

# Political Causes of Corruption in Iraq

Saad Sahi Abbas<sup>1,\*</sup>, Norafidah Binti Ismail<sup>2</sup>

<sup>1</sup>School of International Studies, College of Law, Government and International Studies, Universiti Utara Malaysia,  
Ministry of Education, Republic of Iraq.

<sup>2</sup>School of International Studies, College of Law  
Government and International Studies, Universiti Utara Malaysia

\*Corresponding author's email: [saadsahi61 \[AT\] yahoo.com](mailto:saadsahi61@yaho.com)

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**ABSTRACT---** *Corruption has political, economic, social, and cultural reasons, but political reason remains the point of spreading corruption. This article examines the political causes of corruption in Iraq after the changing of Saddam's regime by American occupation. The corruption that has now become endemic has served not only to undermine reform and reconstruction efforts while simultaneously accomplishing the embezzlement of billions of dollars that left the Iraqi people exposed to a wide array of harms on all sectors of the country's political, economic and social. The qualitative technique through interview and observation was duly adopted as the methods for data collection, whereby manual analysis was employed to present the result obtained from the field. The data collected by interviews with two groups (Iraqi members of the parliament and academicians in political science discipline) that focused on detecting the political causes of corruption in Iraq. The study revealed many political causes of corruption in Iraq after 2003. Also, indicate that corruption is both a recurrent experience and a major concern in the daily life of the citizens of Iraq. Corruption has played a significant role in the devastation of Iraqi society and citizens' lives. It renders true democracy impossible. It fosters government impunity, uses threats and violence, violations of human rights. The paper recommends to the application of laws and compliance with the contents of the Iraqi constitution and the adoption of the principle of separation of powers, that good governance, and democratic principle should put in place to address the menace of corruption and maladministration in Iraq.*

**Keywords---** Corruption, Political Causes, Iraqi Government, Strategies for Fighting Grafts

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## 1. INTRODUCTION

In most underdeveloped countries, corruption has hindered their efforts to cope with changing international circumstances and positively adapting to the related pressures. The failure of combating corruption has led to distortions on infrastructural facilities and weakened the management of economic reform processes that consequently prevents a country to attain sustainable growth and development. Thus, instead of administering the nation's wealth towards development services, revenues have been embezzled and stolen. Thus, developmental efforts have been forfeited by internal decision-makers in Iraqi power, which were misappropriating its vast resources (Shkolnikov & Wilson, 2009, p. 30).

Corruption in Iraq is dynamic due to the absence of an effective anti-corruption drive; it tends to worsen over time. Corrupt officials are motivated to increase the inclusiveness and complexity of laws, maintain monopolies, and otherwise restrict legal, economic or social activities to be able to extract even larger bribes or favors in the future (Sawaan, 2012). Perhaps the most damaging aspect of corruption is that it increases the level of uncertainty and forces individuals and organizations to expand a great deal of effort in attempts to reduce this uncertainty. Investors have to worry not only about changing market conditions but also whether various unknown officials in Baghdad will seek to block their investment in order to extract additional bribes.

According to Stucke, (2013, p. 167) that accurate measurement of the level of corruption in any country is facing many difficulties and sometimes it is impossible task, especially in a country like Iraq, which is classified one of the most corrupt countries in the world. Because most of those involved in corruption, such as government officials are trying to hide the facts, fear of accusations and in order not to be held accountable. Although it cannot estimate the magnitude of the corruption, but at least the perceptions of corruption give an idea of the problem connected with political system.

Every positive or negative phenomenon had some reasons, these reasons vary in type and extent of their impact, corruption as a negative phenomenon had reasons. In fact, the causes of corruption in Iraq should be taken into a set of facts comes in the forefront of the political system which practiced corruption, the nature of the domestic and

international relations, the level of economic growth, social and political actors and the level of political and social awareness in the country. Social heritage and customs and traditions, which is characterized by the environment of political officials, help in influencing in the formulation of their political performance and the state bureaucracy. This study is an attempt to identify the political causes of corruption in Iraq.

## **2. METHODOLOGY**

This article adopted a qualitative research technique with in-depth interview method to seek information from the key informants. In this article interview method was duly adopted to avail the data on political causes of corruption in Iraq. In this respect, informants were been engage in the in-depth interview to ascertain their views and perceptions of the members of the Iraqi's (four) Parliament members and the members of the Academics (four members). The data was transcribed, coded and analyzed manually to understand their perception and to support it with the previous studies for better comprehension of the situation.

## **3. POLITICAL CAUSES CORRUPTION**

The change in political system experienced in 2003 by Iraqi people is the outcome of the US military intervention. Consequently, the country began experience apolitical, security and administrative instability that lasted till 2005 when the Iraqis voted on under the guidelines of a national constitution. The Iraqi constitution is characterized by pluralism and a democratic system consisting of three arms of government namely the legislative, executive and judiciary. The three arms of government are responsible for all aspects of governance in the country. While the legislative arm of the government (parliament) exercises the function of legislation, the executive arm of the government (the presidency and the council of ministers) plays a role on implementation and execution of government decisions and policies, and the judiciary, being the third arm of government (the courts) are responsible for all aspects of adjudication and administration of justice within judicial legal system of the state (Mahdy, 2016, p. 5).

The 2003 US intervention in Iraq political system aimed in implementing democracy in the country. The purpose was to ensure a political system of power sharing that recognizes all the major ethnics/religious groups of Iraqi society by haven them represented in the political positions. Although the inclusiveness system of government perhaps, from the US perspectives aims to strengthen and guarantees the success of the political system in Iraq, its implementation was however a system known as quota system under the pretext of power sharing. This trend occurred due to religious sects and ethnic dichotomy in Iraq (Shite, Sunnis and Kurds). The inclusive system of government ensures the participations of the ethno- religious sects in the political governance, and enhance partnership among them through sharing the political positions (Cordesman & Khazai, 2014, p. 9). Conversely, the quota system that was implemented has encouraged personalization of public office, nepotism, cronyism, favoritism, and "wasta". Consequently, this political system has significantly contributed to the high levels of corrupt practices in the country. In other words, the political system has stem based on sectarian quotas, whereby the politicians do not focus on working for the interests of their communities, but rather for their sects.

Political related corruption is very serious issue compared to other types of corruptions. It is evident that and can be argued that in the context of Iraq political system, democratic system of government is synonymous with autocratic power. This is so, because, they use power to achieve their personal interest differs from the purpose for which that power was granted. For example, the government officials do not respect the rule of law. They were complied with the extant laws provided in the constitution as well they are not prompt to act on public interest, but achieving their private interest (Jain, 2001, p. 73).

Memberships of political parties are based on ethnic, religious or even ideology. They promote democracy just by pronouncing the slogans but never apply or believe in democracy. Indeed, the parties' positions are not base on educational attainment it rather base on its member's principles, ideas and objectives of the party. The most important aspect to the party is a complete loyalty to the party and preference for party's interest over the general interests of the country. These parties are known for various corrupt practices such as favoritism, bribery, extortion and exert influence, fraud and nepotism. These practices prevent them from playing the role they are supposed to play as government officials. Thus, the government contributes to the corruption of these parties and their leaders by providing them some of the moral and material gains, which makes them prefer personal interests over the supreme interest of the state. This unfortunate situation has led to political reasons for the high spread of corruption in Iraq.

## **4. REASONS RELATED TO THE LEGISLATIVE POWER**

The legislative arm of government represents the Iraqi parliament and constitute the Council of Representatives only. The total elected members into this council is 325 members for a term of four years. The first paragraph of Article 49 of the Iraqi constitution regarding the composition the Council of Representatives states that "The Council of Representatives shall consist of several members, at a ratio of one seat per 100,000 Iraqi persons representing the entire Iraqi people. It further states that they shall be elected through a direct secret general ballot. In addition, the representation of all components of the people shall be upheld in it" (Constitution of the Republic of Iraq, 2005). Any

Parliament that is formed through the electoral process and subsequently election of members by the people will possess a governmental authority. The terms of reference of the Council of Representatives as spelt out in Article 61 comprises enacting federal laws, monitoring the performance of the executive authority, electing the President of the Republic, approving the appointment of the President and members of the Federal Court of Cassation, the Chief Public Prosecutor, and the President of Judicial Oversight Commission. In addition, the council is bestowed with the authority to question the President of Iraq, should there be any petition upheld by absolute majority of the council members (Constitution of the Republic of Iraq, 2005).

The Iraq 2003 change of government led to the formation of the country's first parliament. However, the parliament was however being based on quota system and stem towards partisan, sectarian and ethnicity. The new government in Iraq then constitutes within sectarian and ethnic group (Sunni, Shiite, and Kurd) and have shared power among them. Council of Representatives members were chosen based on the size of the sect. Hence, the largest size has a larger representation in the parliament and the Council founder was based on sectarian quotas. Evidently, sectarian loyalties are the main engine driving of the Iraqi political arena compared to national loyalties (Visser, 2007). The sectarian quotas have weakened the performance of the Iraqi parliament. This is because most of the parliament members are from the same shared parties in the executive power and this has resulted to the weakness in checking the members of the executive power. The Parliament does not have the power to checkmate the affairs of the executives and hold them accountable when they are charged with any corruption related offences.

Iraq's parliament can be blamed for the corruption and lack of efficient as well as effective services and other setbacks in the country ranging from terrorism, violence, racist and sectarianism in the country. This is because the Parliament has authority over the government and the Prime Minister, the President and his deputies, but alas they are not doing their duties (Albadry, & Abdullah, 2014, p. 2).

In the context, Member of the Parliament (A) (Interview, August 20, 2016) argued that the corruption started from that most members of parliament that was been elected not on competency and professional ethics but for sectarian and political interest. They acquired powers without any unified vision towards addressing key issues of the country, they strive in the hopes, ambition and endeavor in the acquisition and domination of power. That created a state of conflict of interests, wills, differing goals and attitudes towards most of the issues on the political scene. He adds that bickering and confrontations between members of parliament make some parties to attack and accuse others of trying to control power and singling out its decisions. For example, the legislation of any law requires a quorum to approve, differences and disputes between the political parties and the failure to reach consensus among the members of the Council of Representatives lead to the obvious weakness of the parliamentary performance. (Member of the Integrity Committee in the Iraqi Parliament).

In the detection of the most important political causes of corruption in Iraq, Member of Academic (1) (Interview, October 7, 2016) attributed that the causes of corruption in Iraq is due to the weakness of government oversight and the weakness of the role played by the Iraqi Council of Representatives in the control of state institutions. The absence of parliament's oversight role over the executive has led to the widespread corruption in the country. He added that parliamentary oversight aims to diagnose defects and shortcomings in the work of the government and oversight lead to reduce the extent of corruption and then held accountable for negligence. But the members of Parliament have become protective shield defending corruption and corrupt by the absence of an oversight role and thus exacerbate the spread of corruption to other areas (Professor of Political Science in AL-Mustansiriya University).

In the same context, Member of Parliament (B) (Interview, August 20, 2016) stated that one of the main reasons for the spread of corruption in Iraq is due to the electoral behavior of some parties and blocs. Elections have not exercised in an atmosphere of freedom, democracy, political and social stability. She adds that in Iraq the engaged incompetent persons to the Council of Representatives through election. Unfortunately, the electoral behavior of some blocs via corrupt electoral bribery that occurs when the candidate pays for voters, some parties and blocs pay money and offer gifts to the people to get the most number of supporters by buying more electoral votes. Electoral corruption via bribery buying vote that they deviate from being an opinion of the voters to choose. In contrast, when the parties pay electoral bribery to reach the parliament it is natural that the members of parliament would became corrupt in their transactions and loots the public treasury to compensate what they have spent during electoral campaign (Member of the Finance Committee in the Iraqi Parliament).

## **5. REASONS RELATED TO EXECUTIVE POWER**

The Executive is one of the three arms of Iraqi government responsible for implementing the policies and rules of law that has been enacted by the legislative and executive arms of government. As stated in Article 66 of Iraqi constitution, the President and council of ministers' make up the executive arm of government. While the presidency is made of the president and vice President, Article 70 Iraqi constitution states that the council of representatives and president shall be contested and elected by vote. The president shall come from the party that has two-third majority of council of representatives. Regarding the position of vice president, Article 69 provides the selection of one or more vice President

to assist the President (Constitution of the Republic of Iraq, 2005). One of the main factor hindering the council of ministers, executive arm or political parties from effective performance in their work is partisan affiliation. They are largely influence by their heads of parties. This has been one of the factor negatively affecting the executive performance of Council of Ministers as well as the member of the Council to be below expectation in terms initiative and insights; and so, impacting on the performance of the Cabinet that is based on partisan cohesion. Ministers that are nominated are known to oblige to the directives of the parties' leader, thereby fulfil the parties and personal interest at the expense of the national interest.

The corrupt practices among the politicians in Iraq has led to unbalanced financial allocation across the country. Rather than focusing on developmental projects, fund is disbursed on unproductive sector of the economy such as acquisition of military equipment and weapons or even embezzle the money by depositing directly into personal accounts. These are possible due to absence of a reputable and effective monitoring and control system. Furthermore, money is spent on constructing irrelevant recreational projects such as sidewalks, parks and gardens and other irrelevant spending at the expense of people welfare and provision of social amenities such electricity and water supply. Consequently, Iraqi has lost the opportunity to embark on developmental projects. This so because the policy makers focus on implementing project and award of contracts to unqualified companies in addition to provision of loan or grants to enable them. In addition to misappropriation of funds, the high-ranking political office holders use their portfolio and power to divert public projects to their own advantage by awarding contracts to companies owned by their relatives or close friends (Sawaan, 2012)

Member of the Parliament (C) (Interview, September 22, 2016) stated that the political cause of corruption is bad or incompetent selection of elite, which represents the executive branch of ministers and officials. Weakness in the selection of government officials in public administration is the great mistake in the process of administration of these institutions, because the official is the tool that the government depends in the implementation of the state policies and programs. The principle of power-sharing in Iraq created by the parties considered to push people who do not have the competence or experience and are not qualified to manage state institutions. Most parties in Iraqi power struggle to get for important government positions at the same time looking for a weak unprofessional person. He adds that the nomination of a specific person by the party for any position to be a party tool, through which they can pass deals and projects for the leaders of his party. The important thing, in this case, is the size of the gains that will be achieved by the official to his party and its ability to achieve all demands by his party. The political parties unfortunately, deals with positions as a way for generating profit and special interests and not for the sake of public interest (Member of the Oil and Energy Committee in the Iraqi Parliament).

In the context of this topic, Member of the Parliament (D) (Interview, September 22, 2016) pointed that the executive power has practiced great corruption in Iraq through their job in government institutions. The minister, who held the post in any ministry begin to practice procedures that enable him to get more privileges and to his party. The government official work to collect the largest amount of money, for example, any ministry is responsible for a distribution of projects and to conclude contracts with the implementing companies for projects whereupon the extradition of these projects to the Party's companies, to which belongs the minister. The minister nominated by the party to the position, as opposed to ensure the party's privileges such as taking a percentage of the funds from the ministry projects. On the other hand, the government official follows the style of obstruction contracts deal with the companies for their blackmail and get a percentage of the funds for the projects (The Head of the Integrity Committee in the Iraqi Parliament).

On the other hand, Member of Academic (2) (Interview, October 7, 2016) pointed to an important issue which is the sale of positions and the appointment of forged certificates holders in the state. That the heads of political blocs sell ministerial positions and buy and they are bargains on some of the ministries in exchange for the implementation of some of the demands for them. The haggling between the parties and blocs in selling administrative positions as well as military positions, pushing officials to engage in corrupt practices. When there was no link between appointed to a government position and between the subject of the efficiency, competence, experience and qualifications ,that the individual and the mood is ruling instead of science and experience, and chaos is prevailing instead of the system likewise, officials working on the replacement of managers at the ministry and the institution which appoints each new official , and seeks for the appointment of supporters of the party and head of its mass, and appoints his relatives and supporters in this case will control of all joints of the institution and protects the process of the practice of corruption and theft, without accountability (Professor of Political Science in AL-Mustansiriya University).

## **6. REASONS RELATED TO JUDICIARY POWER**

The arm of government having the highest authority in Iraq is the judiciary. The main task of the judiciary is ensuring justice in the country, applying and interpreting the laws as well as protecting the right and freedom of citizens. Unlike the other two arms of government, the judiciary does not depend on other authorities in carrying out its functions. This was designed to enable the judiciary function effectively in achieving equity, justice and rule of law. As provided in Article 87 of Iraqi constitution, the judiciary is an independent body among arms of government. This is because one of the major organ that guarantees civil society to enjoy freedom is independent judiciary to oversee the legislative and

executive arms of government. There are various hierarchy of courts and each has its own power as provided in Iraqi constitution. (Constitution of the Republic of Iraq, 2005). Fagan and Sircar (2015) stated, the independence status of the judiciary as an institution aims at providing the judiciary to perform administrative, financial and decision-making. The provision independence of the judiciary is to enable Judicial Council to manage the affairs of justice and the affairs of the judges such as appointing, transfer and removing without interference from the executive or legislative authorities (Gunter, 2013).

The judiciary is capable and has the authority to deter crime and achieve justice, if it effectively utilizes the powers bestowed it and counter the influence of the executive and legislative power. Ironically, this is not happening because the judiciary arm of government in Iraq together with the executive arm have legitimize the crimes of corruption and corrupt practices such as the interpretation of the constitutional legislations in favour of the ruling party. Unethical behaviours, politics towards corruption has impede on the effectiveness and application the law. An independent judiciary that can effectively combat corruption should able to overcome any political influence or pressure and should be built on transparency. The separation of the judiciary from the other two arms of government should provide a confidence in dealing with any case of serious enough to require a proceeding in a court of law by a competent, independent and impartial judge (Luther, 2008).

Agator (2013) attested to the role played by judicial authorities in increasing corruption rather than stopping it by colliding with corrupt and not care to be held accountable for wasting and embezzling public money using all sorts of corrupt practices. Sectarian and political quota system has contributed to not having an independent judiciary in Iraq despite all the judiciary power bestowed on them. The culprit of corruption is those holding senior positions in the government and have the means to protect themselves. There are judges but cannot perform their duties properly (Dodge, 2012).

In addition, the weakness in the judicial authority leads to the weakness in the judicial laws that gave way to corruption in state institutions. This is so because there is no strong punishment that will discourage corrupt practices. For example, when a corrupt person steals billions of dollars and jailed for five years, he will have the opportunity of having access to the stolen money upon finishing the jail term. The forms of corruption in the judicial system are bribery, nepotism and manipulation of decisions by politicians (Pring, 2015).

Member of Academic (3) (Interview, November 2, 2016) hinted that the lack of laws to fight corruption, and laws that restrict freedom for senior officials to act with public money. In fact, lack of laws leads to embezzlement of public funds and taking commissions, bribery and collusion with corrupt officials, as well as lack of a special anti-corruption law, but there are separate provisions in some laws. Legal provisions are not applied properly or it applied selectively because they undergo the judiciary under political pressures levels. This makes the judiciary to become weak in its role as an independent body, which cannot control the activities of the executives. This is what we observe now in Iraq, while the appointment of judiciary members by political elites has deter the administration of justices due to engaging the bad incompetent hands into the system. He further argued that leniency for some, routine procedures and complex with others and some other illegal practices by some jurists has also intimidate the system. (Professor of Political Science in Nahrain University).

Commenting on an issue of political causes corruption in Iraq Member of Academic (4) (Interview, November 2, 2016), said that the non-application of the law inevitably leads to corruption if the law applies to everyone without exception that the corruption does not happen. Indeed, the application of the law is on the whole community as authority and individuals, but the lack of universal application may lead to corruption. For example, the police officer did not apply the law, then not held accountable for the abuse, the judge may easily temper justice with mercy or to favor someone, as well as the administrative officer of his dealings with his subordinates outside the law. In fact, lack of application of the law has affect the administration of justice and justice system. Non-application of the law is linked with lack of surveillance if there were an effective oversight that the law does not downtime. On the contrary, loyalty to a political party or partisan to the homeland leads to the non-application of the law and aligned to the party, submission the special interest over the public interest (Professor of Political Science in Nahrain University).

Member of the Parliament (E) (Interview, September 20, 2016) hinted that the key issues is the principle of separation of powers. In most developed countries and democracy there are an independence of the judiciary about the work of political system that gives wider effectiveness dimensions to the government or to the political system. The principle of independence of the judiciary is essential and important significance derives from the existence of an independent judiciary and fair, exercised its work in a fair and it has a deterrent authority apply overall of society without discrimination. He added that unfortunately in Iraq there is no independence of the judiciary although that the Iraqi constitution stressed the principle of the independence of the judiciary. For example, judgments issued by the judiciary would not be implemented unless with the approval of the Minister of Justice, who is a member of the executive power. Sectarian and political quotas that have been applied in the country and reflected their effects on all state institutions even the judiciary power, corrupt officials have been protected from the rule of law in the exercise of their deeds corrupt (The head of the legal committee in the Iraqi parliament).

## 7. CONCLUSION

Political causes have a key role in the spread of corruption in Iraq. This became clear after the data analysis of the interviews where results showed a high rate of political causes in spread corruption in Iraq. But the reality is that different indicators, in Iraq, the executive power is dominant and dominated by the political elites and other authorities. Interference between the three authorities and lack of balance between them, couple with the lack of independence of the judiciary, which is one of the main causes of systemic corruption in Iraq. The prime minister has hegemonic power in the country, he is from the same largest party in the parliament, usually, occurs overlap between the party and the state and turn the affairs of the state based on the interest of his political party the dominance of the executive branch that has the strongest influence over the other powers and marginalizes their functions, where it narrowed and wasted barricades and the border between the ruling party and authorities. Attempts by the executive power to limit from the legislative power and the judiciary power to its advantage, thus weakening the control of the authorities on each other. As well as the executive power took control of the media, which contributes to mislead the public opinion.

The paper recommends that, the Iraqi constitution and the provisions of the laws should be implemented correctly. The three powers (legislature, executive, judiciary) Pillars of the national integrity system because of its the great potential in the face of corruption, but this can only be achieved by respecting the principle of balanced and separation of the three powers. Anti-corruption under the principle of separation of powers of the most important trends that subject to the rule of law in a democratic society. In addition, that the good governance shall put in place to address the menace of corrupt practices in both public and private sector management in Iraq. Therefore, justice, equity, rule of law, separations of power and democratization are the cardinal elements to be entrenched to move out from all these sagas of corruption to development in Iraq.

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