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## **Sectarianism and Sectarianisation in Iraq: Ambassadorial Appointments as an Exemplar**

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*Sectarianisation of Iraq's governance has already become a powerful driver of conflict. Left unaddressed, it can become irreversible. Here, ambassadorial appointments are used to underline the depth of sectarian divisions within the legislative and executive institutions, and*

### **Introduction**

Despite on-going attempts, dozens of ambassadorial positions still remain vacant for more than a decade within Iraq's Ministry of Foreign Affairs (MFA). Reasons for the failure to fill these critical posts include many, ranging from administrative, legal and political barriers to poor quality of candidates and the MFA's inability to validate the candidates' suitability to represent their country internationally. However, like all other senior government appointments, the biggest barrier for progress relates to disagreements among political and institutional leaders over the exact apportionment of the ambassadorial positions along ethno-sectarian lines.

It is no secret that Iraq's politics and governance are highly sectarianised, and sectarian apportionment (*Muhasasa Altaifiya*) is increasingly institutionalised. Obviously, this practice is benefiting a minority at the expense of the state and the majority of Iraqis. It has been most detrimental to the functionality of the state institutions and the quality performance expected from professional leaders, more so since many challenges facing Iraq are intertwined and complicated. This phenomenon has already become a powerful driver of conflict and, if left unaddressed, can reach the point of no return.

In this report, ambassadorial appointments are used as a case study to illustrate the depth of sectarianisation of Iraq's legislative and executive institutions. The legal, political and historic aspects of the appointment process are analysed and key policy recommendations are presented to policy- and decision-makers.

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## The Law

Article 61 (5<sup>th</sup>- B) of the 2005 Constitution stipulates that the Council of Representatives (CoR) “shall be competent” in approving the appointment of Ambassadors, based on a proposal from the Council of Ministers (the Cabinet). Article 80-5<sup>th</sup> stipulates that the Cabinet shall exercise the power of recommending ambassadorial candidates to the CoR. These constitutional Articles are regulated by the Foreign Service Law No. 45 of 2008, which stipulates (in Article 9) that appointments are by presidential decrees following recommendations by the MFA via the Cabinet and endorsement of the CoR.

Exceptions outside the mechanism outlined in the Law for appointing new Ambassadors, are permitted for up to 25% of the total, based on recommendations. This route is otherwise known as ‘political appointment’. The ratio of political appointees to career diplomats can vary, as deemed appropriate, as long as it does not exceed 25%.

Irrespective of the route of appointment, all Ambassadors must be Iraqi citizens, older than 35 years of age, hold basic University degrees, have professional experience and be known for their integrity and capability. They must also demonstrate good command of one of the international languages (Law 45 of 2008).

## Appointment in Batches

According to MFA officials (and the recent years’ budgets), there are 115 ambassadorial positions in total, including 82 international missions and 26 senior ambassadorial positions within the Ministry. The latter includes up to 22 Directors and 4 Deputy Ministers. Since the regime change in 2003, ambassadorial appointments have been carried out in batches. The first predates the Constitution when 49 Ambassadors were appointed by the MFA on 20 July 2004 [1]. They were largely political appointees with variable backgrounds. Only a minority met existing criteria for the post, hence the significant variation in their personal qualities.

The second batch of 57 Ambassadors were appointed on 3 September 2009, after Law No. 45 of 2008 was ratified [2]. Another four Ambassadors were subsequently appointed on 17 January, 2010. Again, it was not easy to differentiate between career diplomats and political appointees in this batch. Due process was followed but as a mere formality, while Muhasasa played a decisive role. Virtually all candidates were affiliated to, and/or nominated by, the main political parties, the majority (>90%) were not from MFA but imposed on the Ministry from the political landscape. Consequently, the MFA faced numerous challenges, including ineffectiveness, crises and even some scandals from some under-performing Ambassadors. Even successive Ministers of MFA have openly complained about poor performance of many ambassadors, for which they blamed the inadequate process of selection and appointment [3]. That said, a few exceptional ambassadors have proven their ability to perform under difficult conditions.

The process for appointing a third batch started almost six years ago and has not been accomplished to date. In 2017, the then Foreign Minister (FM) Ibrahim Al-Jafari submitted the name of 28 candidates to the CoR for approval, but half of these were swiftly rejected prior to formal voting. The Minister was criticised for being too subjective in his selection of candidates, both on personal and political levels, and some of the candidates were of proven involvement in corruption [4,5]. Nonetheless, the list of candidates remained in the CoR and in 2019, during the term of Mohammed Ali Hakim, calls were renewed to fill the vacancies. Ironically, since early 2010 only one candidate, Mohammed Jafar Al-Sadir (the son of Grand Ayatollah Mohammed Baqir Al-Sadir) was put to vote in April 2019 and appointed on 9 May 2019 [6]. He was a political appointment, sent to London as Iraqi representative without much in-house training or verification of his command of the English language.

## **The latest Batch**

In 2021, a new round of applications was initiated and two dedicated appointment committees were formed. The first was convened by the Prime Minister (PM) and consisted of the FM (Chair), the PM's Chief of Staff, the Director of the legal department at Secretariat General of the Council of Ministers, chairman of the CoR's Foreign Relations Committee and the Deputy FM for Bilateral Relations. The second Committee was convened by the FM to process the MFA's internal candidates (approximately over 200 in total) for the Career Diplomatic route. This Committee was chaired by the Minister himself, with the membership of his four deputies and Chief of Staff.

In total, just under 100 politically sponsored applications were interviewed by the first committee. Applicants were ranked based on personal criteria. These included the candidates' qualifications, experience, achievement, leadership qualities and personal appearance. They also included the applicants' general education, political awareness of global issues, ability to analyse and express opinion and command of foreign languages. After a protracted process, the committee was able to filter out many candidates who failed to meet basic requirements or demonstrate minimum competencies. As a result, 35 politically sponsored candidates need to be shortlisted.

## **Over Budgeting**

It is the responsibility of the MFA to review its future needs of Ambassadors and to justify the annual operational budget it requests. During the Nouri Al-Maliki term of Government, and after the appointment of the second batch of Ambassadors in 2009, the ratified Budget Law of 2010 included an operational budget fit for 110 ambassadorial positions. The number increased to 115 in the 2019 Budget Law. In contrast, the latest Budget Law of 2021, proposed by the incumbent Cabinet and already approved by the CoR, allocates funds for 131 ambassadorial positions. Reasons for the over budgeting despite the current financial hardship, are not clear. However, it suggests either poor budgetary planning, sectarian apportionment, or corruption. Whatever the reasons, the cost to the country is very high indeed. Each new Ambassador will require new staff, offices, and vehicles as well as additional office and travel expenses, bearing in mind that not all embassies need to be headed by an ambassador.

## **Violating of the Law**

The Law is clear about the ratio of political appointees, which is to not exceed 25% of the total ambassadorial appointments. Nonetheless, the government and legislative leaders have collectively agreed to allocate 65% of new appointments to political appointees. Every 10 members of the CoR (total 329) are given the right of naming one Ambassador from their political group. The three presidencies (President of Iraq, the PM and the Speaker of the CoR) have submitted 10 additional candidates as their quota. These are over and above the fact that the vast majority of the other candidates (non-political appointees) are closely linked to the same political parties. This is in clear violation of universal norms and Law 45 of 2008 (Article 9<sup>th</sup>). Interestingly, some of the candidates for the career diplomat's route who had failed to meet basic legal requirements for the position, hence rejected, were forced back into the sort-list by their patrons via the political appointment route. In addition it was noticed that the majority of the political candidates did not show a good command of a second major language.

## **Standards Plummeting**

The selection process has revealed that most candidates are in desperate need of further education, basic training and professional capacity building. Many failed to demonstrate reasonable depth of insight into the profession and its high demands or having acquired administrative or leadership skills. Also, many candidates, of all categories, failed to demonstrate good command of any viable foreign languages.

Finally, to ensure equal opportunity, women and ethno-religious minorities were strikingly under-represented within the shortlisted candidates. Only 10 of the 80 politically sponsored candidates submitted by the CoR members were women. As for the ethno-religious components, only Christians and Turkomans are being shortlisted, while Yezidis, Kakayees, Shabaks and Sabea-Mandaees are currently not formally considered for protected ambassadorial positions. These inequalities by no means reflect lack of quality candidates.

### Sectarianisation Institutionalised

The ultimate shortlisted candidates, which the MFA intends to submit to the CoR for approval, include:

- 35 career diplomats, the majority of whom happened to be affiliated to ethno-sectarian political parties. The appointing committee have been instructed to make sure that they include 19 Shiites, 9 Sunni Arabs, 6 Kurds and 1-2 from the minorities.
- Likewise 35 political appointees who were proposed by parliamentary factions whose selection is based on their ethno-religious affiliations: 19 Shiites, 9 Sunni Arabs, 6 Kurds and 1-2 from the minorities.
- Up to 10 political appointees proposed by the three presidencies, including President of Iraq (2), the PM (4) and the Speaker of the CoR (2).
- No independent candidate.

Some members of the CoR have openly accused political parties and institutional leaders of turning the ambassadorial appointments into a yet another opportunity for practicing sectarian apportionment, patronage and nepotism. None of these phenomena are new in power politics or unique to Iraq [3]. However, sectarian apportionment of government posts and investment opportunities have become deeply institutionalised in Iraq and used as instruments by political parties and their leaders to acquire, retain and increase their power and wealth [7].

Sectarianism along ethno-sectarian divide is deep rooted in Iraq's history, pre-dating the 2003 regime change, but it was never legitimised or formally embedded in executive practices. The pre-2003 political opposition groups, most of whom were organised along ethno-religious lines, came to dominate politics after regime change and championed the Constitution from the write up in 2005 to implementation thereafter [8].

The 2005 Constitution did not explicitly stipulate that power would be distributed along sectarian lines, however, the practices that prevailed in Iraq have led to a confessional democracy, apportioning power to ethnic groups according to population size. Groups with the largest proportion of the population end up dominating the legislative, executive and judicial branches of governance which they lead with an overt sectarian approach. With time, sectarianism *became the main gateway to success and prosperity. It is now the only gateway to government employment for the elite (and ordinary professionals alike. Clearly, these have come at a significant cost to both the state and the majority of citizens [9], thus calling into question the very idea of "Iraqism" claimed by the leaders [10]*

Unlike the rest of the world, the deeply divisive sectarianisation in Iraq has led the country into a complex political and cultural conflict between multiple groups, all at the same time. Redressing it has become increasingly difficult, if not impossible. Importantly, there are no palpable efforts within the government, CoR or political stakeholders to tackle it at the policy- and decision-making levels. Thus, it has become extremely difficult for non-affiliated professionals to secure better life or realise their ambitions outside sectarian confines [11].

## Recommendations

Addressing the problem of sectarianisation of government employment has become an overwhelming challenge for any one institution or their leaders to tackle alone. This requires collective will, effort and determination, otherwise, if left unaddressed, it is likely to worsen with time and become irreversible. Conversely, the challenge provides a unique and highly visible opportunity for the political and institutional leaders to achieve milestones in the state-building process. Fortunately, the task is not impossible if started with micro steps at an institutional level. It merely requires applying common sense, universal standards and the existing legislations.

1. Applying simple mathematics makes it obvious that Iraq cannot afford appointing the unwarranted number of 131 Ambassadors, as proposed in the budget law. The MFA should conduct a radical review of the actual need for the number of ambassadorial positions, both inside the Ministry and abroad. Meanwhile, the MFA should focus on filling current vacancies that have been outstanding for too long. No new embassies should be opened until the national budget becomes healthy, and institutional checks and balances are consolidated.
2. The MFA, the Cabinet and the CoR leaders must strictly adhere to the process of appointing Ambassadors as stipulated in Law 45 of 2008, particularly when it comes to political appointments.
3. Ambassadors are appointment on a permanent basis, irrespective of the route to their appointment. The MFA, the guardian of the entire process, should insist on quality and not tolerate violations of the law or exceptions to the rule, including for the political and career appointees alike. Political and sectarian affiliation should not be an essential part of the selection process for career diplomats, and should only be considered within universal democratic norms for the political appointees.
4. Protected opportunities must be actively secured for both women and ethno-religious communities who are currently grossly underrepresented or not at all represented. Also, independent professionals must be able to compete on a plain level field based on merit.
5. The problematic shortlisting and interview processes must be reviewed and based entirely on personal and professional qualities of candidates, and where applicants are rejected on the basis of quality, there should be no alternative shortcuts to bypass the process.
6. Capacity building should be an on-going process for new and existing Ambassadors. The MFA should invest in training Ambassadors, and would be ambassadors, in communication and leadership skills, and educating them on global issues. There should be clearly defined incentives for investing in personal and professional development and clear disincentives for deliberate neglect or failure.
7. The MFA is expected to strengthen the administrative checks and balances, and introduce a robust appraisal system for Ambassadors, and other senior positions, with their performance reviewed quarterly and annually.

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