

# كسر القوالب Breaking the mold

*#Breaking\_The\_Mold*

## Arab Civil Society Actors and their Quest to Influence Policy-Making

Country: Iraq

### The role of Civil Society Organizations in Protecting Cultural Heritage In Maysan Governorate

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#### COUNTRY'S GENERAL CONTEXT

Most of the key sectors were destroyed and significantly declined after the American occupation of Iraq in 2003, most notably the industrial and agricultural sectors after the infrastructure, factories, orchards, agricultural lands were damaged, devastated by corruption, and lacked competencies in the post-occupation governments. Although the Iraqi budget was a thousand billion dollars between 2004 and 2017, the country's poverty rate increased from 8 to 33%, and Iraq's debts reached 132 billion dollars in 2019 with an annual interest of 7 billion dollars.

Even if civil society and non-governmental organizations were absent before the occupation, they are now present, but far from working in protecting the world heritage and cultural heritage of the country.

In fact, there were no civil society organizations in Iraq before the occupation. The Law of Freedom of Assembly and Association of 1922 prohibited any meeting for which no official permission was issued. The content of the legislation published later during the monarchy and republican rule did not differ from its predecessors, while Law No. 13 was issued in 2000. The first law specializes in associations and contradicts the regime's arbitrary policy of restricting the freedom to establish associations and limiting their work to a very narrow scope.

On the eve of the occupation in 2003, Iraqi society did not know anything about the nature of civil society's work, which began with cautious and limited activities aimed at profit-making and mostly lacking credibility. The organizations' work agendas centered around aid and relief in the absence of environmental protection issues, cultural heritage, and water scarcity. No one disagrees that the occupying countries do not seek to protect the occupied peoples' cultural heritage but rather encourage this chaos in which they greatly contribute. The looting of the Iraq Museum in Baghdad in front of the American soldiers is proof of that.

In addition, the political parties had many active organizations prior to the elections to obtain more votes. It appeared in the first years after the occupation that the parties had confiscated civil society organizations and turned them into partisan fronts. Order No. 45, issued in 2003 by the Coalition Provisional Authority, stipulated linking organizations to the Iraqi Ministry of Planning as the authority responsible for granting licenses. Then Law No. 12 was issued in 2010, which annulled Bremer's previous decision, and required organizations to register again to formally link them to the Department of Civil society Organizations headed by the Council of Ministers.

The current law is devoid of any indication of the state's commitment to support or finance civil society organizations, making them lose their freedom and independence. Moreover, its recent establishment under the occupation and with direct financial support from it was another reason for offending its mission, as it was met with disaffection and accusations of treason at times, and with caution at other times, and civil society organizations are still seeking to prove their credibility after the crises of mistrust that surrounded their emergence.

## BACKGROUND OF THE SELECTED CASE

The present paper does not target academic research in the entirety of the world heritage in Maysan Governorate, nor research on the Convention's mechanisms concerned with its protection and preservation, rather, researching the role of civil society organizations in protecting and supporting world heritage in the governorate. The study will focus on in-depth interviews with actors in the local government and civil society organizations and analyze their data based on the results of the interviews and statistical data issued by the relevant government agencies.

Maysan governorate is located in the east of the country on the Iraqi-Iranian borders. Historians confirm its existence since the 2<sup>nd</sup> century BC, and there are more than 400 archaeological sites far from the city center, and only 67 barehanded guards protect it. The poverty rate in the governorate is 27%, while the illiteracy rate is 47%. The city is rich in oil, and its fertile land contains three million landmines that have not been removed since the Iran-Iraq war. The destruction of its ecological, environmental and cultural heritage has led to an increase in the unemployment rate to 14% and the poverty rate to 40% between 2007 and 2017, as its residents live on less than \$ 1.25 per day, even though the rate of oil production is more than half a million barrels/day.

According to the International Law Commission report issued in 2006, the world cultural heritage includes all museums, cultural institutions, historical buildings and archaeological sites, as well as an intangible cultural heritage that includes works of art in its broadest sense, while the 1972 World Cultural and Natural Heritage Convention stated that threatened animals and plants are part of the world cultural heritage. The cultural heritage in Maysan consists of 40% of the natural and cultural heritage and the intangible heritage found in the governorate's marshes, about 400 various archaeological sites, the heritage in the governorate museum, which is protected in a primitive way, in addition to the undiscovered heritage and monuments scattered throughout the city, which no governmental, individual or collective effort has been made to protect them, except for adding the marshes on the World Heritage List. In fact, the city that relies on hunting and agriculture lacks awareness of the importance of world heritage, which is the supreme expression of the historical and artistic value of archaeological properties and the legacies of great historical civilizations.

The failure in protecting the cultural heritage was obvious in the city before the occupation of the country and after regaining its sovereignty, and this was due to very complex basic problems, most notably:

- Many of the discovered Iraqi antiquities were not registered, and thus it was difficult to prove their ownership and claim them.
- Leaving undiscovered antiquities unexcavated, allowing them to be stolen and traded without evidence of ownership.
- The absence of the law's role and the failure to activate protection mechanisms according to international agreements and national legislation.
- Corruption and conflict over influence between the parties in power to control the archaeological and natural sites that float on the oil lakes.
- Lack of awareness at both governmental and grass-roots levels
- The absence of civil society organizations' effective role after the occupation of Iraq, and despite the presence of more than 2,600 organizations registered by the end of 2018, the number of organizations working in cultural heritage and the environment does not exceed four organizations only in all countries.



- The discouragement of the occupation forces or not providing support to protect cultural heritage, like relief and protection of human rights.

The global heritage of the governorate was not taken seriously, it was not included in the state's general policy, and it did not attract public attention until after the United Nations Environment Program alerted the international community about a disaster threatening the marshes and presented satellite images showing that 90% of the area has already dissipated. Experts expressed their fear that the marshland ecosystem will be completely destroyed within 3 or 5 years if urgent measures are not taken.

## PROBLEM'S TIMELINE

The problem of neglecting cultural heritage and attacking cultural property goes back to the era of the previous regime, but it worsened after the occupation and continued to deplete the cultural heritage. In fact, Maysan was a field of armed conflict during the Iran-Iraq War (1980-1988), and after Iraq occupied Kuwait, the end of the occupation by force, the collapse of the Iraqi army, and the outbreak of the revolution against the regime, the flow of the Tigris and Euphrates rivers were diverted away from the marshes to dry them out and deny the regime's supporters a safe haven. By 2000, 90% of the marshes had disappeared and dried up.

After the occupation in 2003, the antiquities of Iraq were looted and destroyed by thieves, who benefited from the market value of artifacts created by one of the most ancient civilizations in the world. After the end of the occupation and the Iraqi government taking over the administration of the country, the religious parties controlling the government since 2004 added the marshes and undiscovered archaeological areas to the areas of conflict over resources, as a result of attracting the attention of tourists, and the government allocated about 50 million dollars to revive them.

## ROLE AND PARTICIPATION OF CIVIL SOCIETY REPRESENTATIVES IN THE CASE

Civil society organizations did not have a role in Iraq before and after the occupation, and the cultural heritage was outside their interests. Among the 66 civil society organizations operating in Maysan governorate, there was only one organization specialized in cultural heritage and the marshes specifically, and 4 at the level of Iraq. Practically, the effective role was limited to restoring some of these sites' values in international organizations and some supportive and interested countries that provided financial support and expertise.

Moreover, activists, academics and some civil society organizations supported the marshes' nomination to join the World Heritage List through social media, and some worked with international organizations to gain experience and voluntarily promoted to visit them after voting on them as part of the global natural and cultural heritage.

### STRATEGIES AND TACTICS FOR FRAMING THE PROBLEM.

There was no clear plan of action and methodology for the civil society organizations' actors, and they also did not have the experiences that would qualify them to work in this field, thus influencing the public policy.

### INFLUENTIAL FACTORS AND THE TRANSFORMATIONAL MOMENT

International support, national and grass-roots efforts, and media mobilization on communication sites greatly supported the inclusion of the marshes in the World Heritage List. The vote in favor of Iraq in the UNESCO decision on 7/17/2016 constituted an important turning point and an international recognition of Iraq's cultural and natural value after it lost its features for decades. Civil society organizations had a shy media role in this, unlike academics, specialists and media professionals who spread knowledge and pooled efforts to accomplish this achievement.

The inclusion of the marshes in the World Heritage List with the support of the government was supposed to lead to the admission of civil society organizations in the scope of protection and knowledge dissemination due to their easy access to the local community and cooperation to achieve common goals, however, the rural community remained isolated despite being the main actor in protecting the marshes, which might have been better if civil society organizations were involved.

Furthermore, governmental problems in dealing with civil society organizations, especially in economic issues, as the work of the civil society organizations committee did not go beyond support for human rights due to easy access to community support for this, while the protection of cultural heritage was absent from its agenda. As for the Antiquities and Marsh Revitalization Committee, it was hindered by the lack of funding to cooperate with the organizations and support their plans, and by the conflict between the parties in the local government to control this area, which led to the stop of improvement, development, and exploration of the marshes. According to the committee, this is due to the "dictatorship" of the governor and his desire to accomplish all matters through him, while the governor is afraid of exploiting these areas for the benefit of the parties in the provincial council, represented by the Antiquities and Marsh Revitalization Committee, which prompted him to take strict measures to protect these areas and prevent entry to them without his personal consent.<sup>1</sup>

### POLITICAL RESULTS

Efforts to protect and develop the marshes lacked planning, organization and follow-up, after the success in listing these sites on the World Cultural Heritage list, apparent government neglect returned, and once government funding was stopped to support the marshes, the efforts of civil society organizations related to providing support, spreading awareness, and actively participating in protection and decision-making faded. Meanwhile, civil society organizations' recent experience and their lack of strategic vision and experience constituted an obstacle to obtaining external funding. The absence of a partisan majority in the provincial council and the struggle over resources between the ruling parties

halted the area's development. It rejected offers to explore the archaeological hills by explorers and investors. The absence of a partisan majority in the provincial council and the struggle over resources between the ruling parties halted the development of the area and rejected offers to explore the archaeological hills by explorers and investors<sup>2</sup>. Consequently, Maysan did not benefit from its heritage and natural sites after entering the UNESCO list. Even the simple attempts of interested civil society organizations did not lead to results due to corruption and mismanagement.<sup>3</sup>

### CONCLUSION

In conclusion, the lessons learned can be referred to as follows:

- It seems that the cultural heritage in Iraq is permissible in all its forms, and civil society organizations do not exist or are not interested in this field, while citizens are completely unaware due to the poverty, unemployment and illiteracy that swept the society after the occupation, and this situation includes other Iraqi governorates to varying degrees.
- The temporary occupation authorities in Iraq allowed the establishment and finance of civil society organizations without a clear methodology, which led to widespread corruption in many of them and their interest in searching for funding opportunities before setting the goal based on society's needs.
- The exploitation of religion plays a vital role in forming civil society organizations, and it does not interfere in issues of protecting cultural heritage unless it has good inputs. Hence, its distance at that stage was much better than its intervention.
- Despite the scarcity of civil society organizations concerned with protecting cultural heritage and the environment in Iraq, the occupying countries did not provide any financial support to them, like human rights protection organizations, and the Iraqi government followed the same path of ignoring and discouraging these organizations.
- We do not forget the impact of wars on societies, especially since a society that faces the threat of survival daily cannot pay attention to civilization and cultural heritage in light of fear, poverty and insecurity. Perhaps this is the main reason for the decline in civil society organizations' interest in protecting the cultural and civilizational heritage in Iraq after the occupation.

To sum up, the monuments of Maysan governorate are not protected and are not subject to an effective monitoring system, as corruption hinders the implementation of the provisions of the law, both for the violators of the authority members and the citizens outside the law, whereas, civil society organizations do not have the ability, even if they are provided with awareness and funding, to face the duplication of corruption and power in the country.

<sup>1</sup> A field interview with the head and members of the Committee for the Revitalization of the Marshlands in Maysan on December 2018, 19.

<sup>2</sup> Based on the field interview conducted with the few organizations concerned with the field of environmental protection, marshes, and cultural heritage in Maysan, where they made offers from specialized international organizations, but they were rejected by the local government.

<sup>3</sup> This conclusion was reached after conducting field interviews with several civil society organizations active in Maysan governorate, and an interview with the head of the committee of civil society organizations in the governorate on December, 20 2018.

## BREAKING THE MOLD PROJECT

*In mid-2018, the "Civil Society Actors and Policymaking in the Arab World" program at IFI, with the support of Open Society Foundations, launched the second round of its extended research project "Arab Civil Society Actors and their Quest to Influence Policy-Making". This project mapped and analyzed the attempts of Arab civil society, in all its orientations, structures, and differences, to influence public policy across a variety of domains. This research produced 92 case studies outlining the role of civil society in impacting political, social, economic, gender, educational, health-related, and environmental policies in ten Arab countries: Lebanon, Syria, Palestine, Jordan, Egypt, Morocco, Tunisia, Yemen, and the Arab Gulf.*

*Over two dozen researchers and research groups from the above countries participated in this project, which was conducted over a year and a half. The results were reviewed by an advisory committee for methodology to ensure alignment with the project's goals, and were presented by the researchers in various themed sessions over the course of the two days.*

## THE CIVIL SOCIETY ACTORS AND POLICY-MAKING PROGRAM

*at the Issam Fares Institute for Public Policy and International Affairs at AUB, examines the role that civil society actors play in shaping and making policy. Specifically, the program focuses on the following aspects: how civil society actors organize themselves into advocacy coalitions; how policy networks are formed to influence policy processes and outcomes; and how policy research institutes contribute their research into policy. The program also explores the media's expanding role, which some claim has catalyzed the Uprisings throughout the region.*


## THE ISSAM FARES INSTITUTE FOR PUBLIC POLICY AND INTERNATIONAL AFFAIRS AT THE AMERICAN UNIVERSITY OF BEIRUT

*The Issam Fares Institute for Public Policy and International Affairs at the American University of Beirut (AUB Policy Institute) is an independent, research-based, policy-oriented institute. Inaugurated in 2006, the Institute aims to harness, develop, and initiate policy relevant research in the Arab region. We are committed to expanding and deepening policy-relevant knowledge production in and about the Arab region; and to creating a space for the interdisciplinary exchange of ideas among researchers, civil society and policy-makers.*


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