-Din talk about the origins of the IS conflict and the dynamics playing out on the ground in its aftermath. Specifically, that marginalization and exclusion contributed to the group's emergence and support for it in some quarters and that continued marginalization, exclusion, and neglect after conflict will allow for a

¹¹⁰ Shia Arab male community member #4, Balad Center, Salah al-Din Governorate, September 2021.

¹¹¹ Sunni Arab female community member #3, Baiji Center, Salah al-Din Governorate, September 2021.

¹¹² Sunni Arab male community member #8, Al-Duloeya, Salah al-Din Governorate, October 2021.

¹¹³ Sunni Arab female community member #2, Tikrit Center, Salah al-Din Governorate, September 2021.

¹¹⁴ Provincial government official #8, Salah al-Din Governorate, December 2021.

¹¹⁵ Zmkan Ali Saleem, *The King of Salah al-Din: The Power of Iraq's Sunni Elites* (London: LSE CRP, 2021), 15.

¹¹⁶ *Ibid.*, 19.

¹¹⁷ Civil society member #3, Salah al-Din Governorate, December 2021.

¹¹⁸ *Ibid.*

¹¹⁹ District government official #1, Salah al-Din Governorate, December 2021.

recurrence of violence and division in the future. Two interrelated strands of concerns emerge from the interview data regarding the latter point.

The first, raised particularly by residents in Samarra Center as well as to a lesser extent in Baiji Center and Tooz Khormatu Center relates to the entrenchment of non-local and “*non-governmental*”¹²⁰ security forces (i.e., PMUs) and the pressure and fear this is placing on communities living under them.

The city was not liberated because there was no occupation from IS, but the security forces entered the city days after the events of IS and have remained until now.¹²¹

The presence of security forces in Samarra and surrounding areas is not justified because there are no IS elements here and all criminal cases that they say IS carried out in Samarra have no evidence behind them. The people of Samarra suffer a lot due to their limited freedom to enter and exit the city. This is an embarrassment for us with relatives outside the city because even family members outside the city will not be able to enter without a sponsor.¹²²

External bodies and those in power are involved . . . The behavior of the forces results in displacement, forced evacuation, intentional violence, and sometimes sectarian violence . . . The more power they get in this process, the more they will be in the process of displacement and enforced disappearance.¹²³

[T]here is no IS in the city, but the forces that occupied the city under the pretext of defending the holy sites and protecting them from IS caused great harm to the city and the population. They besieged and killed and stole and fought people in their livelihoods and did not provide any kind of protection, but there were major violations that claimed the lives of many citizens . . . the same scenario repeats itself every time in the same form and style [referring to crackdowns after 2003 in Samarra Center particularly in wake of the 2006 bombing of the shrine and after protests in 2013] . . . Those who carry out these acts are from Saraya al-Salam and now they hold the main controls in the city, but hundreds of abductees remain unaccounted for over many years.¹²⁴

Despite the apparent marginalization of the city, the presence of the PMU poses a danger and a threat for a return to violence to Baiji and the return of ruin and the possibility of people losing their lives. People do not trust the PMU, they can turn the tables at any time they want and attack people. Their lack of respect has become a source of threat and more than that people will not survive the charges. Security forces can accuse any innocent person that he is IS and go beyond the sun without any guilt. If there is a fight, people will stay in Baiji because they have no money left to emigrate or marry, which will leave them for dead. If there is any fight, that’s why this point is a priority in my opinion.¹²⁵

The multiplicity of security agencies led to confusion and violations during the conflict and the entry of informal entities for their personal interests.¹²⁶

Residents in Samarra Center indicate being most active about this issue directly, as compared to Baiji Center and Tooz Khormatu Center, but in both Samarra Center and Baiji Center it is reported that efforts by elders, tribal leaders, civil society, activists, and local authorities to meet with security actors to adapt their respective security portfolios, including handing over some responsibilities to the local police, did not

¹²⁰ Sunni Arab male community member #3, Samarra Center, Salah al-Din Governorate, September 2021.

¹²¹ Sunni Arab female community member #4, Samarra Center, Salah al-Din Governorate, September 2021.

¹²² Sunni Arab female community member #7, Samarra Center, Salah al-Din Governorate, September 2021.

¹²³ Sunni Arab female community member #6, Samarra Center, Salah al-Din Governorate, September 2021.

¹²⁴ Sunni Arab male community member #3, Samarra Center, Salah al-Din Governorate, September 2021.

¹²⁵ Sunni Arab female community member #4, Baiji Center, Salah al-Din Governorate, September 2021.

¹²⁶ Shia Turkman female community member #3, Tooz Khormatu Center, Salah al-Din Governorate, September 2021.

yield any changes or reforms because “*local authorities are weak*”¹²⁷ and “*these [security] officials deal with sectarian strife and are directed from outside.*”¹²⁸

While key informants overall and community members across the wider swath of study locations in the governorate are much less direct in referring to these security actors, their presence is reportedly impacting the second and more predominant issue raised in relation to the IS conflict: the return of families still displaced with perceived IS affiliation. Concerns related to these returns (or blockages) are described differently by community members across locations, depending on the ethno-religious composition of the area, which may link to the particular sensitivities of the conflict and post-conflict context as a result.

In more homogeneous Sunni areas, the return of such families is seen as a priority because their continued exclusion from society in camps is seen by some as inhumane and politically motivated and more broadly poses a potential direct security threat in the future by generating fertile ground for continued violent extremist belief.

The pending file must be completely closed because [IS] remnants will remain over the coming years. The security authorities in control do not want their return, i.e., the issue will remain open, and we do not know if they may be beneficiaries and want to trade in this file for gain. Hundreds of families stuck in the camps and hundreds of children without a future and in doing so we promote division and deepen marginalization in a way and look at the subject in a manner that is devoid of humanity and without wisdom because they are making us IS for the future instead of getting rid of it. This file is not only in Tikrit but in some other places in the governorate. I see that the return of their families or those who support them and the need to prepare rehabilitation programs for their integration to prepare them to be good citizens.¹²⁹

IS members are from the tribal fabric of the area as well as intruders who came with them . . . if stability is not achieved, there is no life, development, or construction. The return of IS members is important to close this file on stability. Bring them back as quickly as possible because their presence outside of control is a concern. The problem of not absorbing them back is that this extremism increases in our community through contact with extremist groups in our backyard.¹³⁰

For areas with more mixed populations, both Sunni and Shia community members are more circumspect in their responses but tend to indicate potential for continuing tensions and violence should this issue not be resolved, particularly as segments of their respective communities and security actors therein are split on whether families with perceived IS affiliation should be allowed to return or not.

[The tension is between] families believed to be involved with IS and families of the martyrs who refuse the return of anyone believed to have been associated with IS in one way or another.¹³¹

Previously, families were refused return in any way, but after the end of conflict, those who can prove they were not involved with IS can return.¹³²

Affected families and families perceived to be linked to IS [are involved] and retaliatory actions have been taken on both sides.¹³³

¹²⁷ Sunni Arab male community member #3, Samarra Center, Salah al-Din Governorate, September 2021.

¹²⁸ Sunni Arab female community member #6, Samarra Center, Salah al-Din Governorate, September 2021.

¹²⁹ Sunni Arab male community member #3, Tikrit Center, Salah al-Din Governorate, September 2021.

¹³⁰ Sunni Arab female community member #3, Shirqat Center, Salah al-Din Governorate, September 2021.

¹³¹ Shia Arab female community member #3, Yathrib, Salah al-Din Governorate, October 2021.

¹³² Shia Arab female community member #1, Yathrib, Salah al-Din Governorate, September 2021.

¹³³ Sunni Arab male community member #4, Yathrib, Salah al-Din Governorate, October 2021.

Some armed groups linked to political groups are refusing to return families regardless of their involvement with IS or not as a result of sectarian division that emerged in 2003.¹³⁴

Families of martyrs refused the return of families believed to be involved with IS regardless of the validity of this.¹³⁵

Given the sensitivity of this topic, again, community members report being less involved directly in efforts linked to the return of families with perceived IS affiliation, but do indicate that tribal leaders, local and central authorities, and security actors have held sessions to facilitate returns where possible, including through the payment of “*blood money*”¹³⁶ to victims’ families. This is likely indicative of the fact that both Tikrit and Yathrib have in place their own local peace agreements for this purpose. Despite this, community members indicate that the process of return for these families is very slow and very few have been able to come back still. They cite issues related to the lack of seriousness in some quarters to resolve the issue, difficulties in finding evidence to condemn whole families or prove their innocence in relation to IS violations, some victims’ families refusing compensation (and therefore any returns) because they view it as inadequate redress for the harms they experienced, and certain “*entities*”¹³⁷ blocking return even of families that have managed to clear their names and be granted approval to come back.

Key informants corroborate much of what community members describe, noting that the return of families with perceived IS affiliation is a priority at the highest levels of the country, “*Efforts began from the top of the hierarchy of power with the Prime Minister for the Operations Commands, the Ministry of Migration and Displacement, and provincial and local administrations to overcome all obstacles to the return of these families.*”¹³⁸ The concern again relates to entrenching a “*culture of revenge,*”¹³⁹ particularly among the future generations of these families if their “*homelessness and poverty*”¹⁴⁰ persists. As such, key informants recognize the “*high efforts by tribal elders and security agencies to end this file by bridging the divides between victims’ families and those still displaced*”¹⁴¹ though as with community members, they do not mention specific local agreements or processes by name. Despite these efforts, there is also general acknowledgement and some frustration that this file remains open, due not only to concerns from victims’ families, including a failure to pay compensation in some cases, but also various actors who seek to benefit from these families’ continued displacement.

This issue is purely political and intended to stay unresolved for personal benefit. More than one party is involved, including affected parties that have lost children and beneficiaries in the place of origin that exploit the land of the displaced. Neither accepts their return.¹⁴²

Some political actors try to block the return of these families.¹⁴³

Political parties pose obstacles to return because they are seeking demographic change in the district.¹⁴⁴

Opposition from all political parties and some powerful militias.¹⁴⁵

¹³⁴ Sunni Arab female community member #6, Al-Duloeya, Salah al-Din Governorate, September 2021.

¹³⁵ Sunni Arab male community member #4, Al-Duloeya, Salah al-Din Governorate, September 2021.

¹³⁶ Sunni Arab male community member #1, Al-Duloeya, Salah al-Din Governorate, September 2021.

¹³⁷ Sunni Arab male community member #4, Al-Duloeya, Salah al-Din Governorate, September 2021.

¹³⁸ Provincial government official #7, Salah al-Din, December 2021.

¹³⁹ Civil society member #10, Salah al-Din Governorate, January 2022.

¹⁴⁰ Former provincial government official #11, Salah al-Din Governorate, January 2022.

¹⁴¹ Tribal senate member #2, Salah al-Din Governorate, December 2021.

¹⁴² Provincial government official #7, Salah al-Din Governorate, December 2021.

¹⁴³ Security official #9, Salah al-Din Governorate, January 2022.

¹⁴⁴ Civil society member #12, Salah al-Din Governorate, January 2022.

¹⁴⁵ Provincial government official #4, Salah al-Din Governorate, December 2021.

The spoilers in this operation are the ones who are responsible for keeping these families in the camps because of the huge amount of money they earn as a result of this process.¹⁴⁶

There is also recognition that some still displaced families may not want to return as they have nothing to go back to or fear threats of violence if they were to do so. Even with these challenges, the majority of key informants interviewed indicate that dealing with the return of families with perceived IS affiliation and relatedly issues of reconciliation and coexistence is the most possible of grievances to resolve in the current climate and may serve as a “prelude to building a healthy society capable of resolving tension and the issue of exclusion and marginalization.”¹⁴⁷

Best methods to resolve priority grievances

The existing efforts community members report to resolve the most critical issues – exclusion, marginalization, and neglect, and the IS conflict and its aftermath – are also reflective of the ones they select as the best for dealing with them if given a choice (Figure 4). Namely that for the former, participatory processes involving multiple stakeholders are needed like those already described involving different members of the community engaging together with the government (their limited impact notwithstanding), and that for the latter, particularly in relation to the return of families with perceived IS affiliation, formal and customary mechanisms need to be relied upon in tandem, similar to how existing local peace agreements seem to work. Both preferred methods tend to link to restorative justice practices in that they do or could engage a wide range of actors, including victims, perpetrators, and the wider community. At the same time, it is also necessary to highlight the relatively substantial segment of this sample that feel that there is no way to deal with their priority grievance at all.

Figure 4. Best method to resolve priority grievance by stated grievances

	Total	IS conflict and its aftermath	Conduct of Iraqi Security Forces and Coalition Forces during and after the IS conflict	Post-2003 tribal and/or ethno-religious tensions and violence	Exclusion, marginalization, or neglect	Housing, land, and property disputes
Through the courts only	5	4	0	1	0	0
Through a tribal process only	3	1	0	1	1	0
Through a combination of courts and tribes	13	6	0	1	4	2
Through a participatory community process involving multiple stakeholders	19	3	1	2	13	0
Don't care	1	0	0	0	1	0
There is no way to deal with the issue	9	1	0	2	6	0
Other (explain)	4	0	3	1	0	0

Community members tend to agree that exclusion, marginalization, and neglect (and its effects related to community tensions) are whole of society concerns, that most citizens within their respective subdistricts care about these issues, and that different segments of society at different levels of power working together over time can find solutions for more transparent, representative, and equitable governance. The respondents who feel this way, whether they felt participatory mechanisms, or a combination of courts and

¹⁴⁶ Tribal senate member #2, Salah al-Din Governorate, December 2021.

¹⁴⁷ Civil society member #10, Salah al-Din Governorate, January 2022.

tribes were best suited to address the issue, also all indicate a willingness to participate in a restorative justice process to deal with this grievance if the opportunity arose. This willingness to participate is predicated on the inclusion of all members of society and critically, guarantees of safety in the proceedings for people who do speak out and raise concerns.

Yes, with protection.¹⁴⁸

There must be a free and safe atmosphere to participate. And I think many like me want to know the truth [about the extent and cause of exclusion and marginalization]. Everyone wants to know what future awaits them.¹⁴⁹

If we find a real guarantee of our safety and we are not punished [for our concerns] and our words are taken into account, we will participate. All those harmed must be present to know the extent of the problem and the perpetrators too must be there to know what harm they caused, but governmental authorities or other forces must also attend to prevent chaos.¹⁵⁰

There are relatively positive yet tempered expectations that such a process is feasible in relation to resolving exclusion, marginalization, and neglect in the current political climate. This is because while *“there are certainly people who want to achieve justice in the country and the real opportunity is if people unite on their demands and stick to them strongly,”*¹⁵¹ processes may derail from the interference of the *“same faces”*¹⁵² whose *“interests are contrary to the public good”*¹⁵³ as they benefit from the current status quo that they helped create. This very real possibility does not seem to deter their willingness to engage but seems to rather highlight that they recognize any progress will likely take time and face setbacks.

For the bulk of those whose focus is on grievances pertaining to the IS conflict and its aftermath especially in relation to the return of families, there is also agreement that this is an issue that concerns all of society and that a combination of courts and tribal mechanisms would be best suited for resolving it because *“tribal work is complementary to judicial efforts”*¹⁵⁴ and that *“the cooperation and decision-making of the customary and legal authorities can be satisfactory to all parties.”*¹⁵⁵ This latter point is a recognition that tribal processes alone may be *“more friendly to the families of martyrs”*¹⁵⁶ (which for some is seen as a positive) and that *“the law won’t be biased towards a particular party.”*¹⁵⁷ Using a combination of these processes then may serve to balance out how any wrongdoing is redressed in a way that is fair to both parties. As with exclusion, many respondents in this group also express willingness to engage in a restorative justice process to address the return of families with perceived IS affiliation should the opportunity arise so long as it was again inclusive, enabled the discussion of complex narratives, and was safe to participate in.

There are things that will become clear [through a restorative justice process]. The victim may understand to some extent the behavior of the perpetrator and the parties that pushed him and there may be those who are pardoned, especially if the damage they caused is less severe. If the mediators are aware and responsible

¹⁴⁸ Shia Arab male community member #2, Balad Center, Salah al-Din Governorate, September 2021.

¹⁴⁹ Sunni Arab female community member #2, Tikrit Center, Salah al-Din Governorate, September 2021.

¹⁵⁰ Sunni Arab female community member #4, Samarra Center, Salah al-Din Governorate, September 2021.

¹⁵¹ Sunni Arab female community member #4, Samarra Center, Salah al-Din Governorate, September 2021.

¹⁵² Sunni Arab male community member #1, Tikrit Center, Salah al-Din Governorate, September 2021.

¹⁵³ Shia Turkman male community member #4, Tooz Khormatu Center, Salah al-Din Governorate, September 2021.

¹⁵⁴ Sunni Arab male community member #4, Yathrib, Salah al-Din Governorate, October 2021.

¹⁵⁵ Shia Arab female community member #3, Yathrib, Salah al-Din Governorate, October 2021.

¹⁵⁶ Sunni Arab male community member #4, Balad Center, Salah al-Din Governorate, September 2021.

¹⁵⁷ Sunni Arab male community member #2, Al-Duloeya, Salah al-Din Governorate, September 2021.

and wise, there will be interest in this because society as a whole wants to re-start life and this last period was tiring for all parties because everyone lost their children and dependents whether IS member or the victim.¹⁵⁸

However, among this group there are also more people who would not wish to participate, particularly given the sensitive nature of the topic, “*terrorism can’t be talked about*”¹⁵⁹ as compared with those who prioritize resolving exclusion, marginalization, and neglect. These respondents are slightly more divided on if a restorative justice process is even feasible at present, whether they would participate in one or not. Many see possibility in the fact that people wish to resolve the issue and it can start to be dealt with if it is not exploited politically. Others take a significantly dimmer view of the situation, noting that the context is already political and, in one community member’s view, conditions in society in general are not conducive for any kind of success on the return of families with perceived IS affiliation given the lack of trust between community members and the government and the weakness of the rule of law in general.

Finally, in further understanding community member views on the resolution of priority grievances, it is also critical to explore the perspectives of those who did not name a preferred mechanism because they feel the issue most important to them cannot be resolved at all. Their priority grievances particularly relate to exclusion, marginalization, and neglect, followed by tensions and violence that seem to stem from these conditions, and to a lesser degree the IS conflict and its aftermath. This group of respondents come from nearly all the locations or geographical corridors targeted for the study in the governorate (i.e., Tikrit Center-Baiji Center-Shirqat Center, Tooz Khormatu Center, Yathrib, and Al Duloeya) and comprise members of nearly all the ethno-religious groups in this sample (i.e., Sunni and Shia Arabs and Sunni Kurds). Community members in this group note the intractable nature of their named grievances by pointing out the structural obstacles and/or spoilers preventing their resolution, linked primarily to political parties or powerful groups, related armed forces, and connection to the central government.

Because of the control of the powerful parties and the groups benefiting from this power.¹⁶⁰

Because the government is not complying with [existing] resolutions as well as the growing authority of the parties in the region.¹⁶¹

Because of the sectarian politics that are rampant in society.¹⁶²

Because of the influence of parties and the control of most officials from one group over most of the files that belong to the city.¹⁶³

Because the dominant body has the power of arms and does not allow any attempt for change.¹⁶⁴

Despite these views, two-thirds of this group would be willing to participate in a restorative justice process, should the opportunity arise, indicating some openness to keep trying to resolve critical issues even with the challenges in place. The viability of such a process at present however is seen as relatively low in that nearly half of respondents in this group think the obstacles raised remain too great to overcome, “*I don’t think it’s going to work because those that benefit [from the current situation] have weapon power and won’t accept any attempt to*

¹⁵⁸ Sunni Arab female community member #3, Shirqat Center, Salah al-Din Governorate, September 2021.

¹⁵⁹ Sunni Arab male community member #1, Al-Duloeya, Salah al-Din Governorate, September 2021.

¹⁶⁰ Sunni Arab male community member #1, Baiji Center, Salah al-Din Governorate, September 2021.

¹⁶¹ Sunni Arab male community member #3, Tooz Khormatu Center, Salah al-Din Governorate, September 2021.

¹⁶² Shia Arab male community member #2, Yathrib, Salah al-Din Governorate, October 2021.

¹⁶³ Sunni Arab male community member #1, Shirqat Center, Salah al-Din Governorate, September 2021.

¹⁶⁴ Sunni Arab male community member #3, Yathrib, Salah al-Din Governorate, October 2021.

*change the situation.*¹⁶⁵ For those who have a more positive outlook, it is still conditioned on there being the right intentions in place at the start from all stakeholders and space for dialogue and action.

Key informants for their part point out that communities in Salah al-Din Governorate are “*currently disappointed*”¹⁶⁶ by the “*slow response of the government as well as the poor performance of the provincial government*”¹⁶⁷ and it is this “*lack of follow-up and fear in some cases that frustrates any attempt to build real trust between institutions and society.*”¹⁶⁸ They also list the same sets of spoilers as community member respondents to any process for change, whether it relates to exclusion, marginalization, and neglect or the IS conflict and its aftermath, including political elites at the provincial and central levels, their parties, and linked armed groups and media operations. This being said, by and large, key informants tend to report that resolving these large societal problems will require all segments of the community to be involved, “*from top of the pyramid to the bottom of the pyramid,*”¹⁶⁹ and that citizens would engage in processes for change because they have “*become mature and conscious of the importance of participation and its consequences.*”¹⁷⁰

Tackling issues related to exclusion, marginalization, and neglect for some key informants would require a total overhaul of Iraq’s political system and “*radical change*”¹⁷¹ in executive and security agencies leadership as well as a governorate-level reconfiguring of leadership, administration, security, and representation to include more people from the areas they are to serve in decision-making posts. Any efforts at reform would require central government support to ensure they happen as those in power currently control money and resources (and oftentimes weapons) to prevent change. This is seen as a long-term process, with uncertain outcomes, but for many the best way to move toward this change and mitigate spoilers over time is through further amendments to the country’s electoral laws to be more representative (and less gerrymandered), more direct voting for provincial authorities, and encouraging and enabling the participation of more independent candidates in governance.

I believe that the electoral law must be amended, and each city will become one constituency and then the equation will change.¹⁷²

The spoilers are politicians, parties, and militias . . . their influence can be mitigated by the wide participation of segments in society in elections and the entry of new and national faces [in this space].¹⁷³

The best that can be done to solve the problem is to elect strong political figures so that they can draw a strong policy and implement it intelligently because what we are experiencing today is the return of the same faces in every election cycle. The corrupt are the current politicians who entered under the cloak of the former governor and cannot be neutralized or reduced in their influence unless [others] come forward as responsible candidates that can replace these ancients. Don’t be surprised if I tell you that the process of this solution is almost impossible but correcting the course of elections to choose real candidates instead of as a formality for the legalization of the same people is the only way forward because rights need those whose position is strong, clear, and honest.¹⁷⁴

¹⁶⁵ Ibid.

¹⁶⁶ Civil society member #3, Salah al-Din Governorate, December 2021.

¹⁶⁷ Security official #9, Salah al-Din Governorate, January 2022.

¹⁶⁸ Security official #5, Salah al-Din Governorate, December 2021.

¹⁶⁹ District government official #1, Salah al-Din Governorate, December 2021.

¹⁷⁰ Provincial government official #7, Salah al-Din Governorate, December 2021.

¹⁷¹ Security official #5, Salah al-Din Governorate, December 2021.

¹⁷² District government official #1, Salah al-Din Governorate, December 2021.

¹⁷³ Provincial government official #4, Salah al-Din Governorate, December 2021.

¹⁷⁴ Provincial government official #8, Salah al-Din Governorate, December 2021.

The conservative administration and decision-makers, I don't want to say they are corrupt per se, but there is clear marginalization and neglect from their policies. They can be mitigated by encouraging people to elect others.¹⁷⁵

In the more immediate-term, resolution of these issues per key informants would also include investigating cases of corruption, mismanagement, and other violations and holding those responsible to account through transparent and fair proceedings; reforming laws and institutions including through monitoring and oversight; recognizing and redressing those who have experienced harm; and ensuring the safety and protection of those who speak out and seek change. One element to this for some is leveraging tribal leadership to further apply pressure for better governance and representation. In addition, key informants also note the possibility to further “train” communities on their citizenship rights and how to demand them. This is seen as critical as greater public engagement and participation in general, beyond election cycles, is also seen to help in mitigating the impact of spoilers. Linked to this, independent media coverage and awareness raising around corruption, marginalization, neglect, exclusion, and unrepresentative governance as well as any reform attempts is reported as another means of transparency to inform and engage people, hold institutions to account, and stop misinformation. These seem like genuine openings to some key informants who indicate that *“we have promising youth potential and good media mobility”*¹⁷⁶ in the governorate and that *“seminars, meetings, and workshops are a great outlet for different segments of society to talk about what is going on in their minds and present ideas that can serve to solve problems.”*¹⁷⁷ Of note however is that these actions cannot be focused at the hyper-local level alone but must be related to *“intermediary processes in order to be strengthen and expand efforts so they fall within national programs”*¹⁷⁸ as well.

With respect to addressing issues related to the return of families with perceived IS affiliation, key informants point out that the primary responsibility here is with government authorities and relevant tribes, however, they also recognize the need for wider community and media participation to support healing, reconciliation, and reintegration – and again as a means of limiting the impact of any spoilers to the process. A first step to this is ensuring not only compensation to IS victims’ families, but reparative support as such inclusion in government programming and services, access to free education at all levels, and the appointment of victims’ children to government posts, among other suggestions. Also critical in this endeavor is a recognition of what happened to them as victims and that *“it was a mistake that everyone bears and should not be repeated again.”*¹⁷⁹

At the same time, it is also reportedly necessary to more accurately capture how many families remain displaced and where they are (and whether they do want to return). Further to this, in order to foster safe and sustainable returns, perceived IS affiliated families who have not committed serious crimes should be granted a pardon or amnesty to help remove stigma; should have authorities and the wider community also acknowledge past *“unfair behaviors”*¹⁸⁰ by the state that led to some people at least initially supporting IS to ensure this is not repeated; and should be provided with a safe environment and *“guarantee of a wellbeing that preserves their dignity.”*¹⁸¹ This entails preparing the community for these possible returns and implementing more specific and comprehensive reintegration policies and interventions for those who do come back. Key

¹⁷⁵ Former provincial government official #11, Salah al-Din Governorate, January 2022.

¹⁷⁶ Civil society member #10, Salah al-Din Governorate, January 2022.

¹⁷⁷ Security official #5, Salah al-Din Governorate, December 2021.

¹⁷⁸ Provincial government official #8, Salah al-Din Governorate, December 2021.

¹⁷⁹ Civil society member #3, Salah al-Din Governorate, December 2021.

¹⁸⁰ Provincial government official #8, Salah al-Din Governorate, December 2021.

¹⁸¹ Civil society member #3, Salah al-Din Governorate, December 2021.

informants indicate however that despite seeking to balance both victims’ and residents’ needs with those of the still displaced, criminal accountability is still an imperative for anyone who committed serious violations and is most important for deemed “*decision-makers*”¹⁸² in enabling these violations to occur.

While some key informants note that resolving this issue may be a first step in addressing broader concerns linked to exclusion, marginalization, and neglect, they also recognize that corruption and poor governance are also limiting factors with regard to enabling returns, disbursing funds for reconstruction, offering compensation and other reparative benefits to victims, and designing and implementing reintegration efforts, among others. All of which are necessary to ensure all people’s rights and needs are met.

In addition to broader public participation to keep momentum going (despite spoilers) in addressing exclusion, marginalization, and neglect as well as the return of families with perceived IS affiliation, key informants identify ways in which the international community can bolster such efforts as well while also recognizing that the root causes of some of these present issues stem from foreign invasion and interference in the first place. Many feel the international community, if recognizing Iraqi sovereignty and not their own interests, may play an important role in convening meetings of stakeholders and leveraging their expertise on reintegration, good governance, reform, and citizens’ rights and in exerting pressure on central and provincial authorities regarding representative governance, accountability, and anti-corruption measures.

Most needed outcomes from any process to resolve priority grievances

Community members’ responses to the most needed outcomes for sustainably resolving their priority grievances seem in relative alignment with the way in which key informants describe resolving them above. Namely, people seek accountability and reform, followed by compensation and related broader material and social investment (Figure 5).

Figure 5. Most needed outcomes by priority grievances

	Total	IS conflict and its aftermath	Conduct of Iraqi Security Forces and Coalition Forces during and after the IS conflict	Post-2003 tribal and/or ethno-religious tensions and violence	Exclusion, marginalization, or neglect	Housing, land, and property disputes
Individual financial compensation for all affected people	10	4	0	2	3	1
All perpetrators punished to full extent of the law	16	4	2	4	6	0
Learning the full truth of what happened and why	6	3	0	0	3	0
Acknowledgement of wrongdoing by those most responsible	1	1	0	0	0	0
Reforms to ensure that this issue does not occur again	11	1	1	2	6	1
Material and social investment in district to remedy the issue	10	2	1	0	7	0

This focus on criminal accountability is not necessarily out of vengeance or revenge, particularly as community members do recognize that there is victimization on all sides especially in relation to IS and identity-based tensions and violence where ordinary people have gotten swept up into extremist and

¹⁸² Security official #5, Salah al-Din Governorate, December 2021.

sectarian movements and to a significantly lesser extent with exclusion where the focus of blame tends to be on the powerful elite rather than other residents linked to their tribe who may benefit.

Yes [other groups on the opposing side of the issue have victims]. There were explosions in Turkmen areas and the villages of Sunni Arabs and Sunni Turkmen were demolished and Sunni Arabs were assassinated.¹⁸³

Yes, they were the victims of political lies.¹⁸⁴

There are families whose tribes are involved with IS, but they are innocent of the organization.¹⁸⁵

Yes, because there are some families that have been involved with IS by force of arms.¹⁸⁶

The beneficiaries of the present situation do not represent all members of their tribe.¹⁸⁷

No, I don't feel like [the opposing side has victims]. The powerful and those in control have all the cake.¹⁸⁸

Rather, there seems to be a genuine desire to end the longstanding impunity of those in power and those most responsible for harm, particularly as some feel these actors either do not recognize they are the cause of harm or do not care.

I think [perpetrators] think they're right, and maybe some of them realize [the harm caused], but they're ashamed or afraid to admit their mistake, but as of today there are no signs of that . . . [Perpetrators should be punished to the full extent of the law] to be a lesson and for all victims to feel that there is a force that monitors, holds accountable, and deals fairly with all issues. It is necessary for all citizens to feel that no matter how powerful or respectable a person is that if they think or try to commit a crime, they will know that there is a law that will punish them and there is a force that protects the law and that the voice of truth is higher than the power of corrupt criminals.¹⁸⁹

The aim seems to be to set a precedent that there are consequences to causing harms and violations. It follows then that the second most needed outcome respondents list is reform in recognition of the fact that removing perpetrators may not be enough if the structures that enabled them remain in place. Such endeavors may involve truth-seeking and other measures.

What is the point for everyone to admit their mistakes and what is the point of having formal laws if there are no guarantees to achieve them . . . guarantees must be from the executive on down. First, it is necessary to know the reasons behind what happened. Second, would be to issue enforceable and deterrent laws to address what caused the problems at the start. Third, would be eliminating bribery at all levels of government and dismissing anyone who has taken such money. Fourth, would be central government oversight of the distribution of funds to the district to complete all projects, and finally, that the state imposes its authority and not allow any forces outside the law to control people.¹⁹⁰

Reform is needed to correct the mistakes of the past and take advantage of such learning and change in the coming period.¹⁹¹

¹⁸³ Sunni Kurd female community member #2, Tooz Khormatu Center, Salah al-Din Governorate, September 2021.

¹⁸⁴ Shia Arab male community member #4, Yathrib, Salah al-Din Governorate, October 2021.

¹⁸⁵ Shia Arab female community member #1, Yathrib, Salah al-Din Governorate, September 2021.

¹⁸⁶ Sunni Arab male community member #4, Yathrib, Salah al-Din Governorate, October 2021.

¹⁸⁷ Sunni Arab male community member #3, Al-Duloeya, Salah al-Din Governorate, September 2021.

¹⁸⁸ Sunni Arab female community member #3, Baiji Center, Salah al-Din Governorate, September 2021.

¹⁸⁹ Sunni Arab female community member #2, Tikrit Center, Salah al-Din Governorate, September 2021.

¹⁹⁰ Sunni Arab female community member #4, Samarra Center, Salah al-Din Governorate, September 2021.

¹⁹¹ Sunni Arab female community member #3, Baiji Center, Salah al-Din Governorate, September 2021.

Representing all people in the district is important. Changing existing entities and putting in place new ones that represent all people will contribute to solving problems here.¹⁹²

The need for individual compensation for those most impacted by harms and wider material and social investment in communities that have faced exclusion, marginalization, and neglect serve as more immediately tangible remedies that could improve lives and right past wrongs in tandem with reform and accountability. At this point, more than one community member has pointed out that while acknowledgement by the state of harm and suffering is important, *“recognition alone is not enough.”*¹⁹³

Regardless of outcome, several community members indicate little confidence in them coming to fruition in the current climate, others feel it may be possible if enough pressure is applied.

Impact of grievances on community perceptions

A through line among the description of needed outcomes community members provide, regardless of which specific one they prefer, is restoring trust between citizens and the state (at all levels). Formal, customary, and informal actors of all types are seen by respondents as arbiters of more commonplace incidents in the community, from traffic accidents to land disputes, and they are also reportedly necessary for any type of lasting accountability and redress process, however trust in these actors and institutions is particularly low across target locations and geographic corridors in the governorate with overwhelming majority of this sample expressing little to no confidence in central, provincial, and local governments and political parties and roughly half to over half feeling this way about security actors, tribal and religious leaders, and civil society given the current conditions of their respective locations. Courts seem to be the only institution community members report relatively higher trust in as compared to others.

Key informants and community members alike raise concerns over how unaddressed grievances and low trust in institutions as a result are impacting citizens' views of political processes in general and their interactions with each other as well.

There are many risks to the province if marginalization and exclusion persists, including pushing young people to migrate outside the country, calling for separate provinces, or possibly boycotting the political process in the future.¹⁹⁴

There's societal disintegration and rivalry between people.¹⁹⁵

Destruction of the social fabric of the city.¹⁹⁶

This is seen in the pessimistic views community members report of elections translating people's expectations into reality, *“I have no confidence that the elections will change a thing in reality because they are settled for the same names and entities.”*¹⁹⁷ And more starkly, in the fact that two-thirds of this sample feel little to no trust in the other members of their subdistrict and nearly one-third did not know or did not want to respond to this question (Figure 6).

¹⁹² Shia Arab male community member #4, Balad Center, Salah al-Din Governorate, September 2021.

¹⁹³ Sunni Arab female community member #7, Samarra Center, Salah al-Din Governorate, September 2021.

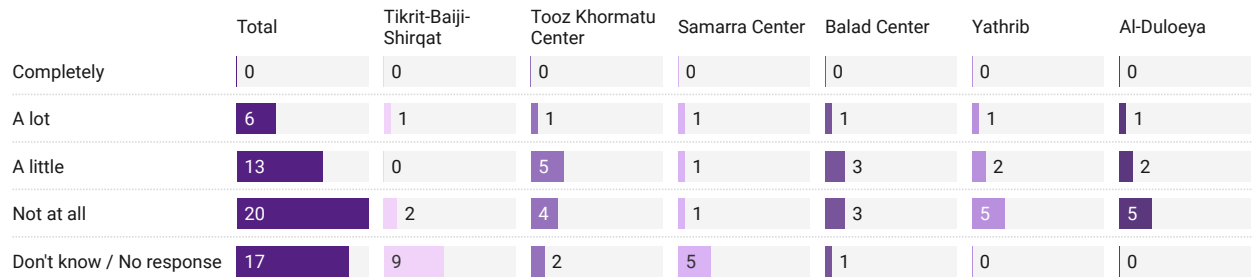
¹⁹⁴ Provincial government official #4, Salah al-Din Governorate, December 2021.

¹⁹⁵ Sunni Arab male community member #4, Al-Duloeya, Salah al-Din Governorate, September 2021.

¹⁹⁶ Sunni Arab male community member #1, Tikrit Center, Salah al-Din Governorate, September 2021.

¹⁹⁷ Sunni Arab male community member #2, Samarra Center, Salah al-Din Governorate, September 2021.

Figure 6. Trust in other components, groups, or tribes in subdistrict



5. KIRKUK GOVERNORATE FINDINGS

Displacement and conflict experiences and daily public life

Given the considerable amount of demographic change and forced population movement that occurred in Kirkuk’s recent past, it is perhaps unsurprising that community members also report having family histories of displacement across different intervals of time (Figure 7). For respondents in Kirkuk Center, Rural Kirkuk-Debes Center, and Daquq Center these intervals occurred during the previous regime (in the 1980s or before and 1990s-2002), after the U.S.-led invasion (2003-2013), and during the IS conflict and after the security and administrative change in the governorate (2014-2017). For respondents in Hawija Center, most of the displacement took place between 2014 and 2017 as a result of the IS conflict and its aftermath. Experiences of conflict-related violence follow similar temporal patterns.

Figure 7. Number of respondents (or their families) in the Kirkuk sample who experienced displacement and conflict violence



With respect to community engagement in daily public life, respondents across locations note high levels of their own participation in civic activities related to volunteering, participating in activities organized by local organizations (or organizing such efforts themselves), and giving charity. Many indicate that their efforts were directed toward the public health and economic impacts of COVID-19. The picture is more mixed in

relation to participation in public affairs (e.g., expressing grievances or demands on social media, in public, and/or to authorities). While the over half of respondents across locations report either having participated in public affairs in the past year or being willing to do so, a relatively substantial proportion, particularly in Kirkuk Center and Rural Kirkuk-Debes Center report not having engaged in public affairs at all.

For those who did participate, efforts included posting on social media, participating in demonstration, and holding meetings with local authorities on a range of issues including the paving of roads, payment of lecturers, service provision and rights in general, and the return of displaced families. Such endeavors were reportedly met with little to moderate effect. Those who choose not to participate at all cite a number of reasons for limiting their engagement in public affairs including gender constraints (particularly among Turkmen respondents), concerns over safety, general apathy, and feelings that such efforts would not lead to any change.

Customs and traditions of being a woman.¹⁹⁸

Being a woman, and according to Yaychi's situation, we are not allowed to participate.¹⁹⁹

Because I live in a hostile environment.²⁰⁰

Because of the presence of fear and threat from parties or ignorant people.²⁰¹

I want to live in peace.²⁰²

Non-expression is best.²⁰³

To preserve my dignity and out of fear of investigative boards. Public opinion can have some impact, but often these demands are not met.²⁰⁴

Useless, in my view.²⁰⁵

I don't care about these things.²⁰⁶

These rather dim sentiments are reflected, as we will see, to varying degrees among residents and key informants alike in describing priority grievances in their respective communities and possibilities for redressing them.

Priority grievances, preferred mechanisms to resolve them, and most needed outcomes from them

Overall, across locations and geographic corridors in the Kirkuk sample, exclusion, marginalization, and neglect, the IS conflict and its aftermath, and housing, land, and property disputes rank as the priority grievances community members wish to see resolved (Figure 8). Their preferred mechanism for dealing with these issues are through courts alone (particularly for housing, land, and property disputes), followed by a combination of courts and tribes, and participatory community processes involving multiple

¹⁹⁸ Shia Turkmen female community member #3, Kirkuk Center, Kirkuk Governorate, September 2021.

¹⁹⁹ Sunni Turkmen female community member #2, Yaychi, Kirkuk Governorate, October 2021.

²⁰⁰ Sunni Kurd male community member #1, Kirkuk Center, Kirkuk Governorate, September 2021.

²⁰¹ Christian male community member #1, Kirkuk Center, Kirkuk Governorate, September 2021.

²⁰² Sunni Kurd male community member #1, Debes Center, Kirkuk Governorate, September 2021.

²⁰³ Sunni Arab female community member #1, Debes Center, Kirkuk Governorate, October 2021.

²⁰⁴ Shia Turkmen male community member #1, Kirkuk Center, Kirkuk Governorate, September 2021.

²⁰⁵ Shia Turkmen male community member #2, Yaychi, Kirkuk Governorate, September 2021.

²⁰⁶ Sunni Kurd female community member #6, Debes Center, Kirkuk Governorate, September 2021.

stakeholders (Figure 9) – all of which are or can be relatively well-suited to restorative justice. The most needed outcomes respondents wish to see also lend themselves well to more restorative processes, because while criminal accountability and compensation are the main priorities, so too is reform and all three have the capacity to involve participatory elements that redress harms (Figure 10). Broader community engagement in starting to address priority grievances and work toward needed outcomes may take time given the complexities of the issues and considering the relatively low levels of trust community members indicate having of others in their respective areas (Figure 11) – it may also serve as a starting point to begin to rebuild this trust as well.

Figure 8. Priority grievance to resolve overall and by study location and geographic corridor

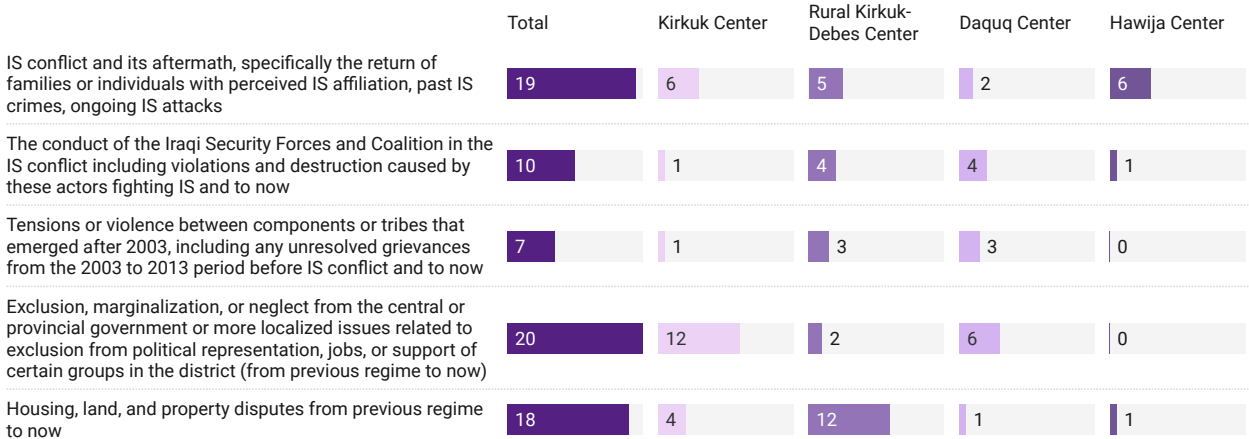


Figure 9. Best method to resolve priority grievance by stated grievances

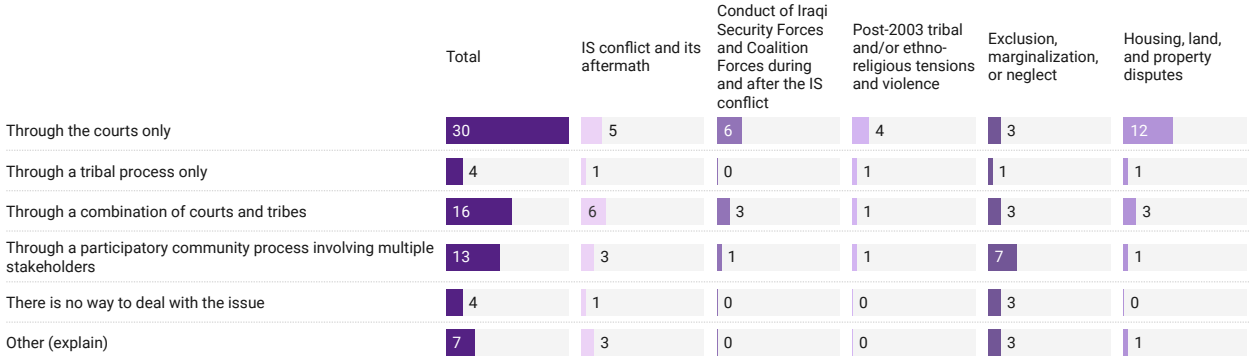


Figure 10. Most needed outcomes by priority grievances

	Total	IS conflict and its aftermath	Conduct of Iraqi Security Forces and Coalition Forces during and after the IS conflict	Post-2003 tribal and/or ethno-religious tensions and violence	Exclusion, marginalization, or neglect	Housing, land, and property disputes
Individual financial compensation for all affected people	19	4	2	1	2	10
All perpetrators punished to full extent of the law	22	10	2	3	7	0
Learning the full truth of what happened and why	6	2	1	2	1	0
Acknowledgement of wrongdoing by those most responsible	3	0	1	0	2	0
Reforms to ensure that this issue does not occur again	18	2	4	1	5	6
Other (explain)	6	1	0	0	3	2

Figure 11. Trust in other components, groups, or tribes in subdistrict

	Total	Kirkuk Center	Rural Kirkuk-Debes Center	Daquq Center	Hawija Center
Completely	12	2	7	1	2
A lot	11	3	5	3	0
A little	25	10	8	4	3
Not at all	21	9	4	6	2
Don't know	5	0	2	2	1

This overview of trends however belies the complexity found in deeper analysis of community member and key informant responses, given the disputed governance of the whole governorate, its ethno-religious diversity, and differences by location and identity group in experiences of the IS conflict. As such, in unpacking data further, we find that issues related to exclusion, marginalization, and neglect and housing, land, and property are particularly interlinked, with the former impacting the latter and much of it focused in Kirkuk Center, Rural Kirkuk-Debes Center, and Daquq Center. The other major grievance community members report relates to the IS conflict and its aftermath and is particularly centered among respondents in Hawija Center and Taza (in rural Kirkuk). Each of these topics will now be explored in detail, based on geography and/or ethno-religious group as relevant, including how best to resolve them, most needed outcomes, and viability of each in the current climate.

Exclusion, marginalization, and neglect

Of the many grievances and challenges present in Kirkuk Governorate, exclusion, marginalization, and neglect stands out as the priority concern for the main ethno-religious groups in Kirkuk Center and Daquq Center. No other issue attracts commensurate attention among community members in these two areas. The concerns relate not only to contemporary issues, but also to practices that go back to pre-2003 dynamics. They are, unsurprisingly perhaps, viewed differently in terms of causes and effects, by the various communities as separate policies and practices were exercised against them respectively at different times. The nature of power dynamics in the pre-2003 context fell heavily on Turkmen and Kurdish populations who were systematically deprived from public employment and were forced to endure exclusion through forced displacement, these dynamics began tilting in favor of the Kurdish population at expense of the

Arabs and Turkmen in the post-2003 period, while IS in its totality starting in 2014, took an even heavier toll on the Arabs. Moreover, and finally, power dynamics shifted yet again in 2017 when Kurdish parties lost their political, administrative and security hegemony of the governorate in the aftermath of the Kurdish independence referendum, and the governorship was ceded back to Arab representation.

Kurdish Perspective

For most of the Kurds in this sample, the reason for the sense of marginalization, exclusion and neglect lies with both the central and provincial governments, but more so with the former. Nearly all Kurdish respondents and some key informants, readily place blame on Baghdad not only for the post-2003 situation in the governorate, but also for the conditions prior to this as well. With respect to the latter, Kurdish respondents point to displacement, subjugation and the many official attempts that aimed to uproot them from Kirkuk that occurred under the former regime. With respect to the former, the central government is seen to be indifferent to the multilayered challenges facing residents and unwilling to resolve the disputed status of the governorate, a factor perceived to be contributing to the many ills that have beset it. The central government's perceived lackadaisical approach to local concerns has catalyzed power rivalry at the local level between the communities in Kirkuk Center and Daquq Center as well. Now that the governor is ethnically Arab, Kurds view the provincial and local governments as advancing a sectarian approach to the detriment of the Kurds, in part because of the inaction of Baghdad to prevent it. Under the current dynamics, the Kurds believe that they are left to endure insufficient representation and differential treatment in governmental institutions, and poor service provision in Kurdish neighborhoods, resulting in heightening an already precarious ethnic amalgam. It should be noted (and will be detailed further in the analysis) that this is a similar criticism Turkmen and Arab communities have lodged against Kurdish parties when they had control of the governorate previously – and is a dynamic that Kurdish respondents and key informants also recognize has having impacted communities on all sides.

Marginalization has manifested in changing officials positions within the [governmental] institutions based on who is in power. Not only that, but marginalization is also now apparent within one component and tribe, depending on ties to the people in power. Recruitment at the new airport is an example. Since the governor is Arab, the majority of the newly employed are from that group . . . The overall takeaway from what I presented is that the marginalization, exclusion, and neglect are felt based on who is in power and since Kurds and Arabs have alternated power grab since 2003, their respective communities have been the most impacted.²⁰⁷

If service projects, job opportunities are not fairly provided among the communities and if corruption and lack of integrity are on the rise depending on who is in power, then the issues of marginalization, exclusion and neglect will crop up to the surface. Nepotism and cronyism are advanced depending on the person in power. This has also seeped through into the courts, unfortunately, undermining the rule of law. Now, the reason is both individual and structural. Iraq is reeling from corruption, and this has allowed individuals to pursue favoritism approaches when they hold power. This is especially dominant in Kirkuk now that the Provincial Council is revoked.²⁰⁸

The reason for the prevalence of a sense of marginalization and exclusion is the governor himself. He is advancing a discriminatory approach, favoring members of his own community over the others. For instance, he has been implementing many projects in the villages of Hawija and none here. I have not seen one single

²⁰⁷ Civil society member #2, Kirkuk Governorate, November 2021.

²⁰⁸ Civil society member #1, Kirkuk Governorate, November 2021.

project in the villages here in Daquq. Kirkuk is a sensitive area and is disputed between many actors and this is a major hurdle. The local government is subject to the control of whoever takes power.²⁰⁹

The impact of these shifting, often retaliatory power dynamics between major political groups in Kirkuk Center and Daquq Center on community members are further reflected in the particularly low levels of trust Kurdish respondents indicate having in relation to local police, the local administration, other security forces, the courts, political parties and tribal and religious leaders and in the fact that they feel those most responsible for the harm caused do not acknowledge its impacts upon the wider community. Even more concerning is the fact that these political dynamics also seem to have impact social ones as well considering that most of these respondents indicate little to no trust in other members of their respective subdistricts.

Taking all these factors together, many participants evinced no hesitation at expressing frustration and hopelessness in settling the challenges they face. For them, endemic corruption and confessionism, have left the local and national governments virtually absent and self-serving, and therefore unfit to finding workable solutions. They also appear to have attached an international dimension to their local dynamics whereby communal tensions and conflicts are perceived to be sustained by international actors in service to their own agendas. While such perception may erect difficult challenges in front of reconciliatory efforts, rather encouragingly, many of the Kurdish respondents and key informants recognize the need to address inter-ethnic tensions as a first step. Such a recognition is reflected in a consensus that the community at large is invested in engaging in such efforts because “*peace needs to be established.*”²¹⁰ In fact, despite preferring courts alone or a combination of courts and tribes as a means for dealing with issues related to exclusion, marginalization, and neglect and limited confidence in any processes having great impact in the current context, Kurdish respondents appear to have no objections to engaging in restorative justice processes for addressing either the governorate’s disputed governance or settling seesawing tensions between groups, should the opportunity arise. This participation is predicated on it being safe to do so, the active participation of other groups, and the presence of a neutral party to mediate the process.

Finally, a tendency towards punitive measures for wrongdoing committed in relation to exclusion, marginalization, and neglect seem to be prevalent amongst the Kurdish respondents many of whom prefer punishing perpetrators to the full extent of the law. The rationale for this from these respondents is that criminal accountability could prevent future recidivism and the continuation of the status quo. A smaller number of Kurdish community members favor learning the full truth about the harms and why they occurred. Again, the reasoning here is to learn from past mistakes to prevent them from repeating.

Turkmen Perspective

Vicissitudes of power rivalry between Arabs and Kurds is believed by the Turkmen to have left them excluded from power sharing and public participation. For them, key positions, especially within the local police department, were largely filled by Kurds between 2003 and 2017, when Kurdish political parties wielded authority in the governorate. A similar pattern of exclusion of Turkmen is also thought to have been exercised when power dynamics shifted in favor of Arabs following the withdrawal of the Kurdish forces in 2017 from Kirkuk and the rest of the disputed territories. An inevitable consequence of this shift and the concomitant concentration of power in the hands of Arabs and PMUs, increased the practice of

²⁰⁹ Tribal leader #5, Kirkuk Governorate, November 2021.

²¹⁰ Sunni Kurd male community member, Kirkuk Center, Kirkuk Governorate, September 2021.

cronyism to the detriment particularly of Sunni Turkmen. It is worth noting that the focus of marginalization and exclusion in terms of employment appear to be directed at important key positions of heads of units rather than lower ranks, a level where grievances might be even more acute considering they relate to representation in governance and decision-making rather than employment opportunities alone. What has compounded the sense of marginalization and exclusion is the absence of the state and its inability to address local challenges in both Kirkuk Center and Daquq Center and to attend to these longstanding grievances. Of note is the emphasis on the ethno-religious tensions emanating from this exclusion and neglect highlighted particularly by Turkmen respondents in Daquq Center.

Kurds monopolized key positions to themselves from 2003 up until 2017. When Arabs came into power after the referendum, they upended that policy but now to their own advantage. In both cases, the Turkmen were excluded. Turkmen only had the electricity department head and that was specifically allocated to Shia Turkmen. In short, whoever comes to power, exercises an exclusionary policy against other groups. Exclusion of skilled people is one manifestation of the politics practiced here, causing not only grievances but also a sense of alienation and under-representation in the government.²¹¹

Since the fall of the former regime, the central government has marginalized Turkmen by not representing us in the government in any position in proportion to the size of this group as compared to others.²¹²

It is the local government that excludes Turkmen because of the silence of the central government to prevent it. For example, the Turkman governor was not installed for the period after 2003, when Kurdish parties initially took over this position without the participation of Turkmen in this decision and after 2017, Arab parties also acquired the capabilities of the governorate.²¹³

After 2003, Turkmen were marginalized and excluded from posts in Daquq Center, where they are considered to be the majority. This has caused a grudge and created a sense of hatred among the different groups here.²¹⁴

Another ramification of this perceived exclusion, marginalization, and neglect within Rural Kirkuk (specifically Yaychi) relates to continuing housing, land, and property issues between Turkmen and Arab communities in relation to agricultural lands given the current political actors and security forces in power, *“the original owners of land [Turkmen] and the owners of land contracts under the former regime [Arab] are involved again because of the presence of forces that allow bribery and the renewal of those contracts by the provincial government.”*²¹⁵ For Turkmen respondents there is fear of altogether losing their land and a recognition of a growing animosity between people in the community.

Slightly less than half of the Turkmen respondents who note exclusion, marginalization, and neglect (or related housing, land, and property issues) as a priority grievance have engaged in seeking remedies for the challenges raised. This has included raising concerns with tribal elders, officials in Baghdad, and participating in demonstrations. None of these attempts appear to have had much of an impact, however, given the complexity of the issue and the power of those in control who seek not to change the status quo. It is exactly this inability to effect change and the indifference of decision-makers to public demands that have generated among these respondents a strong sense of “alienation” and “hopelessness,” justifications used for the sharp sense of apathy among those who have refrained from engaging in finding remedies to

²¹¹ Civil society member #3, Kirkuk Governorate, November 2021.

²¹² Sunni Turkman male community member #2, Kirkuk Center, Kirkuk Governorate, September 2021.

²¹³ Shia Turkman male community member #2, Kirkuk Center, Kirkuk Governorate, September 2021.

²¹⁴ Shia Turkman female community member #2, Daquq Center, Kirkuk Governorate, October 2021.

²¹⁵ Sunni Turkman female community member #1, Yaychi, Kirkuk Governorate, October 2021.

the communal concerns. Indeed, for the others who did not seek remedies, the main rationale was that it is “*useless*”²¹⁶ to attempt to resolve nor was it a citizen’s job to do so.

Turkmen respondents’ preferred method for dealing with exclusion, marginalization, and neglect as well as related housing, land, and property issues primarily centers around using a combination of courts and tribes or courts alone to resolve these concerns. Both mechanisms have the capacity to include participatory processes and as such may engage with restorative justice if designed in such a way to do so. This being said, mistrust in other groups and public institutions and communal entities runs across the Turkmen community as well, forming a potentially stern barrier in the face of holding restorative and participatory mechanisms. Governments, whether local or national, political parties, tribal leaders, courts, the police, other security forces as well as other ethnic groups all are reported to engender little trust among the Turkmen community members in this sample. The only difference that appears between Sunni and Shia segments of this sample relates to religious leaders where the latter have greater trust in them than the former. The picture is a bit mixed with regard to whether Turkmen respondents feel that others in the community (including on the opposing side to theirs) have victims in the context of exclusion, marginalization, and neglect, and related housing, land, and property issues. A plurality, made up of mostly Sunni Turkmen feel that others have not been victimized considering their leadership has had access to power over time. The remaining either feel that others have also experienced harms or do not know one way or another. There is a similar split among respondents in relation to whether they feel those most responsible recognize the harm they have caused – a little over half feel they have not, with Sunni Turkmen making up the larger portion of these views. Acknowledgement of wrongdoing is seen as important however for both Sunni and Shia Turkmen respondents in this group.

Yet despite the stated challenges, a plurality of Turkmen respondents, both Sunni and Shia, express willingness to participate in a restorative justice process to address exclusion, marginalization, and neglect or related housing, land, and property issues, should the opportunity arise. This is predicated on there being certain conditions of safety, strong presence of the state to implement settlement and uphold rule of law, and active participation of other groups, in order to do so. They expect a range of outcomes from such a mechanism including punishing the perpetrators to the full extent of the law, acknowledgment of wrongs committed by the most responsible, learning the full truth of what exactly happened and why, reforms to ensure that the issues do not reoccur, and financial compensation for the affected. Worthy of note is that punishing the perpetrators is not seen as an end in and of itself, but rather as a way of preventing recidivism of harms – as a precedent for others that such behavior is not accepted in law and in society as a whole. Correcting wrongs, restoring rights and reinstating the presence of the state, are ends that undergird learning the truth, acknowledging wrongs and reform. Finally, belief in a restorative justice process as a viable mechanism in the current context does not seem to be commonly held by the Turkmen given the faltering condition of state-public trust. Such a conception may need to be appraised and considered as it could impact the process and therefore the ultimate outcomes.

Arab Perspective

Amongst Arab community members in the sample in Kirkuk Center, Rural Kirkuk-Debes Center, and Daquq Center, the majority of whom are Sunni, exclusion, marginalization, and neglect is less of a concern

²¹⁶ Shia Turkman male community member #2, Yaychi, Kirkuk Governorate, September 2021.

than housing, land, and property issues and ethno-religious tensions and violence – which in the way they describe these grievances seem to have roots in the former.

The most important problems lie in the conflict between political parties which negatively affects the economic and social situation. Conflicts over positions and sharing of management positions in the governorate highlight the role of the component in this process.²¹⁷

The ruling authority exploits its powers by appointing a component at the expense of others and this has become the basis for acceptance into posts.²¹⁸

The territories of Arabs were taken over by the Kurds. Now that the state has taken control, the land has returned to its people, but there are still major problems between the parties.²¹⁹

The tensions between Arabs and Kurds as a result of political parties and rivalries led to partisanship to component in a big way.²²⁰

Public awareness about these concerns and mobility around seeking remedies appear to be taking place through various channels. Those Arab respondents who have sought remedies refer to engaging with tribal and religious figures and with authorities not only at local level but also at the national sphere as well. Their efforts, unfortunately, have not led to significant tangible results, either because authorities do not listen to their concerns or because of a widespread inter-communal mistrust and political leanings along ethno-religious lines. While the local government and the tribes are seen to have taken steps to address the challenges, some of the interlocutors are skeptical of making meaningful progress given the intensity of inter-ethnic tensions, the growing schisms between the communities and the multiplicity of political parties that further pull the communities apart based on nationalistic and ethnic sentiments. Yet, despite such a precarious dynamic, most of Arab respondents are of the view that the larger community is invested in finding solutions since there is “*serious interest in solving such things.*”²²¹ But what means would they envision to reach solutions?

The preferred mechanisms respondents indicate for the most part depend on their priority grievance. For those who prioritize exclusion, marginalization, and neglect, either participatory community mechanisms involving multiple stakeholders, or a combination of courts and tribes are the preferred manner in which to resolve this issue. For those who prioritize housing, land, and property issues, the most preferred mechanism by far is using courts alone, and with ethno-religious tensions and violence, participatory mechanisms, tribal processes, and courts alone are listed as best placed to deal with such issues.

Unlike the Kurds and Turkmen, Arabs in Kirkuk Center and Rural Kirkuk-Debes Center tend to display moderately favorable rates of trust towards the central, provincial, and the local governments as well as local police, security forces, and courts. The picture is more mixed in terms of trust in tribal and religious leaders and civil society and relatively low in relation to political parties. Arab respondents in Daquq Center diverge from this and indicate particularly low levels of trust in all formal, customary, and community institutions and actors. Reported trust in others from different ethno-religious groups in the community is low among Arab community members, across all these locations or geographic corridors. What could

²¹⁷ Sunni Arab male community member #2, Kirkuk Center, Kirkuk Governorate, September 2021.

²¹⁸ Sunni Arab male community member #3, Kirkuk Center, Kirkuk Governorate, September 2021.

²¹⁹ Sunni Arab female community member #4, Yaychi, Kirkuk Governorate, October 2021.

²²⁰ Sunni Arab male community member #3, Debes Center, Kirkuk Governorate, October 2021.

²²¹ Sunni Arab female community member #4, Kirkuk Center, Kirkuk Governorate, September 2021.

facilitate restorative mechanisms to addressing harms, nonetheless, is a recognition that the other communities on the other side of the issue have also fallen victim to the challenges and that acknowledgement of harms from those most responsible is important. Such an understanding could encourage dialogue and as such could allow room for participatory processes.

All Arab respondents indicate a willingness to participate in potential restorative justice processes should they arise, citing the need to explore means that could bring about peace and normalcy to the community. Familiarity with the process and the constraints on women's participation were the only hurdles raised. In terms of potential needed outcomes from such a process, individual compensation is seen as the main priority outcome particularly in relation to housing, land, and property concerns, followed by perpetrators being punished to the full extent of the law and reforms to guarantee non-repetition. These latter two are seen as complementary to prevent future harms stemming from exclusion, marginalization, and neglect and the tensions and violence that often result because of it.

Key informants for their part describe higher level efforts to address both governance issues and related housing, land, and property concerns. With respect to the former, UNAMI attempted to bring together politicians from the main blocs in Kirkuk Governorate to begin a process to agree on the governorship and governance. The attempt did not yield positive results as the Turkmen bloc felt their demands and grievances were not met in the negotiations. Regarding the latter, a delegation of Kurdish and Turkmen leaders met with the President of Iraq to discuss the issues arising from the conduct of the current governor and resulting housing, land, and property issues given governorate level decisions, but returned with little response. Further to this, Kurdish and Turkmen tribal leaders' attempts to negotiate with their Arab counterparts directly as yet have been rejected. The way forward for key informants to settle governance issues seems to rely on designating a neutral third party, such as Norway, to inaugurate a serious initiative to reach a political settlement for the governorate. No other actor is deemed neutral enough to serve in this capacity, including the UN. Key informants did not mention one way or another the role the wider community or civil society could play such high-level processes including pressuring existing political blocs to resolve issues. In addressing issues on claims to agricultural lands in rural parts of the governorate, key informants indicate it may be best to utilize the Agricultural Land Reform decision issued in 1972 as this is the least politicized and can help in determining ownership. Resolution would involve some combination of granting land and/or compensation to the parties in dispute.

IS conflict and its aftermath

The IS conflict and the damages inflicted during and after it have sent reverberations that are felt to date across Iraq. Despite the territorial expulsion of IS by security forces, the armed group is still able to carry out violent attacks in many areas. The forces that helped to retake areas held by IS are now also relatively entrenched in these locations which presents its own concerns. These factors linked to another as well: that many displaced families and individuals are still unable, unwilling, or blocked from returning home after conflict. Those who are barred from returning are either in specific displacement camps, residing elsewhere in the country out of camps, or have fled to neighboring countries. Insofar as blocked return is concerned, having perceived affiliation to IS, whatever affiliation may mean in a given context, is a primary driver in keeping people displaced. This topic in its totality, has generated communal tensions since the term "affiliation" is not clearly delineated (or has different meanings depending on place or actor) and as such is

sometimes abused in midst of communal and tribal disagreements, historical rivalries or discords, or emerging political dynamics, to wrongly implicate people and prevent return. This is the case for individuals as well as families as a whole who may be blamed for the actions of distant or close relatives. When return does take place, individuals or families reportedly face social exclusion and maltreatment from authorities. At the same time, there is growing fear that continuing to prevent families from returning if they wish to, and ensuring their marginalization while displaced, can generate further incentives for violence down the line. These dynamics are particularly evident in Hawija Center and Taza within the Kirkuk sample.

Hawija Center

The issue of IS and its aftermath, both as relates to conduct of security forces and return of families with perceived affiliation are the priority grievance for residents of Hawija Center in this sample. With the latter being of greater mentioned concern than the former. Community members report that as IS emerged in the area and took control of the district, expressing allegiance to IS was common as a means of protection and IS affiliation was also used as leverage to settle historical grievances and discord among the Sunni Arab tribes therein – a dynamic that IS reportedly encouraged to consolidate their power.

This deepened existing social divisions. It also colored the way in which the forces, including PMUs, fighting to retake Hawija Center and the district overall from IS viewed the population both during and after the conflict. This conduct reportedly included their interactions with residents, especially women with perceived IS affiliation, and the damage inflicted upon residential and civilian infrastructure, particularly in areas of the district (e.g., Riyadh subdistrict), considered to have strong local support for IS, *“When the security forces came to liberate the area, they killed many people just because of their religious denomination. They also demolished and burnt many houses and they also raped women under the pretense of affiliation to IS. People do not forget these incidents.”*²²² Any nuance related to how and why people may have supported or actively join IS – and to what level their perpetration of violations, if any – seemed to give way amidst conflict and its aftermath. As such, IS affiliation lumped together many different people and taken together with Anti-Terrorism Laws that themselves lack nuance, community members and key informants alike note that people are serving prison time on relatively flimsy bases for this alleged affiliation, *“We have one here is only suspected of affiliation to IS. Poor him, he was sentenced to 15 years of imprisonment. The judge sentenced him without really having solid evidence. This the type of grievance we are talking about, one that people find really troubling.”*²²³

The dynamics around the fragile relationship people report with the current security forces in the area as well as that of perceived IS affiliation converge in relation to the return of families with this label or their blockage from doing so. This is the major concern of nearly all respondents sampled in Hawija Center and pertains to tensions once such families have returned and the fear that continuing to prevent returns will pose greater threats to the community in the future.

The problem is between the families of the victims and the families of IS militants. The situation is unstable due to the return of some and the failure of return of others, which has caused tensions between parties in the district.²²⁴

²²² Civil society member #14, Kirkuk Governorate, December 2021.

²²³ Tribal leader #10, Kirkuk Governorate, December 2021.

²²⁴ Sunni Arab female community member #2, Hawija Center, Kirkuk Governorate, September 2021.

The parties [to the issue] are the families of the victims and the families of the criminals. Society is now relatively stable, but there are some tensions between these families considering them criminals or unwelcome in society.²²⁵

The problem is that so many families did not go home . . . [we need] a community reconciliation for the return of families in order to restore security.²²⁶

Given its perceived impact on society in Hawija Center, the community is seen to be invested in and willing to find answers to the complexities around the return of families with perceived IS affiliation. The respondents themselves indicate that they have sought to try to engage on this issue and bring different parties together to ease tensions and enable returns. Broader efforts are also reportedly taking place. To this end, tribes and the local government are seen to have exerted efforts in this regard, though not seen to be commensurate with the severity of the matter. For respondents, the major impediment to either unblocking returns or easing tensions once returns have occurred relate to victims' families not accepting these conditions, "*some families refuse to sit at the table because they were financially and morally affected.*"²²⁷

Most respondents in Hawija Center who prioritize this issue note the need for reconciliation between families and as such, tend to prefer a combination of courts and tribes or participatory mechanisms for addressing it. Further to this, readiness to engage in a restorative justice process to settle these grievances appear to be quite high among respondents should the opportunity to do so arise. Given the severity of the grievance for the community, respondents indicate that they would engage under any circumstances, including the current ones in the area. What they would want to gain as an outcome is chiefly financial compensation for all those harmed to offset the losses the victims have endured. This is followed by criminal accountability where perpetrators are punished to the full extent of the law to prevent such violations from occurring again. Given the concerns over what IS affiliation means, the view here is not to be punitive out of revenge, but to seek accountability in a fair way. This is further underscored by the fact that nearly all Hawija Center respondents note that groups on both sides of this issue have victims. At the same time, while trust in institutions among these respondents is mixed, it is particularly low regarding others in the community. This will be a hurdle for any restorative justice efforts initially, but such mechanism may also help in repairing relations as well.

Key informants for their part note that efforts to date to resolve this issue are partial at best and not sustainable in the long-term. Specifically, the local government's initial strategy to discourage contact between the wider community and returned families with perceived IS affiliation to prevent conflict and an MP's involvement in facilitating the return of some such families while providing financial redress to the families, particularly because it was seen as a political move to boost his electoral chances and did not have longer term reintegration and reconciliatory aims to support the community over time. Further to this, some key informants in Hawija Center also indicate that victims' families and the wider community are less of an obstacle to return (and reintegration) than security forces who now control the lands and property of those still displaced.

Despite these constraints, key informants offer several potential avenues for supporting families on all sides in sustainably, peacefully, and justly rebuilding their community. These include the following: working with

²²⁵ Sunni Arab male community member #4, Hawija Center, Kirkuk Governorate, September 2021.

²²⁶ Sunni Arab male community member #5, Hawija Center, Kirkuk Governorate, September 2021.

²²⁷ Sunni Arab male community member #7, Hawija Center, Kirkuk Governorate, September 2021.

the government to develop a solid database of the families with perceived IS affiliation to know their number and whereabouts to limit the possibility of conflating other societal issues with perceived IS affiliation in preventing the return of the remaining displaced and/or exacerbating tensions in the community among those already back; creating more platforms for youth to take a key role in initiating communal dialogues and highlighting the importance of tolerance and violence prevention, considering the role they are already playing in stabilizing the charged dynamics of Hawija Center post-conflict; if more returns take place, directing families toward the center of town rather than in surrounding villages or outskirts where security is more lax and the damages incurred by IS more severe; and finally, not depriving these families of their lands and properties, but rather allowing them to do with them what they see fit.

Taza

For the Shia Turkmen community members in this sample from Taza, violations from the IS conflict and the potential for continuing attacks are priority grievances to address. Respondents bear animus toward IS because while the group did not manage to overrun the center of Taza, in part because local residents joined local PMUs to fight them off, they did cause significant destruction, fatalities, and lasting health concerns among residents who were exposed to their mustard gas attacks coming from surrounding areas. Thus, some concern remains about those families with perceived IS affiliation still inside of Taza and unable to return to their villages, *“the concentration of families of IS militants from the outskirts of Taza in Jardagli and Al-Sahdi neighborhoods and their failure to return to their original villages causes a security challenge to the city.”*²²⁸ Here the issue seems less to be in reintegration families who are displaced than in seeing displaced families return and leave the center. In seeking to deal with both IS violation and this return of families to their places of origin, respondents prefer either a combination of courts and tribes or participatory mechanisms to resolve them. There are mixed views as to whether the other side of the issue has victims and as such, some respondents would be willing to engage in a restorative justice process if given the opportunity and others would not because *“there is no language of dialogue with perpetrators.”*²²⁹ Needed outcomes from any process include criminal accountability and reform – both as means of prevention and non-repetition of violations and harm.

²²⁸ Shia Turkman male community member #3, Taza, Kirkuk Governorate, October 2021.

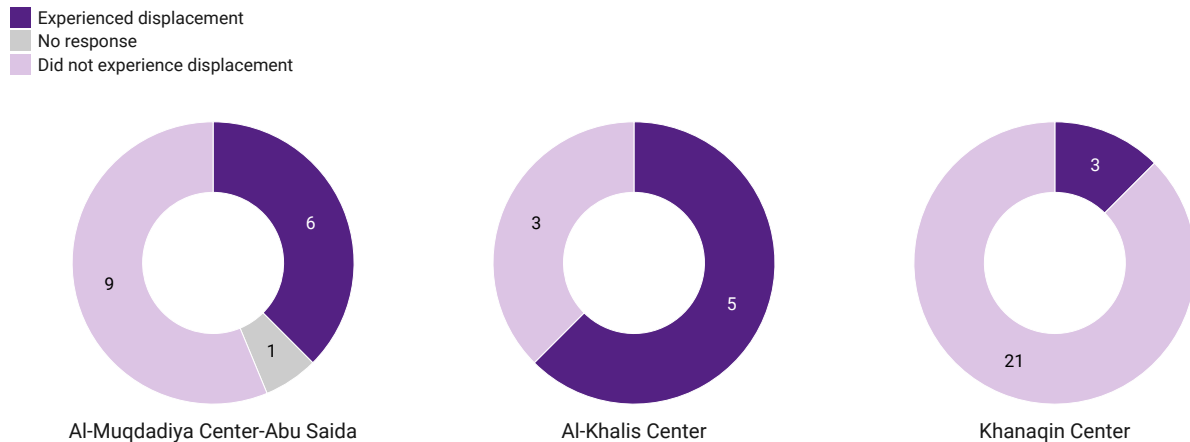
²²⁹ Shia Turkman male community member #4, Taza, Kirkuk Governorate, October 2021.

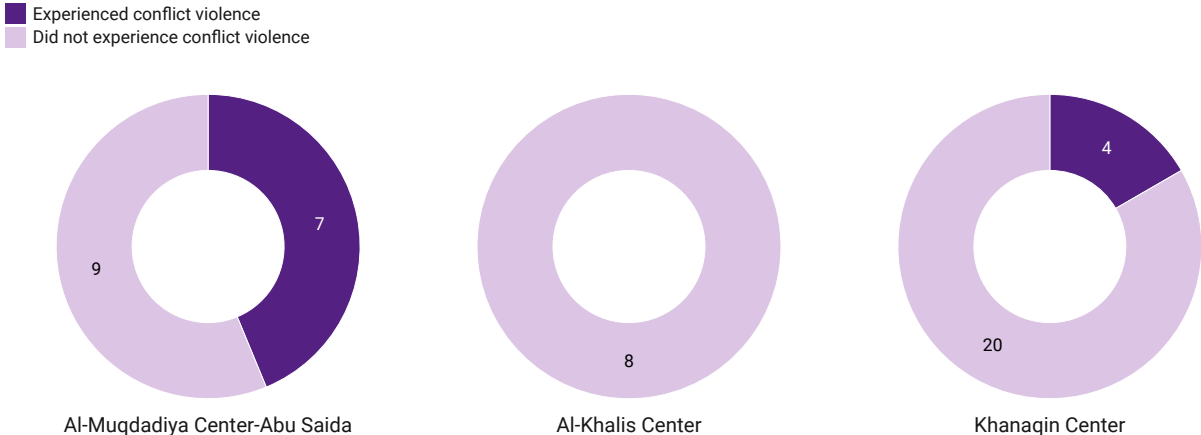
5. DIYALA GOVERNORATE FINDINGS

Displacement and conflict experiences and daily public life

Displacement patterns in the Diyala sample vary by geographic area and ethno-religious groups residing therein – and seemingly community members’ comfort level in sharing such information (Figure 12). While most respondents in Al-Muqdadiya Center specifically do not report any history or experience of displacement, those Sunni Arabs who did experience it indicate that this forced movement occurred in relation to the IS conflict between 2014 and 2017. Shia Arabs in Abu Saida (or their families) similarly report displacement between 2014 and 2017 as well as in the 1980s under the previous regime. With respect to direct or indirect experiences of conflict-related violence, it is worth noting that Sunni Arabs in Al-Muqdadiya Center report it over time and continuing to present. In Al-Khalis Center, both Sunni and Shia Arab community members seem to have experienced or have family histories of displacement in the aftermath of the U.S.-led invasion and subsequent sectarian conflict (2003-2013) and from the IS conflict (2014-2017), while none reported experiencing conflict-related violence either directly or indirectly through family history. This latter point is surprising considering Al-Khalis Center’s past and current instability and may reflect respondents’ concerns in answering questions related to it. Finally, in Khanaqin Center, the most ethno-religiously diverse of the locations in this sample, only Sunni Kurds and Turkmen report displacement. Under the previous regime in the 1990s-2002 for the former and in the 1980s and between 2003 and 2013 for the latter. These track with experiences of conflict violence as well.

Figure 12. Number of respondents (or their families) in the Diyala sample who experienced displacement and conflict violence





With respect to community engagement in daily public life, respondents across locations note relatively high levels of their own participation in civic activities related to volunteering and giving to charity, specifically in efforts focused on helping the displaced and the poor to keep away from “committing illegal acts and crimes”²³⁰ as well as in promoting tolerance and peace. What is notable about the Diyala sample as compared to Salah al-Din and Kirkuk samples is the considerable number of community members across locations and ethno-religious groups who did not wish to answer questions related to their civic engagement and a somewhat smaller proportion who indicate that they did not and would not participate in such endeavors at all given the limits of what small-scale efforts can do for the entrenched and structural problems facing their communities.

I know very well that none of the members of civil society and others will be able to solve problems radically.²³¹
 It’s not a solution.²³²

This lack of engagement is even more pronounced across the Diyala sample locations in relation to participation in public affairs (e.g., expressing grievances or demands on social media, in public, and/or to authorities). The plurality of community members state that they have not participated in public affairs in the past year nor would do it if they could with again a relatively substantial proportion not wishing to answer this question. Respondents cite the pointlessness of engaging in public affairs for change given the lack of government response as well as the danger it may pose to those who do raise concerns or speak out as reasons why they refrain from doing so themselves.

No one in the government takes things seriously.²³³

The relevant authorities do not take responsibility.²³⁴

There is no response to demands. In addition, anyone who objects or demands their rights, they or their families are threatened with death.²³⁵

²³⁰ Sunni Kurd female community member #3, Khanaqin Center, Diyala Governorate, September 2021.
²³¹ Sunni Arab male community member #1, Al-Muqdadiya Center, Diyala Governorate, September 2021.
²³² Sunni Arab male community member #1, Khanaqin Center, Diyala Governorate, September 2021.
²³³ Kaka’i male community member #2, Khanaqin Center, Diyala Governorate, October 2021.
²³⁴ Sunni Kurd female community member #4, Khanaqin Center, Diyala Governorate, September 2021.
²³⁵ Shia Arab male community member #4, Al-Khalis Center, Diyala Governorate, September 2021.

Because you're going to get threatened.²³⁶

Because freedom of expression isn't available and we're marginalized.²³⁷

I know the reality of this society. It doesn't always take advice and likes to take revenge on others.²³⁸

For those who have or would engage in public affairs, this entails publishing concerns and critiques on social media and other public fora as well as contacting civil society, elders, tribal leaders, and professional government staff to discuss issues of concern and coordinate to address them. Community members in this group however also report the relatively limited impact of these initiatives and some too raise the spectre of threats and violence for their efforts or the need for responsiveness and protection for them to be able to participate in this manner in the first place.

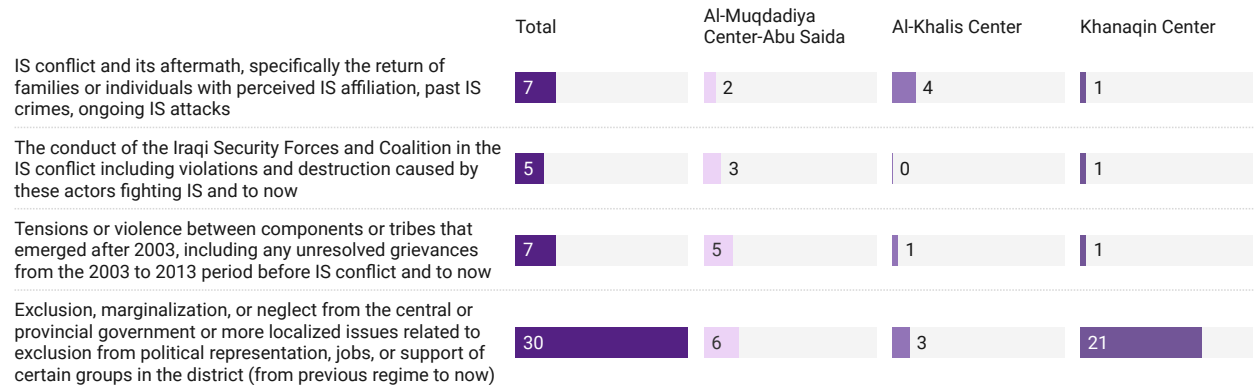
I expressed my opinion on the situation in the city, but I was threatned by the [PMU] for doing so.²³⁹

I'll participate when there's a quick response to requests and protection from people who are out of control.²⁴⁰

Priority grievances and efforts to date to resolve them

Given the above views of poor institutional response and threats of violence, it is perhaps unsurprising that exclusion, marginalization, and neglect followed by issues linked to the IS conflict (including conduct of security forces) are the two main priority grievances for community members (Figure 13). Delving into the data further, we see that priority issues tend to be clustered by location and to a certain extent respondent identity group and that once again, there are close links between exclusion and the IS conflict – and that they intertwine with concerns about tensions and violence. We will discuss these in turn below.

Figure 13. Priority grievance to resolve overall and by study location and geographic corridor



²³⁶ Sunni Turkman male community member #2, Khanaqin Center, Diyala Governorate, September 2021.

²³⁷ Sunni Arab male community member #2, Al-Muqdadia Center, Diyala Governorate, September 2021.

²³⁸ Shia Arab male community member #4, Abu Saida, Diyala Governorate, September 2021.

²³⁹ Sunni Kurd male community member #2, Khanaqin Center, Diyala Governorate, September 2021.

²⁴⁰ Shia Arab male community member #3, Al-Khalis, Diyala Governorate, September 2021.

Exclusion, marginalization, and neglect

Diyala Governorate is one of the most developmentally neglected areas of Iraq historically from the previous regime to the present and the issues with respect to governance and representation are “*deeply rooted*.”²⁴¹ However, once again, key informants and community members note that the current experiences of the study locations are more directly a result of a “*miserable political process*”²⁴² of the post-2003 era where “*the political blocs, parties, and politicians who came on the backs of the occupier [US]*”²⁴³ continue to stoke tensions through repression, lack of institutional response to people’s needs linked to a lack of representation in governance and ineffective security provision and protection.

They were and still are in charge of the government . . . this has led to a consolidation of their power and that of their beneficiaries.²⁴⁴

Undue influence is being exercised in Diyala while the locals do not participate.²⁴⁵

Parties and their interventions in every aspect [of life] have exhausted society.²⁴⁶

Al-Muqdadia Center-Abu Saida community members, both Sunni and Shia Arabs, indicate upset over the rule of political parties and their associated armed groups, particularly as they are seen as not being representative of the local population or working in their interests, not protecting the community from increasing security threats, nor having full allegiance to Iraq.

There is no real government (security, administration, or services) that combines the tribes and sects that inhabit the area . . . [this is the case] from all successive governments since 2003 and to this day. . . . [E]veryone who is in the same relationship works for personal interests and to satisfy their masters outside of Iraq, especially Iran.²⁴⁷

The breakdown of the security situation and the inability of the government to control events because of the dominance of the Shia parties and the armed factions that belong to them.²⁴⁸

Powerful parties and interventions of neighboring countries strengthen some people and weaken others.²⁴⁹

Society is now between the hammer of armed parties and the anvil of politicians who have nothing but their pockets and stomachs.²⁵⁰

Sectarian parties want to kill and displace, so that they situation remains in their hateful interests.²⁵¹

The situation of society is deplorable because of politicization, blocs, and marginalization, making the citizen and his life bitter.²⁵²

²⁴¹ Kaka'i male community member #2, Khanaqin Center, Diyala Governorate, October 2021.

²⁴² Former provincial government official #1, Diyala Governorate, December 2021.

²⁴³ Sunni Arab male community member #1, Al-Muqdadia Center, Diyala Governorate, September 2021.

²⁴⁴ Provincial government official #1, Diyala Governorate, December 2021.

²⁴⁵ Provincial government official #4, Diyala Governorate, January 2022.

²⁴⁶ Shia Arab male community member #3, Al-Khalis Center, Diyala Governorate, September 2021.

²⁴⁷ Shia Arab male community member #1, Abu Saida, Diyala Governorate, September 2021.

²⁴⁸ Shia Arab male community member #3, Al-Muqdadia Center, Diyala Governorate, September 2021.

²⁴⁹ Shia Arab male community member #4, Abu Saida, Diyala Governorate, September 2021.

²⁵⁰ Sunni Arab male community member #1, Al-Muqdadia Center, Diyala Governorate, September 2021.

²⁵¹ Sunni Arab male community member #2, Al-Muqdadia Center, Diyala Governorate, September 2021.

²⁵² Shia Arab male community member #3, Abu Saida, Diyala Governorate, September 2021.

Within Khanaqin Center, part of the disputed territories, community members across groups report neglect, corruption, and poor governance of local government as well as both the Federal Government of Iraq and the Kurdistan Regional Government.

Successive government have neglected this area because it is disputed . . . [this has caused] bad living, corruption, and lack of full control of either of the two governments to enforce the rule of law.²⁵³

Political parties have developed in the shadow of [Kurdistan Regional Government and Federal Government of Iraq] rule and exploited them for the resources of the subdistrict while marginalizing it in order to benefit themselves.²⁵⁴

The central government and regional government [are involved] and things are not taken seriously because of the conflict in the area.²⁵⁵

The central and regional government work only for their own interests.²⁵⁶

With respect to individual or more communal action for remedies to these issues, community members across locations are split, with some indicating they have engaged in local efforts to raise concerns to tribal elders, clerics, intellectuals, other community leaders, and human rights organizations, start social media campaigns, and engage in demonstrations, and others, particularly in Khanaqin Center, noting that they have not sought any kind of remedy because there is no point or *“to avoid problems and prosecution.”*²⁵⁷

Community members in Al-Muqdadiya Center-Abu Saida present a similarly mixed picture when asked about broader efforts to resolve issues related to exclusion, marginalization, and neglect here. Some report that no efforts have taken place, while others highlight that seminars and conferences took place with attendance of security leaders and a delegation from the different security ministers who met with community and tribal leaders. The impacts of this are reportedly minimal given the current political and security status quo in the governorate.

Everyone’s answer is that we can’t do anything that is out of our control, fearing parties, party leaders, and Shia armed factions.²⁵⁸

Struggles for positions and personal gains and cronyism has enabled the neglect of all agreements about solving these problems and the situation has remained the same till now.²⁵⁹

All community members in Khanaqin Center describe the same broader effort to seek resolution to exclusion, marginalization, and neglect: mass public demonstrations or vigils. These citizen and activist-led protests served to put pressure on the government due to lack of services and neglect however they are not seen as effective *“because the government doesn’t care”*²⁶⁰ and nothing reportedly resulted from them save for crackdowns by security forces against protestors preventing further demonstrations.

²⁵³ Sunni Kurd female community member #4, Khanaqin Center, Diyala Governorate, September 2021.

²⁵⁴ Sunni Arab male community member #3, Khanaqin Center, Diyala Governorate, October 2021.

²⁵⁵ Kaka’i male community member #1, Khanaqin Center, Diyala Governorate, October 2021.

²⁵⁶ Shia Kurd female community member #3, Khanaqin Center, Diyala Governorate, October 2021.

²⁵⁷ Shia Kurd male community member #2, Khanaqin Center, Diyala Governorate, October 2021.

²⁵⁸ Shia Arab male community member #3, Al-Muqdadiya Center, Diyala Governorate, September 2021.

²⁵⁹ Shia Arab male community member #3, Abu Saida, Diyala Governorate, September 2021.

²⁶⁰ Sunni Arab male community member #3, Khanaqin Center, Diyala Governorate, October 2021.

Key informants for their part recognize that the provincial and local governments are responsible for dealing with corruption and are a cause of its spread, but that the attempts to solve these issues at any level are “*not unified*”²⁶¹ and have not resulted in change or reform.

IS conflict and its aftermath

Given the particularly fraught security situation across Diyala study locations,²⁶² the impacts of the IS conflict itself and the conduct of security forces in that conflict but more particularly their actions afterward intertwine not only with each other, but with some of the deep concerns raised in relation exclusion, marginalization, and neglect with respect to who is governing and securing the community. IS impacted the population in these locations, particularly in the rural areas surrounding the subdistrict centers, causing displacement, mass violence, and destruction. While IS no longer holds full control of territory in Diyala Governorate, some community members report continued fear of attacks by “*terrorist sleeper cells*”²⁶³ coming from the areas surrounding them and the imperative that “*security forces must take control of their areas of activity.*”²⁶⁴

This latter point underscores the greater upset community members feel over the conduct of the now entrenched security configurations in the governorate, as a result of the IS conflict and in the case of Khanaqin Center, the security and administrative change-over in October 2017. While recognizing that these forces retook areas from IS, there is more concern at this point over their conduct and treatment of the population living under them now (or prevented from return) and the impacts of their rule on demography, governance, and ability to keep people safe from outside attacks.

It is not safe and does not bode well because what’s happening is [these forces] are accusing the displaced and returnees and holding them responsible and considering them the ones who brought terrorism and IS. There is no seriousness on all sides because the policy that has been drawn up for these people is destruction.²⁶⁵

The militias have made a remarkable development from the destruction of houses as well as the destruction of farms which has led to the migration of people from village land to the city.²⁶⁶

The PMU and Coalition Forces planted sectarianism, destroying liberated areas as a result of their control of the areas, creating more displacement because of sectarian problems and dictatorship.²⁶⁷

In general, community members who raise these concerns report not seeking remedy on their own nor do they indicate broader efforts to address these issues directly. Key informants for their part also did not raise any broader efforts or initiatives to specifically resolve these issues in relation to security provision and conduct of security actors now in control.

²⁶¹ Former provincial government official #1, Diyala Governorate, December 2021.

²⁶² As an example, shortly after our fieldwork completed in Al-Muqdadiya Center, a considerably large IS attack on Shia Arab civilians in a surrounding village occurred in October 2021 which stoked ethno-religious tensions, led to reprisal attacks and displacement, and uncertainty amongst many over the area’s security provision. See, Louisa Loveluck and Mustafa Salim, “An ISIS Attack in Iraq Provokes Conflict Between Neighbors, Stirring Sectarian Violence,” *Washington Post*, 12 November 2021.

²⁶³ Shia Arab community member #1, Al-Khalis Center, Diyala Governorate, September 2021.

²⁶⁴ Kaka’i female community member #3, Khanaqin Center, Diyala Governorate, October 2021.

²⁶⁵ Shia Arab male community member #1, Al-Muqdadiya Center, Diyala Governorate, September 2021.

²⁶⁶ Sunni Arab male community member #3, Al-Muqdadiya Center, October 2021.

²⁶⁷ Shia Kurd male community member #1, Khanaqin Center, September 2021.

Best methods to resolve priority grievances

The starkest finding among the Diyala sample is the large proportion of community members interviewed who do not have a preferred mechanism for dealing with their priority grievance because they do not think anything can be done to resolve it, particularly in relation to exclusion, marginalization, and neglect (Figure 14). This is followed by respondents who seek a participatory community mechanism involving multiple stakeholders, a combination of courts and tribes, and courts only. Even for those who do feel there is a mechanism best suited to resolve their priority grievances, their views on engaging with a restorative justice process should the opportunity arise and its feasibility at present remains low.

Figure 14. Best method to resolve priority grievance by stated grievances

	Total	IS conflict and its aftermath	Conduct of Iraqi Security Forces and Coalition Forces during and after the IS conflict	Post-2003 tribal and/or ethno-religious tensions and violence	Exclusion, marginalization, or neglect
Through the courts only	8	2	2	1	3
Through a tribal process only	1	0	0	0	1
Through a combination of courts and tribes	11	1	1	3	6
Through a participatory community process involving multiple stakeholders	12	2	1	2	7
There is no way to deal with the issue	16	2	0	1	13

The overwhelming majority of respondents who feel there is no way to deal with their priority grievance, specifically exclusion, marginalization, and neglect, come from Khanaqin Center and span the ethno-religious groups interviewed. Their stated reasons for this view focus on the poor performance of government actors so far, their lack of care or interest in the population, and the influence of foreign actors and weaponry in shaping responses or the lack thereof.

Because the government is a failure.²⁶⁸

Because the solution is related to the government and the government doesn't care.²⁶⁹

Because the problem is external and the neighboring countries control the government and everything.²⁷⁰

Because all the problems are inter-related and most of them have their roots in external interventions.²⁷¹

Because the government is corrupt and its weapons are everywhere.²⁷²

The next most selected method for resolving exclusion, marginalization, and neglect and to a lesser extent the IS conflict and its aftermath including the conduct of current security forces is a participatory community process. The rationale for this as stated by community members across study locations and groups relates to it enabling solutions that all of society can agree on, considering these are issues that affect all people, and because such a process can limit or mitigate efforts at fraud and corruption to influence outcomes.

²⁶⁸ Shia Arab male community member #2, Khanaqin Center, Diyala Governorate, October 2021.

²⁶⁹ Kaka'i female community member #3, Khanaqin Center, Diyala Governorate, October 2021.

²⁷⁰ Sunni Turkman female community member #4, Khanaqin Center, Diyala Governorate, October 2021.

²⁷¹ Sunni Arab male community member #3, Khanaqin Center, Diyala Governorate, October 2021.

²⁷² Shia Kurd female community member #3, Khanaqin Center, Diyala Governorate, October 2021.

The solutions will be suitable for everyone.²⁷³

[Exclusion, marginalization, and neglect] is the problem of society and it will need the intervention of all members of society to resolve.²⁷⁴

I think it will be a process free of forgery and manipulation of its results and free of the customs as of the tribes.²⁷⁵

A similar rationale is given for the preference for the combination of courts and tribes to resolve these grievances, considering the tribal nature of the study areas, particularly in Al-Muqdadiya Center-Abu Saida and Al-Khalis Center, and the need to have a process that involves different segments of society in a manner that resonates with all, *“everyone knows that there are some fair courts and most of the tribes and sheikhs of these tribes have acceptance of people and society.”*²⁷⁶ For the smaller proportion of this sample that seeks courts alone to resolve grievances, the reasoning is similar in that the law can fairly represent everyone and that courts are the only path to legally binding justice and security.

A little over half of community members in this sample indicate that they would be willing to participate in a restorative justice process should they have the opportunity, regardless of their priority grievance or stated preferred mechanism (or not). While some indicate they would participate under many circumstances, many more would do so *“when there is radical and just change and the climate is right.”*²⁷⁷ Thus, there seems to be recognition that even if *“participation reaps its fruits at all levels,”*²⁷⁸ the linked political and security obstacles in the current climate would render any process *“useless”*²⁷⁹ due to *“militia control over the security situation, loss of confidence in stakeholders, and the loss of freedom of expression here.”*²⁸⁰ As such, people are *“afraid of the powerful because they carry weapons and are protected by the parties.”*²⁸¹

For the slightly less than half the sample who indicate that would not participate at all in a restorative justice process even if given the chance, their reasons are more to the point – the current situation is not conducive to any kind of positive outcome and as such *“there is no point in the current status quo”*²⁸² to address these issues nor are there any kinds of *“security and health guarantee for my life when I participate.”*²⁸³ Rather, it is best to *“avoid trouble.”*²⁸⁴

Key informants for their part also recognize that any attempts to address issues linked to exclusion, marginalization, and neglect as well as issues stemming from the IS conflict will require *“limiting weapons to the state and following the rule of law”*²⁸⁵ and critically, *“isolating political parties”*²⁸⁶ and ensuring they *“do not have a say in any reconciliatory effort.”*²⁸⁷ This may entail holding to account bad actors both nationally and internationally and where needed *“legislation criminalizing those involved and pardoning innocent people.”*²⁸⁸

²⁷³ Shia Arab female community member #4, Khanaqin Center, Diyala Governorate, October 2021.

²⁷⁴ Sunni Kurd female community member #3, Khanaqin Center, Diyala Governorate, September 2021.

²⁷⁵ Shia Arab male community member #3, Al-Khalis Center, Diyala Governorate, September 2021.

²⁷⁶ Shia Arab male community member #3, Al-Muqdadiya Center, Diyala Governorate, September 2021.

²⁷⁷ Ibid.

²⁷⁸ Shia Arab male community member #2, Abu Saida, Diyala Governorate, September 2021.

²⁷⁹ Sunni Arab male community member #1, Khanaqin Center, Diyala Governorate, September 2021.

²⁸⁰ Sunni Arab male community member #3, Al-Muqdadiya Center, Diyala Governorate, October 2021.

²⁸¹ Shia Arab male community member #4, Abu Saida, Diyala Governorate, September 2021.

²⁸² Kaka'i male community member #1, Khanaqin Center, Diyala Governorate, October 2021.

²⁸³ Shia Arab male community member #2, Al-Khalis Center, Diyala Governorate, September 2021.

²⁸⁴ Kaka'i female community member #3, Khanaqin Center, Diyala Governorate, October 2021.

²⁸⁵ Former provincial government official #1, Diyala Governorate, December 2021.

²⁸⁶ Ibid.

²⁸⁷ Provincial government official #4, Diyala Governorate, January 2022.

²⁸⁸ Former provincial government official #1, Diyala Governorate, December 2021.

Furthermore, in the process of changing the state’s approach and “rebuild[ing] the whole political process,”²⁸⁹ there is more need for impartial and technocratic engagement and support from the central government and experts to formulate strategies to address concerns and better engagement of “locals in the decision-making process.”²⁹⁰ Expanding on this last point, key informants in Diyala recognize that citizens themselves need to be in control of deciding who leads the provincial government and indeed perhaps they themselves could take these positions – that the only other way to mitigate spoilers is to drown them out by “changing the way decisions are made”²⁹¹ and “handing over the government and decision-making to the people of the governorate.”²⁹² The only way to move forward is for more public participation, not less even if based on community member responses above they seem hesitant at best to do so given the current climate of the governorate overall.

Most needed outcomes from any process to resolve priority grievances

Community members in this sample by and large do not feel there is any way to resolve priority grievances particularly in relation to exclusion, marginalization, and neglect or if they do have a preferred mechanism, feel that participatory community processes are the best way to do so but are mixed on whether to participate. This prevarication is not found however in the types of outcomes respondents would like to see to resolve grievances linked primarily to exclusion, marginalization, and neglect and the IS conflict and its aftermath, including entrenchment of the current security configuration in study locations. What community members seek by far is that those most responsible are punished to the full extent of the law, followed by reforms (Figure 15).

Figure 15. Most needed outcomes by priority grievances

	Total	IS conflict and its aftermath	Conduct of Iraqi Security Forces and Coalition Forces during and after the IS conflict	Post-2003 tribal and/or ethno-religious tensions and violence	Exclusion, marginalization, or neglect
Individual financial compensation for all affected people	5	0	1	0	4
All perpetrators punished to full extent of the law	17	4	1	3	9
Learning the full truth of what happened and why	4	1	0	1	2
Acknowledgement of wrongdoing by those most responsible	4	0	0	2	2
Reforms to ensure that this issue does not occur again	11	1	1	0	8
Material and social investment in district to remedy the issue	7	1	1	1	4
Other (explain)	1	0	0	0	1

The rationale respondents provide for criminal accountability and reform is to prevent the repetition of past and current mistakes and establish space for better living conditions for all in a society “free of crime, corruption, and criminals.”²⁹³ The need for criminal accountability first is to serve “as a lesson”²⁹⁴ to those who have broken

²⁸⁹ Ibid.

²⁹⁰ Provincial government official #3, Diyala Governorate, January 2022.

²⁹¹ Subdistrict government official #2, Diyala Governorate, December 2021.

²⁹² Ibid.

²⁹³ Shia Arab male community member #4, Al-Khalis Center, Diyala Governorate, September 2021.

²⁹⁴ Sunni Arab female community member #4, Khanaqin Center, Diyala Governorate, September 2021.

the law or are considering doing so that this will not be tolerated. Furthermore, even those seeking reforms first note that this does not mean overlooking the punishment of those most responsible for harm but rather to incorporate that into a reform process as needed.

This focus does not seem to indicate blanket punishment or collective blame – nearly all community members note that there are victims on all sides of their stated priority grievance and that ordinary citizens of all communities have borne the brunt of harms and violations – but rather a focus on ensuring consequences for those in power as a means of prevention, change, and a “*return of rights to their owners*”²⁹⁵ in a fair and lawful manner. The anger and frustration among community members seems to lay with the elite and most powerful particularly as they feel these groups know the harms they cause and do not stop because it is in their personal interests not to.

Yes, they know what they have done, insist on it, and stick to it . . . and we know what is happening but can’t do anything for fear of being killed.²⁹⁶

They know it very well, but the love for money and power has made them inhuman.²⁹⁷

The ruling class only cares about themselves.²⁹⁸

As such, it is perhaps unsurprising that most respondents do not seem to care about recognition or acknowledgement of harm by these actors. Nor do they feel confident about the prospect of any desired outcome taking place because “*this climate at present is not appropriate*”²⁹⁹ in part because of “*corruption and parties*.”³⁰⁰

Impact of grievances on community perceptions

Given the particularly negative, in some cases fearful, and seemingly hopeless views community members shared with respect to priority grievances, those most responsible, and potential ways forward, it is disheartening, but not surprising that the status quo has “*created a state of mistrust between the citizen and the government*.”³⁰¹ Even when respondents recognize the need for formal, customary, and informal actors across society to resolve both quotidian and deep-seated concerns, as one key informant put it, “*confidence [in these actors] isn’t low, it’s non-existent*.”³⁰² The prolonged nature of unaddressed grievances and lack of trust and confidence in the state including central, provincial, and local governments, political parties, and security apparatus, among others, in serving the best interests of the public has sunk society “*under an abyss now*”³⁰³ and seems to have brought about apathy among community members and if not a feeling of helplessness per se, then a lowering of expectations for their society and their own lives in general.

I don’t care about participating because society doesn’t care anymore.³⁰⁴

²⁹⁵ Shia Arab male community member #1, Al-Khalis Center, Diyala Governorate, September 2021.

²⁹⁶ Shia Arab male community member #1, Abu Saida, Diyala Governorate, September 2021.

²⁹⁷ Shia Arab male community member #4, Abu Saida, Diyala Governorate, September 2021.

²⁹⁸ Sunni Arab male community member #3, Khanaqin Center, Diyala Governorate, October 2021.

²⁹⁹ Shia Arab male community member #3, Al-Muqadadiya Center, Diyala Governorate, September 2021.

³⁰⁰ Sunni Turkman female community member #4, Khanaqin Center, Diyala Governorate, October 2021.

³⁰¹ Shia Arab female community member #4, Khanaqin Center, Diyala Governorate, October 2021.

³⁰² Former provincial government official #1, Diyala Governorate, December 2021.

³⁰³ Shia Arab male community member #2, Al-Muqadadiya Center, Diyala Governorate, September 2021.

³⁰⁴ Sunni Arab male community member #3, Khanaqin Center, Diyala Governorate, October 2021.

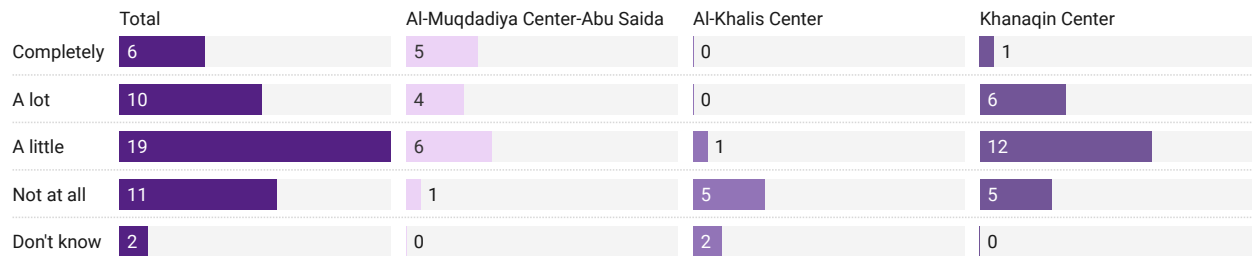
[We are] a society that’s become weak and can’t make a difference.³⁰⁵

Many influences have killed every ambition and made life unfavorable in the eyes of most people.³⁰⁶

[We have become] an exhausted society, disjointed.³⁰⁷

This disjointedness is further reflected in respondents’ low levels of trust in other members of their own communities where they live (Figure 16), which increasingly seems to be linked not or at least not only to ethno-religious identity, but class as well considering the growing divides reported between powerful elites and ordinary citizens. This is seen in respondents’ dim view of elections bringing positive change because voters “*have tried all the faces*”³⁰⁸ with no improvement. At this point “*elections only help parties*”³⁰⁹ and no one else. Thus, any efforts to begin to resolve the priority grievances detailed here for communities in Diyala Governorate must have at their center a re-weaving of the social fabric, not just vertically between people and the state, but horizontally among citizens as well.

Figure 16. Trust in other components, groups, or tribes in subdistrict



³⁰⁵ Sunni Turkman male community member #2, Khanaqin Center, Diyala Governorate, September 2021.

³⁰⁶ Shia Arab male community member #6, Abu Saida, Diyala Governorate, September 2021.

³⁰⁷ Shia Arab male community member #4, Al-Muqdadiya Center, Diyala Governorate, October 2021; Sunni Arab male community member #2, Al-Muqdadiya Center, Diyala Governorate, September 2021.

³⁰⁸ Shia Arab male community member #1, Abu Saida, Diyala Governorate, September 2021.

³⁰⁹ Sunni Arab female community member #4, Khanaqin Center, Diyala Governorate, October 2021.

6. CROSS-CUTTING THEMES

In exploring Salah al-Din, Kirkuk, and Diyala governorates individually, five cross-cutting themes span the analysis. They relate to priority grievances; participation and engagement; remedies and spaces for restorative processes; linkages to other social movements; and recreancy and social cohesion. We will discuss each of these in turn as follows:

Structural marginalization as a first priority grievance undergirds other more recent ones

We find that community members and key informants alike raise the same priority grievances across the three study governorates. Exclusion, marginalization, and neglect is the most important issue to resolve by far, followed by dynamics stemming from the IS conflict and particularly its aftermath related to the current and future risks of not allowing the return of families with perceived IS affiliation and the entrenchment of current security configurations in study locations. The specific contours of these grievances vary by governorate, but there remains considerable overlap between the three and certainly their impacts across target locations or geographic corridors in each is described relatively consistently. Further to this, interview data highlights how interconnected these grievances are – how the secondary grievance is a symptom of the primary one and serves to further exacerbate it.

In other words, underlying the emergence of IS and the emergence and entrenchment of current security configurations – and all the material and psychological destruction reported in their wakes – is corruption, exclusion, marginalization, and neglect stemming from the creation of an identarian and non-representative political system set in place since 2003. Thus, while perhaps facilitating the return of families with perceived IS affiliation may be an initial issue to engage with through restorative processes, as some key informants note, the sustainability and impact of such efforts even in the immediate-term are reliant on addressing more structural concerns that have so far impeded critical initiatives for all conflict-affected communities, including reconstruction and reintegration support to say nothing of the political motivations behind blocked returns in the first place. Similarly, addressing issues related to conduct and presence of current security configurations and associated political power they have in the aftermath of conflict will also circle back to structural issues linked to poor governance.

Similar grievances but isolated efforts to address them

We find that community members are relatively active in their communities in general with respect to civic activities (e.g., volunteering or giving charity) and to a bit of a lesser extent in relation to public affairs (e.g., contacting authorities, posting about issues on social media, or participating in public meetings or demonstrations). Respondents in Salah al-Din Governorate indicate the highest levels of public participation and in Diyala Governorate the lowest, based on those in the sample overall who chose to answer these questions – the fraught political and security landscape seemed to hinder respondents' willingness to disclose any such activities. Most of this engagement in public affairs relate to respondents' stated priority grievance, namely exclusion, marginalization, and neglect and to a lesser extent the IS conflict and its aftermath. And as such, many community members interviewed describe their own efforts

to seek remedies for it as well as broader efforts at addressing the issue that they may or may not themselves have participated in.

Despite the relatively widespread nature of these priority grievances within each governorate of study, the efforts at remedy-seeking described tend to be focused on the particularly local level, either at subdistrict or district level, usually directed toward district or provincial authorities. They are deemed to have limited effect, with community members pointing out that there is only so much they and local officials can do without greater pressure on higher-level actors in the current political landscape. It is unclear how much cross-subdistrict or cross-district organizing is being carried out between citizens or other actors in seeking to resolve entrenched, governorate-wide issues, particularly as relates to exclusion, marginalization, and neglect, concerns over present security configuration and their conduct, and the prevention of returns. Nor is it clear from this data how much higher-level government efforts (“track 1”) related to local peace agreements or reaching political settlement over the governorship of Kirkuk, for example, engage with civil society-level (“track 2”) or more grassroots (“track 3”) constituencies in raising concerns, monitoring processes, and bolstering outcomes.

Indeed, key informants for their part indicate that reform efforts to date have lacked unity and coherence to affect meaningful change and further to this is the need to connect localized efforts to each other and to higher levels to not only ensure comprehensiveness of change processes but generate pressure for their proper implementation. This is not to negate the impact of local initiatives or the imperative for them, but to highlight the importance of broader potential collective action as well, particularly considering the outcomes respondents across study locations seek.

A desire for justice and reform and an openness for restorative processes (with caveats)

We find that across governorates, priority issues, and population groups, criminal accountability is the first outcome community members (and indeed key informants) find necessary to sustainably resolve their grievances. That is, respondents wish for perpetrators to be punished to the full extent of the law based on the level and type of wrongdoing they have been fairly assessed to have committed. This again seems like less a need for revenge than for a genuine desire to end the longstanding impunity of those in power and those most responsible for harm, the so-called “decision-makers” of violations be they related to IS perpetration, conduct of current security forces and powerful parties, or large-scale socio-economic crimes, particularly as some feel these actors either do not recognize they are the cause of harm or do not care. The desire to end impunity rather than purely seek revenge is further supported by the fact that most respondents feel that all sides of a grievance have victims and that the best way to ensure criminal accountability is through participatory community mechanisms involving multiple stakeholders (i.e., using restorative justice). While not asked directly, this preference for more community involvement in the adjudication of criminal sanctions may potentially be seen as a refutation of the practice of using counter-terrorism laws and protocols for certain violations that cut defendants off from due process and victims and witnesses from testifying – and which have disproportionately affected Sunni populations in the target locations since their enactment in 2005. It may also be a way to mitigate political interference in high-profile cases within standard criminal proceedings as well.

Furthermore, preference for criminal accountability through more participatory means seems to fit within some of the traditional contours of restorative justice where it is often (though not exclusively) used within

criminal justice settings in recognition of the fact that penal sanction may not be the best way or the only way to sustainably redress harm and ensure its prevention going forward. That reforms to guarantee non-repetition is the second most needed outcome underscores this point. As described by community members and key informants, the reform process could entail learning the full truth of the problem as a first step including through sharing experiences; changing laws, regulations, or structures; enforcing existing laws, plans, or agreements; monitoring authorities, institutions, or processes and societal outcomes; and removing bad actors and replacing them with those who have been vetted. These efforts per the data presented here entail engaging at all levels of society and while containing elements of transitional justice also fit within a restorative paradigm, either as a precursor to penal sanction or in tandem with it.

Given these preferences, it is perhaps not surprising that community members here, by and large, seem to be willing, and in some cases especially keen, to participate in restorative justice processes related to addressing exclusion, marginalization, and neglect and to a lesser extent addressing post-IS conflict dynamics. Their participation is predicated, in some cases, on the sincere engagement of other higher-level stakeholders to address issues as too often previous attempts to raise concerns have been met with promises that never materialize. Acknowledgement is seen as a first step, but at this point it is not enough without firmer commitments and actions. More critically still, and for far more respondents overall, their participation is predicated on guarantees of their safety and protection in doing so. There is considerable concern among respondents over closing civic space and the ability to publicly express critical views without severe repercussions to themselves or their families.

As such, the picture is mixed with respect to the feasibility of restorative justice processes in general and under these conditions taking place to say nothing of yielding change over time among respondents. While change will invariably take considerable time, even in ideal conditions, the only way it seems possible is with more, not less public engagement to push others into action.

Demands and possible solutions unwittingly reflect the Tishreen Movement

We find that community members are increasingly frustrated and upset with elites. This spans identity groups, with respondents expressing anger at those in power regardless of whether they are the same ethno-religious or tribal identity or not. There seems to be a growing class divide and respondents are seeking significant change in governance and how they are represented seemingly based more on need and wider public interest than on identarian terms and that these decisions need to be made at local and provincial levels by citizens more directly.

Key informants here echo this, noting that there is a need to rebuild the whole political process in order to address the priority grievances raised. Some critical points they highlight in doing so includes further amendments to the electoral law to make it more representative including through more direct decision-making in selecting provincial leaders and less gerrymandered electoral units, more independent and impartial journalism, training of citizens to better engage in making rights demands, and perhaps related to the latter point, broader public participation in general at all levels through elections and in running for public office in particular. The rationale here being that these factors together can over time mitigate the impact of spoilers (e.g., political elites at the provincial and central levels, their parties, and linked armed groups and media operations).

These calls for less identity-based rule, changes in electoral laws and political process, and more space for independent candidates also reflect demands that came out of the Tishreen Movement,³¹⁰ though no one referenced the 2019 and 2020 protests or the recent elections. What this indicates perhaps is that regardless of these communities' views of that protest movement in general, the underlying message resonates because these feelings are widespread and have been for a long time. Indeed, many locations targeted in this study were sites of mass protests against the government in 2012 and 2013 that were themselves violently put down. For key informants, it may be that the recent national elections, with its low voter turnout, diminishing returns for certain political blocs and their affiliated armed groups, and the victories of a small number of independent candidates gave further clarity on a path forward, provided it is possible to re-engage citizens in these efforts.

Recreancy and breakdown of community cohesion

We find that while across the data it seems clear that both citizen engagement and the involvement of formal, customary, and informal institutions on priority grievances is critical for justice and redress, there is also a deep and unabating belief in pervasive recreancy – that is, the failure of institutions to uphold the public's trust that they will act and operate responsibly, if at all.³¹¹ While recreancy is generally seen as the cause of man-made technical disasters, it seems relevant to raise as a concept here as most respondents and key informants tend to attribute the post-2003 political settlement and system in the country for installing the institutions and actors that keep failing society by not acting reliably and competently as they should nor in consciously serving the best interest of the public.

This sentiment is seen in the extremely low levels of trust community members report in formal, customary, and informal actors, with the exception being courts, and the low levels of belief that elections can bring change – particularly since the same people keep running and winning, there is limited voter decision-making power, and no one has reportedly experienced improvements over time. The need to staunch and rectify these feelings is critical as prolonged recreancy (and perceptions of it) has the capacity not only to reduce state legitimacy but also to engender apathy and weaken social cohesion and social capital as people retreat from society.³¹² This seems to already be happening considering the growing concern all study participants express toward what they feel is a fraying and disjointed social fabric. This is most starkly seen in the low levels of trust respondents indicate having in other members of their respective communities as well. These latter findings as well as those related to trust in institutions and elections also hold true for IS conflict-affected communities in Ninewa Governorate as well with negative results holding steady over time.³¹³ A central element for accountability and redress will be to begin shifting these feelings over time in a more positive direction.

³¹⁰ International Crisis Group, *Iraq's Tishreen Uprising: From Barricades to Ballot Box*, Middle East Report No. 223 (Brussels: ICG, 2021): 6.

³¹¹ Liesel Ashley Ritchie, Duane A. Gill, and Courtney N. Farnham, "Recreancy Revisited: Beliefs about Institutional Failure Following the Exxon Valdez Oil Spill," *Society & Natural Resources* 26, no. 6 (2013): 655-71; and William R. Freudenburg, "Risk and Recreancy: Weber, the Division of Labor, and the Rationality of Risk Perceptions," *Social Forces* 71, no. 4 (1993): 909-32.

³¹² Liesel Ashley Ritchie, "Individual Stress, Collective Trauma, and Social Capital in the Wake of the Exxon Valdez Oil Spill," *Sociological Inquiry* 82, no. 2 (2012): 187-211.

³¹³ USIP and Social Inquiry, CSMF Rounds 4-6.

7. WINDOWS OF OPPORTUNITY

The voices and ideas emanating from Salah al-Din, Kirkuk, and Diyala governorates presented here help further confirm the need for transitional justice interventions in Iraq to expand the time periods, types of violations, and victims and perpetrators they seek to engage with. It does not seem possible to focus on accountability and redress for violations of the previous regime or those of the IS conflict and have sustainable outcomes to build upon without examining what happened in the period between the latter conflict and the end of the former regime, particularly as these long unaddressed harms continue to perpetuate themselves into the present. The current data also presents openings for ways in which restorative justice can help facilitate transitional justice, with respect to both punitive and non-punitive remedies (specifically criminal accountability and reforms).

The central tension within the analysis, however, falls around community member and key informant views on the impact citizens can have in making society more just, peaceful, and equitable. Community members, while still interested in potentially engaging in participatory processes seem also to be retreating from civic space given the growing threats they face and limited impact their efforts to date have yielded; their defiance is shifting toward despair that they have the power to make change or that conditions will improve. Key informants, on the other hand, seem keenly aware that citizens are the critical agents for change; without their pressure, their decision-making, and their entrance into public office, the status quo remains if not worsens.

Thus, any transitional justice efforts may need to focus less on building toward specific mechanisms to start with than building toward the citizen-led movements that can advocate for them. Restorative justice can support transitional justice in this way by helping to harness the power of the people to create the change they wish to see. The following points provide further explication of what this could look like in practice:

Corruption and economic and social rights violations as transitional justice concerns

The data here highlight how unaddressed past grievances create new ones while also further amplifying themselves into the present. Thus, seeking to resolve issues related to the return and reintegration of IS families and/or the installation of current security configurations in the target locations (new grievances) without also seeking to address issues related to corruption, marginalization, neglect, exclusion, and unrepresentative governance (previous and ongoing grievance) would be in contravention to the aims of both transitional justice and restorative justice to identify and address underlying social and political causes for violation and prevent them from occurring again – this is a risk that both key informants and community members have pointed out in this data and it conforms to the literature on the links between overt and covert corruption and the commission of atrocity crimes³¹⁴ as well as state corruption, neglect, and exclusion, and the worsening of social cohesion and inter-personal trust.³¹⁵

³¹⁴ UNHRC, *Joint study on the contribution of transitional justice to the prevention of gross violations*, para. 68.

³¹⁵ *Ibid.*; and Ritchie, "Individual Stress, Collective Trauma, and Social Capital."

Given this, it is important to note that large-scale corruption and violations of economic and social rights are increasingly being incorporated into transitional justice. The truth commissions in Kenya, Tunisia, and Gambia, for example, all had remit over investigating and detailing the extent of corruption, its impacts, and violations ensuing from it.³¹⁶ The difference between those contexts and Iraq is that in the former, the corruption and exclusion being examined were all part of past regimes or administrations, while the issues here is primarily coming from the current political system, established after the old regime fell in 2003 and entrenched to date. This makes seeking to address it particularly difficult but given how big a priority it is for all study participants and how they see it negatively impacting their lives and wider communities, it is necessary to include and strategize around in relation to just and equitable change.

“Framework approach” to transitional justice and prevention / non-repetition

While the priority grievances detailed here seem at the surface particularly intractable, key informants and community members alike recognize that there is space and need for multiple actors across society to engage with sustainable resolving and redressing them, and that penal sanction, while a priority, is also not solely able to bring durable change without other efforts and inclusion of more of the public. As such, key informants seem to recognize a “framework approach” to justice and prevention as described in a recent UN Human Rights Council study on transitional justice and atrocity prevention. This approach delineates that addressing root causes and guaranteeing non-repetition of violations involves three rubrics: government institutions (including constitutionalism, institutional reform, and security sector reform), a robust and representative civil society playing a wide role in helping steer public power and participation, and initiatives in the domain of culture and personal disposition to also change individual minds and norms on a broader scale.³¹⁷ Similarly, research across multiple transitional contexts found that when taking an inclusion and reform lens, transitional justice can contribute to prevention by addressing exclusion and related grievances at the level of individual victims; at the collective or group level; through facilitating a more inclusive rule of law; and making institutions more inclusive and less abusive.³¹⁸

This tracks with study data that describes, for example, not only the need for central government support and/or transformation for any governorate-level (or higher) change in terms of holding those most responsible to account and enacting reforms, but also roles for strong and independent journalism, monitoring and oversight of institutions and processes, and a population “trained” on citizenship rights and how to demand them within these efforts as well. The international community’s role is seen in helping to convene stakeholders for regular participatory meetings and workshops to discuss issues, leveraging their expertise, and applying pressure on the government.

Restorative justice may facilitate transitional justice and generate broader collective action in Iraq

The outcomes that the majority of study participants seek in relation to the priority grievances detailed here, criminal accountability and reform to prevent harm or violation from reoccurring, connect very directly to transitional justice. Furthermore, they indicate that these outcomes are most likely to stem from participatory community processes and dialogues involving all concerned parties and segments of the

³¹⁶ Ruben Carranza, *Truth, Accountability, and Asset Recovery: How Transitional Justice Can Fight Corruption* (New York: ICTJ, 2020).

³¹⁷ UNHRC, *Joint study on the contribution of transitional justice to the prevention of gross violations*, paras. 28-58, paras. 59-71, paras. 72-84.

³¹⁸ Roger Duthie, *Transitional Justice and Prevention: Summary Findings of Five Country Case Studies* (New York: ICTJ, 2021), 13.

community, in other words, from restorative justice settings. Criminal accountability may be restorative in such a setting because it allows the space for broader understanding of harm and wrongdoing and additional ways to heal from it. The process and concept of reform may be restorative as well as it could entail forms of truth-seeking as well as participatory mechanisms for their development, implementation, and monitoring and oversight, and in opening more civic space for debate and electoral participation. This seems to be how key informants indicate they see potential ways forward in relation to corruption, exclusion, marginalization, neglect, and unrepresentative governance and, to a certain extent the ways in which to address concerns linked to the presence and actions of current security configurations.

Regarding reintegration of alleged IS affiliated families, study participants and key informants in particular seem to similarly take a more participatory and broader view, seeking not only to restore residents and IS victims, but also those families who are eligible to return. This is line with emerging best practice regarding local peace agreements developed in Iraq for this purpose.³¹⁹ Improving implementation of existing agreements in this vein or initiating new ones will likely require significant dialogue efforts to eventually remove blockages and bring various parts of the community together. Regular and iterative engagement with stakeholders toward accountability and redress for this issue at a more localized level given the specificity of the IS conflict and dynamics across geographies may also potentially start laying the basis for how various actors can begin seeking avenues for mobilization for addressing the more structural issues related to exclusion, marginalization, and neglect, even amid an entrenched status quo. This study helps to further make clear that these latter concerns traverse all communities and districts in a governorate, and it may be possible to start “scaling up” restorative efforts to eventually cross district and perhaps even governorate lines.

A further case to be made for the utility of restorative justice within the Iraq transitional justice context is that the outcomes these communities want to see will take significant time to achieve, if they happen at all. Progress may be incremental at best to start with and likely face both setbacks and stagnation over time before there is space and resources for any kind of meaningful transitional justice mechanism (whether official or unofficial) to be developed and implemented. Restorative justice processes are well-suited to supporting the advancement of transitional justice in this kind of context precisely because they involve regular and iterative engagements with stakeholders over time and support space for the dealing with the non-linear nature of progress, the multiplicity of experiences of people have of harm and recovery, and how to address violation and wrongdoing at both smaller- and larger-scales in a community and society as a whole. These aspects of restorative justice should be capitalized upon in this context to manage expectations for change, offer ways to initiate and try out different strategies for accountability and redress over time as contexts and communities evolve with the aim of seeking to repair harm at each step, and build connections among stakeholders to be able to create wider networks and coalitions for collective action.

Movements before mechanisms

Restorative outcomes and positive social change take time and often require having to deal with setbacks or lack of progress while trying to push ahead with accountability and redress as noted above. The data here (and elsewhere in Iraq) show that there are consistently low levels of trust in formal, customary, and

³¹⁹ Parry and Aymerich, “Local Peace Agreements.”

informal institutions and in other community members, growing apathy regarding participation, and pessimism about prospects for justice, redress, and positive change to the status quo. It also confirms that people seek justice at this point for violations from the entrenched post-2003 status quo as well as that stemming from the IS conflict and its aftermath.

Any efforts toward restorative transitional justice will need to address these issues as well as begin to shift these negative views and, while managing expectations, slowly engender hope again. It is here that there may be space for intervention with respect to civil society's role in steering public power and participation and in the realm of culture and disposition change. The focus may need to be less on specific transitional justice mechanisms per se and more on movement building as a start to address topics of concern, particularly in the face of strong spoilers.

Robust and representative civil society is critical in justice, prevention, and change processes. Their contribution to these through advocacy, monitoring, reporting, education, conflict prevention and resolution and reconciliation initiatives, among others, is well-recognized. However, in the current context where focus is not only on human rights but on economic and social rights and freedom, it may be critical to not only rely on these methods and the so-called "old civil society" that privileges them, with the state and state institutions as their main frame of reference but to also cede some ground to or incorporate in so-called "new civil society" that insists on independence and autonomy from the state and whose horizontal and leaderless structure enable different kinds of mobilization, engagement, and collective action.³²⁰ This may be particularly useful in building citizen-led pluralistic, inclusive, and flexible coalitions and networks that can enable the in-depth community organizing and engagement needed to harness and direct public power.³²¹ Such efforts are critical now as it seems community members are retreating from public affairs and need to be drawn back in to it; the risk in not doing so is that civic space itself codifies around the "same faces" as the political one has already done. This may also open space and offer opportunities for individual change at a larger scale as well through, for example, bottom-up storytelling,³²² participatory theatre work geared toward enabling people to rehearse strategies for engagement on issues and scenarios for change,³²³ and other forms of local cultural production.

³²⁰ Zahra Ali, "From Recognition to Redistribution?"; and Paul Gready and Simon Robins, "Rethinking Civil Society and Transitional Justice: Lessons from Social Movements and 'New' Civil Society," *International Journal of Human Rights* 21, no. 7 (2017): 956-975.

³²¹ Gready and Robins, "Rethinking Civil Society."

³²² Ruba Ali Al-Hassani, "Storytelling: Restorative Approaches to Post-2003 Iraq Peacebuilding," *Journal of Intervention and Statebuilding* 15, no. 4 (2021): 510-527.

³²³ Nadia Siddiqui and Hjalmar Joffre-Eichhorn, "From Tears to Energy: Early Uses of Participatory Theater in Afghanistan," in *Transitional Justice, Culture, and Society: Beyond Outreach*, ed. Clara Ramirez-Barat (New York: Social Science Research Council, 2014), 369-394.

