

# Consequences of a gender-blind approach to post-conflict reconstruction in Iraq

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## EXECUTIVE SUMMARY

The post war period in a country offers singular opportunities to establish new norms and rules, form new social contracts between diverse segments of the society, build new institutions, creating new foundations to successfully engage in the path to development<sup>1</sup>. The engagement of women in each of these processes is a stark necessity and the adoption of a gender perspective which acknowledges the valuable contribution of women can not be bypassed without undermining efforts of post-conflict reconstruction<sup>2</sup>.

The images of the large participation of Iraqi Women distributed around the world, being given a voice in the new Iraqi Parliament and massively taking part to electoral duties in 2005 were a proof of the emphasis given to gender equality in U.S policies. However, as the overall situation in Iraq began to deteriorate and violence was raising dramatically in the course of 2006, doubts emerged on the adequacy of gender policies employed by the U.S government as it became clearer that women concerns were not appropriately addressed.

Inappropriate gendered approaches were rapidly pointed at as a main cause to the slow reconstruction of the country and the descent of Iraq in turmoil, in which discrimination and violence against women have become major concerns.

This paper examines the consequences of an inappropriate gendered approach to post-conflict reconstruction in Iraq through the four main pillars to reconstruction: Security, Governance, Justice and Reconciliation and Economic and Social Development.

It concludes that the fact of ignoring gender in Iraq has fuelled the sectarian conflict and has provided an adequate context to the continuum of gender-based violence.

Since 2008, a gender perspective has been made the central concern of policies adopted by the United Nations. Working side by side with strong Iraqi women group, the perspectives of the elections of the new Iraqi Government in 2010 could offer new prospects to reverse the negative trend in place since 2003.

## INTRODUCTION

The Security Council Resolution 1325 passed on 31 October 2000 by the United Nations has led to recognize that women are increasingly affected by the impacts of conflict and civil strife and have a particular role to play and outstanding contributions to make to conflict resolution, post-conflict reconstruction and sustainable peace.

The post war period in a country offers singular opportunities to establish new norms and rules, form new social contracts between diverse segments of the society, build new institutions, creating new foundations to successfully engage in the path to development<sup>3</sup>. The engagement of women in each of these processes is a stark necessity and the adoption of a gender perspective which acknowledges the valuable contribution of women can not be bypassed without undermining efforts of post-conflict reconstruction<sup>4</sup>.

Levels of gender equality, inclusion and progress of women can serve as a barometer for a society. A gender-blind approach to post-conflict reconstruction is most likely to weaken democratic processes, economic growth and maintenance of the peace.

In 2003, following to the US intervention which aimed to abolish a brutal regime and establish a democracy, Iraq has entered a post-conflict reconstruction phase. The participation of women to building strong foundations is essential and the process has offered a new window of opportunities that women must seize to establish gender equality in a vibrant society<sup>5</sup>.

The vision towards an active participation of women in the post-conflict reconstruction processes in Iraq has been a strong element constantly put forward by the U.S government since the start of the military intervention. It is part of a global vision of change for Middle Eastern women, which seeks to inspire democratic reforms in neighbouring countries<sup>6</sup>. The

Department of State recognizes a strong relationship between the status of women and democratization further acknowledged by President Bush: the “advance of women’s rights and the advance of liberty are ultimately inseparable”<sup>7</sup>.

The images of the large participation of Iraqi Women distributed around the world, being given a voice in the new Iraqi Parliament and massively taking part to electoral duties in 2005 were a proof of the emphasis given to gender equality in U.S policies. However, as the overall situation in Iraq began to deteriorate and violence was raising dramatically in the course of 2006, doubts emerged on the adequacy of gender policies employed by the U.S government as it became clearer that women concerns were not appropriately addressed.

Inappropriate gendered approaches were rapidly pointed at by women organizations as a main cause to the slow reconstruction of the country and the descent of Iraq in turmoil, in which discrimination and violence against women have become major concerns.

This paper examines the consequences of an inappropriate gendered approach to post-conflict reconstruction in Iraq through the four main pillars to reconstruction: Security, Governance, Justice and Reconciliation and Economic and Social Development and investigates the costs of ignoring gender which has fuelled the sectarian conflict and developed a societal acceptance to the practice of violence against women.

## I. GENDER EQUALITY IN IRAQ BEFORE AND AFTER THE U.S INTERVENTION

During the 1970s, the Iraqi government put in place a positive 'state feminism'<sup>8</sup> through a new Constitution that guaranteed equal rights to women and that brought changes to the personal status laws which govern the family relations. Issues related to the family sphere such as marriage, divorce and inheritance were now regulated by the State instead of being regulated by male relatives. In this time of economic growth, women were encouraged to take part to the public sphere and state policies provided free education for men and women, favouring women to become part of the labour force through provision of free services such as childcare, healthcare and transportation. During this period, Iraq was considered as being the most progressive country in the region towards the participation of women.

However, positive feminist policies put in place by the Iraqi Government must be understood in the context of the Baath party indoctrinating citizens and reaching out to women<sup>9</sup>.

During the Iran-Iraq war, in the 1980s, as men were massively sent to war with Iran, women were expected to fill vacant positions in support of the war effort. They massively took on formerly and traditionally male-dominated positions and worked as engineers, doctors, scientists and teachers<sup>10</sup>. But simultaneously, the role of Iraqi women as mothers was glorified in an aim to produce more Iraqi citizens and future soldiers<sup>11</sup>. In that period, it is estimated that approximately 250.000 women were widowed.

With the second Gulf war following the invasion of Kuwait by Iraq in the early 1990s and the imposition of sanctions by the International Community, the country was hit by a severe economic recession. Salaries in the public sector didn't follow the massive inflation, and as free

services were removed by the government, numerous women were drawn back to their house in order to care of household management which had become time-consuming and exhausting due to a breakdown of infrastructure across the country. Unemployment was widespread and 60% of the population was dependant on food rations. As Iraqi women were pushed back to traditional roles of mothers and wives, the social and cultural fabric of the Iraqi society was severely affected<sup>12</sup>. The Baath Party, having lost massive popularity, turned to religious parties and tribes and conservative laws, constraining the status of women to reflect religious and tribal traditions, were adopted to satisfy new partners.

In 2003, on the eve of the U.S intervention in Iraq, Iraqi women held traditional roles within the home while male relatives had restored dominance of patriarchal values.

As President Bush proclaimed war in Iraq in a view to abolish the brutal regime of Saddam Hussein and establish a democracy, he embraced the cause of gender equality by announcing the 'liberation' of women in the process. Many U.S led initiatives were launched as a result to support Iraqi women to seize this window of opportunity given by the reconstruction process which focused on enhancing legal and political rights as well as launching women-specific economic initiatives<sup>13</sup>.

Six years later, as it has been extensively reported, gender equality in Iraq has regressed ostensibly, and discrimination and violence against women have been enshrined in legal texts. Although it would not be fair to state that post-conflict reconstruction initiatives didn't take into account a gendered perspective, most of these initiatives were inappropriately gendered and those initiatives were poorly linked with one another.

It is necessary to investigate the flaws in regards to a gendered perspective of policies adopted in Iraq by the main actors of the post-conflict reconstruction process to better understand the negative consequences that arose.

## II. GENDER AND POST-CONFLICT RECONSTRUCTION IN IRAQ AFTER 2003

### A. GENDER AND SECURITY

On April 9 2003, less than thirty days after the start of military operations, the U.S forces seized the capital city of Iraq, marking the end of Saddam Hussein's Regime. The fall of Baghdad was characterized by civil disorder as U.S troops failed to impose a Rule of Law and massive lootings of private and public buildings were witnessed resulting in widespread chaos.

The security policy put in place by the U.S government was greatly affected by the decision of 'de-baathization' which consisted in purging thousands of Iraqi officials from their jobs in government offices. The Iraqi Army was notably demobilized, leaving 400.000 individuals without a job, a large number of which were soon willing to join the insurgency.

The insurgency continued to expand in the following months heavily fighting coalition forces and newly formed but poorly trained Iraqi Army. Sectarian violence was exacerbated with the bombing of the Samarra Holy shrines in February 2006. The level of security dramatically dropped across the country with the existence of numerous militias supported by diverse political parties, some of them being armed by the U.S forces. Violent attacks, assassinations and kidnappings became part of the daily life of Iraqis.



*Members of a militia and women crying after losing a dear one. © AFP*

In 2007, the U.S forces put in place a surge to decrease violence. Baghdad was closed off by checkpoints and concrete walls separating neighbourhoods and security was enforced by additional U.S troops assigned in Iraq. Sunni warlords were empowered to rule over Sunni areas through the creation of the awakening councils. By March 2008, violence had decreased by 50% as reported by the Pentagon.

The demobilization of the Iraqi Army in 2003 left 400.000 young men without a job, for which no re-integration to normal life had been planned. Many of them were tempted to join the growing insurgency by resentment, which was also a way to make a living.

The newly formed inexperienced Iraqi army was unable to contain the growing insurgency. The spread of small arms and other explosives contributed to the creation of a high level of insecurity which affected the population as a whole. Attacks and assassinations targeted men as well as women. Militias were mainly supported by religious political parties which imposed a return to traditional religious values: while men were killed because of their commercial activities (barbers cutting beards, selling alcohol), women were attacked for dressing improperly.

In a view to 'protect' women, their freedom of movement was severely reduced. Numerous women abandoned their work outside of the home and girls were withdrawn from school.

As the matter of security was inappropriately addressed throughout the post-conflict reconstruction process, women were seen withdrawing from the public sphere.

## **B. GENDER AND GOVERNANCE**

Following to the invasion, the Coalition Provisional Authority (CPA) was created as a transitional government of Iraq. Iraqi officials were appointed to the Interim Governing Council (IGC) supporting the work of the CPA. Only three women were designated to be part of the 25 members' IGC. The U.S government empowered Shiite Islamic groups in the process which were deeply masculinized<sup>14</sup> and the first Resolution presented by the IGC planned to reform the progressive personal status law which would have been largely detrimental to women's rights.

Strong women's groups lobbied the CPA to prevent the Resolution to be passed and obtained the inclusion of an article guarantying a 25% quota of women in the Parliament in the Transitional Administrative Law (TAL).

The January 2005 elections saw the election of 31% of women to the Transitional National Assembly and 27% of women to the Council of Representatives.

Great challenges faced women's groups and the International Community as the drafting of the new Iraqi Constitution was underway to defend the status of women. Main debates revolved around the place awarded to the Islamic Law (Sharia) and possible changes made to the personal status law.

As the Constitution was ratified in October 2005, it provided great margins for the justification of discrimination and violence against women.

Numerous trainings were provided in parallel by the U.S Government to encourage female political participation in campaigning and political empowerment, however, it doesn't seem to have much impacted on the effectiveness of female members of parliament.

### **Iraqi Constitution (2005)<sup>15</sup>**

Article 2. Section A. "No law that contradicts the established provisions of Islam may be established"

*This article can be used to negate guarantees of women's rights enshrined elsewhere in the constitution and to sanction domestic violence and other human rights violations against women.*

Article 41. "Iraqis are free in the adherence to their personal status according to their own religion, sect, belief and choice."

*This article calls for marriage, divorce, alimony, inheritance, and other personal status issues to be adjudicated by religious courts, which consistently discriminate against women.*

Although it is clear that women have largely taken part to the political process as voters, their participation as actors within political institutions remains low. Few women have been appointed to high positions within Ministries and Governorates. Moreover, the effectiveness of women in the Parliament can be questioned. In a patriarchal society, female parliamentarians lack of necessary power-base which naturally exists for men<sup>16</sup>. Women seem to remain

affiliated to political parties and are not independent. Additionally, elected women are in majority religiously conservative and neglect women's interests<sup>17</sup>.



*Woman in the Iraqi Parliament ©AFP, 3 Iraqi women show their fingers after voting ©CNN*

The political process culminated with the adoption of the new Constitution which sets ground for legalizing discrimination and violence against women. The revision of the Constitution in 2006 was another lost chance for women to combat unfavourable legal texts.

Finally, government plans towards establishing gender equality seem poor with the power of the Ministry of Women's Affairs undermined by a small budget of 3.000 U.S\$ per month.

### **C. GENDER AND JUSTICE AND RECONCILIATION**

Under the regime of Saddam Hussein, the judiciary system was unable to operate independently from the government. Judges were limited in their authority and ability to perform their role. In 1993, in an attempt to 'win' the support of religious parties, women were banned from the Judicial Training Institute.

A large reform of the judicial system was undertaken in 2003 in the frame of the post-conflict reconstruction process. The CPA operated changes to the legal code and the structure of the system and ordered its independence from the Ministry of Justice. Physical structures such as prisons, courthouses and detention centres were in need of reparations.

The Judicial training Institute was re-opened to women and graduates gender-balanced classes<sup>18</sup>.

As of today, only 62 judges operating in Iraq are women, out of a total of 1200. They are facing a return to traditional values with parties contesting their ability to take well-informed decisions. They also face threats and attacks due to their position.

Since 2003, the judicial system was flooded by dealing with cases related to arrests, detentions and criminality, postponing all affairs linked to personal status.

Reconciliation was initiated by the Iraqi Government in 2005 under the responsibility of the Prime Minister Nouri Al-Maliki in an attempt to bring together political parties and their militias in order to reduce violence occurring in the country. This reconciliation process, undertaken at a very high political level, was entirely masculinized and was not successful until a strong intervention from the U.S Government to negotiate truce.



*Nouri Al Maliki, Iraqi Prime Minister ©CNN, Adbelaziz Al Hakeem, Leader of SIIC © Associated Press, Moqtada Al Sadr, Leader of AL Mahdi Army © AFP*

Reconciliation at a grassroots level was very poorly tackled as the political conflict was recognized as being the most relevant to deal with the tensed security situation. Post-conflict reconstruction failed to tackle the sectarian divides that were re-enforced since 2003 but that had been forged with state policies during Saddam Hussein's rule.

Since 2008, reconciliation programs have sporadically been launched seeking gender balance in activities and impacts are yet to be analyzed to measure if a sustainable peace can be achieved.

#### **D. GENDER AND SOCIO-ECONOMIC DEVELOPMENT**

The CPA established a free market in Iraq. Borders were opened enabling the free importation of goods into the country which had devastating impacts. As the economy during the former regime was heavily supported by the government due to sanctions, it fell apart with the establishment of the free market. Public factories were privatized and many closed as a result and small businesses suffered from competition. The agriculture suffered in a similar way with

the raise in fuel prices and the lack of support. Since 2003, figures of unemployment in Iraq are estimated between 40 to 60%. Foreign investment has however supported the sector of construction which mainly benefits to men in the form of daily manual work.

Numerous vocational training programs were launched by the U.S Government in an aim to develop professional skills and capacities across the population. Gender-balanced, the scale of programs is however not sufficient to make a significant impact on the workforce available.

Poor efforts were made towards the reconstruction of the infrastructure of the country, electricity and water services in particular. In Baghdad, in 2007, 1/3 of households had 3 hours of electricity or less per day. The lack of basic services impacts negatively on women's lives as running households becomes an exhausting task.

Health and education services are suffering from a lack of qualified staff as Iraq suffered from a brain drain as educated people leave the country to escape violence. Women and girls are the first affected especially as due to the impoverishment of households, the education of boys is prioritized.



*A woman crosses flooded streets in Baghdad ©Getty Images, an IDP woman collects non food items distributed by IOM ©IOM-Iraq*

The number of female headed households has massively increased since 2003 and in a survey conducted by Oxfam<sup>19</sup>, 35% of women interviewed claimed to be acting as the head of their household. Social support is poorly available. In the same survey, 76% of widows claimed they were not receiving a pension from the government. The delicate situation of female headed households has made the practice of temporary marriage<sup>20</sup> more common.

Finally, following to the high insecurity in the country until 2007, massive displacements of populations occurred. It has been estimated that nearly 2 millions individuals had left their homes by 2008, with 1.2 million displaced within the country and 800.000 taking refuge in a neighbouring country. Displaced persons are living in extremely precarious conditions and women seem to be the most affected by the lack of access to services.

### III. COSTS OF IGNORING GENDER IN IRAQ

As demonstrated above, it is clear that gender was not appropriately mainstreamed in the post-conflict reconstruction process in Iraq from the start.

Critics have been made towards the U.S military which is an institution riddled with violence against women with rapes happening in the military and rapes of women in detention and therefore, is not a body that can seriously address the question of women and gender equality<sup>21</sup>.

The Iraq National Development Strategy and National Security Strategy for 2007-2010 are not reflecting the process of gender-mainstreaming and reference to women is only made as being part of the vulnerable group<sup>22</sup>.

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) has appointed its first Gender Advisor for Iraq from 2008 only.

The lack of seriously considering gender issues within the post-conflict reconstruction process has engendered two major costs:

The gender-blind approach to governance has fuelled the sectarian conflict. Since the creation of Iraqi governing institutions in 2003, with the establishment of the Interim Governing Council, a large focus has been given to a fair participation of diverse groups along sectarian lines. “The coalition has been careful to represent all ethnic and religious groups in Iraq’s governing bodies. Women deserve the same consideration”<sup>23</sup>. If more focus had been made to a fair participation of women rather than sectarian groups, strong political divides could have been prevented.

The inappropriate gendered-approach to security and governance has enabled the legalization and continuum of violence against women. With the empowerment of powerful religious political groups at the political level, a more conservative and traditional society has been established through accepted practices and legal texts. In a highly insecure environment, women must be 'protected' and family honour must be defended at all costs. Old practices such as honour killings have become widely accepted by the community and tolerated by the legal system.



*An Iraqi woman victim of violence ©AFP, Poster for the 16 days of campaigning against gender-based violence 2009 'Violence against women is a disgrace to human dignity' by the United Nations ©UNFPA*

Since 2008, signs show that the International Community has become aware of negative costs of the lack of a gendered-approach to post-conflict reconstruction. The appointment of gender specialists within the United Nations teams since that year is a positive sign.

However, challenges to reverse the trend might be greater than if gender had been appropriately taken into account since the very beginning.

## CONCLUSION

Women's rights and gender equality have been used as a rallying point for the United States for its wars in the Middle East and in Iraq. It has been widely considered as a foreign concept and as a tool of 'Western domination'<sup>24</sup>. The images of abuses in Abu Ghraib jail performed by female soldiers and performed on Iraqi women have exacerbated negative perceptions towards the substance of women's rights in the West. This has greatly put at risk the possibility of a backlash on the status of women and gender equality in Iraq.

Although gender was supposed to be placed at the centre of U.S policies for reconstruction as announced by President Bush at diverse occasions, unexpected challenges were met that negatively impacted on the agenda. Many reports have outlined the lack of proper planning to post-conflict reconstruction made by the U.S Administration<sup>25</sup>. The reconstruction process greatly suffered from a rushed timeline imposed by the Coalition to conduct the official transfer of power to Iraqi Authorities in 2004. As a result, a full inclusion of an appropriate gender perspective was not adequately secured<sup>26</sup>. Security challenges rendered the participation of women to the public sphere more difficult to ensure. Even though space would be provided for women to participate to high profile processes, it would not be easy to secure their agreement as it would have meant putting them under higher possibilities of threat and target.

Since 2008, significant efforts have been made by the International Community to reverse the trend and adopt gender-balanced approaches. The United Nations have appointed a Gender Advisor to review its policies and large programs addressing gender-based violence and

discriminating laws have been launched in 2009. Gender is being given a new central place within announced policies.

Very powerful women's groups exist in Iraq. They have continuously advocated for gender-equality, having a very high outreach within political spheres. These groups must be continuously empowered so that they can continue advocating for gender-equality and work on modifying discriminating laws.

A wider reconciliation process must be engaged at grassroots' level securing a large participation of women so that sustainable peace in Iraq can be achieved.

Besides, economic opportunities have to be enlarged, with a specific target to widows and female headed households.

New elections in Iraq are scheduled to happen in March 2010. It could provide an opportunity to engage new actors who could be valuable assets in reversing the trend and work towards gender-equality in Iraq.

## ENDNOTES

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<sup>2</sup> Cockburn, C. (2004). The Continuum of violence: A gender perspective on War and Peace. In: Giles, W. and Hyndman, J. eds. *Sites of violence: gender and conflict zones*. London: University of California Press.

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<sup>4</sup> Cockburn, C. (2004). The Continuum of violence: A gender perspective on War and Peace. In: Giles, W. and Hyndman, J. eds. *Sites of violence: gender and conflict zones*. London: University of California Press.

<sup>5</sup> Women for Women International. (2005). *Windows of Opportunity: the pursuit of gender equality in post-war Iraq*.

<sup>6</sup> Zuhur, S. (2006). *Iraq, women's empowerment and public policy*. Strategic Studies Institute.

<sup>7</sup> Cited by Zuhur, S. Ibid.

<sup>8</sup> Pratt, N. (2006). *Women's political participation in Post-Invasion Iraq*. The Boston Consortium on Gender, Security and Human Rights.

<sup>9</sup> Al-Ali, N. (2005). *Reconstructing Gender: Iraqi women between dictatorship, war, sanctions and occupation*. *Third World Quarterly*. Vol. 26. N° 4-5, pp 739-758

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<sup>10</sup> Forhan, S. (2008). *Gender Based Violence in Iraq: the effects of violence –real and perceived- on the lives of women, girls, men and boys in Iraq*. Inter-Agency Information and Analysis Unit, UNOCHA.

<sup>11</sup> Ibid.

<sup>12</sup> Al-Ali, N. (2005). Reconstructing Gender: Iraqi women between dictatorship, war, sanctions and occupation. *Third World Quarterly*. Vol. 26. N° 4-5, pp 739-758

<sup>13</sup> Zuhur, S. (2006). *Iraq, women's empowerment and public policy*. Strategic Studies Institute.

<sup>14</sup> MADRE. (2007). *Promising Democracy, Imposing theocracy: Gender Based Violence and the US war on Iraq*.

<sup>15</sup> Ibid.

<sup>16</sup> Puechguirbal, N and Enloe, C. (2004). *Failing to secure the peace: practical gendered lessons from Haiti and Iraq*. The Boston Consortium on Gender, Security and Human Rights.

<sup>17</sup> Forhan, S. (2008). *Gender Based Violence in Iraq: the effects of violence –real and perceived- on the lives of women, girls, men and boys in Iraq*. Inter-Agency Information and Analysis Unit, UNOCHA.

<sup>18</sup> UNDP. (2009). *Women in the Judiciary in Iraq: Challenges, Achievements, and Opportunities for Change*.

<sup>19</sup> Oxfam. (2009). *In her own words: Iraqi women talk about their greatest concerns and challenges*.

<sup>20</sup> Temporary marriage or pleasure marriage (Mutaa in Arabic) is a practice which was forbidden under the Regime of Saddam Hussein but was allowed by Islamic religious parties in 2003. Practiced by the Shiite confession, the temporary marriage allows a man to marry a

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woman for a determined period of time. The man is obliged to offer a financial compensation to the woman. Widows often find in the temporary marriage a way to support their children.

<sup>21</sup> Puechguirbal, N and Enloe, C. (2004). *Failing to secure the peace: practical gendered lessons from Haiti and Iraq*. The Boston Consortium on Gender, Security and Human Rights.

<sup>22</sup> UNDP Iraq. (2009). *Family support, Justice and Security Programme Proposal*.

<sup>23</sup> Besma Fakri, President of Women's Alliance for a Democratic Iraq. In Women for Women International. (2005). *Windows of Opportunity: the pursuit of gender equality in post-war Iraq*

<sup>24</sup> MADRE. (2007). *Promising Democracy, Imposing theocracy: Gender Based Violence and the US war on Iraq*.

<sup>25</sup> Many books are available on this topic, this following book is providing a detailed account of flaws in proper planning: Chandrasekaran, R. (2006). *Imperial life in the emerald city: inside Iraq's green zone*. New York: Alfred A. Knopf.

<sup>26</sup> Women for Women International. (2005). *Windows of Opportunity: the pursuit of gender equality in post-war Iraq*.