

**State formation in Iraq post-2003:**

How oil rents can affect long-term political and economic development  
by shaping institutional development at a critical juncture

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## **Introduction**

In the spring of 2003, the United States' powerful and sophisticated military forces led a coalition of allies in the swift and largely unopposed invasion of Iraq. The country was already in a very precarious social and economic condition. The devastating effects of conflict (Iran-Iraq war 1980-1988; First Gulf War 1991) and oppressive international sanctions (1990's) had compounded the damage imparted by an authoritarian regime notorious for decades of increasingly repressive rule and a highly statist, poorly-managed economy. In the immediate wake of the precipitated downfall of the Baathist regime, the newly-instituted ruling American Coalition Provisional Authority (CPA) promptly decided to dismantle Iraq's existing state institutions as a necessary step before re-building a new – liberal, democratic – state.<sup>1</sup>

In the decade since this fateful decision, however, the processes of national reconstruction and state building have proven, tragically, far more elusive and complex than advocates of regime change had

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<sup>1</sup> This was often an almost physical deconstruction, with entire government buildings (including the entire Ministry of Interior) looted, sometimes set on fire. ( see Joel Wing, Interview with Jerry Burke, Former advisor to the Baghdad Police and Interior Ministry, Feb. 2012)

initially expected. Despite a string of fairly-contested rounds of national elections, and some tentative progress in socio-economic indicators, the country has been profoundly shaken by chronic violence and socio-political instability - and hopes of achieving a productive, inclusive and legitimate state have gradually faded.

The following essay will examine the processes of state formation in Iraq in the years following 2003. This period in Iraq provides a particularly interesting case study for the structural-institutional effects of massive natural resource wealth in a context of rapid socio-political change and weak, developing state institutions. After offering a simple theoretical framework which will guide our approach to processes of institutional change and reform, we will explore the dynamic interplay between several key variables in determining the shape and form of institutional, bureaucratic and administrative structures during the early stages of state-building in Iraq since 2003.

## **II. Theoretical framework**

### **A. Socio-political Institutions, human agency and critical junctures**

In recent decades, a sustained interest in the theoretical intricacies and multi-disciplinary nature of the natural resource curse has produced increasingly sophisticated and nuanced insights into various dimensions of the resource curse and the ways in which it affects the social, economic and political development. In very general terms, the resulting literature has focused on three aspects of development: poor economic performance, authoritarian political regimes and violent civil conflict.<sup>2</sup>

Earlier research on the 'resource curse' seemed at times too intent on either drawing inductive generalizations or building cross-country econometric analyses in order to formulate widely applicable policy prescriptions. Increasingly, however, attention has shifted beyond single-factor causal explanations and structural determinism, and turned to look at the critical role played by the institutions that govern social and political interactions.<sup>3</sup> As academic approaches to institutional dynamics have in turn evolved over time, researchers have developed a more nuanced understanding of the role of human agency in the underlying processes of institutional change and developments.<sup>4</sup> This research has pointed to the importance of taking into account the fact that agents operate in complex, dynamic environments,

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<sup>2</sup> Ross, 2001: 357

<sup>3</sup> For one of the more recent perspectives focused on the crucial importance of institutions, see D. Acemoglu and J. Robinson, *Why Nations Fail: The Origins of Power, Prosperity, and Poverty* (2012) For the authors, "institutional differences play the critical role in explaining economic growth throughout the ages."

<sup>4</sup> For a detailed discussion on successive generations of research, see Steven Heydemann, *Networks of Privilege: Rethinking the Politics of Economic Reform in the Middle East* in Heydemann (2004).

where both decisions and outcomes are shaped by a constant dialectic between pre-existing historical conditions, and multiple micro-, meso-, and macro-level social and political factors. For instance, Steven Heydemann has stressed the role of social networks in which decisions are made, actions taken, and policies developed – shaped by the influence of fluctuating societal pressures, coalitions, alliances. Heydemann warns against “models [which] allocate interests to actors based on a rigid and narrow conception of the positions they occupy in an economy, and thus fail to take into account the socially-embedded, plural, and hybrid quality of interests, or what this means for the politics of economic policy-making and policy reform.”<sup>5</sup>

Informed by this literature on institutions, our study of Iraq will focus on the social, political and institutional aspects of the resource curse. In order to illustrate how the distortionary effects of oil rents may be contributing to the entrenchment of a neo-patrimonial or re-distributive form of governance, a high centralization of political power, unbalanced institutional development, minimal investment in socio-economic development, and the suppression of civil society.

The role of ‘rents’ has been acknowledged as a critical factor in shaping the incentives of political actors during institutional development. In their seminal work on political economy in the Middle East, A. Richards and J. Waterbury observe a ‘very typical pattern’ – while the flow of rents to a government is “generally politically centralizing”, it initially contributes to a “rise in state autonomy at a particular conjuncture, followed by decline over time (...) [as] new domestic actors emerge (as contractors, agents, and recipients of subsidies) who in turn begin to limit the autonomy of the state.”<sup>6</sup> In considering the potential long-term institutional repercussions of decisions, actions and events that occurred in Iraq in a relatively short period following 2003, our approach will draw from the work of historical institutionalists, and particularly the idea of ‘critical junctures’. In an essay dedicated to the study of this particular concept, Giovanni Capoccia and R. Daniel Kelemen explain that historical institutionalism regularly relies on:

*a dual model of institutional development characterized by relatively long periods of path-dependent institutional stability and reproduction that are punctuated occasionally by brief phases of institutional flux – referred to as critical junctures – during which more dramatic change is possible. The causal logic behind such argument emphasizes the lasting impact of choices made during those critical junctures in history. These choices close off alternative options and lead to the establishment of institutions that generate self-reinforcing path-dependent processes.*<sup>7</sup>

Applying the concept of ‘critical junctures’ to the context we are studying alerts us to the possibility that, even as actual levels of violence in Iraq subside, the nefarious impacts of seemingly short-

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<sup>5</sup> Heydemann, 2004

<sup>6</sup> Richards and Waterbury, 2008 (1992): Chapter II

<sup>7</sup> Capoccia and Kelemen, 2007: 341

term socio-political struggles can stretch into the future via the institutional structures they contribute to creating.

Finally, it is crucial to note that our overall perspective is highly influenced by a similar study conducted by Steffen Hertog on Saudi Arabia, describing the historical origins of the “modern (...) bureaucratic behemoth”<sup>8</sup> that is the Saudi state. Seeking to “offer a way to look at the crucial role of oil in state building without succumbing to rentier-state determinism”<sup>9</sup>, Hertog focuses on a particular period in Saudi Arabia (1951-1962) in order to demonstrate that “critical junctures of regime formation shape later political options.”<sup>10</sup> In his article, Hertog illustrates the role of state institutions as a powerful link between the past and the present, showing how early socio-political dynamics (administrative growth, elite politics, patronage and factionalism) were “‘congealed’ into institutional constellations that have characterized the kingdom’s political landscape until today.”<sup>11</sup> While in many ways the antecedent historical conditions and social and political context that characterized Iraq post-2003 were intrinsically different from that identified by Hertog in Saudi Arabia, the framework he establishes nonetheless proves highly germane to our current exercise.

#### B. Data & Information

Predictive political analysis can always be a tricky exercise, requiring a delicate balance between an appreciation of the incremental progress already achieved against the risks appearing on the horizon. This precaution is particularly important for a country such as Iraq, where information and data are often either painfully lacking, unreliable or politicized. In recent years, the United Nations has published informative reports on the Iraqi national budget and the role of energy issues in the national economy. Also, the International Crisis Group (ICG) has reliably produced in-depth and well-sourced political reports, and these will be key in formulating our insights into unfolding events. Finally, some of the viewpoints mentioned (particularly regarding the Oil & Gas bill) here were developed while working with the United Nations Information and Analysis Unit on Iraq in 2012.

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<sup>8</sup> Hertog, 2007: 555

<sup>9</sup> Hertog, 2007: 541

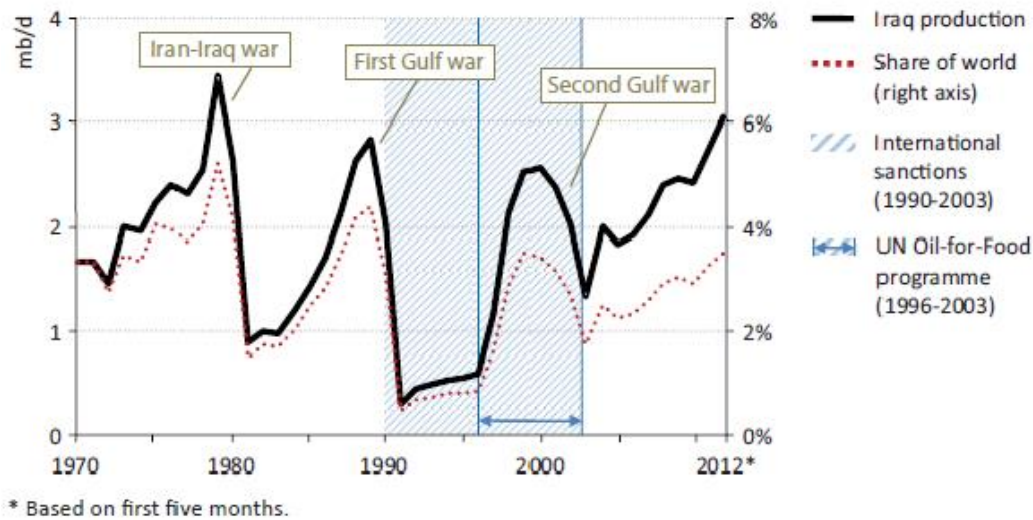
<sup>10</sup> Hertog, 2007: 541

<sup>11</sup> Hertog, 2007: 539

### III. Brief economic considerations

Far from recent, the discovery of tremendous oil and gas wealth on Iraqi territory dates back to the 1920's, the country's first decade as an independent country.<sup>12</sup> As such oil production and associated revenues have played a central role in national development for most of the past century, certainly shaping the country's politics and economy in profound ways whose ramifications extend forward to the current period.<sup>13</sup> After a brief crash following the 2003 conflict, Iraq's energy sector has swiftly recovered and recently surpassed pre-war levels. Today it once again serves as the country's engine of economic growth and clearly dominates all other economic activity.

**Figure 1. Historical Oil Production in Iraq**



*Source:* IEA 2012: 21

In 2011, supported by strong prices on international markets (about \$100 per barrel) oil revenues rose just over \$80 billion, accounting for around 95% of government income, about 99% of the country's exports and equivalent to more than 70% of Iraq's GDP.<sup>14</sup> After having almost doubled since 2003 to reach about 3 million barrels per day (bpd), the national oil production capacity is expected to rise significantly in coming years. Of the 3 million bpd produced as of October 2012, approximately 2.6

<sup>12</sup> International Energy Agency - IEA, 2012: 20

<sup>13</sup> In addition to oil, Iraq has the 13th-largest proven gas reserves in the world. However for the sake of simplicity and scope our analysis will focus on oil since gas production and utilization (domestic use vs. export) is a whole complex and controversial subject in and of itself. The International Energy Agency writes that almost 60% of gas production in Iraq was flared in 2011 (2012: 17). This is not only highly inefficient socially and economically, but more importantly very harmful for the environment.

<sup>14</sup> IEA, 2012: 19

million barrels are exported, a level which already makes Iraq the world's third largest exporter of oil.<sup>15</sup> As a matter of fact, projections by both the International Energy Agency and UNDP point to a doubling of production and export capacity over the next period.<sup>16</sup> Working from this projection, the IEA calculates that Iraq stands to make as much as \$5 trillion in revenues from oil export over the period to 2035, or an average of \$200 billion per annum.<sup>17</sup>

The emerging patterns indicate that while offering the Government of Iraq a significant source of revenue that can be critically important to finance the country's post-conflict reconstruction, the sheer size and broad economic impact of the booming oil sector may prevent the emergence of a dynamic, diversified and therefore sustainable economic system. It is possible to identify many of the traditional symptoms of the Dutch disease and economic resource curse: the steady expansion of oil-related financial flows is accentuating deep economic imbalances (both between private and public sectors, and oil and non-oil sectors), while the government's reliance on these flows for government revenue makes it very vulnerable to the instability of world commodity markets.

#### **IV. Public expenditures – Unbalanced institutional development**

Already extremely high due to the legacy of decades of statist rule prior to 2003, public spending continues to grow, gaining 17% annually between 2009 and 2013 and reaching above 70% of GDP in the 2013 budget.<sup>18</sup> The government's political priorities can be partially ascertained from looking at issues of allocation and implementation in the design and execution of the annual national budget.

First of all, the Iraqi government's role as one of the country's largest employers reflects a political function that many have interpreted as a clear form of patronage. The state currently dedicates as much as 30% of total public expenditure to public sector labor costs, employing almost a third of the total national labor force and often offering higher wages than those available in the private sector.<sup>19</sup> This massive public sector employment certainly could not be sustained without oil rents, and it most certainly serves as a form of re-distribution mechanism to buy public acquiescence and avoid social mobilization in

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<sup>15</sup> Iraq Ministry of Oil October 2012 figures

<sup>16</sup> IEA, 2012: 11 and IAU (UNDP), 2011a: 1

<sup>17</sup> IEA, 2012: 11

<sup>18</sup> JAPU (UN), 2013: 1-3

<sup>19</sup> IAU (UNDP), 2011b: 1. Survey data shows that the average daily wage in the private sector is only 73% of that offered in the public sector and the income of a household with a public sector worker is on average 14% higher than a household with no public sector workers. ( IKN Survey 2011 and WFP/COSIT/KRSO Comprehensive Food Security and Vulnerability Analysis Survey, 2007)

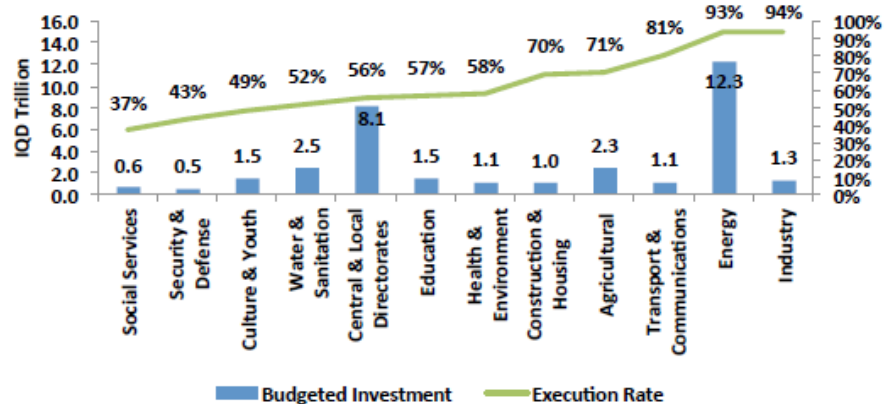
the face of very poor government performance in spurring balanced economic growth, and improving living standards through infrastructure development and delivery of essential services.

Two additional trends stand out: the Iraqi government is not only diverting a significantly higher amount of investment towards the extraction and export of hydrocarbons rather than key development priorities, but also the institutional execution of energy-related investments is far more effective (see figure 2 below). As of 2011 investment in oil stood at about 30% of public investment, while the latter accounted for 87% of total investment in the economy.<sup>20</sup> Concerning the 2013 budget, the United Nations explains that:

*The total investment budget allocated to Education, Health and Environment, Culture and Youth, and Water and Sanitation, is only IQD 6.5 Trillion, which is equivalent to 50% of the Energy sector investment budget. [Moreover,] low execution of investment budget remains a concern, specifically for the aforementioned sectors, having been slightly above 50% in 2011. Not only are the development sectors receiving too little, they are also suffering from inadequate operationalization of pertinent approved funds.<sup>21</sup>*

**Figure 2.**

**Budgeted Investment and Execution Rate - 2011**



*Source:* JAPU (UN), 2013: 5

These observations concerning government spending are important because they could lead to path-dependency supported by certain institutional arrangements and structural characteristics, and therefore create long-term trends. On the one hand, continued growth in public employment can be

<sup>20</sup> IAU (UNDP), 2011a: 1 and IAU(UNDP), 2011b:2

<sup>21</sup> Ibid.



expected to distort national labor markets and impede much-needed private sector growth, leading to continued dependency on state nepotism (via public jobs and associated benefits) for access to resources.

Moreover, a continued focus on the optimization of oil production and exports at the expense of social services and development could lead to lasting imbalances in the quality of public institutions. As witnessed in other countries (e.g. neighboring Saudi Arabia), the result could be “the emergence of a few very efficient bureaucratic islands”<sup>22</sup> while other government entities are neglected and become incapable of accomplishing what may constitute key areas of human development. Of course, the resulting governmental failures could come with very high social costs for Iraqis.

#### **IV Political struggles – Institutionalization of ethnic and sectarian dynamics**

Since the months of complete institutional vacuum and creeping violence and insecurity that followed the Baath regime’s overthrow in 2003, political actors have sought to harness identity politics and associated symbolic rhetoric to pursue their goals and mobilize socio-political support. Pre-existing identity-driven cleavages in Iraqi society - loosely structured around a tripartite dialectic between Shiite, Kurdish and Sunni Arab actors – have gradually imposed themselves as the most prominent organizing principles in Iraqi society. The complex nature of the environment and underlying social and political processes makes it very difficult to ascribe clear political labels, intentions or objectives to actors whose rhetoric and alliances are often ambiguous and constantly evolving. Ethnic and sectarian groups are rarely homogenous, and unexpected coalitions between sub-groups have often played a key role in shaping political outcomes. Nevertheless our analysis finds that certain current dynamics could have concrete lasting impact or signal long-term trends due to a form of “institution-building by ethno-sectarian logic.” (ICG 2006: 12)

##### A. Control over oil rents

The geographic distribution of Iraq’s oil fields is closely aligned with the regional distribution of the nation’s different sub-national social groups: major oil fields in the Northern region lie along the highly-contested Disputed Internal Boundaries (DIBs) that separate Iraq’s Arab and Kurdish communities, while the major oil fields in the South are located in a predominantly Shiite region that is historically at odds with the Sunni community of central Iraq.

The struggle for access to and control over oil revenues can lead to conflict between social groups. Indeed, this behavior has become a consistent source of acute tension and recurring political paralysis due to its inherent ties with two of Iraq’s most prominent political crises. On the one hand, the

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<sup>22</sup> Hertog, 2007: 539

Kurdish region's overt separatist agenda has encouraged it to seek to develop its own oil production and export infrastructure, since the autonomous financial flows this would generate could liberate it from the 17% federal budget allocation that currently makes it dependent on the central state. At the same time, the redistribution of profits from oil production in the South has been a critical element in the debate on decentralization and federalism (creation of autonomous federal regions at the expense of central state power) through its alignment with the desire for power of a traditionally marginalized southern Shiite population that has become very wary of the central state.

The Iraqi government's chronic failure to pass a new Oil and Gas bill offers an illustration of how these political struggles can play out on a structural-institutional level. For years now, center-periphery tensions and political agendas have driven conflicting constitutional interpretations and law proposals and therefore prevented the design and adoption of a much-needed national regulatory framework for energy-related issues. Different parties and interest groups have been struggling to shape key legal points and institutional bodies in order to maximize their power and influence over the management of these critical matters. For example, all proposed legal drafts call for the creation of a powerful Federal Oil and Gas Commission (FOGC), a hybrid entity combining representatives of the central and provincial levels of government intended to serve as main deciding body in oil and gas issues. However, different drafts have called for different rules and representation – different rules for the appoint of members, different rules for the approval of contracts, and different balances between executive branch and parliamentary representatives or between central government representatives and provincial-level government representatives. While no agreement as of yet, it seems that any final outcome may well reflect a particular power balance at that specific point in time, and result in the institutionalization of the domination of certain actors over others, instead of an inclusive structure with necessary power-sharing and negotiation mechanisms. In a report from 2012 entitled “Iraq and the Kurds: the high-stakes hydrocarbon gambit” the International Crisis Group explains how the calculations of each side could contribute to creating an open conflict:

*For now, neither is inclined to settle the conflict peacefully through serious, sustained negotiations, as each believes its fortunes are on the rise, and time is on its side. They are wrong: time is running out, as unilateral, mutually harmful moves are pushing the relationship to the breaking point, with the hydrocarbons-driven stakes and attendant emotions so high that conflict looks more promising to them than accommodation and compromise.<sup>23</sup>*

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<sup>23</sup> ICG, 2012: i

## B. Consolidation and centralization of political power

Many fear that Iraq's nascent participatory democracy is threatened by the risk of the emergence of an un-democratic and repressive state, a fear that has been mostly associated with the consistent dominance of Shi'a interests over state institutions since 2005.

The centralization has been supported by a weak legal-constitutional framework and the gradual erosion of checks and balances through the cooption or intimidation of technically autonomous regulatory-supervisory bodies:

*One of the major causes of this depressing state of affairs is the state's failing oversight framework, which has allowed successive governments to operate un-checked. The 2005 constitution and the existing legal framework require a number of institutions – the Board of Supreme Audit, the Integrity Commission, the Inspectors General, parliament and the courts – to monitor government operations. Yet, none of these institutions has been able to assert itself in the face of government interference, intransigence and manipulation, a deficient legal framework and ongoing threats of violence.<sup>24</sup>*

As a result, Iraq faces endemic corruption, consistently placing among the world's worst countries in Transparency International's Corruption Perception Index. The International Crisis Group reports that "billions of dollars have been embezzled from state coffers, owing mostly to gaps in public procurement; parties treat ministries like private bank ac-counts; and nepotism, bribery and embezzlement thrive."<sup>25</sup>

Government institutions have also often been infiltrated, increasingly controlled and used to protect the interests of certain social or political groups at the expense of others. This trend has been most obvious with state security services. Follow the victory of the (Shiite) United Iraqi Alliance in the January 2005 elections, then-leading alliance member SCIRI and its military-wing, the Badr Corps, were seen as working to "re-shape dramatically the police and paramilitary forces established (...) under the 2004 Allawi government."<sup>26</sup> Government forces increasingly acted as ethnic or sectarian militias, stirring countless accusations of abusive behaviors including arbitrary detainment, raids, abductions, ransoms, assassinations, secret detention facilities, torture.<sup>27</sup>

The steadily rising levels of government control and intensity of oppressive practices has also been directed towards the country's civil society organizations. These civil actors, generally recognized as a crucial source of pressure for government accountability in participatory democracies and open

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<sup>24</sup> ICG 2011: i

<sup>25</sup> ICG, 2011: ii

<sup>26</sup> ICG, 2006: 17

<sup>27</sup> See International Crisis Group Middle East Report Number 52: The Next Iraqi War? Sectarianism and Civil Conflict. Pages 17-20 discuss institutional formation along sectarian and party lines in the early stages of post-2003 state formation.

societies, have been increasingly “confronted by government intimidation in the form of anonymous threats, arrests of political activists and violence, including police brutality – [and therefore] have proved incapable of placing a check on government.”<sup>28</sup> Throughout early 2011, in coordination with similar events across the MENA region, Iraq witnessed the beginning of widespread protests against poor public services, an erosion of personal liberties, widespread corruption, and insecurity. The government responded swiftly to these early signs of social mobilization, through a combination of heavy-handed harassment by security forces and legal pressures such as banning public demonstrations. Meanwhile, media channels critical of government policies have been raided, sometimes shut down or forced to operate outside the country, and media outlets have been facing waves of very expensive lawsuits from government officials, causing fear of closure in some cases. As of Sept. 2011 attacks on journalists were up 50% since 2010, and in 2011 the Committee to Protect Journalists announced Iraq as the country with most unsolved murders of journalists per capita for the 4th straight year. In the Committee’s Impunity Index, Iraq’s rating was 3 times worse than that of any other nation.

## **VI. Conclusion**

At present it is of course still too early to know whether Iraq is heading towards continued instability and violence, or towards the solidification of a particular form of socio-political order and institutional arrangement. However our analysis (while limited in scope) has pointed to already ample evidence that many of the nefarious political-structural processes associated with the resource curse are well underway in Iraq. Over the past few weeks, the country’s Northern regions have witnessed a new round of violent and rapidly escalating protests, pitting a coalition of mostly Arab Sunni and Kurdish protesters (two historically antagonistic groups) against the forces of the current predominantly Arab Shiite central government. In looking at the protestor’s grievances, we find many of the trends that have been discussed throughout this essay. The International Crisis Group reports that: “Demonstrators feel alienated from Baghdad (perceived as the seat of a newfound Shiite power); from their purported representatives (blamed for focusing on their own parochial interests at the expense of their constituents’); and from security forces (accused of committing human rights abuses on a sectarian basis).”<sup>29</sup> We have seen that these grievances reflect the many worrying trends present in the new Iraqi state since 2003, and that they often result from an interaction between the distortionary effects of oil rents and a variety of new and antecedent underlying social and political dynamics. Even if the central state manages to avoid the

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<sup>28</sup> ICG 2011: *i*

<sup>29</sup> ICG, 2013

escalation of conflict and contain the growing societal and political strains, there is reason to fear that current dynamics could have a profound, lasting impact on long-term development via the crystallization of certain institutional and bureaucratic structures. At present, a weak institutional environment and endemic corruption means that political elites have few incentives to focus on long-term development goals such as effective investment in building human capital and creating the necessary conditions and environment for a productive, inclusive political and economic system. It would seem more likely steps will be taken to prevent the emergence of a united civil society capable of exerting actual democratic pressures on the central government, via measures such as: patronage and re-distribution mechanisms, polarizing sectarian and ethnic struggles to keep society divided, and heavy-handed state repression when necessary.

So far the country seems to have been saved by a fragmented, dynamic political scene more akin to an oligopoly than a monopoly: fluidity and competition have allowed once hostile groups to form coalitions to counter-balance the growing power of other groups (such as for instance Sunnis, Kurds, and Shiite sub-groups allying to counter-balance PM Nuri al-Maliki's growing power). As such, one could hope that the fragmentation of the country's political landscape could serve to prevent one group from gaining complete domination over the country, and instead lead to the creation of the necessary inclusive institutions through political negotiations and compromises.

Unfortunately, after a decade of identity-driven violence, political instability and stunted institutional development, it is often hard to maintain an optimistic outlook.

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