









About the Authors



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Contents

<i>About the Authors</i>	v
<i>Acknowledgments</i>	vii
<i>List of Tables</i>	xi
<i>Introduction</i>	xiii
Part I: Theory	1
Chapter 1: The State and the Problem of Legitimate Order in the Middle East	3
Chapter 2: Why Federalism?	55
Part II: Practice	97
Chapter 3: Syria: Not If, But When	99
Chapter 4: Iraq: A Work in Progress	139
Chapter 5: Yemen: In Search of Stability	199
Chapter 6: Libya: Back to the Future?	229
Chapter 7: Conclusion	263
<i>Bibliography</i>	271
<i>Index</i>	307



List of Tables

Table 1.1	Fragile States Index Scores (2019)	9
Table 1.2	Freedom House Scores in the Middle East (2020)	10
Table 1.3	Examples of Middle East States by Fragility and Regime Type	51
Table 1.4	Ethnic and Cultural Diversity of Case Countries	52
Table 2.1	Ethnofederations Since 1945: Successes and Failures	75
Table 2.2	Success and Failure of Ethnofederations by Structure	83
Table 7.1	Stability and Integrity in Four Case Countries, Summer 2020	266
Table 7.2	Previous Positions of Case Countries	268



Introduction

Most observers date the fall of the Ba'athist regime in Iraq to April 9, 2003. On that day, the 39-foot statue of Saddam Hussein, erected in Firdos Square, Baghdad, barely a year before to celebrate his 65th birthday, was unceremoniously toppled by US Marines in what one seasoned journalist described as “the most staged photo opportunity since Iwo Jima.”¹ The event brought to an end, at least symbolically, one of the most stubbornly durable regimes in the modern Middle East. To all intents and purposes, Hussein’s rule began in 1968, when a coup by the Ba’ath Party’s military wing unseated the incumbent president Abdul Rahman Arif, meaning that at the time of his removal, Hussein had survived at the helm of the Iraqi state for the best part of 35 years. Though exceptional, Hussein’s durability was by no means anomalous at the time. Indeed, throughout the Middle East and North Africa (MENA) region, authoritarian regimes headed by hereditary monarchs or “strongman” leaders were the rule rather than the exception. As of 2011, the leaders of Egypt (Hosni Mubarak), Libya (Muammar Gaddafi), Tunisia (Zine El Abidine Ben Ali), Algeria (Abdelaziz Bouteflika), and Yemen (Ali Abdullah Saleh) could count among them nearly 130 years of continuous rule; throw in Hussein’s 35 years and more than 40 years accumulated by Syria’s two Assads, and the total exceeds 200 years. It is scarcely surprising, then, that the focus of most area experts was on explaining the persistence, durability, and stability of authoritarian regimes in the region, and almost none predicted the seismic events of 2011. In that year, waves of popular unrest that

¹<https://www.seattlepi.com/news/article/Lights-camera-rescue-1115858.php>

xiv *Federal Solutions for Fragile States in the Middle East*

would become known as the Arab Spring commenced in Tunisia and then spread to almost every state in the region. In some states (e.g. Jordan and Morocco), popular protests prompted modest liberalizing reforms and existing regimes survived; in others like Egypt, seemingly stable authoritarian regimes disintegrated in short order; and in still others, such as Saudi Arabia and Bahrain, regimes survived by brutally crushing dissent. In a small number — Libya, Syria and Yemen — popular uprisings against incumbent regimes tipped the state into civil wars from which they have yet to emerge.

The Demise of Sykes–Picot?

The tsunami of instability that engulfed the Middle East in the years after 2011 was compounded by the emergence of the Islamic State (IS) as a significant and extremely violent political and military actor in the region. The group evolved from the remnants of Al-Qaeda in Iraq. Its upper ranks were staffed by former members of Iraq’s army and Republican Guard and the group’s military prowess, economic resources, sheer brutality, and capacity to control and govern territory made it an appealing prospect to many of those fighting to overthrow the regime of Bashar al-Assad in neighboring Syria. The Syrian Civil War revitalized IS, and in June 2014, several hundred IS fighters reentered Iraq and captured Mosul — Iraq’s second most populous city. A few weeks later, the group’s leader Abu Bakr al-Baghdadi delivered a sermon at the Great al-Nouri mosque in Mosul following which he declared the creation of the new Caliphate (with himself as “Caliph Ibrahim”) and stated: “This blessed advance will not stop until we hit the last nail in the coffin of the Sykes–Picot conspiracy.”² The same summer, IS released an expensively produced video, titled “The End of Sykes–Picot” that depicted IS fighters demolishing the crude border separating Iraq from Syria with bulldozers. Coming just two years prior to the centenary of the signing of the infamous agreement itself, IS’ dramatic displays of propaganda prompted some Western observers to question whether the Sykes–Picot state system was “unraveling,” “coming undone,” or even nearing its end (Hanna 2015; Stansfield 2013). Accompanying some analyses were creative car-

²<https://www.jadaliyya.com/Details/32140/%60Lines-Drawn-on-an-Empty-Map%60-Iraq-%E2%80%99s-Borders-and-the-Legend-of-the-Artificial-State-Part-1>

tographical imaginings of the possible borders of a post-Sykes–Picot Middle East, redrawn to replace the region’s “artificial” states with more “natural” creations. Invariably, the “naturalness” of states is assumed to be premised on their ethnic homogeneity, making a Kurdish state the inevitable starting point for all such maps, followed closely by some variant of a “Shiistan.”³

That such flights of fantasy are generally conducted by writers lacking scholarly credentials like Robin Wright (*The New York Times*), Joshua Goldberg (*The Atlantic*), and Army Lt. Col. (ret.) Ralph Peters, and that they are, more often than not, characterized as “imaginings” rather than reality, seems not to prevent them from provoking the righteous indignation of area experts. Accurately — but unnecessarily for anyone with even a passing familiarity with Middle Eastern history — such experts dutifully explain that the Sykes–Picot agreement established precisely none of the region’s boundaries; that the “artificial” state narrative is founded on historical ignorance; that today’s borders were delineated incrementally and “through the resolution of competing claims to territory and sovereignty by deployments of power”⁴; and that any attempt to carve out ethnically homogenous states would be doomed to failure by the inherent heterogeneity of the territories slated for statehood. These are all valid observations, but they largely miss the point. The map of the Middle East will not be redrawn because it is not in the interests of powerful regional actors to do so. Just to create a Kurdish state — a foundational feature of all post-Sykes–Picot maps — would require annexing territory from four regional states — Syria, Turkey, Iraq, and Iran. No doubt the Kurds would embrace such a map, but it is a complete non-starter for the four affected states, for reasons that are too obvious to dwell on. Indeed, about the only thing guaranteed to unite states in the region is a shared threat to their territorial integrity. Any reimagining of the MENA map would, therefore, need to be forcibly imposed on the populations of the region, and the only external power that could even contemplate this is the US. Leaving aside the obvious problem that drawing new lines on a map in Washington DC is a recipe for eternal war, the reality is that since World War II, the US has been among the staunchest defenders of existing borders in the region. Bluntly put, the one power with the capability to unilaterally impose new borders has no interest in doing so. As it turns

³See, for example, Peters (2006), Wright (2013), and Goldberg (2008).

⁴See Pursley (2015), <https://www.jadaliyya.com/Details/32140>

xvi *Federal Solutions for Fragile States in the Middle East*

out, even the radically more modest and normatively justifiable proposition of an independent Kurdish state in Northern Iraq is a bridge too far for the US. As the response of the US to the 2017 non-binding referendum on Kurdish independence revealed in stark relief, the US' rhetorical commitment to supporting the Kurds' right to self-determination "when the right time comes" means nothing. For the Kurds, it seems, the "right time" never comes (Anderson 2020).

If the US is not even willing to contemplate redrawing the map to accommodate an independent Kurdistan, then it seems clear that the external borders of MENA states are effectively etched in stone for the foreseeable future. This being the case, the problems that currently afflict many states in the region cannot, and will not, be resolved by "right-sizing" states. For better or worse, the populations of MENA states are trapped within their own borders for the duration. This means that internal solutions are needed.

The Art of Institutional Design

The design of political institutions — "constitutional engineering" as it is sometimes called — is more art than science. Regrettably, the scientific precision implied by the term "engineering" is mostly illusory. Much like ethnic identity, religion, and the rules of cricket, political institutions are social constructions that have no independent existence outside the human mind. Political institutions, we are told, can establish the "rules" of the political game, and incentivize, shape, and constrain the behavior of political actors, but they have this "power" only if and for as long as people accept that they have this power (March and Olsen 2006). The US Constitution designates the president as commander-in-chief of the armed forces. Taken literally, the president controls that most powerful armed force on the planet and is, therefore, the most powerful person in the world. The president has this "power" until the day the US military rebels against presidential orders, at which point the power that was assumed to exist no longer exists. To most Americans, this outcome is unthinkable, and it is entirely possible that Hosni Mubarak felt a similar way on January 24, 2011. As head of the Egyptian armed forces, among the more powerful in the Middle East, Mubarak could reasonably lay claim to being the most powerful person in Egypt, and among the most powerful in the region. A day later, the Arab Spring arrived in Egypt; 20 days later, Mubarak was arrested; and 6 months after, he was serving a life sentence

in prison. There is nothing particularly original or earth-shattering about the observation that political power is inherently fragile, but it is important to recognize that even the most elegantly crafted constitution ever written is, like any other constitution, just words on a page. This does not mean that constitutional engineers have nothing of value to contribute to a debate on solving problems in the Middle East. If this were the case, this would be a short book. It is rather to acknowledge that there are limitations to what the design of political institutions can achieve. Political institutions are human creations that are as fallible as the humans who create them. Hammel (1993: 40) puts it best — “The essence of good political institutions is that they make political idiocy more difficult (but not impossible) to achieve.”

A second limitation that relates to the current context is that there are problems that afflict the MENA region that are beyond the reach of political institutions. To the extent that the region’s problems stem from a flawed political culture, or the “oil curse,” or the creation of Israel, or persistent external interference, or the nefarious meddling of Western powers during the Mandate years, there is not much that even the best-designed political institutions can do to “solve” any of these. A well-crafted electoral system can foster consensus or incentivize moderation, but it cannot rewrite history, deconstruct the state of Israel, or wean the global economy off its addiction to fossil fuels. There are, however, certain problems for which the appropriate design of political institutions offers a plausible remedy. This book is focused on three of these.

Enduring Authoritarianism

First is the problem of “enduring” authoritarianism.⁵ This phenomenon is unpacked and examined in greater detail in the chapter that follows, but for now, an uncontroversial observation is that most of the region’s states have been ruled by authoritarian regimes — either hereditary monarchs or ex-military “strongmen” — for most of the time since independence. For whatever reason, the region has been largely exempt from the various “waves” of democracy that have swept across most other regions of the world. The Arab Spring, the region’s own “wave,” inspired optimistic

⁵The term “enduring authoritarianism” is taken from Posusney (2004); see Bellin (2004) for a similar argument.

speculation about the power of ordinary people to propel the states of the MENA region in a more liberal, democratic direction. Tunisia aside, there are few grounds for optimism as of 2021; the governing structures, if not the specific personnel, remain much as they were in 2010 throughout the region. In other words, authoritarianism endures. In some cases — e.g. Jordan and Kuwait — the Arab Spring appears to have had almost no discernable lasting impact; in others, such as Bahrain and Saudi Arabia, crackdowns of varying levels of brutality seem to have successfully squashed latent protest movements, and in a small number — three of the four cases considered here — the events of 2011 triggered major conflicts that await definitive resolution to this day.

Each of the four states considered here — Syria, Iraq, Libya, and Yemen — have some historical experience of democratic rule, but each also bears the inedible imprint of decades of domination by a single authoritarian leader. We fully recognize the assumption that authoritarianism is a “problem” to be solved implies that some form of democratic rule is normatively preferable. In some MENA states, e.g. Jordan, Oman, and Kuwait, some form of hybrid system that is neither fully authoritarian nor fully democratic appears to enjoy a legitimacy that other states in the region lack. Having said this, in the four states that form the focus of this book, it would be difficult to make that case that any system would not be preferable to what came before. More broadly, the scale and scope of the Arab Spring protests revealed a pent-up demand for governance that is less corrupt, less repressive, and more responsive to the needs of the people. Regimes that tick these boxes need not resemble the sort of individual-rights-based democracies that inhabit the Western world, but they would surely be an improvement on what much of what currently exists.

Ethnic Diversity

A second problem that requires attention is the management of societal (ethnic) diversity. Definitional issues aside for the moment, the starting assumption is not that ethnic diversity is *inherently* problematic. It is intuitively plausible that the more ethnically heterogeneous a society, the more prone to conflict, and there is certainly evidence that ethnic fractionalization (or polarization) is systematically related to a range of negative outcomes — lower economic growth, higher income inequality, bad governance, the deficient provision of public goods, lower levels of

democracy, and, critically, greater proneness to civil conflict (Easterly and Levine 1997; Alesina and Ferrara 2005; Banerjee *et al.* 2005; Montalvo and Reynal-Querol 2005; Bleaney and Dimico 2017; Horowitz 1985; Rabushka and Shepsle 1972; Welsh 1993; Hegre and Sambanis 2006). However, in an important challenge to the existing consensus, Fearon and Laitin (2003) provide convincing evidence that ethnic diversity, in and of itself, is unrelated to the frequency of civil wars. Other challengers to conventional wisdom include Young (2002), who finds that ethnic conflict in Africa is not driven primarily by societal heterogeneity; Fish and Brooks (2004), whose evidence suggests that ethnic diversity has no impact on levels of democracy; and Gerring *et al.*, who demonstrate that higher levels of ethnolinguistic diversity actually *increases* prospects for democracy.⁶ A reasonable conclusion to draw from this is that the relationship between societal/ethnic diversity and various negative outcomes is more complex than previously assumed. If ethnic diversity is not an inherent problem, it is still an issue that needs to be managed.

Taking language as an example, there are a variety of options available for managing linguistic diversity, but ignoring the issue is not one. As Patten (2001: 693) observes, the “superficially attractive solution” of “disestablishment” is not a viable option because “disengagement from language is impossible. Public services must be offered, and public business transacted, in some language(s) or other.” The conscious choice of the US not to designate an official language does not change this. English is the *de facto* official language of all the branches of government, the legal system, the armed forces, the bureaucracy, and so on. This basic reality unavoidably discriminates against those whose first language is not English.

An alternative approach for multilingual societies is to avoid elevating an indigenous language to official status and instead to use a bridging language, such as English or French, as the official state language. In majority/minority contexts, by far the most popular option is to grant the majority language official status; minority languages can then be tolerated, ignored, banned, actively eradicated, or granted some form of legal recognition. Only the last of these affords the prospect of non-discriminatory treatment of linguistic minority groups, but there is a limit logistically to the number of languages that can enjoy official recognition. By Kloss’ (1966: 7) estimation, “three seems to be the maximum number

⁶See also Fish and Kroenig (2006) for similar findings.

xx *Federal Solutions for Fragile States in the Middle East*

of languages which can be placed on an equal footing as official languages of the nation” before day-to-day administrative tasks become overwhelming.

The French approach has been to use all the resources of the state to promote a single national language at the expense of minority languages and to stigmatize the use of these in the public sphere. Over time, as French became the language of record for the political, business, and cultural elite, the decline in the use of minority languages became self-reinforcing. Minority languages were associated with demeaning cultural stereotypes, and social advancement required fluency in French, so parents increasingly stopped communicating with their children in minority languages like Breton (Reece 1977: 24). Indeed, Breton nationalists often attribute the precipitous decline in the use of Breton over the twentieth century to the “army of anti-Breton mothers” who refused to speak Breton to their children at home. As a result, the vast majority of French people now speak French, but nearly 30 minority languages are in danger of extinction. France’s management of its multilingual society is not unusual. The use of minority languages has never been legally prohibited; rather, a single national language has been relentlessly promoted using the full weight of the state’s resources. This highlights one of the reasons why language management can be a source of conflict. On the one hand, a single national language is often viewed as a vital ingredient in the creation of a shared national identity.⁷ This provides states with a powerful incentive to homogenize by eliminating linguistic differences. On the other hand, the creation of this shared identity at the national level requires the destruction of languages and cultures at the subnational level. Understandably enough, this provokes hostility and resistance. The claim, of course, is that “Frenchness” is a civic identity for the public sphere that is inclusive in that it is accessible to all citizens; but the centrality of the French language to this identity makes “French” as ethnic an identity as Kurdish, Catalan, or Circassian. This takes us to the prickly issue of definitions.

There is some variation across academic disciplines in how terms like “ethnic” and “ethnicity” are defined and how they relate to other concepts like “race,” but there is broad agreement on the sorts of attributes, or

⁷For opinion poll data that demonstrates the importance of this at a popular level, see, <https://www.pewresearch.org/global/2017/02/01/language-the-cornerstone-of-national-identity/>

“markers,” that comprise an ethnic identity.⁸ Two definitions can provide a useful starting point here. For sociologists Cornell and Hartman (1998: 19), ethnicity is “a sense of common ancestry based on cultural attachments, past linguistic heritage, religious affiliations, claimed kinship, or some physical traits.” Harik’s (1972: 303) definition of an ethnic community — as a “community conscious of sharing similar characteristics such as a distinct language, a religion, a culture, or a historical experience of its own and also conscious of its difference from other communities by virtue of these same characteristics” — covers similar ground, but places greater emphasis on the *awareness* of group members of being part of something larger that distinguishes “us” from “them.” Both definitions are permissive in that ethnic consciousness can be based on a shared language, tribal affiliation, religion, sect, subsect, culture, or even history. Thus, the Scots share neither language (other than English), tribal affiliation (other than during football matches), or a single religious denomination. Arguably, shared culture, historical experience, and awareness of group difference still qualifies the Scots as an ethnic community.⁹

It is clear from these definitions that ethnic identity, like French, German, or indeed, any identity, cannot be anything other than socially constructed. The essence of what it is to be Kurdish is not passed down genetically from generation to generation. Babies born to Kurdish parents are not born speaking Sorani or Kurmanji; they have no awareness of religion, Kurdish culture, or the emotive symbolic significance of the town of Halabja. These attributes are acquired over time through social interaction. However, the recognition that ethnicity is a social construct

⁸Most political science definitions include race as a “marker” of ethnicity, but other social science disciplines, e.g. sociology, make a distinction between race and ethnicity. Thus, the American Sociological Association characterizes race as referring to “physical differences that groups and cultures consider socially significant”: ethnicity, meanwhile, “refers to shared culture, such as language, ancestry, practices, and beliefs.” (<https://www.asanet.org/topics/race-and-ethnicity>). Anthropology makes a similar distinction, while the terms “race-ethnicity,” or “race/ethnicity” appear to have gained traction in certain sections of the hard sciences community. See, for example, Edwards *et al.* (2019) https://www.pnas.org/content/pnas/116/34/16793.full.pdf?fbclid=IwAR2NmrGbDvJdww7xtK-vNSjTh5bc9_RIgEUcWM7aVZGawy32WwMlrKGWkeg

⁹Opinion polls repeatedly demonstrate this awareness, with somewhere between 70% and 80% of Scots opting for “Scottish” rather than British as their “national” identity (see https://www.bsa.natcen.ac.uk/media/38458/bsa30_devolution_final.pdf)

xxii *Federal Solutions for Fragile States in the Middle East*

does not necessarily get us very far. It does not follow logically, for example, that because ethnic identity is constructed, it can easily be deconstructed. The French state has been relentlessly deconstructing Breton identity for centuries, but “Bretonness” lives on. Nor does it mean that ethnic identities are somehow inauthentic; Catalan identity is no more or less inherently authentic than, say, French identity. The perception that ethnic identities are “inauthentic” is a natural product of the social constructivist perspective. If ethnic identities are not biological “givens,” they require construction, which then raises the question, for what purpose? The instrumentalist argument — that they are constructed for the benefits that group membership brings — trivializes ethnic identity down to the level of a strategic cost/benefit calculus. This may be plausible in some cases, but it is not at all credible in others.¹⁰ Efforts to Arabize or Turkify Kurds in several MENA states present a clear-cut choice. Kurds can shed their Kurdish identity, become Arabs (or Turks), and enjoy the benefits of full participation in the political, cultural, social, and economic life of the nation or they can retain their Kurdish identity and suffer lives of marginalization and repression. An unknown number of Kurds have opted for the first path, but tens of millions have chosen the second. How is this plausibly the product of a rational cost/benefit calculation? Instrumentalism trivializes ethnic identity by stripping it of its emotional content, and it is difficult to see why tens of millions of people would be prepared to fight and die on behalf of a specific ethnic group — Germans, Kurds, Russians or whomever — if ethnic identity were a strategic choice. Hence, while ethnic identities are undeniably social constructions, in many cases they appear to have a depth and durability that renders their deconstruction unviable. This means that in ethnically diverse societies, the relationship between and among ethnic groups is an issue that requires management.

State Fragility

The final problem that merits attention is state weakness, or “fragility.” This is by no means a problem for all states in the MENA region. Strikingly, the most recent iteration of the Fragile State Index (FSI) lists

¹⁰A variation on this argument attributes ethnic conflict to unscrupulous leaders, who cynically manipulate the emotions of the masses for personal gain. This dimension of the argument is examined in more detail in the case study chapters.

the United Arab Emirates as *less* fragile than either the US or the UK.¹¹ However, chronic state weakness is obviously a serious problem for all four of the cases considered below as a consequence of recent or ongoing conflict. Yemen tops the 2020 FSI as the most fragile state in the world, a position it has held for the last two years, while the other three states — Libya, Iraq, and Syria — all appear at the top end of the list (see Chapter 1). Conceptually and in terms of empirical measurement, state fragility is a multidimensional phenomenon, which makes it a problem that cannot simply be solved through the design of political institutions. Choosing certain institutions over others may help strengthen a state at the margins, but realistically, there is a limit to what can be accomplished. Having said this, the fragile state problem is relevant for current purposes because of its relationship to the issues of persistent authoritarianism and ethnic diversity.

To simplify somewhat, one way to reduce the probability of authoritarian takeover is to divide up governing power at the center and parcel it out to multiple veto players.¹² This is a variation on the familiar pattern of separated powers and checks and balances that characterizes the US political system. In very basic terms, the more players with veto power over political decisions, the more difficult it is for a government to get anything done. This can be negative if decisive government action is required to respond to a natural disaster, say, but a government that cannot act cannot easily oppress its citizens. Assigning veto power to ethnic groups, or adopting formalized power-sharing among groups at the center, moreover, can help address the issue of ethnic diversity in that formerly disempowered ethnic minorities can gain a share of the spoils of office and prevent changes to the status quo that are detrimental to the well-being of the group. Some form of intergroup power-sharing at the center may be unavoidable in the aftermath of civil war. It is difficult to see how the Bosnian Civil War could have been brought to an end without granting all three main groups veto power over central government decisions. However, the case of Bosnia also illustrates the heavy price tag attached to the power-sharing approach. The structure of the system allows each group to defend itself against the “tyranny” of other groups, but it also renders the government almost entirely incapable of doing anything.

¹¹For 2020 data, see, <https://fragilestatesindex.org/>.

¹²A veto player is normally defined as a political actor with the power to prevent changes to the *status quo* (Tsebelis 2002).

xxiv *Federal Solutions for Fragile States in the Middle East*

In other words, power-sharing addresses issues one and two discussed above, but at a cost of exacerbating problem three. An alternative is to share power *across* levels of government through formalized decentralization — i.e. federalism.

Federalism as a Solution

Federalism is a form of “dispersive” power-sharing that involves the constitutional assignment of different powers, over different issue areas, to different *levels* of government. The central (federal) government wields power over issues like foreign policy or national defense; the constituent subunits (provinces, states, etc) control issues of local or regional concern, such as education or policing; and some powers are usually shared between the two tiers of the government. The benefits (and defects) of federalism are examined more fully in Chapter 2, but for now, it is worth noting that in a federal system, certain powers are intentionally taken away from the central level and reallocated to a different level of government. By definition, therefore, central governments in a federal system have less power than their counterparts in a centralized, unitary system. All else being equal, the less power that resides at the center, the more difficult it is for authoritarianism to take hold. In addition to the federal government in Washington DC, there are 50 other powerful governments in the US — all of which have economic resources, coercive forces, and a vested interest in preserving their autonomy against power grabs from the center. Whatever the historical failings of the world’s two longest standing democracies, Switzerland and the US, both have centuries-long track records of successfully avoiding authoritarian rule, and both are federal in form. This may not be coincidental. The capacity of subunits in a federation to serve as a check on the power of the central government is sometimes termed the “bulwark” function of federalism.

A federal system can also accommodate ethnic diversity. Where ethnic groups are territorially concentrated, subunit boundaries can be delineated to create ethnic homelands that can provide such groups some control over issues of emotive significance — such as the education of children in a minority language, or the celebration of religious holidays, or laws of personal status. Dispersing control over potentially contentious issues like these to the subunit level removes them as sources of conflict at the central level and helps deintensify intergroup conflict throughout the system. The term “ethnofederation” is often used to characterize

constitutionally decentralized systems designed to accommodate ethnic diversity, though this term is generally preferred by critics rather than advocates. Critics charge that ethnofederalism is foundationally flawed as an approach to the management of ethnic diversity, and that ethnofederations are doomed to suffer either recentralization, the secession of subunits, or even total state collapse (Roeder 2009). The empirical evidence, examined in Chapter 2, indicates otherwise; some ethnofederations fail, but many more do not. This variation in outcome seems related to how an ethnofederation is structured. Specifically, a partial ethnofederation that provides autonomy to one or more ethnic minorities, but divides up the numerically dominant ethnic groups across multiple subunits, appears better equipped than other structures to accommodate diversity while avoiding the “twin perils” of recentralization and secession.

The argument that federalism can plausibly address problems one and two is always likely to be a tough sell in the MENA region, where any deviation from centralized, unitary rule tends to be viewed with suspicion (see Chapter 2). At best, federalism is seen as a source of division that threatens the coherence of national identities, and at worst, as a plot by Western powers to weaken or even destroy state structures. That federalism is viewed as synonymous with state “weakness,” or even partition, is understandable, given the dubious track record of Western involvement in the region, but also inaccurate. The four states examined here all have long experience with unitary, centralized rule, and all four have suffered catastrophic state failure over the last decade or so. They remain the four most fragile states in the region, and among the most fragile in the world. However, there is no necessary relationship between a federal system and state weakness. Some federations like Venezuela and Iraq can be classified as fragile, but many others — Germany, Austria, and Switzerland, to name but three — are among the least fragile in the international system. More importantly, the federal option offers a way to address the issues of authoritarianism and ethnic diversity that, unlike inclusive power-sharing at the center, need not involve further weakening of already fragile states. Federalism permits governments to function *despite* gridlock at the center (Anderson 2013: 85). The argument advanced in this book is that (ethno) federalism merits serious consideration as an institutional approach that can address issues one and two without exacerbating problem three.

It is important to stress from the outset that our starting assumption is *not* that some variant of federalism is either desirable, necessary, or even possible in all or any of the cases examined. An ethnofederation offers a

solution to an existing ethnic problem of some sort. If no problem exists, no solution is necessary. Likewise, to demonstrate empirically that partial ethnofederations have a better track record of success than other structures tells us nothing about whether a partial ethnofederation is a “good fit” for the cases at hand. The logistical feasibility of a partial ethnofederation depends, in part, on demographics — the number of discernable ethnic groups, their size and territorial concentration, and so on. These demographic realities cannot simply be reengineered to suit the model.

The political feasibility criterion is also critical to any overall evaluation. It is not unknown for social scientists to succumb to the hammer/nail temptation¹³ and assume that theoretical models/political institutions that have demonstrated their effectiveness in some cases can transplant seamlessly to all cases. To take one relevant example, during the period surrounding the US invasion of Iraq in 2003, a number of well-respected academics published articles outlining their prescriptions for the future design of Iraq’s democratic institutions (Wimmer 2003; Dawisha, and Dawisha 2003; Makiya 2003).

Several of these, sensibly, advocated for a federal system to avoid a reversion to authoritarian rule. They also expressly opposed any attempt to create a single, ethnically defined Kurdistan region in the North, preferring instead to base the system on the existing 18-governorate structure. This would have left the currently existing Kurdish region divided into three political entities — Duhok, Erbil, and Sulaymaniyah — in which Kurds comprise a clear majority of the population. Theoretically, this design made perfect sense. The Kurdistan Democratic Party (KDP) would have dominated in Duhok, the Patriotic Union of Kurdistan (PUK) in Sulaymaniyah, and the two would have fought it out for control over Erbil. The intent behind the design of the system was to reinforce existing intra-Kurdish (KDP vs. PUK) divisions, thereby deliberately fracturing Kurdish unity. In turn, this would diminish the threat of Arab vs. Kurd conflict at the central level.¹⁴ Basically, the assumption was that the Kurds would be too busy squabbling among themselves to present a unified front in Baghdad. Anyone with a cursory knowledge of Iraqi Kurdish history will recognize that this approach would most likely have achieved the

¹³This refers to the adage — “if all you have is a hammer, everything looks like a nail.”

¹⁴The basic idea that using subunit boundary lines to divide up ethnic groups in order to foster inter-ethnic divisions is generally associated with Horowitz’s analysis of the Nigerian federal system (Horowitz 1985).

desired effect. However, it was precisely for this reason that the design was completely unacceptable to Kurdish leaders. A single Kurdish region within a federated Iraq was a red-line demand for Kurdish leaders during negotiations over the new constitution, and the Kurds would have vetoed any document that did satisfy this demand. The 18-governorate model was no doubt theoretically appealing, and it would likely have been effective, but it was also politically impossible to implement at the time. The moral of the story is that what looks good on paper may not be politically feasible in practice. Theory and empirical evidence can help determine what is desirable or effective, but political feasibility dictates what is possible. This requires the detailed knowledge that only case studies can provide. Accordingly, this book is structured in such a way as to integrate insights drawn from political science with in-depth knowledge of the cases under consideration.

Structure

The focus of this book is on how best to move forward politically in four post-conflict MENA states — Libya, Yemen, Syria, and Iraq. To describe these as “post” conflicts is, of course, inaccurate. In three of the four, Iraq being the exception, serious violence is ongoing at the time of writing. However, the working assumption is that at some point in the near future, these conflicts will end with a negotiated political settlement of some sort and that this process provides an opportunity to contemplate the design of political institutions that offer some hope for a better future for all four. The case of Iraq is obviously different in that it was external military intervention in 2003 that led to the destruction of the former regime and the total redesign of the country’s political system in 2005. Unfortunately, both the process by which Iraq’s new constitution was drafted and the finished product itself were flawed. The net effect of the 2005 constitution has been to divide rather than unite Iraqis, and the debate over how to recalibrate the political system is far from over. It is no coincidence that the ratification of the constitution in October 2005 was followed almost immediately by two years of brutal sectarian civil war. Likewise, the rise of IS and its popularity (at least initially) in certain parts of Iraq was in no small measure a product of divisiveness of the constitution. The group’s demise as an organization capable of holding territory affords an opportunity to recraft a more inclusive and consensual document.

xxviii *Federal Solutions for Fragile States in the Middle East*

In all four of the cases examined, then, the future design of political institutions is up for grabs. Assuming a return to the *status quo ante* varies from the implausible (in the case of Syria) to the impossible (in the cases of Libya and Iraq) and is, in any case, undesirable, then two questions require answers. First, what sorts of changes to the political architecture of each are desirable? Second, which are politically feasible? Chapter 2 makes the case that federalism merits serious consideration as a way to check authoritarian tendencies and accommodate ethnic diversity. The empirical evidence indicates that federations that provide autonomy to one or more ethnic groups (ethnofederations) are not inevitably destined for failure, as critics contend. Some fail, and some do not, and the evidence suggests that the structure of an ethnofederation has an important impact on the probability of success. Theoretically and empirically, a partial ethnofederation makes good sense for the four states in question. Whether this arrangement is plausible, or even possible, to implement in any of the four is an open question. Answering questions of logistical and political feasibility necessitates diving deeper into the substance of the four cases. To this end, Chapters 3, 4, 5, and 6 provide case study analyses of Syria, Iraq, Yemen, and Libya, respectively. The goal is to determine if (ethno)federalism, partial or otherwise, is a good fit for each case and evaluate whether realities on the ground either now or at some point in the future, can make the implementation of such an arrangement politically feasible.

Part I: Theory



Chapter 1

The State and the Problem of Legitimate Order in the Middle East

1.1. Introduction: The Legitimacy Crisis of Middle East States

This chapter is devoted to the problem of legitimacy for states in the Middle East. At least since 1977, scholarly attention has been aimed at political legitimacy, the “central problem of government in the Arab world” (Hudson 1977: 2). In the wake of the Arab Spring, some observe that “every Arab regime today lives under the condition of profound perceived insecurity” (Lynch 2018: 124). The source of questionable legitimacy in the Middle East has been subject of many studies. Many outside Western conventional scholarship find the origins of the regional legitimacy crisis in the colonial experience, noting the artificiality of states and borders, particularly within the realm of Sykes–Picot in the Levant and Mesopotamia (Mufti 1996). Westphalian models of state and Weberian definitions of legitimacy are applied and critiqued in the Middle East by scholars singling out the region for its problems or defending against biased Western constructions of both the concepts and the region (for recent discussions, see Fawcett 2017; Okumus and Okumus 2016). Rulers installed by the French and British from North Africa through Arabia lacked legitimacy in the eyes of local populations.

Nationalism has been a vehicle for state-building by weak Middle East states of questionable legitimacy, especially as a popular tool of anti-colonialism (Tibi 1997; Mufti 1996). State-based nationalism played on

4 *Federal Solutions for Fragile States in the Middle East*

historically rooted traditional states, such as Egypt or the Shah's Iran referencing the Persian Empire. However, other nationalisms played off ethnic or religious identities within or across national borders. Arab nationalism became a force in the mid-twentieth century, stoked in World War I against the Ottoman Turks but turned against Western powers by leaders seeking to discredit French- and British-installed rulers in newly "independent" states (Dawisha 2016). Pan-Arabism, such as was found in the Baathist ideology and party of the 1950s and 1960s, called for Arab unity even if the true political motives were domestic and national. "Nasserism" was both an Egyptian state and legitimacy-building tool and a potential source of regional supranationalism, as in the experimental United Arab Republic (UAR) with Syria (in 1958) that courted Libya and Yemen as potential partners. Hashemite regimes in Jordan and Iraq even got "into the game" of pan-Arabism with a short-lived Arab Federation of Iraq and Jordan from February 1958 until the July Revolution that year came to Baghdad (Tal 1995: 41–42).

Others have questioned not just colonially installed leaders but the artificiality of the state itself as a Western or imperial construct imposed on the peoples of the region. Academics (Zubaida 1993) and practitioners critiqued the colonial construct notion, and practitioners both non-violent (Hizb'ut-Tahrir) and virulently violent (Al-Qaeda and the Islamic State [IS]) attempted to promote pan-Islamic caliphates to replace the "Sykes–Picot" model of Western-drawn nation-states (Hanif 2012).

Perhaps because of the legitimacy crisis in Arab and other states in the region, "the Middle East has provided fertile ground for coups," leading many state resources and regime efforts aimed at propping up coercive institutions for "coup-proofing" to hold on to power (Quinlivan 1999: 133). The tyranny–anarchy loop (Haas and Lesch 2017: 7) between overly centralized authoritarianism and the weakness of civil societies and fledgling democracy points to the continuing problem of political order and development cited by Huntington (1968). The reliance on force and authoritarian tendencies can lend longevity to regimes but is not to be equated with legitimacy and does not guarantee long-term stability, as the Arab Spring has shown. The resort to force and coercion, then, may indicate weakness in legitimacy and capacity.

The notion of State Strength, on a spectrum of "Strong" to "Weak" to "Failed," presents us with a way to view the problem of Middle Eastern states. We explore the state strength notion in Section 1.2, definitionally and operationally, and the application to the Middle East and our case

The State and the Problem of Legitimate Order in the Middle East 5

studies. We then turn to two factors that may relate to state weakness and illegitimacy as the issues: (1) regime type, on a spectrum of democratic to autocratic and (2) societal diversity, i.e. how more or less homogenous a country's population is on relevant, salient ethnic, sectarian, tribal, or other political identities. We address the problem of "persistent authoritarianism" in the region and how it is not a guarantee of strength, capacity, stability, and order, as our cases show. We then turn to the issue of societal diversity in the context of weak states of questionable legitimacy.

The problem addressed in this volume is how to avoid weak and failed states without necessitating autocracy (on the assumption that democracy is, in theory, preferable to autocracy). To the extent that "strong state" and "autocracy" may be seen as more or less synonymous (e.g. Saudi Arabia) or that democracy is associated with weak states (e.g. Lebanon), we argue here that democracy can be compatible with legitimacy and a strong state and explore if and when that route is best achieved via federalism. The cases addressed in this study are cases — Iraq, Syria, Yemen, and Libya — that are, to various degrees, weak or failing, conflict-ridden, with authoritarian histories and tendencies still today, but which vary in societal diversity. The analysis of these factors in the case chapters will help ascertain if can be possibly solved with the model of partial ethnofederalism laid out in Chapter 3. This chapter lays out the problem of state strength, persistent authoritarianism, and societal diversity as characteristics of countries that yearn for stability and legitimacy. This chapter also incorporates the logic of case selection of our four cases by identifying them on the spectrum of state strength, authoritarianism, and societal diversity.

1.2. State Fragility in the Middle East

The first aspect of Middle East states we entertain is state fragility. By what may loosely count as the "Dependent Variable," the concept of fragile states is represented in the unwillingness and inability for the governing institutions to provide for its people equitably. Schmitz (2016: 29) defines state strength by the domestic capability of states, by which failing states are incapable of serving domestic needs. Kamrava (2016: 3) points to structural and institutional features that compromise their capacity, devoid them of legitimacy, and make them prone to weakness. Kamrava (2016: 6–7) cites OECD indicators of weak states as the lack of "capacity to carry out basic functions of governing a population and its territory,"

6 *Federal Solutions for Fragile States in the Middle East*

and lack of “the ability to develop mutually constructive and reinforcing relations with society.” Coggins (2015: 461) defines failed or failing states as possessing dysfunction in one or more of the following three areas:

- (1) **Human security:** Government fails to provide basic public services and infrastructure, leading to deprivation within the population;
- (2) **State capacity:** Government fails to provide stable, reliable public institutions, instead becoming increasingly corrupt and ineffective;
- (3) **Political collapse:** Governing regime is so internally contested that political authority is ambiguous or failing in significant portions of the territory.

Kamrava (2016: 1) questions the “general scholarly consensus” for the “prevalence of mammoth, strong states in the Middle East” (Ayubi 1996; Owen 2004), noting the “considerable regional variations in the political and institutional make-up of Middle Eastern countries.” Kamrava (2016: 17–18) reminds us of the “seemingly invincible regimes” of Tunisia’s Ben Ali and Egypt’s Mubarak, and how quickly they crumbled, and notes Tunisia, Egypt, Libya, Syria, and Bahrain “exhibit pronounced features and manifestations of state weakness.” This raises issues of tautology or measurement problems that “seemingly strong states” turned out to be weak when they fall apart. Kamrava (2016: 1) identifies “several states in the Middle East” as “chronically weak,” defined as having “structural and institutional features” that “compromise their capacity, devoid them of legitimacy and make them prone to weakness,” including Lebanon, Sudan, and Yemen. Anderson (2017: 229) calls Libya “a stark example of the political consequences of a weak state and ambiguous sovereignty.” Weak states can appear strong on the outside for decades. While Syria and Iraq underwent turbulent times of coups and revolutions in the 1950s and 1960s, the Assad and Saddam Hussein regimes were seen as “strong” or “stabilizing” forces to some observers. Gaddafi’s bizarre institutional arrangements lasted from 1969 through 2011, as did other “seemingly invincible regimes” like Ben Ali’s Tunisia and Mubarak’s Egypt prior to the Arab Spring (Kamrava 2016: 17).

Critics of the view of a Middle East fraught with state failure point to slippery definitions and Western conceptions of both state and failure. Schwarz and de Corral (2011) question the typically Western view that uses a Weberian definition of the state as legitimate possessor of the monopoly of violence, classifying states into either strong, legitimate, and

The State and the Problem of Legitimate Order in the Middle East 7

democratic, or failed and authoritarian. They argue that most Middle Eastern states do not fit these ideal types, being neither failed nor fully democratic, both strong in security and coercion and weak in representation and legitimacy (Schwarz and de Corral 2011). Phillips (2016: 55) challenges the notion of failed states, noting the “benchmarks of failure derived from western liberal concepts of the state able to provide security and services.” By those measures applied to the Middle East, the only state deemed “stable” in 2012 was UAE; Oman was “borderline,” and the rest “in danger” or “critical.” Seeing the uprisings as a symptom of state’s institutional failures, Phillips (2016: 57–58) notes that the resulting “stabilization” strategies are then prioritized as a counter-insurgency-inspired model of security, while overlooking the underlying grievances of the protests and the possible flaws underpinning the state’s institutions.

The focus of this book being on post-conflict cases, the emphasis gravitates toward the effects of state weakness, and the possible sources of illegitimacy undergirding it, on violence and instability within and across borders. Weak states can invite violence and a recursive dynamic that feeds instability and further failure. If there is a collapse in state power, “when proximate groups of people suddenly find themselves newly responsible for their own security,” they may be “compelled to provide” their own protection and ponder the threat of “any neighboring group” (Posen 1993: 103–104). Pack (2012) discusses “conditions that nourish the militias” in Libya, noting that when Berber militias from Zwara attacked and killed scores of Gaddafi loyalists and neutral civilians in Rugdalein, the “central government was powerless to protect them and only their militiamen defended their community.” Kamrava (2016: 9) notes, and our cases here show, that instead of state institutions and national symbols unifying people, weak states rely on “fragile state alliances” among “tribe, local notables, religious leaders.” These “strong local identities,” Kamrava (2016:12) argues, are not only “one of the main contributors to state weakness” but also a consequence of said weakness, providing “functional benefits to many of the country’s tribes, ruling coalitions and outside powers.”

As transnational religious entities, IS and Al-Qaeda thrive in political vacuums as well as help perpetuate them, as in the “de facto breakup of Syria and Iraq” — two of our cases. Studies of whether weak, failing, or failed states are prone to terrorism produce mixed results, partly due to the problem of isolating cause since many failed states are at civil war or the brink of political collapse (Rotberg 2003; Piazza 2007).

8 *Federal Solutions for Fragile States in the Middle East*

Coggins (2015: 477) finds that overall failing and failed states are not statistically more likely to have terrorism, but “most failed” states experiencing war and political collapse are more likely to experience terrorism. Newman (2007: 466) notes conditions of weak or failed states that are conducive to terrorism but argues the conditions are not exclusive to these types of states. Other attributes like porous borders and the presence of migration and illegal trafficking are examples. However, Newman (2007: 475) concludes that “all of the most dangerous terrorist organizations — in terms of the numbers of fatalities resulting from their activities — have emerged and organize ... in countries which have relatively weak state capacity.” However, he cautions there are terrorist organizations within strong states and weak states lacking terrorist activity, eschewing necessary and sufficient conditions of direct causation.

Any discussion of solutions analyzing local dynamics must also grapple with the external forces that both cause and perpetuate weak states. Kamrava (2016: 13) notes that “regional and international dynamics help maintain a weak state in power” but “can also seriously undermine the strength and capacity of (otherwise stable) states.” Our analysis focuses on post-conflict cases for their ripeness for new institutional arrangements, which presumes an existing failure of legitimate, stable governance. All of our cases are those of weak states who are enduring conflict that indicates (1) previous structures have failed or are failing and (2) future structures are still to be determined for the future stability and viability of the countries in question.

The Fragile States Index is one common tool for assessing state functionality, from which we can initially identify cases for study.¹ The indicators for the Fragile States Index are categorized under Cohesion, Economic, Political, and Social factors. The cohesion question relates to the presence of group grievances, factionalized elites, and the security apparatus. Economic indicators include uneven development, economic decline, and the state of human flight (brain drain) from society. Political indicators relate to legitimacy, public services, human rights, and the rule of law. Social indicators include the presence of demographic pressures, refugees, and external pressures on society. Each of the 12 indicators have numerous sub-indicators (e.g. “State Legitimacy” includes how much confidence the public has in the government, how

¹For discussion of this index and indicators, see Fragile States Index: <https://fragilestatesindex.org/indicators/>

Table 1.1: Fragile States Index Scores (2019)

Country	FSI Score (out of 120)	FSI Rank
Iraq	99.1	13
Syria	111.5	4
Yemen	113.5	1
Libya	92.2	28

common demonstrations and riots are, etc.), in a complex combination of quantitative and interpretive analysis.

Taking the Fragile States Index as a heuristic tool for case selection, we select cases on the extreme end of state weakness, rather than from the middle of the 0–120 scale (see Table 1.1).

Iraq’s journey from stability to instability rose with the US invasion, receded from 2007 to 2014, then rose again with the rise of IS, dipping again after the group’s ouster from northern cities in 2018. Syria’s seeming stability was challenged like many others in the 2011 turbulence of the “Arab Spring.” The ensuing civil war has kept Syria’s Failed State score high through the time of this writing, even if it has leveled as it appears Assad’s government is safe from revolutionary change. The Republic of Yemen has “long been cited as the Middle East’s prototypical weak state” (Kamrava 2016: 17), and trends in the Fragile States Index confirm this position. The Fragile States Index makes it clear in 2019 and 2020 that “Yemen takes top position as most fragile state” (Murphy 2019). Yemeni problems of governance have been present for years. Ranked 28th in the Fragile States Index, Libya’s score of 92.2 out of 120 indicates substantial continuing problems in social, economic, and political stability.

If states are failing or weak, it begs the question why. While the causes are complex, we examine two aspects of states that may be contributing factors: regime type and societal diversity. How these factors interact says much about institutions as forces to promote legitimate order or undermine it.

1.3. Regime Type: The Problem of Persistent Authoritarianism

Regime type and formation has been the main locus of attention in academic debate about Middle East politics. Illiberal democracy,

10 *Federal Solutions for Fragile States in the Middle East***Table 1.2: Freedom House Scores in the Middle East (2020)**

Country	FH Score	FH Designation
Iraq	31	Not Free
Syria	0	Not Free
Yemen	11	Not Free
Libya	9	Not Free

Notes: Freedom House, “Countries and Territories.” See <https://freedomhouse.org/countries/freedom-world/scores>

competitive authoritarianism, “spindle autocracy” (White 2017), and other monikers capture the degrees to which countries in and out of the Middle East fall short of the Western model of liberal democracy. By any other name, the Middle East is famously undemocratic, with Freedom House (Repucci 2020: 25) indicating only two countries (11% of the region) democratic in 2020 (see our case countries in Table 1.2), lending to a literature and debate as to why.

Valbjorn and Hinnebusch (2019: 4) divide the literature on democratization in the Middle East into the “Era of Democracy Spotting,” the “Post-democratization,” and the “Soul Searching” eras. The first of these, coming from Western scholarship at the time of the “Third Wave” of democratization in the Soviet and East European spheres, wondered aloud how democracy could spread everywhere but not the world of “Islam” (Huntington 1991). The so-called “Exceptionalist” arguments about Middle East resistance to the march of freedom and democracy are couched in terms of patrilineal cultural traditions of following strong rulers or the incompatibility of Islam with democracy (Posusney 2005). Lewis (2002) notes the disappointing results of “modernization” and democratization in the region, suggesting that “Islam’s change for the worse has “continued unabated” in resisting changes, together with “shabby tyrannies” that are modern “only in their apparatus and indoctrination.” The “thesis that Middle Eastern societies are resistant to democratization had been a standard tenet of Orientalist thought for decades,” so Huntington’s diagnosis that “the prospects for democratic development seem low” was widely received wisdom in the 1980s and 1990s (Sadowski 1993).

The lack of a strong civil society is another factor attributed to the lack of democracy, which can take an Orientalist detour. Sadowski (1993)

The State and the Problem of Legitimate Order in the Middle East 11

notes that Western scholars chide Islamic societies as “strikingly different from” Western counterparts, in which groups were “weak” or “vehicles of supplication and collaboration,” with “Islam” behind a strong leader and weak society, “urging submission and promoting political quietism.” At the same time, when society did get active — including the “very political and very unquiet forms of Salafi violence,” Islam became the reason for radical activism and states are victims encouraged to curb the “autonomy of social groups” due to the “crisis of governability in Islam” (Sadowski 1993).

Beyond discredited Orientalist notions of the incompatibility of Islam with democracy, studies have considered the dilemmas of political Islam movements as challenges to both secular authoritarian regimes and democratic politics. Democracy can be a legitimation strategy in opposition to or compatible with political Islam. Either way, Islamists are either included or excluded from the political arena, the latter out of fear of competing legitimacy and the former to try to moderate Islamism and lessen extremism and political violence that feeds the cycle of repression (Ghadbian 1997). Volpi (2004: 1062) contends that uneven processes that others diagnose as transitions from authoritarianism to liberal democracy are better seen as a “sui generis phenomenon” of the Muslim world creating “pseudo-democratic regimes” between liberalism, republicanism, and Islamism. Characterized by the strength of the coercive state, the weakness of civil society, but the presence of a “religious counter-elite” (Volpi 2004: 1065–1066), a dynamic is created by which a stage is reached after which “any further democratization that does not directly strengthen their own political model is, in their view, a move away from the democracy”: the so-called Islamic free election trap in which free and fair elections could “become a means for non-democratic forces to seize power through the ballot box” (Volpi 2004: 1067).

Orientalist scholars downplay the importance of imperialism behind strong, coercive states and the artificial borders they preside over (Sadowski 1993). For Lewis (2002), as an example, the “role of the British and the French as villains,” followed by the “attempt to transfer the guilt to America” seem unwarranted compared to the region’s self-inflicted failures. Strong, well-armed autocrats were deposited and propped up by the French and British from Jordan to Iraq to Egypt to Syria, encouraging and aiding in repression in the name of order and Western interests. Even independent states allied with the West court and receive the tools of coercion to maintain power. When push comes to

12 *Federal Solutions for Fragile States in the Middle East*

shove, oftentimes both Western and other regional powers opt to prop up coercive, compliant leaders serving their interests over the risk and uncertainty of democratic transition. If support for revolution and change has seemed inconsistent, from the protection of Bahrain to the encouragement of Libya, interests could answer why.

Of course, not all coercive states need be colonial stooges at the hands of manipulative Western powers, and some sources of state failure and authoritarianism may be homegrown. Once independent from Western meddling, autocrats in the region work hard to coup-proof along family and sectarian lines. Other perspectives focus on agents and institutions tied to the persistence of authoritarianism, such as rulers' adept use of the "coercive apparatus" (Bellin 2004), emphasizing internal security over war-fighting to preserve autocratic leaders. Bellin (2005: 22–23) rejects the cultural and even economic arguments to be unsatisfying in arguing for the "lack of prerequisites" of democracy, noting the variation of oil and Islam elsewhere in the world and pointing to "noteworthy progress toward political liberalization" in Middle East Arab Muslim states such as Morocco, Jordan, and Kuwait. Instead, the state of democratic transition is akin to the state of revolution: "the strength, coherence, and effectiveness of the state's coercive apparatus discriminates between cases of successful revolution and ... failure or nonoccurrence" (Skocpol 1979: 34; Bellin 2005: 25).

Quinlivan (1999) illustrates the use of *Mukhabarat* security services, parallel militaries, and tribal or sectarian bases for recruiting the inner circle that protects leaders from challenges within the state. Examples include the Saudis, Syria's Assad regime, and Iraq's regime under Saddam Hussein discussed by Quinlivan (1999). Bahrain's ruling Sunni family is a distinct minority in a Shi'a-majority island nation and has staved off challenges to its regime by ensuring that the Bahrain Defence Forces (BDF) is "virtually closed to Shi'a Muslims," while the Bahrain army is "the army of the royal family and is not a national army" (Barany 2016). Of course, such so-called independent rulers remain reliant on regional and Western patron powers, such as Bahrain's dependence on the Saudis and the US 5th Fleet to insure itself against internal and external challenges (Barany 2016).

Is democracy a source of state weakness and failure or a source of strength for the legitimacy it bestows? Kamrava (2016: 14) argues a direct connection between state strength and democracy, in that legitimacy is rooted in acceptable and responsive performance to inspire

The State and the Problem of Legitimate Order in the Middle East 13

public confidence, joining Rotberg (2003) in suggesting that the lack of democracy as one of the most central elements of state weakness. Others warn of the dangers of democracy, or at least the process of democratization, in fomenting destabilizing trends in the power vacuum that comes from too little authority. Recent studies track how support for, and disillusionment with, democracy comes from being on the losing side of “founding elections,” especially “in areas where the losing parties were strongest” (Grewal and Monroe 2019).

Here it is important to distinguish between state strength and regime type to avoid conflation of “strong” with authoritarian and “weak” with democracy. Lebanon is a weak, democratic state, bordering on failure since the 1970s (Dekmejian 1978). Many indicators of its status as failing state are economic, including a public debt of 175% GDP and 75% living in poverty, but also touch on the instability of violence, refugees, and general government capacity to provide and show stability (Robinson 2020). However, with Lebanon, democracy is not necessarily the problem; some argue for federalism against Lebanon’s problematic consociational form of democracy (Kechichian 2020).² The so-called “Lebanonization” problem is the notion that ethnically divided societies are prone to falling apart (see Bordenkircher 2020). While authoritarian abuses are well known, “ethnic, religious and other minority groups have borne the brunt of government abuses in both democracies and authoritarian states” (Repucci 2020: 1).

While there are various debates about the lack of democracy and its definition suited to regional tastes or contexts, it is clear from the Arab Spring that the region struggles with successful transitions to democracy even if there is support. Tunisia is a success story of sorts, while Egypt has reverted back to strongman authoritarianism, Syria has clung to authoritarianism against the battering forces of civil war, and transitioning regimes in Yemen and Libya lapsed into civil wars before their democratic visions materialized. None of this is due to “unique” differences in “Arab” or “Islam” culture but rather “so many conditions simultaneously,” such as “weak civil society, state-dominated economy, low literacy, low per capita income” (Bellin 2005: 24). Various actors and interests coexist in an institutional environment that promotes insecurity and opportunity. Resisting leaders and societal elements, combined with historically weak

²Though, by “partition,” he mistakenly means federalism. We discuss this tendency in Chapter 2.

14 *Federal Solutions for Fragile States in the Middle East*

civil societies, operate in conjunction with differing support and interests of outside actors who help prop up or challenge local authoritarian regimes. Such will be the struggle of our four case countries that are in various degrees of the throes of democratic transition, after regime changes in Iraq or civil war in Syria and Yemen, or both (in the case of Libya).

On the matter of democracy's propitious conditions, Bellin (2004: 598) claims that "democratic theory suggests that ethnic homogeneity is an important factor in shaping democratic outcomes," in that "some consensus about national identity, that is some degree of social solidarity, is necessary to prevent the inherently conflictual nature of the democratic process from tearing a country apart." This, she argued, was one reason Japan and Germany democratized after US occupation while Iraq would not. De Nevers (1993: 61–62) articulates conditions in which democratization can exacerbate tensions, especially in ethnically divided societies. Previous studies show that ethnic divisions "pose a salient barrier to the development of parliamentarianism in several Arab monarchies (Posusney 2005: 4; Herb 2005). However, while "ethnic divisions" can contribute to "resilient authoritarianism in the region" (Posusney 2005: 4), Herb (2005) argues it is neither a necessary nor sufficient condition. While this hypothesis is far from "consensus," given notions of civic nationalism over ethnic, and evidence and arguments that diversity does not inherently hurt democracy (Fish and Brooks 2004), few would question the importance of a diverse and divided society as part of the equation of how to make states work, and whether federalism provides one path to marry diversity with democracy. All of this leads us to next give great attention to societal diversity as a factor interacting with regime type to produce various degrees of state strength and the potential for destabilizing violence.

1.4. Societal Diversity in the Middle East

Any attempt to summarize the societal complexity of a region as geographically extensive and populous as the Middle East is challenging. The magnitude of the challenge depends on the level of analysis adopted. The closer one gets to describing "on the ground" reality, the more complex the task. After all, at one level of analysis, the region comprises more than 400 million individuals, each of whom is unique. While Yassin-Kassab and al-Shami's (2018: 3) point that "it's most accurate to think of

The State and the Problem of Legitimate Order in the Middle East 15

Syria as a collective of 23 million individuals” is well taken, adopting the individual level of analysis is neither practical nor especially useful for current purposes. At the macro-level, one can speak of four (possibly five) main “ethnic” or racial groups in the region — Turks, Persians, Arabs, Kurds (and Berbers) — that stand out from the rest in terms of sheer numbers, but obviously none of these groups acts as a unified monolith and all are divided by a myriad of internal cleavages. Nonetheless, “ethnicity” in this most encompassing sense is one form of identity shared by most, though not necessarily all constituent group members. The strength and intensity of this group identity will obviously vary over time and space and well as from individual to individual, which is to say that nothing much of value can be said about *all* Kurds, at *all* times, and in *all* places. Syrian Kurds have a different shared historical experience from Turkish, Iraqi, and Iranian Kurds as a result of being “trapped” in different states since the 1920s and 1930s. Likewise, there are unknown numbers of Kurds who have “Arabized,” or “Turkified” and thereby successfully assimilated into the fabric of their respective societies. However, generalizations at the macro-level are a convenient starting point for analysis, and at this level, the ethnic demographics of the Middle East are relatively easy to digest.

All states in the region have a dominant ethnic majority. Turks and Persians have their own states, and Arabs form the clear majority in the remainder.³ This stands in contrast to states that are ethnically diverse but that lack a dominant majority. Most states in Africa fit this template, as do Bosnia and the former Yugoslavia. The absence of a numerically dominant ethnic majority can be problematic for inter-ethnic relations because control of the state itself can become an additional source of ethnic rivalry and conflict.

Turkey and Iran aside, the overwhelming majority of the population of the region therefore shares the same “macro” ethnic identity. The same is true of religion. Non-Muslims (mainly Christians) probably constitute less than 10% of the population of the Middle East. Thus, in terms of the key markers of ethnicity — race, language, and religion — the Middle East is highly homogenous, at least relative to other regions of the world.⁴

³Israel obviously has its own ethnic dynamic that sets it apart from the other states in the region but is beyond the scope of the current analysis.

⁴By way of comparison, in Papua New Guinea alone, over 800 languages are estimated to be spoken by the population (Reilly 1997: 3).

16 *Federal Solutions for Fragile States in the Middle East*

Moreover, and again, this is a macro-level generalization, to the extent that race or language divides, religion provides a source of shared identity and, therefore, unites. Turks, Kurds, Arabs, and Persians are all different in ways that may (or may not) be a source of friction, but most share the same basic identity with respect to religion. Viewed as a Venn diagram, almost the entire population of the Middle East would locate in either the “Arab” or the Muslim circle, and a large majority would locate in both.

Things get more complicated below the macro-level. Each of the four major groups is internally divided, or cross-cut, by multiple lines of cleavage. Sect, for example, cuts across language/race/ethnicity, creating smaller groups of Sunni and Shi’a Arabs, Turks, Kurds, and even Persians. Below this level, each sect is divided into various subsects and orders, such as Sufis, Alawis, Ismailis, and Zaidis, and there are even subdivisions within these subsects. Most of these are characterized as offshoots of Shiism, but the nature of the rituals and practices of some groups, like the Alawis and the Druze, leave open to debate whether these groups can even be classified as Muslims. At a different level again, tribe frequently cross-cuts sect, as in Iraq, where many tribes have both Sunni and Shi’a branches. The extent to which tribal identities still matter in the Middle East is a topic of scholarly debate, but there can be little doubt that tribal identities remain an important source of group identity for some inhabitants of the region. In addition, while tribe can serve as a unifying factor that straddles a sectarian divide, in other cases, for example Iraqi Kurds, tribe has traditionally been a line of division.

On the face of it, then, there is nothing inherent in the demographics of the Middle East that would logically predict high levels of inter-ethnic conflict. Standard indices of “ethnic fractionalization” indicate that states in the MENA region are less culturally and ethnically fractionalized than in many other regions of the world (Fearon 2003).⁵ The data of Alesina *et al.* (2003), meanwhile, indicate that MENA states as a whole are among the very least fractionalized linguistically and religiously, and that states in the region are, on average, less ethnically fractionalized than in any other region on earth.⁶

⁵Interestingly, on most of these indices, the states in the region that figure as among the most fractionalized are those that depend heavily on foreign workers, like Kuwait and the UAE.

⁶Other indices of various forms of fractionalization report similar findings. For example, Harvard University’s “Historical Index of Ethnic Fractionalization Dataset” indicates that

The State and the Problem of Legitimate Order in the Middle East 17

At the macro-level, the region contains four main groups, three of which dominate at least one state numerically. This rules out one source of ethnic conflict, which is over who “owns” the state. Syria is, and always will be, an “Arab” state, regardless of whether this is reflected in its official name in perpetuity. At this level, the story is one of coherence and unity. This unity is reinforced by a religion shared by the vast majority of the region’s population. As one descends levels, the situation becomes more complicated and messy. However, the existence of multiple within-group divisions is not inherently conducive to conflict. Importantly, lower-level societal divisions tend to cut across rather than reinforce higher-level divides. Much more difficult to accommodate is where groups are divided by multiple, mutually reinforcing cleavages that tend to harden and deepen the boundaries between groups. There are obviously examples of this in the region, such as Persian Shi’a vs. Arab Sunnis, but the vast majority of the region’s people share at least one meaningful source of identity with the rest of the population.

From a purely pragmatic (or cynical) perspective, multiple intragroup divisions can actually help diminish conflict at the macro-level by preventing the emergence of unified, monolithic “nationalist” movements. The Kurds are the classic example of a group that is riddled with internal divisions that have greatly hindered the emergence of a single, coherent nationalist movement. The standard operating procedure for any government facing a Kurdish uprising is to back a rival Kurdish faction, either tribal- or party-based, against the rebellious party. Generally speaking, this classic divide-and-rule strategy has proven effective, disturbingly so from a Kurdish perspective.

The most difficult pattern of societal divisions to manage is when a small number of equally sized ethnic groups are divided by multiple, mutually reinforcing lines of cleavage, especially if these dividing lines are informed by a history of violent intergroup interaction.⁷ With the possible exception of Lebanon, there is no country in the Middle East that even approximates this pattern. At the same time, by some accounts, the

Arab states are among the least fractionalized in the world (<https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/4JQRCL>). In most of these indices, the regional exception to this pattern is Iran and, to a lesser extent, Turkey.

⁷This pattern is close to Lijphart’s definition of a “deeply divided” society, for which consociational democracy is the only approach that is likely to preserve the stability of the system, at least according to Lijphart.

18 *Federal Solutions for Fragile States in the Middle East*

region has been highly war-prone, and ethnic identity has played at least some role in many of the region's conflicts over this period (see, e.g. Ibrahim 1998; Heraclides 1989; Harik 1972; Güralp 2006).⁸

A different way to approach this is to ask what factors have made specific ethnic identities salient as a focus of political mobilization and potential conflict. There is probably no single definitive answer to this question, but several possibilities suggest themselves.

First, there is a problem of what Miller (2006) refers to as “state-to-nation congruence.” Basically, there is a disconnect between the borders of states in the region and the distribution of ethnic groups. The three largest macro-groups — Arabs, Turks, and Persians — all “own” states, but none fits neatly within these state borders. Thus, there are approximately 1.5 million Arabs in Iran, and a similar number in Turkey, though this latter number has recently increased significantly as a result of the Syrian civil war. Likewise, ethnic Turks exist in small numbers in Arab countries (e.g. Syria and Iraq), while Turkic-speakers in Iran constitute up to one-quarter of the population. As small minorities in states dominated by a different ethnic majority, these groups can be, and have been, the victims of government oppression and discrimination. Of course, this need not necessarily cause a violent response from minority groups — most such groups are too small to mount a meaningful challenge to the dominant majority — but the potential for ethnic violence is present. Also present is the opportunity for a state dominated by the minority's ethnic cohort to use restive minorities as instruments to destabilize an adversarial neighbor. For example, in the buildup to the Iran–Iraq War, Iraq tried to destabilize the newly installed Islamic regime by fomenting unrest in Iran's mainly Arab Khuzestan region.

A second, related point regarding the lack of congruence between ethnicities and borders is that at least one numerically significant group — the Kurds — was left stateless when regional borders were delimited. As a result, the Kurds are dispersed across four regional states, and in each case, the relationship with the central government has been problematic and conflictual. In two of the four states — Turkey and Iraq — the respective governments have adopted often extreme measures in an attempt to

⁸By one calculation the Arab Middle East contains 8% of the world's population, but was responsible for 25% of the world's armed conflicts between 1945 and 1998 (Ibrahim 1998: 229).

The State and the Problem of Legitimate Order in the Middle East 19

assimilate the Kurds into the dominant ethnic majority, and in both cases, the backlash has been sustained violence. The Kurds of Iran are considered by most experts to be better integrated than in other states and, therefore, the least prone to separatist impulses. This is ironic, given that Iran was the site of the only “independent” Kurdish state in modern history, the short-lived Mahabad Republic. In Syria, Kurds lack numerical strength and are dispersed across a broad swathe of northern Syria, making independent statehood non-viable. In all four cases, the demands of Kurdish groups have ranged from outright secession, to ethnic autonomy, and in all four, they have been prepared to employ military means to achieve this goal.

The lack of fit between ethnic groups and borders is obviously not incongruous in the modern world, and it makes little sense to speak of Middle Eastern borders as any more “artificial” than most of the world’s borders, but the *manner* in which the borders were imposed almost certainly made a difference. Names like Sykes, Picot, Balfour, and McMahon remain potent symbols of Western perfidy to the present day, and the basic story behind these names is well known. Suffice it to say, Arabs never received the independent state they were promised as reward for the Arab Revolt, and the existence of a Jewish state in the heart of the Middle East remains a source of bitter contention. None of these events created Arab nationalism per se, but they did help transform it into the region’s most potent rallying ideology for the best part of the twentieth century. Beyond this, the French and British treatment of their respective mandate territories aroused deep resentment, especially in Syria. The creation of a *de facto* Maronite Christian homeland in Lebanon and the ceding of the Sanjak of Alexandretta to Turkey (in violation of the terms of its mandate) effectively carved up what had previously been considered “Greater” or “natural” Syria, transforming it into “Syria minor,” or, as one scholar put it, “the state of what is left” (Saleh 2003: 58).

Both mandate powers were also adept in the divide-and-conquer strategy that some claim helped exacerbate or even create ethnic tensions where none existed previously. Thus, in Syria, the French created autonomous statelets for the Druze and Alawis, while disproportionately recruiting from minority groups for the Levant’s first standing military force — the *Troupes Especiale du Levant* (see Chapter 3 for more details). The British, meanwhile, opted to govern Iraq indirectly through the minority Arab Sunni elite, many of whom were holdovers from

20 *Federal Solutions for Fragile States in the Middle East*

Ottoman days. Like the French, the British relied on minorities to head up the armed forces and created exclusively ethnic units, such as the Assyrian Christian levies.⁹

To sum up a familiar narrative, colonial powers imposed borders on much of the region, creating states with no prior historical points of reference and drawing borders that were often arbitrary; in the process, they betrayed the promise of a single Arab state extended to Arab leaders of the Revolt. Moreover, the borders imposed deprived the Kurds of the homeland promised to them in the Treaty of Sevres, thereby bequeathing several states an inherited separatist problem that has caused conflict ever since. The idea of “minority” groups as politically relevant units was also a legacy of imperial occupation, and in many instances, occupying powers reinforced intergroup boundaries by empowering “minorities” *vis-à-vis* the majority, and systematically favoring certain “minorities” over others (White 2012). Finally, reverberations from the Western-backed creation of the state of Israel, as foreshadowed in the 1917 Balfour Declaration, have been a source of regional instability since the 1940s.

It is not difficult to understand how these events can be strung together into a plausible narrative of betrayal that attributes all of the region’s ailments — including ethnic conflict — to the unscrupulous machinations of Western powers, but there is a danger of overstating this case.¹⁰ Even if the French and British had ever intended to create a single Arab state, it is far from clear that this outcome was realistic. At the rhetorical level, there has always been a broad consensus among Arab leaders about the desirability of Arab unity, but there has been much less agreement about the form this should take, or more critically, who would lead a unified Arab state. The only tangible territorial manifestation of the pan-Arab cause, the UAR, lasted less than three years and fell apart mainly as a consequence of Syrian resentment at being dominated by Nasser’s Egypt.

The denial of a Kurdish state has certainly had violent consequences over the years, but the heartland of any speculative Kurdish state was in Eastern Anatolia, which by 1920, was back under the military control of the Turkish army. The Kurds of Iran were never part of the plan in any

⁹This force originally consisted primarily of Arabs, but also included Kurds and was created as a multi-ethnic army.

¹⁰For an example of this tendency, see Fildis (2012), who attributes *all* of the problems between Alawis and Sunnis in contemporary Syria to the French Mandate period.

The State and the Problem of Legitimate Order in the Middle East 21

case, so any putative Kurdish state would have been centered on Mosul Vilayet, which, at the time, may not even have possessed a Kurdish majority. Moreover, while a Kurdish state might plausibly have prevented certain instances of future conflict, it is difficult to understand why its creation by the West would have been celebrated by Arabs, and it would certainly have been strongly, probably violently, opposed by Iran and Turkey.

The argument that the occupying Western powers used divide-and-rule tactics (which they obviously did) to create or reinforce societal divisions also requires some degree of recalibration. As experts have noted and the data support, French recruitment practices for the *Troupes* in Syria did result in the disproportionate representation of minorities, Alawis in particular, but it was still dominated by Arab Sunnis at the higher ranks, and in any case, the *Troupes* was essentially disbanded after Syrian independence, and a new Syrian army constructed from scratch (Bou-Nacklie 1993).¹¹ The creation of Alawi and Druze autonomous statelets might plausibly have helped consolidate the identities of these two groups in some way, but the Druze had a very clearly defined sense of group identity long before the arrival of the French and had enjoyed *de facto* autonomy and special privileges for most of the time they were under Ottoman rule (Betts 1988; Bennet 2006; Firro 1992; Talhamy 2012). If the current Syrian conflict, or any of the conflicts in Syria's modern history, were fueled by Alawi and Druze desires for secession from Syria, this argument might be more convincing; but the Druze have only rarely displayed separatist impulses, and the Alawi community, at least as represented by the Assad regime, markets itself as the *guarantor* of Syria's territorial integrity. Similar arguments could be made about the British experience in Iraq. None of this is to justify the cynicism and self-interest that drove the policies adopted by the occupying powers, but merely to note that tracing *all* subsequent conflict in the region to their actions requires a more logically coherent and empirically grounded argument.

Arguably the more enduring damage inflicted by colonial occupation was indirect. The two ideologies that dominated the Middle East for most of the twentieth century — Arab nationalism and (pan) Islamism — were

¹¹Most scholars who have studied in detail the overrepresentation of Alawis in Syria's army by the 1960s argue that this was at least as much due to self-selection as to a preferential recruitment policy for minorities on the part of the French (Bou-Necklie 1993; Batatu 1981).

22 Federal Solutions for Fragile States in the Middle East

both rooted in resistance to Western domination.¹² The former was undoubtedly the more influential until at least the 1960s and found expression in demands for an end to the occupation of Arab land by Western powers, and then for resistance to continued Western influence and interference in the affairs of Arab states, and hostility to the state of Israel. The Arab nationalist cause is most closely associated with an individual — Egyptian President Gamal Abdel Nasser — and a political movement — Ba'athism — that monopolized political discourse in the Arab world during the 1950s and 1960s. Islamism, in the form of individual ideologists and scholars such as Hassan al-Banna and Said Qutb, and transnational institutions, like the Muslim Brotherhood, gained traction in the region after the 1960s, a decade that witnessed the collapse of the one tangible product of pan-Arabism, the UAR, and the catastrophic defeat of Arab armies in the 1967 war against Israel.

Both ideologies come in a multitude of forms, but all variants shared at least one common conviction in their rejection of the borders imposed on the Middle East during the 1920s and 1930s as illegitimate. They are transnational (or trans-state) ideologies that appeal to identity groups that transcend the borders of the nation-state system. Though the borders of the Middle East are by now overwhelmingly viewed as immutable, this was not the case for much of the twentieth century, and even today there are groups like IS that categorically reject these borders.

The preeminence of these two ideologies, and particularly the pan-Arabist version of Arab nationalism, meant that little attention was paid to constructing identities on the basis of the states that actually existed on the map. In 1933, King Faisal of Iraq famously remarked that “In Iraq ... there is still no Iraqi people, but unimaginable masses of human beings, devoid of any patriotic ideal ... connected by no common tie ... Out of these masses we want to fashion a people which we would train educate, and refine ... The circumstances being what they are, the immenseness of the efforts needed for this cannot be imagined.” But the “artificiality” of Iraq was not the inherent problem. The majority of the world’s states that exist today were created after the nation-states of the Middle East, and most are no more or less artificial. Like any group identity, national identities are not natural and do not emerge spontaneously. As many scholars have observed, they need to be constructed, and this requires a sustained

¹²The only other “ism” to enjoy any degree of widespread popular support within the Middle East during the twentieth century was communism.

The State and the Problem of Legitimate Order in the Middle East 23

effort on the part of state institutions, most notably via a system of universal education (Anderson 2006; Weber 1976). The problem in Iraq was that its political elite was committed to a vision of future Arab unity, and to the extent that Iraqi nationalism was promoted through the education system, it was as a means to an end, rather than as an end in itself (Dawisha 2010: 248–250). Prior to the 1970s, the one leader who did make a concerted effort to prioritize Iraqi identity over Arab nationalism, Abdul Karim Qassim, ended his time at the helm in an inglorious fashion, ousted and executed by Arab nationalist army officers who then displayed his bullet-riddled body on television in a five-minute video titled “The End of the Criminals.”

The situation was even more problematic in Syria, where a form of Syrian nationalism certainly existed by the 1920s, but its focus was on Greater (or “natural”) Syria, not on the rump Syrian state that actually emerged.¹³ In this sense, Syrian nationalism actually required rejecting the legitimacy of the borders of “actual” Syria. The lack of investment in the construction of a Syrian national identity based on the country’s actual borders meant that, by the time of independence, Syria was “in many respects a state without being a nation-state, a political entity without being a political community” (Ma’oz 1972: 389). As late as the 1970s, Ma’oz (*Ibid.*) felt moved to observe, “Even today, 25 years after independence and 50 years after becoming a political unit on her own, Syria is still in search of a cohesive political community such as exists in certain other Arab states.”

It was not until the 1970s that the quixotic quest for pan-Arab unity was definitively abandoned on all but the rhetorical level, and serious, concerted efforts were made in Iraq and Syria to construct specifically national identities, but even then the focus was on their Arab identities, which excluded significant portions of the populations of both.

In the context of societal diversity, the deeper problem with the ideological preeminence of Arab nationalism and Islamism is that both are inherently exclusive. Both are ethnic identities like any other, in that they are social constructs that clearly demarcate the boundaries for inclusion in, and exclusion from, the group. At an obvious level, an ideology grounded in the superiority of the Arab “nation” has limited appeal for Kurds, Turkmens, or Circassians; likewise, Islamism not only necessarily

¹³On the evolution of Syrian nationalism and the factionalization of the movement, see Khoury (1981).

24 *Federal Solutions for Fragile States in the Middle East*

precludes Christians or Jews from group membership but also, in the eyes of many Muslims, excludes heterodox “extremist” sects like the Druze and Alawis (Moosa 1988). The exclusivity of each of these identities does not necessarily mean that the presence of excluded groups or individuals is not tolerated, but it does make non-Arabs/Muslims *de facto* second-class citizens in any state that is defined by either ideology. In extreme cases, the criteria for group inclusion can be narrow and rigid enough to exclude a significant portion of the Muslim world. “Deviant” sects, such as Shi’a, Alawis, and Yazidis, can then be targeted for forced conversion or even complete extermination. Certain strains of Islamism that have gained traction since the 1970s and 1980s have helped transform religion from being a source of regional unity into a bitter source of division within the region.

At a less obvious level, both Arab nationalism and Islamism are less encompassing than they first appear, in that both have always had greater appeal to the region’s Arab Sunnis than to other groups (Nakash 2003: 134; Batatu 1978: 818; Dawisha 2003: 25–41). Given that the ideologists behind the most successful political expression of pan-Arab nationalism — the Ba’ath Party — included an Arab Christian and two Alawis, and that Alawis governed Syria in the name of Ba’athism from 1996 onward, it would be prudent not to overstate this case, but as a simple question of demographics, any transcendent political entity forged in the name of either would be dominated by Arab Sunnis.

To sum up, then, there is nothing inherent in the Middle East’s demographic profile that predicts high levels of ethnic conflict. At the macro-level, a large majority of the population is either Arab, Muslim, or both. With the possible exception of Lebanon, all states are clearly dominated by a single majority group, whether Arab, Turk, or Persian, which effectively rules out dangerous conflicts over which ethnicity “owns” the state. This leaves only one group, the Kurds, without a state to call their own and makes their presence in four of the region’s states an obvious potential source of ethnic tension. At lower levels of analysis, there are lines of cleavage, e.g. sect, that divide these macro-groups into smaller identity groups, but these lines tend to be cross-cutting rather than mutually reinforcing. Sectarian identity demarcates Syrian Alawis from Syria’s Arab Sunni majority, but they share a common Arab identity. According to standard pluralist theory, the pattern of cross-cutting cleavages that prevails in most of the Middle East should breed political moderation and societal stability (Miller 1983; Bailey 1970). Why is it then

that the region is often characterized as peculiarly susceptible to ethnic violence?

1.5. Ethnic Conflict in the MENA Region

A useful starting point is to determine which of the various conflicts that have occurred in the Middle East over the last few decades can reasonably be characterized as “ethnic.” Most scholars of the region would probably classify as “ethnic” the Arab–Israeli wars, the Iran–Iraq war, the Lebanese Civil War, and the Turkish–Greek confrontation over Cyprus. Also relatively uncontroversial are the various conflicts between separatist Kurds groups and central governments, most notably the Kurdish rebellion in Iraq that kicked off in 1961 and lasted the best part of 30 years, and the ongoing conflict between the Turkish government and various Kurdish insurgent groups. There are also a variety of smaller-scale separatist movements across the Middle East — e.g. in Baluchistan and the mainly Arab province of Khuzestan (both in Iran) — that have an obvious ethnic dimension. Beyond this, things get trickier and more controversial. How to classify (apparently) sectarian violence, such as Shi’a *intifadah* in southern Iraq in 1991, the uprising in Bahrain in 2011, or the ongoing unrest in Saudi Arabia’s Eastern province is the subject of a lively scholarly debate. It is also not always clear how to characterize the violence involving Salafi Jihadist groups that is often explicitly, but not exclusively, sectarian in intent.

Murkier still are conflicts involving groups that defy simplistic categorization, such as the Houthis in Yemen, along with conflicts between groups that share the most important markers of ethnicity (religion, race, language) but that may have distinct regional, cultural, or historical identities, like the various forces fighting it out in Libya, the situation in Western Sahara, and the conflict between the Jordanian government and Palestinians in the early 1970s. These are sometimes included the datasets of political scientists as “ethnic wars,” but the criteria used to establish their ethnic content are underspecified (Gurses and Rost 2013; Sambanis 2004). Once these datasets are established as the industry “standard,” they are then used by other political scientists, often unquestioningly. Left untouched is the basic question of what defines a conflict as ethnic. In other words, how do we know one when we see one? There are some who question the basic validity of the concept of “ethnic conflict,” arguing that most of the conflicts that are commonly considered ethnic are in fact

26 *Federal Solutions for Fragile States in the Middle East*

driven by different motivations (King 2001; Mueller 2000; Gilley 2004; Gagnon 2013). A standard Marxist analysis, for example, would likely view these as class conflicts masquerading as identity conflicts. Thus, the Syrian Civil War had its roots in a protest movement motivated by economic concerns that began in Daraa, one of Syria's poorest governorates, and rapidly spread to other economically deprived regions of the country, but never gained much traction in the affluent areas of major cities.

Similarly, a realist in International Relations could plausibly explain the Iran—Iraq War, or for that matter the current Iran—Saudi confrontation, as a struggle for regional hegemony that had little to do with sectarian identity and everything to do with calculations about relative power.¹⁴ Both explanations as to the causes of war are reasonable; what neither can explain is why ethnic identity played such a significant role in mobilizing populations to fight and die in these wars. The Syrian Civil War swiftly assumed a sectarian dimension because both sides sought to mobilize their forces around an identity (Alawi/Sunni) division. Likewise, regardless of why war broke out between Iran and Iraq in 1980, the war was sold to the Iraqi people as the latest iteration of an age-old Arab/Persian conflict. Official government propaganda cast the war as “Saddam’s Qadisiyyah” in a deliberate attempt to portray the conflict with Iran “as an ancient ethnic clash” (Lewental 2014: 891). That authoritarian leaders with their backs against the wall would cynically exploit their respective populations in order to survive is not in question; what requires explanation is why ethnic identity would be the chosen source of manipulation.

All wars have multiple causes, and different participants in the conflict can have widely differing motives for being involved, which is to say ethnic conflicts are never likely to be fought solely over the minutiae of ethnic difference. Often, economic or political grievances overlay ethnic divisions. One ethnic group experiences discrimination and repression by another over a sustained period and when the victim group fights back, this decision may be motivated by a desire to improve the group’s economic situation. In this sense, the “cause” of the conflict is economic. However, if a group fights as a group, and because it has been the victim of discrimination *as a group*, then the conflict has a clear ethnic dimension. Other conflicts can initiate for reasons that have little to do with group identity, but subsequently become “ethnified” by the behavior of participants. As Chapter 3 discusses in more detail, the Alawis of Syria have almost universally backed the regime, not to protect a privileged

¹⁴See, for example, Gause (2014) and Beck (2020).

The State and the Problem of Legitimate Order in the Middle East 27

economic position, or because the regime is popular with Alawis, but through fear of the consequences of regime change for the community as a whole. This fear is partly the product of a shared history in which the community has been targeted several times in the past as a community by Arab Sunnis, and partly due to the emergence of groups like Al-Nusra and IS, who could not have made their intentions toward heterodox Muslim sects any clearer. Once conflicts become “ethnified,” the evidence indicates they tend to be bloodier, last longer, and be more difficult to resolve peacefully (Kaufmann 1996; Fearon 2003). Debating the original “cause” of the war may still be of academic interest, but once there is ethnification of the conflict, this is of marginal relevance to the goal of finding a political solution.

Having said this, all wars, but especially civil wars, are complex phenomena that defy easy categorization. The four case studies that form the core of this volume all involve conflicts that resist being shoehorned into discrete boxes. What the role of ethnicity is (however defined) in any, or all of them is a question to be answered, rather than a starting assumption. This matters because political institutions that may be appropriate for resolving non-ethnic conflicts may have little relevance to societies in which ethnic divisions have hardened and sharpened as a consequence of war (Kaufmann 1996). With this in mind, it is worth briefly reviewing how states in the region have sought to manage their ethnic diversity over the years, and how effective these approaches have been.

1.6. Managing Diversity

There are two basic approaches to the political management of ethnic diversity — accommodation and denial — and within each of these broad categories, there are a variety of institutional frameworks that can be used to achieve the desired goal.

1.6.1. Denial

As the name suggests, denial involves policies and institutions aimed at homogenizing society through the deliberate elimination of diversity. In short, it is an attempt to transform difference into sameness (Rodrigue and Reynolds 1995). This approach is typically the option of choice for a state dominated by a single ethnic group that is seeking to manage restive ethnic minorities. The most obvious way to achieve this is by physically

28 Federal Solutions for Fragile States in the Middle East

exterminating minority ethnic groups (genocide) or undertaking forced population transfers (ethnic cleansing). Equally obviously, both solutions are normatively problematic and inconsistent with any concept of democratic values. In the contemporary world, policies that can be tagged “genocide” or “ethnic cleansing” tend to provoke widespread international condemnation (though this is often selective), so there are reputational costs to pursuing this path. Despite this, recent actions that fit this template include the Sri Lankan government’s scorched-earth war against the Tamils, Croatian cleansing of Serbs from the Krajina region, Myanmar’s treatment of its Rohingya population, and the Sudanese government’s war in Darfur. The appeal of this approach is that it potentially solves the diversity “problem” permanently.

However, the elimination of diversity need not involve the physical extermination of ethnic minorities. Assimilation or integration are alternative options that need not involve coercion. The two concepts are similar in that both deny the legitimacy of ethnicity as an organizing principle in the design of political institutions, but whereas assimilation implies submerging minority identities into the dominant majority identity, integration requires the creation of an overarching, neutral “national” identity that is potentially accessible to all ethnic groups. Both can be pursued with varying degrees of coercive force, but the end goal is to eliminate ethnic diversity by creating a single common identity that binds together all citizens within a given territory. In an assimilationist approach, this identity is imposed on minorities, whereas integration implies voluntary assimilation on the part of ethnic minorities, but the line between the two is often blurred because the claim that this national identity is a neutral, civic identity rather than the identity of the dominant ethnic group can be unconvincing. The treatment of minority languages is generally a telling bellwether of the integrity of this claim.

As noted in the introduction, France is the classic example of the assimilationist/integrationist approach. The French language is today spoken universally as a first language, but at the time of the Revolution in 1789, only one-fifth of the population of France could actually speak French and more than one-third knew no French at all (Mendel 2004: 68). This began to change after 1793 when legislation was passed requiring children to “learn to speak, read and write the French language” and mandating “French only” instruction, and gathered momentum from the 1870s onward with the adoption of mandatory free public education throughout France. The victims of this process have been minority languages, most of

The State and the Problem of Legitimate Order in the Middle East 29

which are by now either severely endangered or extinct. Although the French state never went as far as to prohibit the speaking of minority languages, the formal and legal promotion of the French as the single “national” language and the foundation of French national identity was fortified by well-documented efforts to demean and humiliate those speaking minority languages, like Breton, in public spaces (Anderson 2018; McDonald 1989; Reece 1977). This determined effort to turn “peasants into Frenchmen” by imposing one concept of “Frenchness” on the entire population can be certainly questioned on normative grounds and in terms of its effectiveness, but the intent has been to create a single, exclusive French identity for the public sphere that is also inclusive, in that it allows for diverse identities in the private sphere.

In the classic Western liberal tradition, a denial approach can also express itself in less obvious ways. Some scholars argue that assigning rights to groups is normatively and pragmatically suspect. It is normatively suspect because it involves privileging some identity groups over others and is pragmatically suspect because it serves to reify and reinforce the boundaries that divide society. The solution to societal diversity, according to scholars in this tradition, lies in granting equal rights to all citizens *as individuals*. Ideally, these rights should be enshrined in a constitution that cannot be easily amended and policed and protected by neutral state institutions. The US and UK are both exemplars of this ideal, at least rhetorically, but also telling examples of the problems involved in realizing this ideal in practice.

In terms of the territorial organization of the state, denial approaches can vary in their approach toward societal diversity, but all are hostile to the idea of granting territorial autonomy on the basis of group identity. A centralized, unitary system, in which any grant of power to lower tiers of government is at the discretion of the central government, is a natural fit for a denial system, but other options exist.

1.6.2. Accommodation

On the accommodation end of the spectrum¹⁵ are a series of policies and institutions that share certain attributes, in that they all involve explicit

¹⁵Somewhere between denial and accommodation is an approach that acknowledges the reality of ethnic groups and the strength of the bonds that unite group members but

30 *Federal Solutions for Fragile States in the Middle East*

recognition of the existence of ethnic groups, and the legitimacy, or necessity, of sharing power and allocating rights on a group basis. The most important of these are considered in greater detail below, but included within this approach are the four components of Lijphart's well-known consociational model — proportionality for ethnic minorities in the various institutions of state, power-sharing at the executive level, veto power for minority groups, and group autonomy, either territorial or non-territorial (Lijphart 1969; 1977; 1976). The four components are related, but separable, in that individual elements can be adopted in any given context without necessitating the adoption of all four. Territorial autonomy, the main focus of this book, is dealt with in greater length in Chapter 2, as is the critical distinction between ethnic autonomy arrangements (often termed “ethnofederalism”) and a final approach to managing societal diversity — namely, partition.

Leaving aside for the moment the understandably negative connotations of the term “partition,” especially in the Middle East, the main problem is that partition is a nebulous term that becomes even more nebulous when preceded by adjectives such as “soft,” or “hard.” However, if partition is assumed to mean the separation of territory to create new *de jure* or *de facto* independent political entities, then it cannot be ignored as an option when discussing the management of ethnic diversity. Partition does not fit neatly into either category of denial or accommodation. On the one hand, it might be viewed as the ultimate form of accommodation in that an ethnic group is granted full control over its own affairs in a given territory. On the other, the intent behind accommodative measures is that they can promote the peaceful coexistence of different ethnic groups in divided societies *within the same political structure*. In this

questions the wisdom of constructing political institutions on the basis of this reality. Sometimes termed centripetalism, this approach advocates the use of institutions that incentivize political moderation. For example, the Nigerian presidential election system requires successful candidates to win a plurality of votes across Nigeria as a whole, as well as a minimum of one-third of the vote in at least two-thirds of Nigeria's 36 federal sub-units. In the context of Nigeria, where many of ethnic groups are territorially concentrated, the effect of the rule is reward candidates who articulate moderate platforms on ethnic issues and punish those who opt for ethnic extremism. Advocates also tout the merits of the Alternative Vote (AV) electoral system. Under an AV system, where voters get to rank order preferences, candidates are, in theory, rewarded for appealing to a broad audience that transcends ethnic boundaries in search of second and third preference votes.

sense, partition is equivalent to a denial that accommodating ethnic diversity is possible.

Needless to say, all of the approaches reviewed above come with their defenders and detractors, and the empirical evidence on which is the more effective way to manage societal diversity is predictably inconclusive. Nonetheless, outlining the available options and comparing these against the approaches actually taken by states in the Middle East to manage diversity can help provide clarity to any discussion moving forward.

1.7. Managing Diversity in the Middle East

Over the long haul, approaches within the region to managing societal diversity have run the gamut of options, from genocide to consociationalism to partition. Detailed analyses on a country-by-country basis are prohibitive, but generalizations are difficult because there is huge variation in the degree and nature of diversity among the constituent states; often, the same states have adopted different approaches to diversity at different times. Having said this, as a general rule, religious (though not sectarian) differences have typically been acknowledged and accommodated more so than other ethnic characteristics (language, culture etc.).

The well-known millet system of the Ottoman Empire, in which certain non-Muslim religions were extended recognition and permitted a degree of autonomy over issues like personal status law, and the system of education, continues to exist in some form in several Middle Eastern states. As many scholars have noted, the millet “system” was really not a system at all until quite late in the day, but rather a set of *ad hoc* arrangements between Ottoman rulers and community leaders that permitted a degree of non-territorial autonomy for specified religious groups in return for the payment of a tax and a commitment to obey the “rules of the game” as established in Istanbul. As Barkey and Gavrilis (2016: 26) put it, “The state gave up its control of the internal dynamics of the community in return for regular taxation and cohesive and obedient administration.” These arrangements for the three millets — Jewish, Armenian, and Greek Orthodox — were formalized during the 1860s in a process designed to dilute the power of religious leaders and by the end of the century, the fragmentation of the Greek and Armenian millets had expanded the number of recognized millets to nine (Karpas 1988: 46). Seen by some as some as a successful example of religious pluralism, the millet approach also institutionalized the second-class status of

32 *Federal Solutions for Fragile States in the Middle East*

non-Muslims in the Empire (Gawrych 1983; Pföstl and Kymlicka 2015: 2491; Kymlicka 1992). In Barkey's (2005: 16) succinct assessment, non-Muslim religions were "separate, unequal and protected." This changed during the era of the *Tanzimat* reforms, when legal and constitutional changes recognized non-Muslims as citizens of the Empire, entitled to the same rights and obligations of citizenship as Muslims. Thereafter, a legal order that insisted on the equality of all citizens continued to coexist uncomfortably with the surviving elements of a millet system that was premised on inequality (Karpat 1988: 28).

The Ottoman approach to the management of other forms of ethnic diversity is less well-known but worthy of mention. Alongside the non-territorial autonomy extended to religious communities, the Empire at various times granted autonomous status to territorial units. This was sometimes as the result of pressure exerted by Western powers to protect certain favored communities, but it was also an established part of the Empire's repertoire of governing strategies.¹⁶ The Kurds, for example, enjoyed an extensive period of autonomous rule based on a 1514 treaty signed by Ottoman Sultan Selim 1 and Kurdish tribal leaders that was recognized by all successive rulers until 1849.¹⁷ The Kurds were not alone in receiving territorial autonomy, to the extent that some scholars classify the Ottoman Empire as an early example of ethnofederalism in practice.

Communities that fared less well under the Ottomans were the various non-Sunni Muslim sects, such as the Shi'a, Alawis, and Alevis. Though counted as Muslims for the purposes of the census, the Empire's Shi'a population was considered at best, potentially "disloyal," and at worst, heretical, for a large part of the period of Ottoman rule. After the establishment of the Safavid Empire in 1501, the protracted power struggle between the Sunni Ottoman and Shi'a Safavid Empires resulted in efforts to repress, deport, or even eliminate the Shi'a and related offshoots entirely from Ottoman-controlled territory. The large-scale persecution of Shi'a and various related *Ghulat* sects continued for most of the sixteenth century (Zarinebaf-Shahr, 1997); thereafter, isolated massacres of Shi'a,

¹⁶It is clear that in specific cases, such as Crete, and Mount Lebanon, the Ottoman Empire was essentially forced to grant autonomy by interested Western powers. On the case of Crete, see Kostopoulou (2016); for Mount Lebanon, see Reinkowski (1999).

¹⁷Other territories to have enjoyed periods of autonomy under Ottoman rule include Dubrovnik, Moldavia, Wallachia, Belgrade, and Montenegro.

The State and the Problem of Legitimate Order in the Middle East 33

mainly in Iraq and always in the context of Ottoman–Safavid rivalry, occurred sporadically (Kadhim 2010: 277–278).

The Ottoman legacy of managing ethnic diversity is obviously a complex subject that is not easily distilled down to easily digestible sound-bites. Across the Empire’s temporal span, the full range of approaches was employed against different ethnic groups at different times. These included massacres, ethnic cleansing, and genocide, most of which occurred during the Empire’s terminal stages. The effort to “homogenize” the Empire during the latter part of the nineteenth century via the promotion of an overarching “Ottoman” identity stands apart as the only period during which the Ottomans even attempted something close to assimilation. For the most part, as Rodrigue and Reynolds (1995: 81–92) put it, “Ottomans understood ‘difference’ and accepted it as such, showing no effort to transform ‘difference’ into ‘sameness’.” In other words, accommodation, albeit within a framework of systemic inequality, was the core of the Ottoman approach. Most of the states that emerged from the rubble of the Empire opted for an approach that was comparable, at least with respect to religious difference.

In Jordan, for example, Christians are allowed to worship openly; most Christian denominations are officially recognized; and, in keeping with the millet tradition, three tribunals exist — Catholic, Greek Orthodox, and Anglican — where Christians can resolve issues of personal status. Additionally, 9 of the Jordanian parliament’s 130 seats are reserved for Christians, and Christians continue to serve in the officer corps of the military and occupy “high-ranking posts in other State institutions, such as the police force, public media and universities” (UN, 2014: para. 17). In several other Middle East states, notably, Egypt, Syria, Iraq, and Lebanon, the legacy of the Ottoman millet system is discernable in approaches to legal issues relating to personal status (Van Eijk 2016). Elsewhere, in the Gulf states, for example, tolerance of religions other than Islam is less apparent, though this varies from state to state. In the vast majority of the states in the region, Islam is constitutionally enshrined as the official state religion, raising questions about the true legal equality of Muslims and non-Muslims, but beyond this, Christians enjoy a form of non-territorial accommodation in most states, and in a few, such as Syria and Jordan, they are well-integrated into the fabric of society. The precarious position of Christians in the Middle East is not the result of state-sponsored persecution but due to the actions of radical Islamist groups that operate beyond state control.

34 *Federal Solutions for Fragile States in the Middle East*

The current status of the Jewish population in Middle East is strikingly different. Simply put, Jews are almost extinct in most regional states as a result of a number of diverse processes and events that took place during the twentieth century. After the disintegration of the Ottoman Empire, Jews enjoyed the same “millet-like” autonomy as Christians in many of the successor states, but beginning with the creation of the state of Israel, successive waves of Jews departed Arab states. Some left voluntarily, but others were expelled, or left in the wake of violence and intimidation. Suffice it to say, the Jewish populations of most regional states currently range from negligibly small to non-existent. The only Middle Eastern states that continue to extend some degree of recognition and accommodation to their Jewish communities are Turkey, Iran, and Morocco.

In contrast to the accommodation of religious difference, most of the states in the region have resisted even recognizing, let alone accommodating, other markers of ethnic differences. In terms of language, for example, only three Arab states — Iraq, Algeria, and Morocco — recognize any language other than Arabic as an official language. The same applies in Turkey and Iran, where the official state languages are Turkish and Persian, respectively. Iran recognizes Arabic as the language of Islam, affording it *de facto* official status in religious matters, and permits, or does not prohibit, the speaking of minority languages and their use in the mass media. Throughout the region, however, with the exception of Morocco and Iraq, all public education is conducted in the sole official language. To reinforce their status as unambiguously ethnically Arab, several Arab states even use the term “Arab” in their official name, and most provide constitutional declarations of their Arab identity. The explicit binding of Arab ethnicity to the identity of the state leaves non-Arab minorities with a straightforward choice: they can either chose to “Arabize” themselves, that is, to assimilate into the dominant culture, in which case they have generally been accepted as Arabs by the dominant culture and treated as equals. In both Syria and Iraq, for example, Arabized Kurds have risen to the top in both political and military realms. The alternative is to resist assimilation and face discrimination and, frequently, violent repression. The numbers of Kurds in Iraq, Syria, and Turkey who have opted for assimilation is unknowable, but significant portions of the population in all three have refused this path and faced the consequences.¹⁸ In these three states, government policies toward the

¹⁸For detailed recent treatments of efforts by the Turkish government to assimilate Kurds, see Heper (2007) and Bayir (2016).

The State and the Problem of Legitimate Order in the Middle East 35

Kurds have oscillated over time, but the emphasis has overwhelmingly been on forced assimilation through the elimination of difference. In Iraq and Turkey, these policies reinforced “difference” and provoked violent secessionist insurgencies. For a variety of reasons, Kurdish nationalism in Syria poses less of a threat to the territorial integrity of the state than in either Turkey or Iraq, but the community’s demand for greater autonomy is still a problem that needs to be addressed moving forward.

Other than the Kurds, the only other ethnolinguistic group that is numerically significant enough to even contemplate challenging an Arab state is the Berber community which, like the Kurds, is dispersed across multiple separate states.¹⁹ Much like the Kurds, the Berbers have a long tradition of autonomous existence and a tradition of resistance to centralized rule. The “separateness” of the Berbers was deliberately reinforced in those North African territories that fell under French rule. In Morocco, for example, the French disproportionately recruited Berbers into the armed forces and established a separate legal order for Berbers in 1930 that was intended “to drive a wedge between the Arabs and the Berbers, thereby facilitating French control” (Shinar 2006; Ikeda, 2006: 12). Despite active participation in struggles for independence from the French, the Berbers found themselves the victims of the success of these struggles, when all four Arab states adopted aggressive Arabization policies post-independence. Ostensibly, the goal was to “de-Frenchify” their systems, but the effect was to marginalize non-Arabs. Use of the Berber language (*Tamazight*) was prohibited in public spaces, and public displays of Berber culture were banned. In Algeria, this triggered large-scale protests and demonstrations — the so-called “Berber Spring” — in 1980. More recently, the North African states have grudgingly moved in a more tolerant direction. Morocco has moved furthest in this respect. In 2010, Morocco’s king created a *Tamazight*-language state television channel, and the following year, the language was granted official status. Following widespread unrest among the Berber community in 2001, Algeria’s constitution was amended to recognize *Tamazight* a “national,” but not “official” language. *Tamazight* was subsequently granted official status in Algeria in 2016. Despite the general perception that Tunisia is the most liberal of the North African states, its post-Arab Spring (2014) constitution makes no mention of languages other than Arabic, and Article 39 tasks the public education system with consolidation of the country’s “Arab-Muslim identity and

¹⁹Note about terminology. Berber = barbarous. See <https://www.thenational.ae/opinion/comment/don-t-call-us-berber-we-are-amazigh-1.965334>

36 *Federal Solutions for Fragile States in the Middle East*

national belonging” and requires it “to strengthen, promote and generalize the use of the Arabic language.”²⁰

In Libya, the vocal participation of Berbers in the Arab Spring protests against the regime and their willingness to take up arms in the fight to topple Gaddafi left them well-placed to champion Berber rights in any post-conflict constitution (Maddy-Weitzman 2015). Unfortunately, Libya’s descent into anarchy has left the future status of the community and its demands with respect to official recognition of linguistic and cultural identity in legal and constitutional limbo (see Chapter 6 and Baldinetti [2018] for more details).

Despite the differential progress of North Africa’s various Berber populations, the reassertion of Berber identity in all states — the so-called Amazigh movement — is unlikely to evaporate any time soon (Ghribi 2016). While demands have focused principally on cultural and linguistic rights, separatist movements have emerged since the turn of the century. In Algeria, for example, the harsh repression of Amazigh protests in 2001 resulted in the formation of the Movement for the Self-Determination of Kabylia (MAK). MAK has its own government-in-exile in Paris and the “self-determination” it seeks seems compatible with either territorial autonomy, or outright independence, depending on the will of the Kabylia people.²¹

Other than the Kurds and the Amazigh, the vast majority of the region’s multitude of other ethnic minorities — Turkmens, Armenians, Circassians, etc. — are either too small or too dispersed to offer any sort of threat to the state. Some of these groups have been effectively assimilated, voluntarily or otherwise, while others have been successfully accommodated, as in the case of Circassians in Jordan. With the possible exception of Turkmens and Assyrians in Iraq, none has the numbers or the political clout to push successfully for autonomy, still less to take up arms in pursuit of independence.²²

Unaddressed to this point is Haddad’s (2011: 1) “skeleton in the closet,” which is the management of diversity with respect to sect.

²⁰https://www.constituteproject.org/constitution/Tunisia_2014.pdf

²¹<https://www.nationalia.info/new/10479/new-flag-of-kabylia-introduced-by-self-declared-government-in-exile%3E.#prettyPhoto>

²²Both groups in Iraq are reasonably territorially concentrated in northern parts of the country — Assyrians in the plains of Ninevah province and Turkmens in a band of territory stretching from Kirkuk to Tal Afar. Their prospects for achieving some form of autonomy is better than most because both groups enjoy the support of powerful external actors.

The issue of sectarianism and its role in various contemporary regional conflicts is mired in controversy, to the point where the very usage and nuance of terms like “sectarian” and “sectarianism” can spawn lively scholarly debate. The four case study chapters that follow critically analyze in detail the relevance, if any, of sect as a driver of conflict in each of the four cases.

For now, a few basic observations are in order. First, sect may not explain everything about current conflicts in the Middle East, nor does it explain nothing. The internal conflicts that are often tagged as “sectarian” in the Western media — in Syria, Iraq, and Yemen, for example — are complicated, multisided affairs that do not lend themselves to easy categorization. Sect may not be the defining feature of any, but it is relevant to all three.

Second, the intensity of the sectarian “problem” has varied widely across space and time. Sect has become more salient as a source of division since the 1979 Islamic Revolution brought a Shi’a fundamentalist regime to power in Iran and after the US invasion of Iraq overturned the existing power structure in that country. Both events helped change the balance of power in the Middle East in favor of the Shi’a. Prior to 1979, the relationship between Sunni and Shi’a varied widely depending on a number of factors, the relative size of the Shia population, the strength of Sunni Islamist movements in a given state, the existence of a large, secular middle class, etc. For many states in the region, sect is a non-issue because the size of the Shia population is simply too small to require management. In states with more substantial Shi’a populations, approaches vary from strongly repressive (Saudi Arabia, Bahrain), to accommodative (Kuwait, Qatar).²³ Three Middle Eastern states face (or have faced) a management problem of a different kind. In Bahrain, a Sunni dynasty rules over a population that is majority Shi’a; the same was true in Iraq until 2005, and in Syria, an Alawi ruling elite that represents about 11% of the population holds sway over a majority Sunni population. Of course, these three are only instances of “minority rule” to the extent that one accepts sect as a legitimate analytical category. In Iraq and Syria, the advent of minority rule rendered sect a taboo subject for

²³For a detailed assessment of variation in sectarian relations in the Gulf Region, see Ayub (2013). For Sunni–Shi’a relations in Kuwait, see Longva (2000). See https://pomeps.org/wp-content/uploads/2016/01/POMEPS_BriefBooklet28_Sectarianism_Web.pdf

38 *Federal Solutions for Fragile States in the Middle East*

public discussion. In Iraq, successive regimes stressed either Arabness or Iraqi nationalism as an identity that transcended sectarian divisions. In Syria, Hafiz al-Assad's carefully constructed ruling coalition of interests included significant segments of the Sunni population and endured until after the outbreak of the civil war.

Third, the Shi'a have existed as a minority — numerical and/or political — since the schism in 632 C.E., both in the Muslim world as a whole and in the Middle East in particular. For most of this time, the Shi'a have not experienced equality, because they were and still are viewed as heretical by many Sunnis, and/or Persian fifth columnists by many Arabs. As Haddad (2020) plausibly argues, this track record of suffering and victimhood provides an important source of group identity for Shi'a that Sunnis arguably do not possess. To draw an analogy, the historically dominant WASP population in the US does not tend to define itself in racial terms; "whiteness" is not an important identity for most white Americans, unlike for minority populations such as African-Americans and Hispanics.²⁴ Similarly, members of the numerically dominant sect in Islam do not perceive themselves in sectarian terms, or at least not until recently. In other words, a shared experience of discrimination or repression — of being "otherized" — on the part of minorities can help solidify a group identity that is couched in juxtaposition to the majority (Haddad 2020). In this sense, a Shi'a identity is not qualitatively distinct from a Kurdish identity.

Fourth, the only regional state that acknowledges sect as a relevant societal division with respect to the design of political institutions is Lebanon, although post-2005 Iraq comes close. In fact, Lebanon is the only state in the region that has fully embraced power-sharing on the basis of group identity as a means of managing societal diversity. As Lijphart (1969) reminds us, Lebanon comes close to being the ideal-type corporate consociation. Suffice it to say, Lebanon is a regional anomaly in that societal divisions, including sect, are explicitly recognized and accommodated.

Aside from post-2005 Iraq, no states in the region have opted to address societal diversity through territorial autonomy. As discussed in greater depth in Chapter 2, the idea of federalism is certainly not alien to the region, but as of the second decade of the twenty-first century, Iraq is the only state in the region that grants territorial autonomy on the basis

²⁴<https://www.pewsocialtrends.org/2019/04/09/race-in-america-2019/>

The State and the Problem of Legitimate Order in the Middle East 39

of ethnic difference. Prior to 2011, South Sudan had existed in an autonomous relationship with the rest of Sudan that was based on ethnic difference for two separate periods. During the first of these, (1972–1983), South Sudan functioned as an autonomous entity attached to an otherwise unitary Sudanese state. The initial deal was implemented as part of an agreement to terminate a ruinous civil war that had broken out soon after independence, and fell apart when President al-Numeiri abolished the autonomy of the South and divided it into three regions in the late-1970s, and then introduced Sharia throughout the country in 1983. This prompted a rebellion by southern troops under Arab command led by Colonel John Garang, who then established the Sudanese People's Liberation Army/Movement (SPLA/M) to carry on the armed struggle against Khartoum. The ensuing civil war was eventually brought to a halt by a Comprehensive Peace Treaty (CPT) of 2005. The CPT restored the autonomy of the South but also contained a provision allowing the South to hold a referendum on independence. In July 2011, South Sudan duly exercised its option and voted to secede from Sudan, thus creating Africa's latest independent country.

The remaining approach to managing diversity — partition — has generated controversy in many parts of the world, and nowhere more so than the MENA region. From the partition of the Ottoman Empire and its division into multiple Arabs successor states, to the partition of Greater Syria and its loss of Lebanon and Alexandretta, to the UN's plan for the partition of Palestine to create the state of Israel, it seems safe to assume that MENA states are unlikely to embrace partition with enthusiasm as an approach to the management of diversity; this, of course, is one of the core problems with the whole partition idea — it is almost never the product of mutual consent. In the context of the MENA states, partition has almost always been a Western imposition.

There are three states in the region in which a *de facto* partition-like state exists — Cyprus, divided between its Greek south and Turkish-controlled north; the mostly Moroccan-administered territory of Western Sahara; and Somalia, where two regions — Somaliland and Puntland — do not accept the sovereignty of the Somali government but are not recognized as independent states by the international community.²⁵

²⁵Obviously, this does not include the status of Palestinians living in the West Bank and Gaza.

40 Federal Solutions for Fragile States in the Middle East

To generalize about the management of societal diversity in the MENA states is difficult because experiences vary so widely across the region. There is significant variation even within subregions. Among the Gulf monarchies, for example, sectarian (Sunni/Shi'a) difference has not yielded significant management problems in Kuwait or Qatar; but Saudi Arabia and Bahrain continue to experience major unrest within their respective Shi'a communities despite, or perhaps because of, their repressive approach.

Historically, the broad pattern is one of the non-territorial accommodation of religions that represent "peoples of the Book," though this generalization cannot realistically be applied to Jews in the region post-1948. At the same time, all states in the region have struggled to recognize the identity of groups defined by other markers of ethnicity. Recently, there have been moves in some Arab states to extend official recognition to languages other than standard Arabic, and in most states, the speaking of minority languages is not specifically prohibited; but the overall picture is a refusal to recognize "difference" and the implementation of state-sponsored policies aimed at Arabizing non-Arab populations. This approach does not differ in kind from France's approach toward its own minority languages; France's enthusiasm for the recognition of ethnic difference was reserved for its colonial possessions, not mainland France.

With respect to sectarian difference, Lebanon remains the only state in the region that recognizes sect as a legitimate basis for political institutions. Elsewhere in the region, Arab states with sizeable Shi'a minorities (or majorities in the cases of Bahrain and Iraq) have historically declined to even acknowledge sectarian diversity as an issue. Indeed, a person's sectarian identity is not recorded in official documentation in any state in the region, making it impossible to establish precisely the number of Shi'a or Sunnis in any given state. Most states, in other words, are "sect-blind" for official purposes. In practice, most states have also discriminated systematically against the sect that is in the minority or in favor of the ruling sect.

Evaluating the success of accommodation vs. denial approaches to societal diversity in the context of the Middle East is problematic; different states face different levels of diversity. The nature and scale of the management problem in Lebanon is not directly comparable to that encountered in, say, Tunisia. Though it is tempting to conclude that the collapse of Lebanon's consociational system into civil war in 1975 was

The State and the Problem of Legitimate Order in the Middle East 41

down to the failings of the system itself, this conclusion is only valid if accompanied by a coherent argument that an alternative approach to the design of political institutions in Lebanon was both politically feasible and would plausibly have produced a preferable outcome. The latter part of the argument is easy to make because it involves a counterfactual that lies beyond empirical refutation or validation; the former part is much more challenging because it requires explaining why groups that have shared power since 1943, if not before, would willingly yield power and place themselves at the mercy of a majoritarian system. For the majority group, if there is one in Lebanon, this is a rational option, but why would minority groups ever consent to this? It is possible that Lebanon is consociational not because this is desirable or effective but because no other political system is politically possible.

Lebanon also highlights another problem involved in evaluating the success/failure of political institutions. States do not exist in a vacuum. They are often surrounded by more powerful states that have a vested interest in the internal affairs of their neighbors. Most of the conflicts that have taken place in the MENA region since 1945, especially the civil wars, have involved external players on both sides of the conflict. Added complexities, like the region's huge oil and gas reserves and the Israel–Palestinian issue have invariably ensured that conflicts have assumed an international dimension. Occasionally, external power involvement has helped bring conflict to an end (Syria in Lebanon in 1990); more often, the effect is to prolong conflicts beyond their natural lifespan (the Iran–Iraq War, the Syrian Civil War), but there are also numerous examples of external powers inserting themselves militarily into conflicts (the Gulf War [1991], Iraq [2003], Libya [2013]). The habitual interference of external players in the internal affairs of MENA states has been a sad fact of life since the 1920s but it also reinforces the point that the design of political institutions is just one variable that can affect outcomes. The meddling of external players is just one of a multiplicity of complex problems faced by MENA states, many of which cannot be “fixed” by political institutions, no matter how sagacious their design. The heavy dependence of many states on exports of oil and gas for revenues, for example, is cited by many as an explanation for the so-called democracy deficit among Arab states. Barring a seismic shift in the entire structure of the global economy, the demand for oil will not change significantly over the short term, so this problem is likely to persist, regardless of how political institutions are structured. It is important, therefore, to be realistic about the

limitations of constitutional engineering, and nowhere more so than in post-conflict environments.

1.8. Managing Diversity in Post-Conflict States

The four states examined in detail in subsequent chapters have all either just emerged from a civil war (Iraq) or are still in its throes (Libya, Yemen, Syria). The light at the end of the tunnel, if there is one, is that each state will have the opportunity at some point in the near future to overhaul its political system and address some of the problems that led to war in the first place. The anomaly here is Iraq, which is technically no longer in a state of civil war, despite an ongoing low-level insurgency from a revitalized IS. Iraq is also unique in that it was invaded by foreign powers (the US and UK) in 2003 and then occupied until the end of 2011. During this time, the US was heavily involved in the drafting of Iraq's constitution, so Iraq stands apart from the others in having political institutions that are only partially indigenous. Since 2003, Iraq has suffered two civil wars — 2006–2008, and 2013–2017 — neither of which are easily categorized, but both of which involved some level of sectarian violence. Iraq has yet to complete its constitution, and sectarian (Sunni–Shi'a) relations have not been normalized. In common with the other three, therefore, the design of Iraq's future political institutions is still up for debate.

The four share other commonalities. Partly as a consequence of the various conflicts, all four are in dire economic straits, and face potential, or actual, humanitarian catastrophes. The spectacular levels of corruption that afflict all four are nothing new, but they have only worsened since the onset of conflict. All four also share a track record of centralized and personalized authoritarian rule. Collectively, Saddam Hussein (Iraq), the Assads (Syria), Saleh (Yemen), and Gaddafi (Libya), can boast nearly 140 years of tenure at the helm, and in this time, all four constructed regimes that were nepotistic, corrupt, and heavily reliant on the personality of a single individual. None of the four has a durable track record of democratic experience on which to draw, and all entered 2020 as *de facto* failed (or “fragile”) states. These problems are obviously interrelated and therefore extremely difficult to untangle and solve.²⁶

²⁶To take just one example, the vast academic literature on the political economy of corruption indicates that a higher level of corruption is both cause and consequence of low

The State and the Problem of Legitimate Order in the Middle East 43

All four conflicts have involved external players, either indirectly in the form of supplying one or other combatant force with arms and/or funding, or directly in the form of military intervention. The involvement of powerful external players on both sides of all four conflicts has arguably prevented decisive victories on the battlefield. In Syria, for example, it seems likely that that Bashar al-Assad's regime would have fallen by 2015 without the active military intervention of Iran and Russia. Turkey's support of Syrian opposition forces, and its occupation of Syrian territory, meanwhile, means that decisive victory for the regime will likely remain elusive. In the absence of a clear-cut military victory, some form of negotiated political solution remains the most plausible outcome in all cases.

Given this litany of woes, it is obviously unrealistic to expect political institutions to "solve" all of these problems; the best that can be hoped is that certain political institutions have a better chance than others at mitigating at least some of them. Moreover, in a post-war context, some institutions are more or less politically feasible to implement, depending on the outcome of the conflict. For example, a strongly centralized majoritarian political system may (or may not) be desirable for any number of reasons, but if the context is a negotiated peace process between majority and minority ethnic groups that have fought each other to a standstill on the battlefield, a centralized majoritarian system is among the least plausible outcomes of any peace process, regardless of the benefits it might offer.

The bargaining environment within which peace negotiations to end a civil war take place varies depending on a range of factors — the duration of the war and its destructiveness, the balance of military power between the negotiating parties, the extent to which the international community is involved, the internal unity of each of the parties, and so on. However, it seems reasonable to assume that each of the participants in the process has made the basic calculation that the costs of continuing the conflict outweigh the benefits. To the extent that neither side has "won" the war, any product of a negotiated settlement necessarily involves a compromise. The nature of the compromise depends on a range of factors, including the intensity of the conflict, the goals of parties, and their relative bargaining power. Wars fought over distributive issues — who gets what, when, and how — can be resolved by sharing the pie more equitably; those fought

levels of democracy. For reviews of the literature on the causes and effects of corruption, see Dimant and Tosato (2018).

44 *Federal Solutions for Fragile States in the Middle East*

over identity issues — i.e. ethnic wars — are considered fundamentally more difficult to resolve because they often revolve around intangible but emotively symbolic issues that are not “sharable.”²⁷ Ethnic wars invariably include issues of unequal distribution, but, as Diamond and Platner (1994: xvii) observe, they also “revolve around exclusive symbols and conceptions of legitimacy; they are characterized by competing demands that cannot easily be broken down into bargainable increments.” Or, as Horowitz (1985: 224) puts it, “How does a policymaker divide up the ‘glorification’ of the national language?” This may be especially problematic when the two sides are roughly equal in size and are fighting over who gets the right to define the identity of the state. In majority/minority ethnic wars, the issues at stake are more likely to be the marginalization of the minority group, be it in economic, political, cultural, or linguistic terms. In these contexts, the struggle is not over who controls the state — in most cases, this is not in question — but the willingness of the majority to acknowledge and accommodate “difference.”

Any negotiated solution to an ethnic civil war requires addressing two pivotal questions. First, which political institutions are politically feasible to implement in the short term? Second, which political institutions stand the best chance of bridging ethnic divides and healing wounds over the long haul? The answer to the second of these concerns what is desirable or effective; the answer to the first defines what is possible. The first logically precedes the second. The tendency of many political scientists is to address only the second question on the assumption that all options are somehow “on the table.”²⁸ On this basis, it is difficult to fault the liberal

²⁷See, for example, Gurr (1990); Kaufmann (1996); and Hartzell and Hoddie (1993).

²⁸This is certainly an issue with Graham *et al.*'s (2017) otherwise careful and persuasive analysis of the relationship between various dimensions of power-sharing and democratic survival. The authors' findings are that “dispersive” power-sharing institutions, like territorial autonomy, have a negative impact on the survival of democracies. Beyond this, the key finding is that “constraining” institutions have a strongly positive impact. By “constraining,” the authors intend “arrangements that limit the power of any actor and thus protect ordinary citizens and vulnerable groups against encroachment and abuse” (Graham *et al.*, 2017: 689). Examples include a ban on ethnic parties, strong judicial review and measures to protect against religious persecution. These are all no doubt admirable measures, but they all presuppose a willingness on the part of ethnic minorities to take on trust that, say, a judiciary dominated by a majority group will be truly neutral with respect to ethnicity in its rulings. This requires a level of trust that may be unrealistic in a post-conflict environment (Rothchild and Roeder 2005: 43).

prescription of allocating rights on a strictly *individual* basis with the laudable goal of transcending ethnic divisions and integrating society. This may be just about plausible in certain contexts, but it requires a degree of trust on all sides that is usually lacking in the aftermath of an ethnic civil war that has hardened and deepened ethnic divisions (Kaufmann 1996). In majority/minority contexts, this approach is a non-starter.²⁹

For this reason, negotiated ends to most civil wars, and almost all ethnic civil wars, necessitate some sort of group-based power-sharing arrangement — not because it is desirable but because it is the *only* approach that is minimally acceptable to all parties to the conflict (Hartzel and Hoddie 2003). Similarly, in contexts where a territorially concentrated ethnic minority has sacrificed blood and treasure in the cause of self-determination — either independence or autonomy — the least plausible outcome to any negotiated solution is a centralized, unitary system.

1.9. The Elements of Consociationalism

Bluntly put, a negotiated solution to an (ethnic) civil war effectively eliminates the range of denial options outlined above as viable options. Hence, the focus of scholarly attention should shift toward how to make the range of accommodative options that *are* viable more effective. This unavoidably returns us to the consociational approach and its four constituent elements — executive power-sharing (EPS), minority veto (MV), proportional representation (PR), and group autonomy. These elements are conceptually related but logically and empirically separable in the sense that the implementation of one element does not necessitate the adoption of all four.³⁰ Which of these elements is both feasible

²⁹To take just one example, for a large part of the twentieth century, but particularly from the 1960s onwards, the Kurds of Iraq fought against a central government that systematically repressed and brutalized the Kurds *as a group*. The idea that Kurdish leaders would ever have negotiated a deal with the government that was not based on group rights is unrealistic. The Kurds are not exceptional in this respect. Why would any minority groups that has fought for rights that have been denied ever take at face value the promises of a dominant majority that has been the agent of their discrimination and repression.

³⁰Like many countries, the Netherlands uses a PR electoral system without any of the other three elements, while Finland affords group autonomy to Swedish speakers on the Åland Islands but not MV or EPS.

46 Federal Solutions for Fragile States in the Middle East

to implement and can plausibly aid in the management of societal diversity is likely to be heavily context-dependent. All four elements were arguably unavoidable in the context of Bosnia; in the case of Moldova, autonomy made sense for the territorially concentrated Gagauz, but MV and EPS did not, given the small size of the population. Detailed knowledge of context is required to determine which elements, if any, are politically feasible and potentially beneficial in any given case. The four case study chapters are intended to provide this. For now, the various commonalities of the four states under analysis allow for some generalized observations.

The first two elements — EPS and MV — are related in that both empower groups to defend the status quo against change. One or both of these institutions might be unavoidable in the aftermath of conflict because they are mechanisms of self-defense that allow groups to protect the terms of whatever deal has been made against future revocation. Trust between and among groups is not required. The key question regarding EPS is whether power is shared equally or proportionally. In contexts of conflict among multiple groups, none of which is in the majority, there may be no alternative to EPS on a parity basis as this may be the only option that is minimally acceptable to all parties. The 1995 Dayton Peace Accord that ended the Bosnian Civil War has been roundly criticized by scholars for, among other things, reifying ethnicity by creating a three-person presidency to provide equal representation for each warring group. To get anything done in Bosnia at the central level requires the consent of all three groups, which is understandably difficult to obtain. Each group has the power to defend group interests, but the price to be paid is perpetual gridlock at the central level. This system is clearly dysfunctional and the system itself cannot be changed without the consent of all three groups. However, it is pointless to argue that a more functional system based on, say, majority rule should have been implemented in 1995, because parity power-sharing at the central level was the only option that was minimally acceptable to all three parties. The real alternative to this was a continuation of the war.

At least three of the four states considered here (Libya is more complex) do not face the same non-majority issue as Bosnia. The basic context is conflict that pits one or more minority groups against a dominant majority. In contexts like these, EPS on the basis of equality becomes much more problematic. Viewed through a simplified (and simplistic) lens, the civil wars in Iraq have been sectarian struggles between the

The State and the Problem of Legitimate Order in the Middle East 47

country's Shi'a and Sunni populations, comprising approximately 60% and 20% of the total population, respectively. EPS on a parity basis is simply unrealistic in a case like this. However, EPS on a proportional basis is also problematic for the minority group, which, by definition, will lack the capacity to veto majority decisions. At best, proportional EPS can provide a minority group with proportionate access to the material "spoils" of office.

As the name suggests, MV provisions allow a minority to defend the status quo against majority-induced change. This power is routinely granted in the context of constitutional amendments. Supermajority requirements for successfully amending a constitution empower minorities, whether ideological, ethnic, or simply numerical, to block changes to the basic rules of the game. In terms of legislative/executive decision-making, veto power can be structured in absolute terms, meaning that the minority is empowered to block each and every majority decision, or this power can be limited to decisions affecting the "vital interests" of the minority. In Macedonia, for example, Article 69(2) of the constitution grants minority veto power over "laws that directly affect culture, use of language, education, personal documentation, and use of symbols"; other systems permit minorities themselves to determine their own "vital interests" through formal or informal procedures. Of course, if the constitution itself can be amended by simple majority, any minority protections offered therein are vulnerable to revocation without minority consent.

The increasing tendency for peace deals that end civil wars to include either one or both of these institutional devices has provoked the ire of many scholars.³¹ Their criticisms fall into three broad categories. Normatively, empowering minorities to thwart the will of the majority arguably violates a basic tenet of democratic theory, which is that when disagreements arise, the majority opinion should prevail over the minor-

³¹For example, Hartzell and Hoddie (2003: 324) find that only 1 civil war out of 38 over the 1945–1998 period that ended in a negotiated solution did not contain a power-sharing component, and in nearly 40% of cases, the power-sharing implemented was "extensively incorporated and reinforced." Though this list is by no means exhaustive, those skeptical of the merits of power-sharing, particularly its long-term viability, include Roeder (2005); Rothchild and Roeder 2005; Selway and Templeman (2012); Spears (2000); Horowitz (1985, 2014); Tull and Mehler (2005); Lemarchand (2007); Aitken (2007); and Fontana (2013).

48 *Federal Solutions for Fragile States in the Middle East*

ity. In cases of parity EPS or absolute MV, the minority can exercise power that is *equal* to that of the majority. This normative critique that questions the democratic credentials of the entire consociational framework is well-established, but its validity cannot be determined empirically because it is primarily a debate about the competing values of majority will vs. minority protection (Taylor 1992; Lustick 1997; Van Schendelen 1984).

Other critiques that zero in on the problems associated with predetermining the identity of the groups to be empowered have been at least partially addressed through the evolution of the consociational concept itself. As noted above, a liberal consociation removes the need to predetermine the identity of the groups involved. In a parliamentary system, executive power can be shared proportionally by allocating cabinet posts on the basis of seats obtained in parliament. A party that gains 20% of the seats in parliament is automatically awarded 20% of the cabinet posts. Under a conventional PR electoral system, it can be reasonably be assumed that if an ethnic minority party represents 20% of the population, and all of these people vote “ethnically,” then this will translate into a proportionate share of legislative and executive power. Power is shared in the basis of numbers and electoral preferences, not on the basis of group identity. If group members all choose to vote for a non-ethnic party, then it is this party that gains executive and legislative representation. This approach effectively negates much of the criticism heaped on the original “corporate” consociational model. The same approach can also be applied to the MV. It is less clear that the liberal remedy is relevant to cases of parity EPS or absolute MV.

Another target of critics follows logically from the systematic political empowerment of minorities and is difficult to refute. Simple majority rule (50% of the vote + 1) is the most efficient way to get things done in a democratic context. Anything that complicates this voting rule, as EPS and MV obviously do, makes the decision-making process less efficient.³² This may be a serious problem in post-war contexts. In Syria, for example, a scorched-earth conflict has left much of the country’s human and physical infrastructure in ruins. If and when the war ends, it

³²See, for example, Horowitz (2014: 12). For the detrimental effects of parity power-sharing in Bosnia on the government’s capacity to get things done, see Bahtić-Kunrath (2011).

The State and the Problem of Legitimate Order in the Middle East 49

is presumably preferable that Syria has a government that is capable of acting efficiently to reconstruct what is left of the country, rather than a system that remains mired in gridlock. This has clearly been a problem in Iraq, where successive governments have consistently proven unable to translate the country's massive oil wealth into a functioning physical infrastructure. Nearly 20 years after the war removed the previous regime, large parts of Iraq do not enjoy reliable supplies of electricity or potable drinking water. More broadly, all four states will emerge from war as desperately "weak" states, either failed or fragile, headed by governments that are incapable of authoritatively and efficiently allocating resources where they are needed. EPS and MV are institutions that only add to this weakness.

Perhaps the most criticized aspect of the power-sharing approach is that it empowers elites. Again, this cannot really be denied. In fact, Lijphart's (1969) original formulation of consociationalism is really nothing more than a behavioral model in which only elites have the wisdom to transcend deep societal divisions and govern the polity for the benefit of all. It is, in Lijphart's (1969) words, "government by elite cartel." The assumption underlying this is that elites exert a moderating influence on the masses, but this assumption has been questioned by many. There is an emerging consensus, particularly among scholars of the MENA region, that the sharp rise in sectarian conflict since 2003 is the product of cynical manipulations by unscrupulous leaders to mobilize the masses.³³ In other words, elites are the source of the problem, not the solution.

PR, the model's third element, is less controversial, at least as it applies to the electoral system. PR is the most widely used electoral system on earth, and, as advocates like Lijphart are wont to remind us, it comes with a number of benefits when compared to the major alternatives.³⁴ In post-conflict environments, an important additional selling point of PR is that it can be used without a census, which is often logistically challenging in the immediate aftermath of war. In Iraq, for example, the "choice" of which electoral system to use in 2005 was not a

³³For general arguments about the problem of elites stoking ethnic tensions for personal gain, see Brass (1991); Horowitz (1985); Horowitz (2002: 21); Roeder (2005, 2009). For the same in the context of Iraq, see, for example, Visser (2007); Dodge and Mansour (2020); al-Rawi (2013); Ismael and Ismael (2010); Ismael and Fuller (2008).

³⁴See, for example, Lijphart (1991, 2012).

50 *Federal Solutions for Fragile States in the Middle East*

choice at all. The last authentic census in Iraq was conducted in 1957, so any district-based electoral system would have necessitated counting heads in the midst of a raging insurgency. Another benefit of PR in the aftermath of an ethnic civil war is that, unlike some forms of formalized power-sharing, there is no requirement to predetermine which groups get representation. PR is a mechanism for accurately translating votes into seats that *allows* ethnic minorities to form political parties and achieve a presence in parliament. If ethnic minority voters subsequently choose to vote for non- or trans-ethnic parties, then ethnic parties will wither and die naturally as a result of voter preferences.

The only potential downside to PR in this context is its tendency to splinter the political space into a large number of small parties.³⁵ This can then make the process of government formation time-consuming and adversarial, which is exactly what a state attempting to reconstruct after conflict cannot afford.

Within a consociational framework, the concept of PR is intended to extend beyond the electoral system to apply across the full range of governmental institutions. A frequent cause of conflict is the systematic discrimination against minority groups by the majority, so rectifying this may be an important component of any peace deal. Critically, PR in the state's coercive institutions may be a non-negotiable demand of a persecuted minority group.³⁶ This translates into a *de facto* quota system for government employees and it is difficult to see how this can be implemented without pre-identifying the groups to be included. It also means that identity rather than merit becomes the defining criterion in terms of government appointees, which makes it problematic to some.

All three of these elements of the consociational model (with the exception of a PR electoral system) come with problems attached, and they are particularly problematic post-conflict because they all serve to deliberately restrain the majority from taking the decisive action that may be needed to repair the social and physical infrastructure of a society. In other words, they deliberately "weaken" the state. The major selling point of all three is that they may be the only way for parties to a conflict to agree to end the conflict. If EPS is a non-negotiable demand of an

³⁵There are straightforward ways to address this, such as establishing an electoral threshold that parties must meet in order to qualify for representation in parliament.

³⁶On this point, see Hoddie and Hartzel (2003).

ethnic minority group, then the realistic options for the majority group are to either concede the demand or to carry on fighting. EPS is obviously not problem-free, but to argue against its adoption requires making the case that “more war” is normatively preferable.

This takes us to the fourth element — group autonomy. Though Lijphart’s original formulation did not envisage this in its territorial manifestation, the consociational concept evolved over time to incorporate territorial autonomy for ethnic groups. The potential for territorial autonomy to address the challenges facing the four post-conflict states in the MENA region without further weakening already fragile state structures is taken up in detail in Chapter 2.

1.10. Cases and Conclusions

This chapter has considered state fragility, regime type, and societal diversity as factors intermingled in the legitimacy of conflict-prone states in the Middle East. Within acknowledged limitations, institutional arrangements that provide autonomy may offer solutions to these problems. This is the case we make in Chapter 2. Following that, we turn to case studies for the analysis of federal prospects for ameliorating state weakness and societal identity conflict without resort to authoritarianism. Our cases have been chosen on grounds of Most Similar Systems (George and Bennett 2005: 81) as conflict-prone, Arab- and Muslim-majority weak states (by Fragile States Index criteria) which are not free (by Freedom House criteria) (see Table 1.3 for examples and our cases), varying the level of societal diversity in exploring the applicability of (ethno)federal solutions to the problem of instability and conflict.

Table 1.3: Examples of Middle East States by Fragility and Regime Type

	Democracy (Free/PF)	Authoritarian (NF)
Strong State	Tunisia	UAE
	Israel	Oman
Weak State	Lebanon	Iraq
		Yemen
		Libya
		Syria

52 *Federal Solutions for Fragile States in the Middle East***Table 1.4: Ethnic and Cultural Diversity of Case Countries**

	Ethnic Fractionalization	Cultural Diversity	Rank
Iraq	0.549	0.355	69
Syria	0.581	0.235	62
Yemen	0.078	0.078	150
Libya	0.151	0.127	139

With our cases “controlling for” fragility and authoritarianism, what we are left to analyze is whether this difference in ethnic and sectarian makeup — in terms of number and concentration of identity groups — varies the prospects of such institutional solutions as a way out of war. Based on Fearon’s (2003) database on “Ethnic and cultural diversity,” our case countries are arrayed as follows (see Table 1.4).

Kamrava (2016: 8–9) lists as causes and characteristics of state weakness not only a lack of institutional cohesion and competition over control of resources but also “fragmentation of society along multiple fault-lines,” with “strong local identities often fed and nurtured by outside force.” Some identities are sociopolitical and ideational threats to the legitimacy of external state leaders (Rubin 2014), tempting leaders to choose sides in provoking and perpetuating identity conflicts and civil war. One of our jobs is to assess the prospects of federal solutions, given the ethnic and political makeup of these societies and their broader environment of external actors and interests.

While not strictly a hypothesis-testing venture, we are assessing theoretical utility to prospective practical situations, with an eye also on policy utility and plausibility of implementation of what our interpretive exercise concludes. As Table 1.4 shows, Iraq and Syria are the “high” cases of fractionalization, while Yemen and Libya are “low” cases, suggesting more homogeneity. This is suggestive of not only potential likelihood and sources of identity conflict but also the relative usefulness and “fit” of ethnofederal solutions to the problems that haunt the respective countries. Some are more plausible on face value: Iraq being the least conflict-prone and already saddled with a version of ethnic federalism, while Libya may be a “hard case” of a seemingly homogenous society with a unitary past. However, Libya also has a federal past, and Yemen has toyed with federal proposals, leaving these desperate states open to institutional possibilities.

The State and the Problem of Legitimate Order in the Middle East 53

One factor that may make our cases more similar on face value than ethnicity is the enduring presence of tribal politics. The relationship between tribalism and regime type or state strength is not clearly established or uniform in nature, and several studies argue tribalism “cannot account for the durability of authoritarianism among the more religiously and linguistically homogenous Arab Republics” (Posusney 2005: 4; Fish and Brooks 2004). Jacobson and Deckard (2012: 8–10) find a high level of tribalism in the Middle East, defined by not only the index criteria of the percentage of the population that is indigenous but also corruption levels (using the Corruption Perceptions Index), high levels of group grievance (using the Failed States Index), and gender inequality (using the Gender Gap Index). While the components and weighting are fair game for critique, the index uniformly ranks Middle East states, including our case countries, as quite high in tribalism, the validity of which is borne out in our case analyses. Group loyalty, patriarchal hierarchies of authority, and blood feud as the “ultimate tool of accountability” characterize tribalism by this account (Jacobson and Deckard 2012: 4). Our case countries indicate similarity of tribalism that may factor into politics and institution-building, with Syria (0.913), Yemen (0.900), and Iraq (0.863) ranking fifth, seventh, and tenth in the 2009 analysis of all countries with a population over 10 million.³⁷

What follows is a theoretical case for ethnofederal and other forms of federalism to the problems laid out in this chapter, followed by four case studies we analyze for “goodness of fit” using the model of ethnofederalism. Not all countries are equally suited to federal solutions, and cases were selected that vary on the identity variable to explore that point. However, we also argue that any assessment of federalism’s prospects must be weighed not in abstract isolation but against plausible alternatives, from the failed options of the past to the theoretical options for the future. We choose Middle Eastern countries that are currently unstable — ranking high on the “Failed State Index” — as “problem states” in need of attention. This may be seen as somewhat choosing on the dependent variable, which is methodologically not ideal but also is not meant to suggest “stable” states are inherently “good” or should not consider reforms. On the former issue, while all the states are in “trouble”

³⁷Libya’s population of over six million failed to qualify for the index, but Jacobson and Deckard include Libya in the category of high levels of tribalism, which we corroborate in Chapter 7.

54 *Federal Solutions for Fragile States in the Middle East*

in 2020 and share common features such as violent non-state actors and foreign proxy intervention, they were also chosen for characteristics that vary: Iraq is not strictly speaking embroiled in civil war like the other three; Iraq is not a unitary autocracy but a federal parliamentary democracy; Libya and Yemen are not prominently ethnically diverse as are Iraq and Syria. Libya and Yemen have attempted democratizing reform after the Arab Spring, while Syria holds tight to its institutions. In other words, we have variations on a theme that allow us to apply the analytical framework of ethnofederalism against the various status quo alternatives. Our cases are high in tribalism, which we can explore as a factor in federal solutions beyond classical ethnic and religious categories.

These classic issues of Middle East states as artificially constructed of questionable legitimacy; variable state weakness; persistent authoritarianism; and ethnic, religious, and tribal heterogeneity lead to persistent problems of legitimate governance in the Middle East. These problems at times lead to violence and instability — even without external intervention — and especially since the roiling dynamics of the Arab Spring since 2011. While some hoped for a democratic revolution sweeping the region, the outcomes have been disappointing beyond the possible exception of Tunisia. More often, authoritarianism persists or reappears, or society falls prey to centripetal forces of weak states and divided societies. If these authoritarian regimes lack legitimacy, the states go right back to the problem that began it all and the tyranny–anarchy loop continues until institutional changes are taken seriously.

War can decide the futures of such conflict-ridden states, and new victors can impose yet another round of new institutions. However, will they solve the underlying problems or just impose their interests on a still disgruntled and weary society? Is there a viable alternative to anarchy and authoritarianism and, if democracy, in what form? In Chapter 2, we entertain federal and ethnofederal solutions against alternatives from a theoretical standpoint, then turn to case studies of unstable Middle Eastern countries — Iraq, Syria, Yemen, and Libya — to examine the practical application of federalism and ethnofederalism in those cases.

Chapter 2

Why Federalism?

2.1. Introduction

The term federalism refers to the constitutionally mandated division of power between a central (federal) government and a lower level of constituent units (governorates, states, regions, Lander, etc). The key difference between a unitary system and a federal system is the locus of sovereignty. In the former, sovereignty resides with the central government. The center may choose to devolve powers to localities, but it is also empowered to revoke these powers unilaterally. Likewise, the central government in a unitary system can dissolve and remake lower tiers of government mostly at will. In a federal system, sovereignty is divided between levels of government. In practice, this means that certain powers are constitutionally allocated to the center, others to regions, and some are shared by both tiers.¹ The exact distinction between a federal and a decentralized system has become increasingly blurred over recent years, in response to the emergence of numerous “indexes of decentralization” that measure the degree to which different forms of power — economic, administrative, political, etc. — are decentralized in practice.² The “degree

¹Beyond this, there are what Lijphart terms the “secondary characteristics of federalism” — a bicameral legislature in which a second chamber represents regional interests, a written constitution with supermajority amendment requirements, and a constitutional court empowered to interpret the constitution and arbitrate disputes between levels of government.

²There are by now some 20 indexes of decentralization in circulation. For a review of these, see Harguindéguy, Cole, and Pasquier (2019).

56 *Federal Solutions for Fragile States in the Middle East*

of decentralization” is a variable that can apply to all states regardless of their formal institutions, which means that while federal systems are generally more decentralized than unitary systems, a unitary state, such as Denmark, can score higher on this variable than systems that are formally federal. For current purposes, the key distinction to draw is whether these decentralized powers are unilaterally revocable by the central government. In a decentralized system, they are, whereas in a federal system, changing the division of powers across levels of government usually requires amending the constitution. This matters if the purpose of adopting federalism is to check the power of the center or to accommodate the demands of one or more ethnic minorities, because it provides some degree of assurance as to the future durability of the arrangement.

2.2. Federalism in the MENA Region: A Tough Sell

To date, the distinction between decentralized and federalized systems has been largely academic in the context of the Middle East and North Africa (MENA) region because the general pattern has been states that are both highly centralized and unitary (Schmidinger 2019: 183). In terms of fully fledged federal systems, there have been just three since the demise of the Ottoman Empire. The two survivors are the United Arab Emirates and Iraq. Prior to this, Libya was granted independence as a federal state in 1951, but its three-unit federation was abandoned in 1963.³ Other than these three cases, there have been fleeting efforts to federate, including a short-lived Syrian federation imposed by the French, and the marginally more durable, but never authentically federal United Arab Republic. As noted in Chapter 1, Sudan experimented with various forms of territorial autonomy for its southern region before bowing to the inevitable and allowing the South to secede in 2013.

Two characteristics stand out about federalism and territorial autonomy in a MENA context. First, with one significant exception,⁴ federalism has not been a popular institutional choice in the region, especially when it comes to managing ethnic diversity. Second, the track

³See Chapter 6 for more details.

⁴As discussed below, the exception relates to the various schemes for Arab unity that almost all envisaged some sort of federal arrangement.

record for all forms of territorial autonomy in the MENA region seems unimpressive. The UAE is scarcely a bastion of liberal democracy in the region, but at least it has survived. All other experiments in this direction have either failed outright, or, in the case of Iraq, have flirted with failure in recent years. On the face of it, there is not much of a puzzle here. Why would states in the region opt for an institutional arrangement with so poor a track record of success? Yet the region is anomalous in its aversion to federalism relative to other parts of the world. The trend has been toward the increasing use of territorial autonomy in most other regions.⁵ Federations and other forms of territorial autonomy continue to function in North America (the US, Canada); Latin America (Brazil, Argentina, Nicaragua); Europe (Belgium, Spain, Finland); Africa (Nigeria, South Africa, Tanzania); and Asia (India, Papua New Guinea, Indonesia). Even France — the state that invented the term “Jacobin” — has recently dabbled with the idea of formalized ethnic autonomy for Corsica. As detailed below, some federal systems have failed over the years (the Soviet Union, Yugoslavia) and others seem perpetually mired in dysfunction (Belgium, Bosnia), but the track record overall is better than commonly assumed.

The apparent strength of opposition to territorial autonomy in the MENA region remains puzzling, therefore. Perhaps the explanation is as simple as Mallat’s (2003: 10–11) suggestion that many states in the region were dominated for an extended period by Britain and France, neither of which had any established legal tradition of federalism. Accordingly, “there is no reference in the Middle East to federalism because the way legal education has been conducted for the last hundred years has been entrenched in the British and French models.”

The only problem with this explanation is that the idea of federalism and various forms of territorial (and non-territorial) autonomy actually *does* have a long track record in the Middle East. As discussed in Chapter 1, the Ottoman Empire granted both non-territorial and territorial autonomy to various groups.⁶ Moreover, almost all the numerous plans aimed at Arab unity that emerged during the twentieth century specifically

⁵As early as the 1980s, Elazar (1987) was referring to the proliferation of federalism across the globe as the “federalist revolution.”

⁶Of course, there is no reason to assume that Arabs necessarily view the Ottoman Empire and its governing strategies in a positive light. The evidence is mixed on this (Isik, 2016; Abou-El-Haj, 1982).

58 *Federal Solutions for Fragile States in the Middle East*

envisaged the creation of *federations* of Arab states.⁷ Thus, for example, Jordanian King Abdullah's "Greater Syria" plan to unite Arab states under a Hashemite monarch involved creating a federation of Jordan, Syria, Lebanon, and Palestine, within which minority groups would be granted "semi-autonomous" status (Simon 1974: 317). Nuri al-Sai'd's plan for Fertile Crescent Unity envisaged a *confederation* of Arab states rather than a centralized, unitary Arab state (Porath 1984); in the early 1970s, Egypt, Sudan, and Libya formed a short-lived Federation of Arab Republics⁸; Jordan proposed a United Arab Kingdom, which would have federated Jordan with the Palestinian West Bank; and Iraq proposed a Union of Arab Republics to unite Syria, Iraq, and Egypt in a federation. The point here is not that any of these proposals yielded tangible outcomes, but that concrete proposals for Arab unity have only ever envisaged the resulting entity in federal (or confederal) terms. The idea of decentralized power on a territorial basis is, therefore, not at all alien to the region. However, the legitimacy of the concept of federalism appears to be limited to schemes for Arab unity that would involve previously sovereign units joining together for a common purpose in what Stepan (1999) terms a "coming-together" federation. In contrast, a "staying-together" federation involves a formerly unitary state opting for federalism as a means of preserving its territorial integrity. Staying-together federations seem not to enjoy the same conceptual legitimacy in the region.

A necessarily speculative but plausible explanation for this is that, whereas a coming-together version creates a unified whole from separate parts, a staying-together federation involves separating a unified whole into its constituent components. While the former is a force for unity, the latter brings to mind some of the divide-and-rule tactics adopted by colonial powers in the early twentieth century, such as the partition of Greater Syria, the creation of autonomous statelets for ethnic minorities (Druze and Alawis) within rump Syria, and the partition of Palestine. In fact, opinion poll evidence suggests that many people in the region view federations that provide autonomy to subnational groups as synonymous with partition, or at least, as the first step on the road to partition.⁹ As one

⁷For an overview of the various Arab Unity schemes during the 1930s and 1940s, see Porath (2014).

⁸See, Bechtold (1973) for details.

⁹See, for example, the results of polls conducted by The Day After (2016, 2017), a civil society organization promoting democratic transition in Syria (<https://tda-sy.org/>).

Iraq expert noted, “Iraqis tend to believe that when federalism is implemented along sectarian lines it will be more divisive than other variants of federalism and will soon lead to partition.”¹⁰

As noted in Section 2.1, the conflation of certain forms of federalism — i.e. ethnofederalism — with partition is flawed, but understandable. It is certainly understandable that those hostile to ethnofederalism might want to equate the two, particularly in the context of the Middle East, where, to put it mildly, the term “partition” carries negative connotations. The mere act of labeling any proposal as “partitionist” is equivalent to signing its death warrant. For example, there are certainly legitimate grounds for criticizing the infamous “Biden (Gelb) Plan” that emerged around 2006 for organizing Iraq into a three-unit (Sunni/Shi’a/Kurd) federation as a way to address the horrific sectarian violence engulfing the country at that time. That the two authors *explicitly* rejected partition as an option for Iraq, arguing instead for maintaining a “unified Iraq by federalizing it” did not prevent it from being lambasted as a “partitionist fantasy” by country experts and many in the media.¹¹ A subsequent non-binding resolution that passed in the US Senate in 2007 did little more than express support for the fleshing out of federalism in Iraq in line with the provisions of the Iraqi constitution; it made no mention of how many units the system should contain or how the units should be defined. The resolution did not call for any form of ethnofederation, still less, for partition, but was nonetheless accused of both by critics of the Biden Plan. As the International Crisis Group’s Iraq expert opined, “It (the resolution) has been interpreted to say (in the region) that the Senate wants to carve up Iraq (in the worst imperial tradition).”¹²

For reasons best known to themselves, even some advocates of ethnofederalism have been known to use the “P-word.” Thus, Joseph and O’Hanlon’s proposal for a three-unit ethnofederation in Iraq, including detailed plans for ensuring the ethnic homogeneity of each unit, is

¹⁰<https://www.cfr.org/backgroundunder/plans-iraqs-future-federalism-separatism-and-partition>

¹¹https://www.huffpost.com/entry/partition-iraq-over-their_b_61116; <https://shadowproof.com/2007/08/19/fantasies-of-the-oh-so-serious-set/>; <https://theintercept.com/2019/09/06/joe-biden-defends-record-iraq-including-plan-divide-along-sectarian-lines/>

¹²<https://www.cfr.org/backgroundunder/plans-iraqs-future-federalism-separatism-and-partition>

60 *Federal Solutions for Fragile States in the Middle East*

bizarrely termed “soft” partition — a turn of phrase guaranteed to make it unacceptable throughout the Middle East.

Interestingly, the idea of a *decentralized* system provokes little animosity¹³; it is apparently the act of constitutionalizing this decentralization and calling it federalism that is stigmatized. This is unfortunate because it essentially rules out a rational debate about how federalism, ethnic or otherwise, could benefit states in the region.

2.3. Why Federalism?

The ongoing debate as to the benefits and drawbacks of federalism, and decentralization more broadly, has spawned a large body of scholarly literature over the last several decades. In 1973, Diamond (1973: 129) posed the question, “What do we want from federalism?”; his own answer — that federalism provides the American people with “the school of their citizenship, the preserver of their liberties, a vehicle for flexible response to the problems ... and the source of the distinctive energies of American life” — appears somewhat vague and idealistic from the perspective of the 2020s. Having said this, in the period since Diamond wrote these words, the momentum toward federalism and decentralization has inexorably gathered pace across the globe. The two exceptions are the Middle East and Sub-Saharan Africa, where highly centralized rule remains the largely undisturbed norm. Evidently there is a growing conviction in most of the world that devolving power from the center to the periphery is beneficial in some way, and there is empirical evidence to substantiate this position.

To simplify a complex literature, the purported benefits of federalism/decentralization fall into one of three broad categories; economic/social welfare benefits, political benefits, and those relating to goodness of governance.

2.3.1. *Economic Benefits of Federalism*

Briefly stated, most arguments for the economic benefits of federalism depart from the same observations that if a significant portion of a state’s

¹³See Chapters 3 and 4 for opinion poll evidence on this drawn from Syria and Iraq, respectively.

tax and spending power resides at the subunit level, and citizens (consumers) are free to vote with their feet, then subunits are incentivized to provide the optimal package of public goods (spending) at the lowest cost to the consumer (taxes). In turn, “The consumer-voter may be viewed as picking that community which best satisfies his preference pattern for public goods” (Tiebout 1956: 418). In other words, the fact that consumer-voters can choose from among multiple subunits (the exit option), provides incentives for empowered subunits to maximize fiscal efficiency. Moreover, competition to attract tax-paying consumers inspires horizontal competition among subunits that should, theoretically, serve to increase economic efficiency across the system as a whole. In a centralized system, the absence of a realistic exit option for consumers, except emigration, means that these incentives are absent. Note that these incentives apply regardless of whether consumers are assumed to be homogenous or heterogenous with respect to preference structures. The competitive federalism model assumes consumers to have homogenous preferences for lower taxes and more public goods; the “Tiebout sorting” model assumes heterogeneity of preferences, and that the existence of multiple subunits allows individuals to choose the jurisdiction that best fits their specific preferences. The first of these speaks to the potential of federalism to enhance economic performance via horizontal competition; the second, to the capacity of federalism to best satisfy a diversity of economic preferences within the same overarching political framework.

Among the economic benefits that federalism provides, the preponderance of empirical evidence indicates that decentralization is associated with higher rates of economic growth, though this finding appears to be sensitive to variable measurement and the universe of cases selected for analysis (Lancaster and Hicks 2000; Gil-Serrate and López-Laborda 2006; Akai and Sakata 2002). There is also evidence to suggest that more decentralized systems enjoy higher levels of human development (Ivanyna and Shah 2014); lower levels of inflation (Lijphart 2012; Lancaster and Hicks 2000; Qian and Roland 1996); lower rates of unemployment (Crepaz 1996); lower levels of income inequality (Feld, Schaltegger and Schmid 2018); lower levels of intra-state regional inequality (Sorens 2014) and, a variety of other “market preserving” economic benefits (Weingast 1995; Montinola, Qian and Weingast 1995).

However, three important caveats are in order here. First, the majority of these studies are based on data from developed (OECD) economies, and may, or may not be, relevant to lesser developed states

62 *Federal Solutions for Fragile States in the Middle East*

(Bardhan 2002). Second, all of these findings are contested.¹⁴ Third, most of these findings, positive and negative, have used some form of decentralization measure rather than federalism as the main independent variable; if it is decentralization, not federalism, that yields whatever economic benefits might be on offer, then prescriptively, this is an argument in favor of decentralization rather than federalism.

2.3.2. *Federalism and Good Governance*

The *theoretical* argument that underpins the positive association between federalism and economic outcomes is also relevant to issues of good governance. If one assumes, for example, that all citizens and businesses have a preference for clean, corruption-free government, then the competitive federalism model explains why the exit option provided by federalism should result in lower levels of corruption across the system (Weingast 1995). States run by corrupt politicians risk losing their populations and businesses to cleaner states. Further, federalism brings the government closer to the people, thereby allowing corrupt politicians to be more easily identified and punished at the ballot box by disgruntled voters. Empirical evidence on the relationship between federalism (and/or decentralization) and corruption is mixed. On balance, more studies find a negative relationship between decentralization and corruption than the inverse of this, but this conclusion by no means unanimous. Very clearly, the relationship between decentralized government and corruption is not monocausal, which is to say that adopting federalism may (or may not be) a necessary condition for reducing corruption, but it is not sufficient. For example, Lessman and Markwardt (2009) find that the relationship between decentralization and corruption is contingent on the monitoring role played by a free press. In states with a free press, more decentralization equals less corruption, but the opposite of this holds for states that lack a free press.

That empowered subunits can function as “laboratories of democracy” is another frequently voiced good governance benefit of federalism. Since Justice Brandeis first articulated the phrase in 1932, the idea that the US states serve as “laboratories” for policy experimentation, or, in Galle and Leahy’s (2009: 1335) turn of phrase, as a “host of civic Marie Curies,

¹⁴For an example of a negative assessment of federalism’s impact on several macroeconomic indicators, see Wibbels (2000).

each tirelessly in pursuit of discoveries to better mankind,” has gained widespread currency. The logic here is straightforward. Any policy that falls constitutionally within the purview of the states, such as the death penalty, drug policy, healthcare, and electoral system, will likely spawn an array of different policies and approaches, traditional as well as innovative. Over time, states can learn from each other, and the most demonstrably effective policies will end up being adopted by an increasing number of states. Innovations that work will diffuse across the system as whole. This concept of states as engines of innovation is difficult to evaluate empirically, but even if valid, the innovations in question are not inherently positive, at least from a normative perspective. An advocate of legalized marijuana on grounds of personal liberty would no doubt support Colorado and Washington blazing a trail of innovation in 2012 by legalizing recreational marijuana; an individual opposed to drug use on moral grounds would probably not. The same goes for innovations with respect to restricting access to abortions, the implementation of the death penalty, or any moral issue for that matter. For economic and social welfare issues, there may be a way to determine objectively whether an innovation is positive or desirable; for moral issues, the desirability of innovation is in the eye of the beholder.

The benefits of federalism in terms of economic/social welfare issues and good governance are not overwhelmingly persuasive. On balance, federalism appears to provide some economic benefits and to have some positive effect on corruption levels, but it is not clear that federalism offers any clear advantage over decentralization in either respect. Certainly, none of this amounts to a compelling sales pitch to states in the MENA region that federalism is an indispensable acquisition. The potential *political* benefits of federalism are both more relevant and more convincing. Specifically, federalism’s role as a check against the persistence of centralized, authoritarian rule in the region and its capacity to accommodate societal diversity merit further consideration.

2.3.3. *The Bulwark Function of Federalism*

On the face of it, this argument is straightforward and indisputable. If political power is a finite resource within any given system, then the more power allocated to subunits in a federal system, the less power is retained by the central government. As Chemerinsky (1995: 525–526) puts it, “if the powers of the federal government are limited, most

64 *Federal Solutions for Fragile States in the Middle East*

governing, of necessity, must be done at the state and local levels.” In this way, the dispersal of power across subunits in any federation serves as an automatic check against a potentially tyrannical, majority-dominated center. The crux of the dilemma facing the framers of the US Constitution was how to strengthen the federal government enough to avoid the problems experienced under the Articles of Confederation without creating a potentially oppressive structure that could threaten the rights of individuals. A federal system provided the answer. However, the idea of federalism as a bulwark against central government tyranny was, and is, more sophisticated than it first appears. It is not just a question of limiting the governing powers granted to the federal government, it is also a question of balancing the people’s bonds of affective loyalty. For a variety of reasons, the framers of the Constitution assumed that the peoples’ primary source of affective loyalty would reside with their state rather than the federal government (Levy 2007: 464). In the most basic sense, this meant that any attempt to impose authoritarianism at the center via military force would be resisted by the various states. As a simple question of numbers, there would be more people willing to fight and die for their state than for the federal government.

At the same time, and as the framers were all too aware, the states themselves posed potential threats to individual liberty. This meant the federal government needed to be powerful enough to appropriately deal with oppression at the state level. Hence, the federal system was deliberately designed to create a system in which different levels of government would be forced to compete for the people’s affections (Pettys 2003). “Regardless of whether state and federal politicians ever think of themselves as rivals,” Pettys (2003: 333) observes, “they are indeed competitors. They compete in what I shall call the marketplace for the people’s affection—a marketplace in which citizens allocate regulatory power based upon which sovereign has made the strongest claim to their confidence.” This is a vision of ongoing *vertical* competition between state and federal governments to secure the loyalties of the people. Each level of government, thereby, provides a check and balance on the other. The system serves this function effectively only to the extent that the people are capable of dividing (or sharing) loyalties (Levy 2007); that is, it is desirable that they identify both with the broader collective (the nation) and their specific subunit (the state). In the absence of national identity, the federal government lacks the capacity to perform its basic functions, such as national defense and punishing deviant states. In the absence of

well-developed state-level identities, the critical role of federalism as a check against authoritarian takeover is undermined. This is important because one of the main arguments against federalism, especially when organized around ethnicity, is that it eviscerates the federal government by strengthening and deepening subnational identities at the expense of national identity (Jenne 2009: 275). As the reservoir of national identity dissipates in favour of subunit identity, the common-state risks secession or even state collapse. This argument assumes that individuals have a finite “loyalty reservoir” and that loyalty to one level of government displaces loyalty to another.

In reality, as numerous examples from extant federal systems indicate, individuals are entirely capable of identifying affectively with both levels of government.¹⁵ The capacity of, say, Canadian citizens to identify as both “Canadians” and “Albertans” (or “Qubecqois,” for that matter) simultaneously is the lifeblood of federalism, and critical to its function as a bulwark against tyranny at either level of government. In an ideal world, a federation would encompass a citizen body that identifies to an equal degree with *both* levels of government. But of course, identities are not fixed in stone, which is why national governments devote huge amounts of time and resources to constructing and reinforcing a sense of national identity. In terms of resources, subunit governments cannot compete with this, so how the subunits are defined becomes key to achieving balance across levels of governments.

In a coming-together federation, such as the US, the subunits are pre-defined, and often come complete with well-developed subunit identities. In contrast, in a holding-together federation, subunit boundaries are often drawn from scratch. If lines are drawn arbitrarily (or deliberately) to create subunits that command little or no affective loyalty, then the construction of subunit identities will be difficult and time-consuming. Under these circumstances, subunits are unlikely to provide an effective check on the power of the center. The same effect can be achieved by changing the subunit boundaries frequently, or gerrymandering boundaries for politically expedient purposes. If, however, subunits are defined around already-existing identities — based on affective loyalties to a region or city, for example — the system as whole is plausibly more balanced. The greater resources the center can devote to inculcating national identity is

¹⁵See below for evidence of dual identities within the Spanish, Canadian, and Nigerian federal systems.

balanced by the strength of preexisting affective attachments to the subunits.

The perception that federalism is synonymous with fragmentation and that it constitutes a *threat* to national unity is widespread, especially in the MENA region, but it is at least as plausible that federalism can provide a framework for national integration. In Rodriguez's (2013: 2097) words, federalism "creates a multiplicity of institutions with lawmaking power through which to develop national consensus, while establishing a system of government that allows for meaningful expressions of disagreement when consensus fractures or proves elusive." The basic argument here relies on the logic of pluralism in that federalism provides multiple opportunities for the exercise of decision-making power, and "having many institutions with lawmaking power enables overlapping political communities to work toward national integration" (*Ibid.*: 2094), but it is also an argument about the empowerment of minorities, and this is the second major selling point of federalism in the context of the Middle East.

2.4. Federalism and the Accommodation of Diversity

As is well-known, the framers of the US Constitution were deeply concerned about potential for majority tyranny, and much of institutional architecture they put in place — the separation of powers, checks and balances, a highly unrepresentative Senate, etc. — was anti-majoritarian by design. Federalism was, and is, central to this vision because it allows minorities at the national level to govern as majorities at the state level. Federalism, in other words, "gives minorities the chance to be the majority. It gives them more than influence at the local level; it gives them control" (Gerken 2013: 1365). Obviously enough, if all the subunits in a federation are just interchangeable microcosms of the nation as a whole, or if a nation's population is entirely homogenous in terms of ideology, socioeconomic class, race, religion etc., then federalism cannot serve this function, but this does not reflect the reality of any existing federation. For whatever reason, be it climate, topography, mode of economic production, religiosity, the norm in any state, federation or otherwise, is for residential patterns that are "lumpy" (Gerken 2013: 1362); that is, people tend to be clustered, voluntarily or otherwise, into geographical pockets of shared interests, and these shared interests vary widely from

state to state. The political culture and norms of a heavily rural, conservative state like Nebraska are very different from those of a liberal state like New York. A federal system affords a majority at the state level extensive powers of self-government, regardless of the identity of the majority that controls the federal government. When Democrats control Washington, most Nebraskans are part of the minority at the national level, but remain an empowered majority at the state level. It is an institution for minority empowerment, whether the minority in question is defined in ideological, cultural, ethnic, or purely numerical terms. In this sense, all federal systems accommodate diversity by empowering minorities. In the case of the US, the accommodation is of ideological, or, perhaps, cultural/historical diversity. For better or worse, the US system has never evolved to accommodate ethnic diversity.¹⁶ Other cases are different. So-called “ethnofederations” involve a grant of autonomy to territorially concentrated ethnic minorities and are often viewed as different *in kind* from simple non-ethnic federations.

2.5. Why Ethnofederalism?

Scholars sympathetic to the use of ethnofederalism highlight its potential for the successful management of ethnic difference. In many existing cases (e.g. India, Canada), ethnofederalism allows for the accommodation of linguistic diversity. The temptation for a dominant ethnic group is to impose its language as a single, state-wide official language, because a shared “national” language is often viewed as the bedrock of national identity. However, this inherently discriminates against minority language groups and puts them at a severe disadvantage in the public sphere. Moreover, language is a repository of shared culture, making the imposition of one language at the expense of others a form cultural extermination that is normatively problematic and can trigger intense hostility on the part of targeted minority groups. Ethnofederalism helps alleviate these problems by allowing minority languages to assume “co-official” status within a given territory (i.e. a federal subunit), thus permitting minority

¹⁶The one potential exception to this was the creation of Utah as a Mormon state, but it is worth nothing that in order to earn statehood, the Mormon Church was required to discard its most distinctive cultural attribute — the practice of bigamy. See, Anderson (2013: Chapter 3) for details.

language groups to, for example, interact with the public sector and apply for government jobs in their native language, and educate their children in their mother tongue. In a similar fashion, ethnofederalism can, and has, been used to diminish tensions in contexts of religious/sectarian, racial, and even cultural/historical diversity, at least in the view of advocates.

By allowing ethnic groups to exercise some degree of self-government over sensitive issues like education, language, and/or religion, ethnofederalism removes these as sources of conflict at the central level, thereby reducing ethnic tensions across the system. In turn, allowing ethnic groups a level of control over affairs of emotional concern may help diminish enthusiasm for secession and preserve the territorial integrity of the common state.

2.5.1. *Evaluating the Benefits*

The brief overview of the purported benefits of federalism yields a couple of important insights. First, it would be difficult to argue that federalism offers great advantage over decentralization with regard to either economic/social welfare or good governance benefits. The large- N empirical studies on economic/social welfare benefits have almost all used “degree of decentralization” as the main independent variable, not federalism *per se*. Moreover, it is not obvious why the constitutional entrenchment of subnational autonomy is necessary to achieve these benefits. A central government that can exercise power unilaterally over subnational tiers of government can use this power to punish, threaten to punish, or even eliminate underperforming subnational entities entirely. In this respect, a decentralized system may be better equipped to reap potential benefits than a federal system.

The political benefits are different. Self-evidently, if the very existence of subnational entities is contingent on the whim of central government, then the system cannot effectively check the power of the central government. There is no sense of power balancing power in a decentralized system, because ultimate power resides at the center.

A federal system *can* perform this function because the existence of federal subunits is constitutionally guaranteed; but while constitutional entrenchment is clearly a necessary condition for fulfilling this function, it is not sufficient. If a central government can unilaterally redraw the borders of subunits, for example, or remove elected officials at will, then subunits cannot plausibly serve as an effective bulwark against

central tyranny. Logically, the more the constitutionally protected the autonomy of subunits, the more effective they can be at performing this function. But the constitutionally entrenched *capacity* to challenge the center is not enough; also needed is a *willingness* on the part of subunits to defend their autonomy, which requires in turn that the inhabitants of any given subunit must feel enough affective loyalty to the unit to consider it worth defending and to come to its defense if necessary. That people must be “willing to die” and “willing to kill” (Feeley and Rubin 2009: 61–62) in defense of their unit probably overstates the case, but some degree of affective commitment is surely necessary if the units are to provide an effective counterweight to power of the center. This places a premium on how the constituent units are defined at the moment of a federation’s formation.

In a coming-together federation, such as the US and Switzerland, preexisting attachments to the constituting units can be assumed. These are previously autonomous entities joining together to form a larger entity that literally has no identity at the moment of its formation. It is just a collection of subnational identities. The challenge in these cases lies in constructing a national identity from scratch that is robust enough to hold the whole together. Staying-together federations face the inverse of this problem. Systems that have opted to federate along ethnic lines often have decades or even centuries of existence behind them. A well-constructed national identity can be assumed for a significant portion, though obviously not all, of its population. The problem here is not necessarily the absence of subnational identities, but that these may not coincide with the territorial divisions of the federation, leaving federal subunits with little to no sense of “self.” The absence of well-defined subunit identities is a problem if a major goal of the system is for subunits to check the power of the center. The boundaries of most of the new states added to the US after the original 13 were defined around such factors as the slavery issue, natural resource location, railroad construction, the trajectory of the Erie Canal, and simple lines of longitude and latitude, but regional identity played no part in these calculations. Only two states — California and Texas — were powerful and self-aware enough to (mostly) determine their own borders. Partly as a result, most academic specialists question whether subunit identities in the US federal system — even among the original 13 — are sufficiently robust to serve the bulwark function originally envisaged (Levy 2007; Feeley and Rubin 2009; Young 2015). Many view this as a problem for the system.

70 *Federal Solutions for Fragile States in the Middle East*

Thus, two key functions of federalism — as a check against central tyranny, and the accommodation of societal diversity — are mutually reinforcing. Specifically, if subunits are territorially defined around pre-existing ethnic or regional identities, their ability and willingness to serve as bulwarks against the center is plausibly enhanced. In this context, an ethnofederal system need not be viewed as a negative option. Defining subunits around territorially concentrated ethnic group/s guarantees that at least one unit in the system has a robust and durable identity. In this way, ethnic units within a federation can provide an “anchor” for the system as whole to resist oppression from the center (Levy 2007).

2.6. Why Not Federalism?

Federalism is certainly not without its fair share of critics. The economic benefits of federalism cannot be considered “proven,” and a fair number of studies find that federalism has negative economic effects or is irrelevant to economic performance. As with the benefits, these findings mostly relate to decentralization rather than federalism. Either way, the economic benefits of federalism, if they exist, do not constitute a compelling selling point. Good governance issues have been less studied, but the ambiguity of findings persists. As noted above, federalism has been found to be positively, negatively, and contingently related to levels of corruption. The “laboratories of democracy” argument is easy to make, but difficult to establish empirically. That US states experiment with policy alternatives is indisputable; that this experimentation is of overall benefit to the system is not easy to determine objectively. The reasonable conclusion then is that any case for the adoption of federalism in the Middle East stands or falls on the political benefits.

The bulwark function of federalism is intuitively plausible. A system that contains multiple power centers, each of which enjoys popular legitimacy and commands some degree of affective loyalty on the part of its population is self-evidently more difficult to subdue than one in which power is heavily centralized. Unitary, centralized systems have been the norm throughout the MENA region, as are military coups and authoritarian rule. Though correlation is not causation, it would be difficult to argue that a unitary, centralized system can plausibly offer *better* protection against authoritarian takeover. Critics, of course, can point to several examples of federal systems — Brazil, Argentina, Venezuela, to name but three — that have not always served as an effective bulwark against

authoritarianism; equally, advocates can highlight many states with long track records of authoritarian rule (Spain, Austria, Germany) that continue to function as successful liberal democracies under a federal system. Of course, to attribute Brazil's periodic reversions to military rule during the twentieth century or Spain's successful transition to democracy after decades of dictatorship solely to federalism is plainly an oversimplification. Political institutions, including federalism, guarantee nothing.

Further, the bulwark function of federalism implicitly assumes that the center constitutes the primary oppressive threat to the liberty of the people. The disparity in power, especially military power, between the center and the constituent units makes this a reasonable assumption, but it is still an assumption. In the case of the US federal system, slave-owning states successfully gamed the federal system to preserve slavery until the 1860s. Thereafter, southern states exploited their political autonomy (and votes in the Senate) to keep in place a deeply oppressive system of segregation that simultaneously denied most African-Americans the right to vote until 1965. In other words, the major agents of oppression in the US federation were empowered subunits, not the federal government. While it is important to acknowledge that empowering subunits can allow them to protect oppressive systems at the local level, the threat posed by an oppressive subunit is on a different scale from that posed by the center in terms of the numbers affected. Recognizing this fact reinforces the point that an ideal federal system is one in which there is a power balance between the federal government and the constituent units, so that each level can check the excesses of the other. In simple federations, where the subunits are not defined around specific ethnic or regional identities, the danger is that the units lack the strength of identity to balance the power of the center. An ethnofederation helps address this problem, but creates others in the process, at least according to critics.

To the extent that it involves decentralization of power, ethnofederalism encounters some of the same problems as simple federalism and, as an approach that relies on ethnicity as an ordering principle, it is vulnerable to some of the same criticisms as ethnic power-sharing. In particular, the idea that ethnic identity should be privileged above other, presumably more enlightened identities, is disturbing to many; but beyond this, there are problems specific to ethnofederalism that need to be addressed.

The case against ethnofederalism is well-developed and intuitively plausible. Providing ethnic minority groups with territorial autonomy, so the argument goes, endows the group with institutional resources — such

72 Federal Solutions for Fragile States in the Middle East

as political institutions, security forces, and institutionalized leadership — with which to challenge the authority of the common state. Hence, an ethnic minority with autonomous status “has institutions for challenging state authorities in general and its specific policies and actions in particular” (Cornell 2002: 254) along with institutionalized leadership to unify the population. Beyond this, subunits often possess their own coercive forces, in the form of police and/or militia forces, control over mass media through which to promote the separatist cause, and many of the symbolic trappings of statehood, such as a flags, anthems, coats of arms, and mottos. Brubaker’s account of the Soviet Union’s collapse neatly summarizes this point. In Brubaker’s (1996: 41) view, the Soviet breakup was “crucially framed and structured by the territorial-political crystallization of nationhood in the form of national republics” and was possible “chiefly because the successor units already existed as internal quasi-nation-states, with fixed territories, names, legislatures, administrative staffs, cultural and political elites.”

Collectively, these institutional endowments undeniably enhance the capacity of autonomous ethnic units to challenge central government authority. Simultaneously, ethnic autonomy increases the motivation of empowered groups to “go it alone,” according to critics. Ethnic autonomy, we are told, sharpens and deepens ethnic identity through, amongst other things, autonomous control over the mass media and education system (Gorenburg 2001; Cornell 2002). Others, Bunce and Watts (2005: 136), for example, draw attention to the “plausible impact” of ethnic autonomy on “group isolation, intergroup distrust, and heightened competition among local elites ... in search of local issues they can use to mobilize and outflank their competitors.” The peculiar susceptibility of ethnofederal systems to secessions would then appear to result from an interactive combination of enhanced capacity and motivation that is uniquely present in ethnofederations and absent in other system types, such as unitarism or simple federations (Roeder 2009; Cornell 2002: 252). Regardless, ethnic autonomy would seem to yield precisely the outcome its implementation is intended to avoid.

Roeder’s (2009) scathing critique of ethnofederalism and “non-federal states with autonomous ethnic regions” highlights the unique potential of these to suffer secession, but also adds a useful reminder that ethnic autonomy arrangements may be vulnerable to the opposite form of breakdown — that is, recentralization. In Roeder’s view, this sets up a dangerously volatile bargaining dynamic between ethnic

autonomies and the common-state government in which political leaders perpetually struggle to preserve the “hard-to-identify knife-edge equilibrium” of power between center and periphery that imparts stability to the system. In this scenario, each and every disagreement over the division of power across levels becomes “ethnified” and risks escalation to the level of state crisis. The inevitable and unavoidable result of this, according to Roeder, is either the secession of the ethnic unit, the collapse of the entire system, or the collapse of ethnofederal institutions via recentralization. Neither “tinkering” with the design of an ethnofederation nor the broader context within which the relationship is embedded matter much in Roeder’s scheme of things because “institutional instability and the likelihood of nation-state crises” are endogenous to ethnofederal and autonomy institutions. Ethnofederations are literally doomed to fail.

2.7. Ethnofederalism: Does it Work?

The major selling point of the argument against ethnofederalism is its inherent plausibility. Endowing substate ethnic autonomies with “state-like” attributes — such as political institutions, security forces, a defined border, and a flag — unavoidably places institutional resources at the disposal of a unit that it would otherwise not possess. In many ways, this is precisely the point. However, if furnishing institutional resources to subunits in a federation were sufficient to increase secession-propensity, then simple federations, which generally furnish subunits with the same resources, would suffer secessions at the same rate as ethnofederations. As Roeder (2009) himself demonstrates, this is not the case. Hence, there is the need for a second strand of the argument — one that speaks to how and why ethnofederalism enhances the *willingness* or *desire* of ethnically defined units to separate from the common state. Here the argument is less clear cut. The experience of the three Baltic States under the ethnofederal Soviet system plausibly enhanced both capacity and desire to secede, but equally, the increased institutional resources of Tamil Nadu (in India) or the Basque Country (in Spain) have yet to translate into increased desire to separate from their respective systems. Beyond anecdotal evidence and the plausibility metric, empirical evidence regarding the effectiveness or otherwise of ethnofederalism is mixed at best. The quest for more compelling evidence is hampered by two main problems. First, even using a permissive definition, the number of ethnofederations that have ever

74 *Federal Solutions for Fragile States in the Middle East*

existed is small. This small- N problem makes meaningful statistical analysis challenging. Second, any evaluation of the effectiveness of ethnofederalism at managing ethnic tensions requires a point of comparison. The relevant question is not “is ethnofederalism effective?” but rather “is ethnofederalism more or less effective than the alternatives?” This is a more complex question than it first appears, and it is one that is routinely ignored by critics. Both of these issues are addressed more fully below. For now, it is worth revisiting the basic question of success and failure. Specifically, what is the success/failure rate of ethnofederations? In line with the arguments of Roeder and others, an ethnofederation can be considered a failure if it suffers the secession of one or more ethnic units (or, obviously, if the entire state collapses) or the dissolution via recentralization of ethnofederal institutions; logically enough, an ethnofederation that avoids these fates — that survives intact, in other words — is considered a success. To maximize the universe of cases available for scrutiny, an ethnofederation is defined permissively to include not only system-wide federations with one or more ethnic units but also ethnic units attached to otherwise unitary states. Table 2.1 presents data drawn from the universe of cases of ethnofederalism that have existed since 1945, arranged according to their success or failure.

This admittedly crude analysis reveals that ethnofederations have a relatively high success rate, higher indeed than is often acknowledged by most advocates.¹⁷ Measured at the level of systems, the failure rate of ethnofederations is 23% (10 out of 44). The figure for “total ethnic units” is based on the total number of ethnically defined *units* that either failed (i.e. recentralized or suffered secession) or succeeded (e.g. the Soviet Union is counted as 15 failures, India as 21 successes and so on). There is certainly an argument to be made for treating the relationship between each separate ethnic subunit and the central government as a discrete case. The Danish government, for example, enjoys distinct and analytically separable relationships with its two entities (the Faeroe Islands and Greenland); each of these can succeed or fail independent of the other, so for current purposes, each can and should be considered a separate case. This same logic applies to partial and full ethnofederations. Spain’s “State of the Autonomies” is often viewed and counted as a single case, but it

¹⁷For example, McGarry (2007: 15), who is otherwise sympathetic to the use of federalism to accommodate ethnic diversity, describes the track record of multinational federations (at least those implemented in the wake of decolonization) as “abysmal.”

Table 2.1: Ethnofederations Since 1945: Successes and Failures

Failures	Successes	
Malaysia (1963–1965)	Aceh/Indonesia	
Pakistan (1947–1971)	Ajara/Georgia	
Serbia-Montenegro (1992–2006)	Åland Islands/Finland	
Soviet Union (1922–1991)	Atlantic Region North and Atlantic Region South/Nicaragua	
Nigeria (1960–1967)	Belgium	
Ambiguous Failures	Bosnia and Herzegovina	
Czechoslovakia (unitary 1918–68; ethnofederal 1968–1994).	Bougainville/Papua New Guinea	
Ethiopia/Eritrea (ethnofederal 1952–1962; unitary 1962–1993)	Canada	
South Sudan (unitary 1956–1972; ethnofederal 1972–late-1970s; unitary 1983–2005; ethnofederal 2005–2011)	Comarca Kuna Yala/Panama	
Yugoslavia (unitary 1918–1939; ethnofederal 1946–1992).	Ethiopia	
Crimea (unitary 1991–1994; ethnofederal 1994–2013; current status uncertain)	Faroe Islands/Denmark	
	Friuli-Venezia Giulia/Italy	
	Gagauzia/Moldova	
	Greenland/Denmark	
	India	
	Iraq	
	Mindanao/the Philippines	
	New Caledonia/France	
	Nigeria (1967–present)	
	Pakistan (1971–present)	
	Papua/Indonesia	
	Russia	
	Sardinia/Italy	
	Sicily/Italy	
	Scotland/the UK	
	South Africa	
	Spain	
	Switzerland	
	Trentino-South Tyrol/Italy	
	Val d’Osta/Italy	
	Vojvodina/Serbia (autonomous region within Serbia 1945–1989, autonomy revoked 1989, then restored in 2000)	
	Wales/the UK	
	Zanzibar/Tanzania	
Total Systems	10	34
Total Ethnic Units	33	96

Why Federalism? 75

76 *Federal Solutions for Fragile States in the Middle East*

makes more sense theoretically and practically to consider it as 17 separate dyadic relationships between the center and autonomous units, 4 of which are ethnically defined (Catalonia, the Basque Country, Andalusia, and Galicia). Theoretically, there is no necessary causal connection between the failure of one of these four relationships, via Catalonian secession, for example, and the success or failure of the others. Measured in terms of individual ethnic units, the failure rate — at 26% (33 out of 129) — is slightly higher than for systems.

It is reasonably clear from Table 2.1 the source of the inspiration behind the “ethnofederalism is fatally flawed” school of thought, which can trace its origins to the early 1990s and was first articulated as an institutional explanation for the collapse of the Soviet Union.¹⁸ Subsequently, the argument was reinforced by analyses of the straightforward empirical observation that, of all the transitioning states in Central and Eastern Europe during the 1990s, the unitary states held firm, and only the enthofederations (Soviet Union, Yugoslavia, Czechoslovakia) suffered state collapse (Bunce 1999). Beyond these three cases, however, the evidence against ethnofederalism begins to look less than compelling. Of the other failures listed in Table 2.1, most come with rather significant caveats: Pakistan suffered the secession of an ethnic subunit that was geographically separated from the rest of the country by more than 1,000 miles of enemy territory; Eritrea was federated with Ethiopia for a period of time after independence, but actually ended up seceding from a *unitary* Ethiopia in 1993; Serbia-Montenegro was a paper federation whose constituent units never even shared a currency, and is probably more accurately characterized as the final stage in the failure of Yugoslavia rather than a failure in its own right.¹⁹

There is also the question of “ambiguous failures” to be considered. The collapse of ethnofederations in the Soviet Union, Yugoslavia, and Czechoslovakia is pivotal to the evolution of the case against ethnofederalism, but the latter two did not just fail as ethnofederations. Both began life as unitary states, then adopted ethnofederalism in response to the demands of ethnic minorities, Slovaks in Czechoslovakia, and Croats in Yugoslavia, for autonomy.²⁰ In this sense, both failed first as unitary

¹⁸See, for example, Roeder (1991); Suny (1993); and Slezkine (1994).

¹⁹For further details on these cases, see Anderson (2014).

²⁰See Anderson (2016) for a discussion of ambiguous failures.

systems, before ultimately failing as ethnofederations. To dismiss them simply as failures of ethnofederalism is, therefore, misleading.

Having said this, on the success side of the ledger, it is certainly reasonable to question whether highly dysfunctional ethnofederations like Bosnia or Belgium are successful in the substantive meaning of the term, or whether systems like Spain (with Catalonia) and the UK (with Scotland) have succeeded in the sense of diminishing secessionist sentiment. Certainly, the evidence shown in Table 2.1 is not definitive and does not end the matter. More pertinently, it does nothing to address the question of variation in outcome: why some ethnofederations fail, and why others do not.

2.8. Explaining Success and Failure

Critics of ethnofederalism offer arguments that are intuitive, plausible, and theoretically coherent, but they can offer little insight into variation in outcome — that is, why some fail and others succeed. After all, if institutional resources are the primary cause of failure, then logically all ethnofederations should fail because they all endow ethnic groups with broadly similar institutional resources that enhance their capacity for secession. What varies across cases, seemingly, is the extent to which ethnic autonomy increases the desire or willingness to secede, but the argument itself contains no rationale for why this seems to occur in some cases and not others. Roeder may well be correct to assert that ethnofederations are less equipped than simple federations to sustain a stable power equilibrium between center and periphery, but his argument sheds no light on why some seem better equipped than others.

Possible explanations for variation in the fate of ethnofederations fall naturally into three categories: contextual, institutional, and structural. Among contextual factors, there is mixed evidence on the importance of ethnic demographics — the relative size and number of ethnic groups — for the survival prospects of ethnofederations. Ethnically polarized countries, in which a large ethnic majority coexists with a sizeable ethnic minority, and those with high levels of ethnic diversity, for example, are generally assumed to be at greater risk of conflict, but the empirical evidence on this is inconclusive (Fearon and Laitin 2003; Brancati 2006). In contrast, O’Leary (2001) and McGarry and O’Leary (2009) offer evidence that the key to the survival of what they term “pluri-national” federations is the presence of a preponderant “national community.” Those plurinational federations that possess a *Staatsvolk* are more likely



78 *Federal Solutions for Fragile States in the Middle East*

to be stable and durable than those without. Beyond ethnic demographics, there are a variety of “givens” — such as the topography of a country (Fearon and Laitin 2003); the overall size and density of a country’s population (Cederman *et al.* 2015; Fearon and Laitin 2003; Deiwiks *et al.* 2012); the relative size of a region’s population (Sorens 2005); and, the presence of significant natural resources in either the country as a whole (Fearon and Laitin 2003; Bakke and Wibbels 2006) or in a specific ethnic region (Sambanis and Milanovic 2014) that may affect, variously, civil war onset, demands for ethnic autonomy, and support for secessionist parties. These findings are important but of limited prescriptive utility. Constitutional engineers cannot simply alter ethnic demographics or create a *Staatsvolk* where none exists.

Ranging between contextual and institutional explanations are two variables that are frequently claimed to influence the success/failure of ethnofederations and a variety of related phenomena. First, the broad consensus is that democracy plays an important role in sustaining stable, durable, and ethnic autonomy arrangements (McGarry and O’Leary 2009; Bermeo 2002; Stepan 1999). Second, a growing body of evidence suggests that interregional income inequality may fuel ethnic conflict and secessionist demands, though the precise nature of the relationship remains unclear.²¹ Some scholars have found that regions with incomes lower than the national average are most likely to rebel against central authority²² (Gurr 1970; Muller and Seligson 1987; Hechter 1975; Horowitz 1985), but others contend that the more prosperous regions have the greater incentive to break away to avoid subsidizing the poorer, less productive regions of the country (Hale 2000; Sorens 2005), and still others find that both disproportionately rich *and* poor regions are more likely to engage in secessionist conflicts (Deiwiks *et al.* 2012), or ethnonationalist civil wars (Cederman *et al.* 2011).

In theory, these findings yield knowledge that is more useful in practical terms. The level of democracy and income inequality are malleable in a way that “givens” like geography or ethnic demography are obviously not. In practice, however, this knowledge is of limited value. Democracy is notoriously difficult to engineer institutionally (Fukuyama 1995).

²¹For studies skeptical of the link between income inequality and civil wars, see Collier and Hoeffler (2004); and Fearon and Laitin (2003).

²²See Ayres and Saideman (2000) for evidence that ethnic groups that are discriminated against by the center are actually less likely to secede than group that are not the victims of discrimination.



In post-conflict environments in particular, the transition process is likely to be long, painful, and fragile (Carothers 2002), meaning that ethnic autonomy implemented as part of a peace deal may have to survive for extended periods in systems that are less than optimally democratic.

Superficially, interregional income inequality may seem easier to address, but this can only be achieved through the transfer of wealth from richer to poorer regions. While this may indeed ease secessionist tendencies in the poorer regions, it will likely exacerbate grievances and fuel secessionist impulses in the richer regions.

Moving to political institutions, there is evidence to suggest that both the structure of party systems (Sorens 2005) and the presence of pro-secessionist regional parties (Brancati 2006) can affect the secession propensity of ethnic subunits. Executive power-sharing at the central level is another institutional arrangement that has long been advocated as an effective way to manage intercommunal relations in ethnically divided societies (Lijphart 1977, 1996; Hartzel and Hoddie 2003). For O'Leary (2001) and McGarry and O'Leary (2009), executive power-sharing as part of a consociational "rescue" package can enhance the stability of plurinational federations that lack a *Staatsvolk*, while Cederman *et al.*'s (2015) analysis of the relationship between autonomy, ethnic inclusion, and conflict onset leads them to conclude that "if regional autonomy is to be offered, it should be combined with power sharing within the national executive" (Cederman *et al.*, 2015: 368).

The main advantage of institutional explanations is that they are inherently more malleable than say ethnic demography or level of democracy; in other words, this is actionable intelligence. The main disadvantage is that there is little in the way of consensus on the beneficial effects of political parties, electoral systems, or executive power-sharing on ethnic relations; indeed, critics of ethnic power-sharing are probably more numerous than advocates (see, e.g. Aitken 2007; Taylor 1992; Rothchild and Roeder 2005; Horowitz 2002). Moreover, while executive power-sharing may be unavoidable in some contexts, it is unrealistic to expect a dominant ethnic majority comprising 90% of the population to share executive power with a group that represents 10% or less. Proportional power-sharing may be an option under these circumstances, but granting a 10% minority veto power over executive decisions is surely not.²³

²³Gagauzia, for example, contains approximately 4% percent of Moldova's population. While proportional power-sharing may be a reasonable option and may have some symbolic value, it will not enable Gagauz representatives to wield meaningful power; however,

80 *Federal Solutions for Fragile States in the Middle East*

Of the 41 ethnofederations depicted in Table 2.1, only a handful involve ethnic units that comprise over 10% of the total population. With respect to party systems, and regional (secessionist) parties in particular, there are normatively questionable mechanisms that can obviously be employed — bans on regional (ethnic) parties, or a high electoral threshold, for example — that would effectively exclude them from political participation, but as Cederman *et al.* (2011), Cederman *et al.* (2015), and others have shown, politically excluded groups are more likely to engage in violent rebellion against the center than included groups, so the remedy may be worse than the disease.

This leaves a final category of explanatory factors that relate to the structural design features of ethnofederations, such as how the subunit boundary lines are drawn relative to the distribution of ethnic groups (Horowitz 1985), the number and size of the subunits that comprise the system (Watts 2015), and the numerical balance between ethnic minority and majority subunits (Christin and Hug 2012). Hale's (2004) analysis of the dangerous consequences of creating an ethnic homeland for the numerically dominant ethnic group — a “core state,” as he terms it — is among the best-known arguments linking structure to outcome. The key to system survival, by Hale's logic, is to avoid the creation of core states by dividing up the dominant group across multiple federal subunits.

There is nothing wrong with these arguments *per se*, but they are limited in reach. They are arguments that, by design, are directly relevant only to system-wide federations, and it is hard to see how they can apply to ethnic autonomy arrangements that combine ethnic autonomy with an otherwise unitary state structure (here termed ethnic federacies).²⁴ In so far as these arguments highlight the importance of system structure,

it is unrealistic to expect the dominant Moldovan majority to concede real executive power (i.e. a minority veto) to a group that represents four percent of the total population.

²⁴Hale (2004) specifically exempts what he terms “partial ethnofederations” (i.e. ethnic federacies) from further scrutiny, arguing that, “the sharp distinction between how autonomous and ‘regular’ territories are governed in partial ethnofederations can be expected to produce different dynamics than in full ethnofederations.” The application of the logic of Hale's theory to ethnic federacies would undercut its empirical heft. Ethnic federacies provide territorial autonomy to an ethnic minority within an otherwise unitary state dominated by an ethnic majority. Almost by definition then, they involve an ethnic minority entity coexisting with a “core” majority state. The relatively high success rate of ethnic federacies (see Anderson 2014) would undermine Hale's case if these were to be included.

however, they provide an important starting point for examining in greater detail the relationship between structure and system survival. Understanding how and why variation in the structure of ethnofederations affects their probability of success is useful, actionable knowledge and raises the possibility that, for a given ethnic demography, and at given levels of democracy and income inequality, ethnofederations can be engineered to succeed.

2.9. Preserving the Delicate Balance

Ethnic autonomy arrangements as diverse as that in India, Nigeria, Canada, and Finland/Aland Islands provide autonomy to one or more ethnic groups, and in this sense, they share something important. They are all structures designed to accommodate ethnic autonomy demands, but they can be analytically differentiated into three separate categories based on how the remainder of the common state is structured. In *full* ethnofederations, such as the Soviet Union and Yugoslavia, system-wide federations contain ethnic homelands for all of society's major ethnic groups. *Partial ethnofederations*, like Canada and India, meanwhile, are fully federal systems in which one or more (but not all) ethnic groups enjoy autonomous homeland status, but the dominant ethnic group (Anglophones in Canada, Hindi-speakers in India, and so on) is divided up and parceled out across multiple subunits. Finally, in *ethnic federacies*, such as Gagauzia/Moldova, or Greenland/Denmark, one or more autonomous ethnic entity is attached to an otherwise unitary state. This latter category is often excluded from consideration in analyses of "ethnofederalism" (or ethnic/plurinational federalism) for the obvious and undeniable reason that ethnic federacies are not fully federalized systems. This exclusion is reasonable if federalism (in the decentralization sense) is the only focus of attention; it is difficult to justify if the focus is on ethnic autonomy as a conflict resolution/prevention mechanism.²⁵

²⁵There is no logical reason why accommodating the demands of a minority ethnic group for territorial autonomy should necessitate the adoption of a system-wide federation. For some states, a system-wide federation may be impractical; for others it may be undesirable. Either way, an ethnic federacy is a viable institutional option for a state seeking to accommodate ethnic minority demands and merits consideration as such.

82 *Federal Solutions for Fragile States in the Middle East*

Common to all three categories is the territorial accommodation of ethnic diversity; what differs is how the rest of the pieces are put together.

These three categories of ethnofederation vary in terms of internal structure, and there is a plausible case to make that this variation has important implications for the stability of the system. As a first cut, Table 2.2 breaks down the universe of post-1945 ethnofederations by outcome (success/failure) and structure (full ethnofederation/partial ethnofederation/ethnic federacy).

It seems clear from Table 2.2 that the failure rate for full ethnofederations is significantly higher than for the other two structures. This is the case whether measured in terms of systems as a whole, or constituent ethnic units. Moreover, since 1945, no partial ethnofederation has failed. While only two ethnic federacies have failed — Crimea (with Ukraine) and South Sudan (with Sudan) — the number of successful dyadic relationships (between an ethnic unit and a central government) is close to three times as high for partial ethnofederations as for ethnic federacies. This leads to the straightforward conclusion that, all else being equal, the provision of territorial autonomy to ethnic minorities is more likely to be successful if it is embedded within a partial ethnofederation. The “all else being equal” proviso requires further examination, but for the time being, it is useful to draw on the insights of others to speculate on why this might be the case.

Intuitively, the main vulnerability of full ethnofederations is the secession of some or all of the subunits. Basically, the center lacks the strength to hold the whole federation together. When a full ethnofederation contains a core ethnic region, which is not always the case, the central government’s relative weakness is obvious, as noted by Hale (2004). An ethnic subunit that contains a majority (or close to a majority) of the total population of the common-state is a direct challenger to the power and authority of the center; in turn, it is likely to be difficult and costly for the center to suppress a challenge from the core region. There are, however, two other reasons why full ethnofederations are likely to have weaker centers than other forms of ethnic autonomy.

First, when a federation is ethnically defined on system-wide basis, it becomes difficult to create an overarching sense of common-state identity that can command the affective loyalty of the population. The Soviet Union’s 70 years of existence were apparently insufficient to generate some sort of “Soviet” identity of sufficient strength to hold the Union together (Wojnowski 2015). In Yugoslavia, Tito’s stated goal was

Table 2.2: Success and Failure of Ethnofederations by Structure

	Full Ethnofederation	Ethnic Federacy	Partial Ethnofederation
Failure	Malaysia Pakistan (1947–1971) Serbia-Montenegro Soviet Union Nigeria (1960–1967) Czechoslovakia Ethiopia/Eritrea Yugoslavia	South Sudan Crimea	
Success	Belgium Bosnia and Herzegovina Ethiopia Pakistan (1971–present)	Aceh/Indonesia Ajara/Georgia Åland Islands/Finland Atlantic Region North and Atlantic Region South/ Nicaragua Bougainville/Papua New Guinea Comarca Kuna Yala/Panama Faroe Islands/Denmark Friuli-Venezia Giulia/Italy Gagauzia/Moldova Greenland/Denmark Mindanao/the Philippines New Caledonia/France Papua/Indonesia Sardinia/Italy Sicily/Italy Scotland/the UK Trentino-South Tyrol/Italy Val d'Osta/Italy Vojvodina/Serbia Wales/the UK Zanzibar/Tanzania	Canada India Iraq Nigeria (1967–present) Russia South Africa Spain Switzerland
Failure Rate, Systems	67%	8%	0%
Ethnic Units	45	24	61
Failure Rate, Ethnic Units	78%	8%	0%

84 *Federal Solutions for Fragile States in the Middle East*

as follows: “I would like to live to see the day when Yugoslavia would become amalgamated into a firm community, when she would no longer be a formal community but a community of a single Yugoslav nation.” By the mid-1960s, however, “it had become increasingly apparent to the leadership that the former ethnic attachments to national cultures, traditions, and interests were not to be easily dissolved into the more abstract notion of a higher-order, Yugoslav identity” (Bertsch 1977: 90). By 1977, the “worn but still true” cliché that Yugoslavia is a country of six republics, five nations, four languages, three religions, two alphabets, and one Yugoslav (Tito) was only a slight exaggeration. By the time of the 1991 census, only 5% of the population of Bosnia — the most traditionally “Yugoslav” of the republics — were willing to claim their identity as Yugoslav. The problem with full ethnofederations is then not just that they become “incubators of nations” by strengthening ethnic identities at the subunit level, but that they seem unable to facilitate the emergence of binding identity at the common-state level that provides the affective “glue” that can hold everything together.

A second source of central government weakness in full ethnofederations is institutional. A logical accompaniment to a fully ethnified federal system is to have formalized group-based power-sharing arrangements at the center. At the extremes, Belgium and BiH have power-sharing on the basis of group equality that requires the consent of all groups to move policy from the status quo (as did Yugoslavia). The most plausible product of these institutions, particularly when trust is low, is gridlock. As Jenne (2009: 275) puts it, these institutions “undermine the state by weakening or even eviscerating the central government.” Further, “divided decision making degrades central governance by promoting legislative deadlock and reducing the government’s ability to respond strategically to changing social and economic conditions.” The consequence of gridlock at the central level is that real decision-making power trickles down to the subunit level. Both BiH and Belgium have spent large parts of their recent history without a functioning central government; most of the meaningful and effective governing in these two countries takes place at the subunits level. Over time, the Belgian federal government has progressively shed most of its governing responsibilities such that only three areas — defense, foreign policy, and social security — remain under its full control. Issues of vital concern to the country’s two main ethnic groups — Flemings and Walloons — such as education are now either shared or belong exclusively to the regions. Critics of ethnofederation tend to

emphasize the extent to which ethnofederal institutions foster secessionism by empowering subunits, but the empowerment of subunits and the “evisceration” of the central government are opposite sides of the same coin. The Soviet Union and Yugoslavia broke up because empowered subunits sought independence, but also because center lacked the institutional power to hold them together. From this perspective, full ethnofederations are susceptible to secessions because the balance of power is stacked too heavily in favor of the subunits and against the center.

Intuitively, ethnic federacies are vulnerable to the inverse of this problem — recentralization, not secession, is the danger. Autonomous entities that form part of ethnic federacy arrangements with an otherwise unitary state tend to constitute a very small proportion of the total population of the common-state. This makes any form of power-sharing at the center impractical and implausible. It is simply not realistic to expect a dominant majority group share power with, or grant minority veto power to, an entity, such as Greenland, or Gagauzia, that comprises less than 5% of the total population. In turn, the small scale of most autonomous entities in federacy arrangements makes it difficult to guarantee the entity’s autonomous status against future revocation. In most ethnic federacies, an entity’s status is entrenched in the common-state constitution, which usually requires a supermajority to amend; in Moldova, for example, it takes a three-fifths majority of the Moldovan parliament to amend the “Law on the Special Legal Status of Gagauzia.” While this is more difficult to achieve than a simple majority, it does not give Gagauzia a veto over changes to its autonomous status. In the end, Gagauzia, like most other autonomous entities, depends on the goodwill of the common-state population for the survival of its autonomy. More likely than the outright revocation of autonomous status is the use of common-state-dominated institutions, such as a constitutional court, to chip away the autonomy of an entity. By using “salami tactics” against an autonomous entity, a central government can gradually diminish autonomy without provoking the sort of crisis that might result from outright revocation. This appears to have happened to a degree with Gagauzia and, to a lesser extent, with Crimea.²⁶ The main vulnerability of federacy arrangements then is recentralization, not secession. Autonomous units are heavily institutionally outgunned by the unitary state to which they are attached and have little in the way of

²⁶On Gagauz autonomy, see Protsyk (2010); Neukirch (2002); King (1997); and Benedikter (2007: 175–187). For Crimea, see, Bowring (2005).

86 *Federal Solutions for Fragile States in the Middle East*

institutional artillery with which to defend themselves. The balance of power, in other words, is too heavily stacked in favor of the center at the expense of the ethnic unit. In turn, this means that ethnic federacies can satisfy the demands of restive minorities for autonomy, but they are ill-equipped to serve as an effective check on centralized power. They are mostly too small, and they stand alone in defense of autonomy.

Partial ethnofederations are intuitively better equipped to maintain a stable equilibrium of power between center and periphery. In partial ethnofederations, the accommodation of minority groups in homeland subunits is combined with the territorial fragmentation of the largest ethnic group/s. By definition, therefore, partial ethnofederations lack a “core ethnic region,” which is one plausible reason for anticipating a higher success rate for partial relative to full ethnofederations (which often possess a core ethnic region). The act of dividing the dominant ethnic group/s across multiple subunits impedes collective action and makes it more difficult for the group to mobilize to challenge the authority of the central government. According to Hale (2004: 177), moreover, the institutional division of the dominant ethnic group can create “numerous smaller institutional structures representing different segments of the core group” and produce “many rival claims to the same voice and opens up many possibilities for central government to divide and conquer.” For many of the same reasons, minority regions are also less likely to fear for their security when the core ethnic group is divided up into multiple subunits rather than united in a single powerful unit. The creation of multiple subunits for the dominant ethnic group can help foster *intra-ethnic* cleavages that form around institutional divisions, much like the division of Nigeria’s Northern region helped to generate new cleavages among the population of the North and cripple the North’s capacity to forge a united front (Horowitz 1985). The net effect is to strengthen the common-state government relative to the subunits by hampering the capacity of the group most capable of challenging central authority.

The strength of the common-state and, therefore, its capacity to hold the system together is enhanced by two further factors. First, system-wide ethnic power-sharing arrangements are a logical complement to full ethnofederalism, while partial ethnofederations are compatible with majoritarian institutions at the central level. The systems of both India and Canada possess certain power-sharing elements at the central level but, Lijphart (1996) notwithstanding, neither system comes close to approximating a consociational system. Both use majoritarian electoral systems

that foster two-party dynamics and typically produce strong and durable single-party governments. The strength of common-state government institutions does not rule out the possibility of secessions — after all, Quebec came within a whisker of seceding in 1995 — but if secessions do occur, it will not be due to an institutionally eviscerated center.

Second, unlike in full ethnofederations, where the system-wide institutionalization of ethnic identity impedes the emergence of a transcendent common-state identity, partial ethnofederations plausibly contain a critical mass of the population with bonds of affective loyalty to the common-state. In fact, anecdotal evidence suggests that the prevailing pattern among partial ethnofederations is for a large majority of the population to display shared loyalties/dual identities. For example, the creation of Spain's system of autonomous communities (ACs) provided autonomy to historically distinct regions but also allowed ACs to form from any province or group of provinces with "historical regional unity" or "common historical, cultural and economic characteristics." The result was a system of 17 ACs, many of which had clear, historical antecedents but some of which had no authentic historical identities to speak of. By 2007, large majorities in all 17 ACs were reporting some measure of shared (Spanish/AC) identity, with 56% of the total population identifying equally with both levels of government. Importantly, dual identities were the norm in the two most secession-prone ACs: Catalonia and the Basque Country. In the former, 76% of Catalans reported some form of dual identity, with 45% assigning equal weight to their Spanish and Catalan identities. In the Basque Country, the figures were 61% and 33%, respectively.²⁷ Interestingly enough, even in ACs that had little to no authentic identity at the time of their creation, inhabitants appear to have constructed dual loyalties. La Rioja's claims to "historical regional unity" are highly tenuous, but within 15 years of coming into being, more than 82% of the population claimed to identify equally with Spain and their AC (the highest percentage in Spain). Remarkably, nearly 12% of the respondents identified more with their region than with Spain (Beramendi and Maiz 2004: 145). Evidence from other partial ethnofederations, such as Canada, Nigeria, and India, points in a similar direction.²⁸ The prevalence of

²⁷For details, see Llera (2009); and Martinez-Herrera and Miley (2010).

²⁸For evidence of how dividing up large ethnic groups in Nigeria helped activate sub-ethnic cleavages, see, Horowitz (1985: 605); Diamond (1982: 631); and Omotoso (2009: 108). In India, the main pressure for the creation of new states has come from sub-ethnic

dual/shared loyalties in partial ethnofederations has two important implications for system stability. First, it furnishes the system with a reservoir of loyalty to the common-state and an affective commitment, presumably, to preserving its territorial integrity. Second, this loyalty to the common-state does not come at the expense of loyalty to the subunit. The act of dividing up a dominant ethnic group or groups into multiple “non-ethnic” federal subunits creates/reactivates territorially defined sub-ethnic identities that are capable of commanding the loyalty of inhabitants. This gives non-ethnic units a vested interest in defending against efforts by the common-state government to recentralize power, and, critically, provides allies for ethnic units in their struggle to preserve autonomy (McGarry 2005: 16).

The distinctive characteristic of partial ethnofederations then is that they divide the dominant ethnic group/s into multiple federal subunits, which over time, “acquire” identities that can command popular loyalty. This provides a powerful incentive for these units to help preserve the “hard-to-identify knife-edge equilibrium” of power between center and periphery that stabilizes the system as a whole. Thus, Roeder’s (2009) argument that ethnofederations are “caught between the Scylla of over-centralization and the Charybdis of over-devolution” may be correct to a point. Full ethnofederations are vulnerable to the perils of “devolution that dissolves the common-state,” while ethnic federacies are susceptible to the threat of “recentralization that extinguishes autonomy.” In theory, partial ethnofederations seem better equipped to survive this dangerous metaphorical Strait of Messina.

2.10. Is all Else Equal?

A reasonable objection to the foregoing analysis is the implication that the relationship between the structure of the system and its success or failure is monocausal and that other variables, such as the level of democracy, provide a more powerful explanation of the observed outcomes.

groups within otherwise ethnically (linguistically) homogenous states. Three of the four most recent state creations (Chhattisgarh, Uttaranchal, and Jharkhand), were Hindi-speaking majority states carved out of Hindi-speaking majority states (see Mawdsley 1996, 1997, 1999; Tillin 2013). For details on the evolution and strength of provincial identity in Canada, see Simeon and Elkins (1980); Cameron (2009); and Watts (1987).

Looking at the failures listed in Table 2.2, for example, it is difficult to ignore that of the 10 failures, only Serbia-Montenegro was remotely democratic at the point of its failure. Most of the others were, as McGarry and O'Leary (2009: 9) point out, "sham or pseudo-federations" that routinely ignored the constitutional division of powers and the rule of law. "There was, therefore, no possibility of genuine dialogue, never mind cooperation, among the different national communities involved" (*Ibid*). It is certainly possible, plausible indeed, that variation in the success/failure of ethnofederations is a function of variation in levels of democracy rather than structural differences.

In a recent paper, Anderson and Costa (2016) break down ethnofederations into their constituent ethnic units to yield an *N* value of 113, sufficient to conduct a statistical analysis that can control for the effects of extraneous variables such as level of democracy, income disparity and the like. Their results yield several insights of relevance in the current context. First, even after controlling for level of democracy, income distribution, and several other factors, the structure of an ethnofederation is found to have a statistically significant impact on its survival prospects. Specifically, partial ethnofederations are better equipped than the other two structures to survive. Second, the percentage of the population housed in ethnic units has a significant effect on the probability of the system's survival. Their results indicate that the maximum probability of survival equates to a system in which approximately one-third of the population is housed in ethnic units. Deviations from this one-third point, in either direction, are associated with lower chances of survival. Finally, at high levels of democracy, the effects of system structure on success are diminished; that is, highly democratic ethnofederations are likely to succeed regardless of how they are internally structured. Having said this, even at the highest possible level of democracy (10 on the Polity IV scale), full ethnofederations are less likely to survive than the other two structures.²⁹ At this end of the democracy scale, therefore, the results of this study have limited prescriptive utility. At lower levels of democracy, however,

²⁹This should give pause for thought to advocates of a three-unit (Kurd/Sunni/Shi'a) ethnofederation for Iraq. This option was famously championed by Senator/Vice-President Joe Biden and was also supported by prominent voices in the think-tank community (see, e.g. Joseph and O'Hanlon 2007). Based on the evidence presented here, Iraq's adoption of a full ethnofederation would be a recipe for failure, even at levels of democracy that Iraq is almost certain not to achieve.

the structure of an ethnofederation becomes increasingly critical for the system's survival. Partial ethnofederations have a greater probability of success than either of the other two structures *at any level of democracy*, other than the maximum, and this difference is only magnified the further down the democracy scale we descend.

There are a few straightforward conclusions to be drawn from the preceding analysis. First, although skepticism runs high in the academy as to the effectiveness of ethnofederalism as an institutional approach to the management of ethnic diversity, the empirical evidence points in a different direction. Some prominent ethnofederations — for example, the Soviet Union — have indeed failed and are no longer with us, but many more survive to the present day. The problems that many of the survivors continue to experience in managing inter-ethnic relations cautions that ethnic autonomy is no panacea but neither is it a foundationally flawed approach that is doomed to fail. Second, the way an ethnofederation is structured matters for its survival. In an ideal world, the optimum choice of structure is a partial ethnofederation that accommodates the demands of ethnic minorities for autonomy, houses close to one-third of the population in ethnic units, and divides up the dominant ethnic group across multiple subunits in a fully federalized system.³⁰ Based on the available evidence, this structure is best equipped to avoid the twin perils of secession and recentralization, especially at low levels of democracy.

2.11. Prescriptive Implications

The following chapters examine four post-conflict MENA states in detail — Libya, Yemen, Iraq, and Syria. In each case, the state has either

³⁰In the real world, of course, the percentage of the population that can be housed in ethnic units is neither fixed in stone nor endlessly malleable. Finland, for example, is “ethnified” at 0.5% (the Aland Islands’ share of the total population). The survival prospects of Finland’s arrangement would improve by raising this level closer to 33%, but short of moving to a full ethnofederation, or importing new ethnic groups, nothing can be done to increase this number. However, these results indicate that for any given level of ethnification, a system can increase its probability of survival by moving from one category (full ethnofederation or ethnic federacy) to another (partial ethnofederation). All else being equal, then, Finland’s system can be engineered to maximize its survival prospects by dividing up the “non-ethnic” part of the state into multiple subunits in a fully federal system.

recently emerged from conflict or will (hopefully) emerge in the short-term future. This affords an opportunity to consider seriously how their political systems might best be recalibrated to avoid future conflict. Federalism already exists in Iraq and is obviously an option in the other three cases; but the goal here is not to advocate for each to adopt a partial ethnofederation. Too often scholars fall into the trap of distorting reality to fit a preordained theoretical preference, with the result that their prescriptions risk real-world irrelevance. The empirical evidence indicates that, all else being equal, a partial ethnofederation is more likely to succeed than either a full ethnofederation or an ethnic federacy, and that realistic alternatives to ethnically defined institutions may not exist, but this does not necessarily make it the appropriate solution for all, or even any, of the cases examined. The “goodness of fit” needs to be established for each case. To this end, the case studies focus on addressing four main questions. First, is a partial ethnofederation a plausible solution to the state’s political problems? Second, is it logistically feasible? Third, is it preferable to the alternatives? Fourth, is it politically feasible? The following sections will discuss each of these in turn.

2.11.1. *Solving Problems*

The point of departure for this book is that two of the main problems that have dogged political systems in the MENA region for the last 50 or more years are centralized authoritarian rule and ethnic diversity. The challenge then is to design institutions that can plausibly address these problems without further weakening already fragile states. For a relatively homogeneous state like Libya, adopting a federation may solve the problem of excessive centralization, but the delineation of the system’s subunits may not fall along “ethnic” lines for obvious reasons; the real question is whether regional/cultural/historical identities are sufficiently pronounced in Libya to form the basis of a federation that can resist future encroachment by the central government; that is, to perform the “bulwark” function described by Levy (2007). A federal system that functions as intended can solve the problem of hyper-centralization, but only if the subunits can command some degree of affective loyalty on the part of their respective populations.

The issue of ethnic diversity, whether ethnic, sectarian, cultural, etc., is more pronounced in the other three cases, but this does not necessarily make it a “problem.” It is possible that sectarian identity is irrelevant in,

92 *Federal Solutions for Fragile States in the Middle East*

say, Syria. Perhaps successive Assad regimes have successfully implanted an overarching sense of Syrian national identity that has enabled the Syrian population to transcend divisions of ethnicity and sect. The point being, the mere existence of identity differences does not necessarily mean there is a problem to be solved. That identity differences are, and have been, a problem for Syria is a case that needs to be made, not a starting assumption. In sum, to argue for the adoption of a political institution as a “solution,” requires first establishing that there is actually a problem that needs solving.

2.11.2. *Logistical Feasibility*

Beyond establishing the existence of problems to which ethno/federalism might offer a plausible solution, there is the obvious (but often ignored) problem of logistics. For example, an ethnofederation is an irrelevant option if identity groups are highly dispersed or intermingled. Despite the heroic efforts of Kaufmann (1996: 169) to defend the partition of Rwanda and Burundi into Tutsi and Hutu entities, his plan requires the physical transfer of approximately four million people, at which point it probably violates the logistical feasibility criterion. For current purposes, meeting the logistical feasibility criterion requires one or more minority groups of sufficient size to warrant an autonomous unit, and that these be coherent and organized enough to articulate a demand for autonomy and govern the unit. Beyond this, groups seeking autonomy must be at least minimally territorially concentrated, but the degree of concentration necessary should not be exaggerated (see below).

2.11.3. *Political Feasibility*

Some attempt must be made to reconcile theoretical insight and empirical evidence with the reality on the ground in any given case. In theory, a federation for Iraq that specifically avoided the creation of a single, ethnic Kurdish unit makes good sense; likewise, there may be a compelling theoretical case that the same country would be best served by a three-unit (Sunni/Shi'a/Kurd) full ethnofederation, as proposed by many experts. Whatever the merits of these proposals, both were, and still are, impossible to implement politically, for reasons explained more fully in the chapter on Iraq. While political scientists are certainly free to argue the

merits of one political institution over another, if the favored institution stands no chance of actually being adopted on the ground, then it lacks political feasibility and cannot be considered seriously as an option. In the current context, this means that a partial ethnofederation for post-conflict Syria may make perfect sense theoretically and empirically, but if it stands no chance of actually being implemented on the ground in the real world of Syrian politics, then its prescriptive utility is limited. An important element of the case studies that follow is to examine not only whether ethno/federalism is theoretically the appropriate solution to a relevant problem but also to estimate the plausibility of implementation based on political realities. At a minimum, there must be a demand for ethnofederalism on the part of one or more groups; additionally, these groups must have the bargaining leverage to force the issue. Without this, it is unrealistic to assume that central governments will willingly and voluntarily grant territorial autonomy to minority ethnic groups. This leverage can come in various forms — a credible threat to use violence, military power, sheer weight of numbers, or the support of a powerful external actor, to name but a few; if a group seeking autonomy is powerless to influence events on the ground, there is no reason to suppose autonomy will be granted.

2.12. Favorable Conditions for a Partial Ethnofederation

Beyond these four considerations, there are a number of conditions that logically enhance the probability of a partial ethnofederation succeeding in any given case.

2.12.1. *Ethnic Demography*

The number of groups and their relative size is obviously a “given” that cannot easily be changed. Most partial ethnofederations have been adopted in majority/minority contexts, such as Canada, or Spain, while in other cases, the largest ethnic group (Hindi-speakers in India) does not comprise a majority, but is clearly dominant. In these cases, the empirical evidence indicates that a partial ethnofederation can successfully balance loyalties and interests, thereby avoiding the “twin perils” of secession and recentralization. The evidence is less clear that a partial ethnofederation is necessarily appropriate for systems in which no one group is clearly

numerically dominant, the former Yugoslavia, for example.³¹ The available evidence also indicates that the difficult balance is best preserved when ethnic subunits contain approximately one-third of the population. Specifically, the probability of system survival increases as the percentage of the population housed in ethnic units increases, up to a point. Beyond this point — 33% according to Anderson and Costa (2016) — the more “ethnified” the system becomes, the lower the probability of survival. Based on the available evidence, therefore, majority/minority societies in which the minority groups demanding autonomy collectively approximate one-third of the total population constitute the best fit demographically for a successful partial ethnofederation.

2.12.2. *National vs. Subnational Identity*

It is sometimes assumed that a strong sense of subnational/ethnic identity is inversely proportional to the strength of affective commitments to nation-state identity; one can identify either as Iraqi, or Kurdish, but not both simultaneously. Common sense, along with empirical evidence from cases as diverse as Nigeria, Canada, India, and Spain, tells a more nuanced story. Individuals are quite capable of holding multiple identities simultaneously; a given individual can identify as exclusively Kurdish (Iraqi); or as primarily Kurdish but also Iraqi (or vice versa); or he/she can identify equally as both. One identity need not displace another, and both sources of identity are important to the survival of an ethnofederation (Levy 2007). If individuals identify exclusively with ethnic groups and their related autonomous units, then any form of ethnofederalism risks failure through secession. A shared sense of national identity provides the affective “glue” that holds the whole together and diminishes the probability of secession or state collapse.

At the same time, for a federation to provide an effective check on the power of the central government, then some degree of affective commitment to federal subunits is desirable. Subunits associated with specific ethnic minorities — what Levy (2007) terms “ethnocultural provinces” — are likely to command the most intense feelings of popular

³¹Perhaps Yugoslavia would have survived had the largest group (Serbs) been divided across multiple subunits, but it might also have collapsed sooner and with more bloodshed.

loyalty and are, therefore, easier to mobilize in defense of subunit autonomy. Such ethnic units — Quebec in Canada, or Catalonia in Spain, for example, thereby anchor the system as a whole and stabilize power relations between center and periphery. The danger is that if an ethnically defined subunit is the system's *only* unit that commands loyalty, then any political issue that relates to the division of power between levels of government risks becoming “ethnified.” If Quebec stands permanently alone in defense of the rights of provinces against an Anglophone-dominated central government, the escalation dynamic described by Roeder (2009) is the plausible result. Hence, it is desirable that the subunits into which the dominant ethnic group is divided are also capable of commanding some degree of affective attachment on the part of their populations. There is ample evidence that the act of drawing lines on a map to create federal subunits can, in and of itself, be enough to create a sense of identity on the part of its inhabitants;³² but this takes time, and in a post-conflict context, it is preferable to define dominant group subunits around preexisting identities (if these exist) such as loyalty to a specific region, or city.³³

With respect to loyalties and identities, then, the favorable conditions for a partial ethnofederation to avoid the “twin perils” of secession and/or state collapse, and recentralization are: first, a minimum level of affective commitment to the common-state and its preservation among the population; in other words, there needs to be some minimal sense of shared national identity. Second, avoiding recentralization is aided when the subunits into which the dominant ethnic group is divided are capable of commanding some degree of loyalty on the part of their citizens. Ideally, all

³²For example, surveys have repeatedly shown that few Canadians identify exclusively with either their province or Canada. In 2019, only 15% of respondents identified as exclusively Canadian, with 7% identifying exclusively with their province. This leaves 78% of the population overall with shared loyalties between province and nation. Strikingly, other than Quebec, the population most likely to identify as either “province only” or “province first” is Newfoundland/Labrador, the most homogeneously Anglophone of all the provinces. Also notable is that 85% of populations in the two most recent “creations” in the Canadian federation — Alberta and Saskatchewan (both created in 1905) — have some form of provincial identity.

³³For a detailed examination of the viability of constructing Iraq's federation around regional identities, see Visser and Stansfield (2008).

96 *Federal Solutions for Fragile States in the Middle East*

subunits, not just ethnically defined subunits, should be motivated to defend the system against central government encroachment.

The chapters that follow examine four MENA states in more detail. The goal is to determine whether the conditions are favorable for the implementation of a partial ethnofederation (or a simple federation in the case of Libya) in any, or all, of the four.

Part II: Practice



Chapter 3

Syria: Not If, But When

3.1. Introduction

On the surface, Syria looks tailor-made for a post-conflict form of federalism that accommodates ethnic minorities (Alawis, Druze, and Kurds) while simultaneously dividing up the majority (Sunni Arabs) and preserving the territorial integrity of the state. Two of the minority groups — Alawis and Druze — are routinely characterized as “compact minorities” in the academic literature, referring to the high degree of territorial concentration of group members: the Alawis in the mountainous region that separates the cities of Hama and Homs from the Mediterranean Sea, and the Druze in the Suwayda region of southwestern Syria (Rabinovich 1979; Fildis 2012; Faksh 1984). Though more geographically dispersed than the other two groups, the Kurds are still regionally concentrated and inhabit a broad swathe of territory along Syria’s border with Turkey that stretches from Al-Malikiyah in the East, to Afrin in the West. Collectively, these three minority groups comprise roughly 25% of Syria’s total population. The remaining 75% include multiple small minority groups (Ismailis, Circassians, Armenians, various Christian denominations, etc.) that are either too small (Ismailis) or too dispersed (Christians) to be accommodated realistically within a federal framework.

Arab Sunnis comprise some 60%–65% of the population and have historically been divided along multiple lines of cleavage — rich/poor, urban/rural, settled/nomadic, secular/religious, etc. — many of which obviously overlap (Van Dam 1996; Haklai 2000). As a result, Arab Sunnis

have never formed a discernable “group” with a coherent group identity. The fragmentation of the majority community helps to explain both how Alawis were able to “capture” the state and why Syria has always struggled to forge a coherent sense of national identity. Importantly, for current purposes, Arab Sunnis have also been traditionally divided along regional lines. Notably, the country’s four major cities — Hama, Homs, Damascus, and Aleppo — each has its own complex demography and well-defined sense of identity born of unique historical experience. The fragmentation of Syria’s majority community, which persist to the present day, makes it highly unlikely that Arab Sunnis would demand a single, Sunni-dominated “core” region as part of a future ethnofederation.

From a logistical point of view, therefore, Syria has all the ingredients in place for a partial ethnofederation that could accommodate ethnic minority groups while minimizing the threat of secession or fragmentation. The system could even be largely based on the existing governorate structure, with an Alawi unit (Tartus and Latakia), a Druze unit (Suwayda), and several natural Sunni Arab (or mixed) units (Deir ez-Zor, Damascus, Aleppo, Homs, Hama). A logistical problem would certainly arise in the demarcation of the boundaries of a Kurdish unit. The Rojava region, as currently defined, contains three “cantons” that are not geographically contiguous. To create a single, contiguous Kurdish unit would require connecting the Hasakah governorate to Afrin via detaching the northern portions of both Raqqa and Aleppo governorates. Depending on the outcome of the current conflict, this is highly unlikely to be an ethnically homogenous unit.

The problems with implementing a partial ethnofederation in Syria are not logistical but relate mainly to the absence of demand for autonomy among minority groups (the Kurds excepted), and the current lack of support among the broader Syrian population for a federal solution.

3.2. Intercommunal Relations: History

Scholars seeking to downplay the significance of sect as a driver of conflict in Syria’s current civil war often start by critiquing the so-called “ancient hatreds” thesis. The idea that the country’s current war is just the latest manifestation of centuries of enduring hatred among Syria’s various ethnosectarian communities is generally dismissed as “simplistic” and “reductionist.” This is a valid critique of the caricatured version of the thesis, which tends to be the version peddled by politicians and obscure

think tanks, but two points merit emphasis here. First, the current analysis does not need to establish an “ancient hatreds” narrative to remain relevant to the design of Syria’s future political institutions. The damage inflicted during the current war has probably done more to rupture communal relations than any other event in Syria’s history, and it is these “modern hatreds” that a future political system will need to address. Second, it is entirely possible to acknowledge that Syria’s various ethnic and sectarian groups have, for long stretches of history, coexisted separately but peacefully, while recognizing that the key relationship moving forward — that between the country’s Alawi and Arab Sunni communities — has been the most problematic historically.

Like all pluralistic societies, Syria’s history is contested, especially with regard to the depth and importance of ethnic divisions, but the broad outlines are not much in dispute. Until the mid-twentieth century, most of Syria’s Alawi community endured a miserable existence. Prior to the arrival of the Ottomans, the Alawis suffered several massacres (Pipes 1989) and under the Ottomans, “the lot of the Alawis was never enviable ... they were abused, reviled and ground down by extractions” (Batatu 1981: 334). Regardless of who was nominally in control of their region, the vast majority of Alawis existed on the economic margins, serving mostly as agricultural workers on the lands of absentee Sunni and Christian landowners from the major cities.¹ Their social standing was not enhanced by their adherence to a set of religious beliefs and practices which were viewed (and still are) by many Sunni Muslims as heretical. Ahmad ibn Tamiya’s fatwas in the early fourteenth century were the first of a succession of religious judgments issued by Sunni clerics over the centuries to confirm that the “Nusayris are more infidel than Jews or Christians,” and that “it is a duty to kill them.” Such fatwas were issued, and used, on at least two occasions to justify doing precisely this.²

As an overwhelmingly rural population, widely dispersed in small villages, there was neither the desire nor much in the way of opportunity to intermingle with other communities until the mid-twentieth century, when Alawis started to migrate to the cities in large numbers (Haklai 2000: 31). When it did occur, interaction between Alawis and the outside world was neither relentlessly antagonistic nor entirely amicable.

¹For an analysis that counters the prevailing narrative, see Winter (2016).

²For details of the contents of the various religious edicts issued both against, and in favor of the Alawis, see Talhamy (2010).

The arrival of the French in 1920 improved the lot of the Alawis but did little to improve relations between Alawis and the Arab Sunni majority. In contrast to the anti-French, pan-Syrian/Arab nationalism that grew in strength during the 1920s in the cities of the Sunni heartland, the Alawis were generally supportive of the French presence. Hence, while most Sunnis boycotted the elections of 1926, Alawis turned out in large numbers; they also provided foot soldiers for the Syrian Legion (*Troupes Spéciales du Levant*) out of proportion to their numerical presence in the population and proved willing to participate in the suppression of Sunni demonstrations, strikes, and uprisings (Pipes 1989: 438). The most significant of these — the Great Syrian Revolt of 1925–1927, a key milestone in Syrian nationalist history — was instigated by a Druze leader and quickly spread to the Sunni community, eventually involving most major cities and a large part of the Syrian population. Notably absent from the Revolt was the Alawi community. Alawi leaders were also enthusiastic participants in the French divide-and-rule approach during the Mandate years, welcoming the gift of an autonomous statelet — the “Autonomous Territory of the Alawis” — in 1920 and protesting loudly when this autonomy was revoked in 1936.³ Subsequently, Alawi resistance to Sunni Arab rule from Damascus expressed itself in the form of three uprisings (1939, 1946, and 1952), the first two led by the enigmatically shady Sulayman al-Murshid and the third by his son. As Pipes (1989: 440) notes, “These acts of resistance further tarnished the Alawis’ already poor reputation among Sunnis.”

3.2.1. *Alawis Capture the State*

The two institutions that helped transform Alawis from oppressed to dominant minority were the armed forces and the Ba’ath Party. During the Mandate years, the French recruited heavily from minority groups, including the Alawis, to staff the *Troupes*.⁴ The overrepresentation of the compact minorities, especially the Alawis, was due in part to preferential

³This sentiment was certainly not universal among Alawi leaders; some, indeed, favored union with the rest of Syria in 1936 (see Yaffe-Schatzmann 1995). The most comprehensive analyses of Syria under the French Mandate are Khoury (2014) and Longrigg (1972).

⁴As Batatu (1981) observes, there is no direct connection between the Alawis’ disproportionate representation in the ranks of the *Troupes*, and their subsequent dominance of the officer corps of Syria’s post-independence armed forces. Although the *Troupes* survived the transition to independence, its numbers were whittled down to fewer than 3,000 within

recruitment by the French, but it was also reinforced by self-selection. Well-to-do urban Sunnis and Sunni Arab nationalists “despised the army as a profession” because it meant serving the French, and viewed the Homs Military Academy as a place for “the lazy, the rebellious, the academically backward, or the socially undistinguished” (Pipes 1989: 440). The vast majority of Sunnis of this social class opted out of military service for themselves and their children by paying an exemption fee, an option that was unaffordable to poor, rural, minority communities. Conversely, for many Alawis, a career in the military provided an escape from grinding poverty and provided regular meals, a stable income, and the opportunity for social advancement. By the end of the 1940s, the upper ranks of the Syrian army officer corps remained dominated by Sunni Arabs, but Alawis comprised a plurality of the rank and file, and about two-thirds of the army’s non-commissioned officers (Batatu 1981: 340).

The other main vehicle for social and political advancement for Syria’s economically disadvantaged was the Ba’ath Party. Formed in Damascus in 1947, the Ba’ath Party was first and foremost a champion of Arab nationalism, but its socialist policies were appealing to the economically dispossessed of all sects, while its avowed secularism made it accessible to Syria’s heterodox Muslim communities. Syria’s formal political institutions remained dominated by Sunnis from Damascus and Aleppo until the 1958 union with Egypt. Indeed, between 1942 and 1958, more than two-thirds of the members of Syrian cabinets hailed from one of these two cities, while regions inhabited by compact minorities (e.g. Latakia and Suwayda) were underrepresented (Van Dam 2011: 82).⁵ Following the coup by the military wing of Ba’ath Party in 1963 (the so-called Military Committee) the representation of minorities in formal, high-level political institutions, like the cabinet, increased significantly, mainly at the expense of members from Aleppo, but Syria’s formal political institutions no longer mattered much after this point in any case (*Ibid.*: 83). Meaningful power shifted to the two institutions in which Alawis were prominently represented — the military and the Ba’ath Party. This “army-party symbiosis” (Rabinovich 1972) was reinforced through the merger of the Ba’ath Party and Akram al-Hourani’s Arab Socialist Party in 1953. Hourani had achieved notable success in recruiting young minority

2 years, and it was not until the late 1940s that Syria began to invest heavily in the expansion of its armed forces.

⁵For example, Alawis comprised only 8 of the period’s total 312 cabinet members.

army officers from rural communities and the fusion of the two movements enabled three Alawi leaders of the so-called Military Committee — Salih Jadid, Muhammed Umran, and Hafez al-Assad — to emerge as Syria's key power brokers by the mid-1960s. Until the 1963 coup, most of the political infighting over this period occurred between rival Sunni factions of the armed forces against a backdrop of civilian politics still dominated by Syria's (disproportionately Sunni) economic elites. Each successful coup and failed counter-coup was invariably followed by large-scale purges of the officer corps, which allowed Alawis to ascend naturally to higher ranks. Once in power, Alawi military leaders used their positions to enhance career prospects for members of the community and solidify and then expand their dominance over the key power nodes within the system. For example, Alawis filled half of the 700 vacancies that opened up in the armed forces after purges following the 1963 coup (Pipes 1989: 442). Some put the representation of Alawis among the newly appointed military officers as high as 90%. A subsequent coup of 1966 was an intra-Ba'athist affair that pitted the Party's military against civilian wings (Galvani 1974). Following the triumph of the former, Salih Jadid emerged as the key leader, but was himself removed from power in a final, intra-Alawi coup in 1970 that left Hafez al-Assad in charge, ushering in a long period of relative political stability.

The relevance of sectarian identity in the Alawis' dramatic rise to power is difficult to pin down with precision. Were these new rulers "Ba'athists who just happened to be Alawi soldiers, or ... soldiers who happened to be Alawi Ba'athists" (Pipes 1989: 446). The more accurate formulation, in Pipes' (*Ibid.*: 446) view, is that these were "Alawis who happened to be Ba'athists and soldiers." In the Syrian context, in other words, "as through the centuries, a person's sect matters more than any other attribute" (*Ibid.*). Moosa (1988: 301–302) takes this argument a step further, maintaining that the Alawis' ascent was the result of a well-orchestrated masterplan that was hatched among prominent leaders as early as 1960. This implies, at the very least, a high degree of intergroup identity and cohesion at the elite level. By the same token, the struggle for power between Jadid and Assad evidently shattered this cohesion, with Alawi army officers from Tartus backing the former, and those from Jableh supporting the latter.⁶

⁶The Jadid–Assad confrontation of the late-1960s provided clear evidence that Alawis were as capable of internecine feuds as Sunni officers. See <https://www.opendemocracy.net/en/north-africa-west-asia/is-syrian-regime-sectarian/>

Van Dam (2011: 12) and others read the evidence differently, acknowledging sect as just one of several variables — socioeconomic factors, regionalism, and tribalism — that helped explain the cohesion of Alawi military officers relative to their Sunni counterparts. By this reading, sect offered one among several possible overlapping sources of identity that helped Alawi military officers cohere in a way that the factionalized Sunni officers could not.

Over time, Hafez al-Assad fell back on a familiar formula for coup-proofing his regime (Quinlivan 1999). The most important positions of power within the system were entrusted to immediate family members and close friends, then extended family, then tribe, and then sect.⁷

The durability of the Hafez al-Assad regime indicates that it enjoyed, at a minimum, the tacit acquiescence of a portion of the Syrian population that extended far beyond its immediate Alawi power base, but it was also clear that the country's latent "sectarian problem" lurked just below the surface. Sectarianism was, as one scholar puts it, Syria's "dirty secret" (Kastrinou 2016: 277).

It was not until the late 1970s and early 1980s that this problem exploded into serious violence. The context was a brewing confrontation between the secular Ba'ath Party and the Syrian branch of the Muslim Brotherhood (SMB) that yielded violence as early as 1964.⁸ Despite efforts by Assad to reach out to the *ulama* and the Sunni community more broadly, (see Lefèvre 2013: 47), tensions rose in 1973 when a draft version of the new Syrian constitution omitted the requirement (present since the 1950 Constitution) that the religion of the head of state must be Islam.

⁷Thus by the early 1980s, Hafez held positions as President of the Republic and Commander-in-chief; his brother Rifat headed up the Defence Companies, a paramilitary organization of strength between 12,000 and 25,000, charged with defending the regime and Damascus against internal and external attack; a similar protective function was served by the Struggle Companies, a 5,000-strong militia headed by cousin Adnan; his other blood brother, Jamil, commanded a special unit within the Defence Companies that was concerned with protecting the Alawi community. Other prominent and sensitive military posts were occupied by those of the same tribe as Assad, as well as those hailing from the same home village (Batatu 1981: 332).

⁸In that year, riots and demonstrations against the Ba'ath regime broke out in most Syrian cities, but Hama was the epicenter. After days of street fighting between Islamic activists and Ba'athist militia, the insurgents retreated to the Sultan Mosque, which was then bombarded by regime forces in an act viewed by many as "unyielding atheism" (Lefèvre 2013: 46).

Continued unrest, particularly in Aleppo and Hama, throughout the 1970s escalated into an explicitly sectarian massacre of Alawi cadets at the Artillery School in Aleppo by the “Fighting Vanguard,” a violent jihadist group with links to the SMB. This led ultimately to the Hama massacre of 1982, which was spearheaded by Assad’s brother (Rifat) and his largely Alawi Defence Companies, together with the mostly Alawi 7th Armored Division of the Syrian military. With a death toll of between 10,000 and 40,000, the three-week assault on Hama comfortably exceeds the definition of the term “civil war” used by most political scientists.

Tensions between the SMB and the Ba’ath regime were probably inevitable, given the latter’s secular and socialist outlook, but the sectarian dimension to the conflict cannot be ignored (Pierret 2014). Within the broader context of the Middle East, the sectarian identity of the Assad regime had been explicitly acknowledged by prominent Sunni Arab leaders on multiple occasions throughout the 1970s. For example, in 1979, Anwar Sadat, speaking on Radio Cairo, referred to “dirty Alawis” and characterized Assad as “Alawi and Baathist; the one more evil than the other” (Van Dam 2011: 93). For a moderate like Sadat to use explicitly sectarian language in a broadcast intended for regional (Arab Sunni) consumption indicates that the sectarian identity of the Assad regime was a factor of significance long before the current conflict.

Having said this, to characterize the Assad regime as an “Alawi regime” is to overstate the case. Any regime based *exclusively* on members of a community that make up only about 10%–11% of the total population cannot survive for long (Quinlivan 1999). Initially, the Assad regime enjoyed broad popular support, including among those segments of the Sunni community that benefited from the regime’s land reforms and Ba’athist wealth redistribution policies. Within the regime itself, Sunnis continued to occupy high-level positions within the army and Ba’ath Party throughout Hafez’s tenure at the helm. Many of these were “token” appointees, placed in charge of Alawi-dominated military units; most were deployed in less sensitive posts far removed from the major cities (especially Damascus), and none enjoyed an independent power base within the armed forces that might pose a threat to the regime (Bou-Nassif 2015; Haklai 2000: 37). This left space for figures like Sunni Arab Mustafa Tlass (and, subsequently, his son) to play prominent roles within the two Assad regimes but without posing a threat to their survival. Likewise, another Sunni Arab, Abdul Khaddam, dutifully served the

Assads from 1970 until his removal and defection in 2005, first as Syria's Foreign Minister, then as Vice-President.

On the sensitive issue of religion and its status within society, Assad cracked down on "extremists" — e.g. membership of the SMB became a capital offence after the Hama events — but sought to appease religious Sunnis in other ways. Ostentatiously publicized visits to mosques, newly commissioned versions of the Quran with Assad's portrait on the cover, generous donations to religious endowments, and state sanctioning of school textbooks that acknowledged only the Sunni version of Islam and pointedly neglected to mention minority sects, even Shi'a Islam,⁹ were all actions geared toward co-opting the Sunni *ulama* (Pierret 2013; Landis 2003; Lefèvre 2013: 154–160; Kelidar 1974).

The Hafez regime also made efforts to buy off the Sunni business community by reversing some of the more radically socialist policies of the Jadid years (the "Corrective Movement") and implementing economic reforms during the 1980s and 1990s, which helped to "mitigate some of the opposition among members of the business class and the bourgeoisie" (Haklai 2000: 37). This symbiotic and increasingly corrupt relationship between regime and business elite (especially that of Damascus) survives more or less intact to the present day.¹⁰

Under the two Assad regimes, public discussion of "sect" became taboo in an effort to preserve the facade of a secular (i.e. sect-blind) regime, in the face of the all-too obvious fact that most of the power positions in Syria were occupied by members of a minority sect. Below the surface, however, cabinet posts were allocated on the basis of informal sectarian quotas, while within the armed forces, "leading positions in brigades and divisions were assigned through an unwritten but well known formula — to Syrians at least; if the leader is Sunni, it means that the deputy must be Alawite, while a third leading position is reserved for other groups like Christians or Druze." For purposes of public consumption, therefore, the Hafez regime maintained the fiction of a Syrian society

⁹After reviewing the contents of seven officially sanctioned religious texts assigned to grades 4–12, Landis (2003) concludes with admirable brevity — "Islam is presented as a monolithic religion and Sunni Islam is it."

¹⁰Under the guise of economic liberalization, for example, Bashar established a number of private holding companies in 2006–2007 (essentially cartels), such as *Cham* and *Souriya*, that used capital investments from some of Syria's richest Sunni businessmen to buy up and monopolize entire sectors of the economy (Dagher 2019: 130–131).

that had transcended sectarian divisions, but below the surface “the manipulation of sectarianism was one of the methods used by the Syrian regime to preserve its control over the decades” (Dibo 2014).

There is no argument among scholars of Syrian history that Alawis suffered persecution and repression under a succession of Sunni rulers and that this had a meaningful impact on how the latter were perceived by the former. As Talhamy (2011: 25) notes, “The Nusayris ... hated the Ottomans and detested the local Muslims, and did not spare an opportunity to attack them,” and there is also evidence, albeit anecdotal, that Alawis have internalized their collective history as a narrative of trauma and suffering at the hands of Sunnis. As Worren (2007: 84) observes, “the focal point of Alawi identity has been the threat they feel to their community from the majority Sunnis in Syria. This fear and skepticism is constructed through the historical narrative — retold orally through generations — of being oppressed, subjugated and massacred.” For Alawis then, “the dislike of Sunnis boils down to the perception that Sunnis do not like them” (Worren 2007: 75).

3.2.2. *The Druze*

The Druze form a far smaller portion of the population than the Alawis, 3% as against 11%–12%, but the community is characterized by a high degree of social cohesion and is highly geographically concentrated in the Jabal al-Druze region of Suwayda governorate. Druzedom can date its origins back nearly 800 years and is “closed” in terms of membership. That is, one cannot convert to Druzedom; one must be born a Druze. Because the Druze cannot create new members from outside the existing community, there is a strong tradition of endogamy among Druze, which reinforces the community’s “separateness.” The religion itself is shrouded in mystery. Though adherents often claim their religion is related to Islam, many of its core tenets remain secret, to be revealed only to the suitably initiated and not to the masses, and those tenets that are known share little in common with Islam.¹¹

¹¹Druze society is divided into the majority *Juhhal* (the ignorant), who are not exposed to the contents of Druze religious texts, and the *Uqqal* (the knowledgeable initiates) (Talhamy 2011: 978).

Since their initial influx into Syria in the early eighteenth century, the Syrian Druze have reliably resisted repeated efforts by a succession of external powers to subject them to centralized rule. As one observer puts it, the Druze “seldom met an anti-government revolt it didn’t like.”¹² In the eighteenth century, Egypt attempted to enforce a policy of military conscription over the Druze and suffered several military defeats before giving up in the idea.¹³ The Ottoman Empire also attempted to tame the Druze for purposes of taxation and conscription but was unable to impose its will. French efforts to interfere in the region prompted the Druze to rise up in rebellion and helped trigger the Great Syrian Revolt of 1925–1926. While the Druze revolt is sometimes presented as the first overt expression of Syrian nationalism, it was essentially caused by the French authority’s clumsy handling of a power struggle within the leading Druze family (Miller 1977: 552).

Like the Alawis, the Druze were allocated their own autonomous region (the Jabal al-Druze), the borders of which broadly correspond to today’s Suwayda governorate, and like other minority groups, the Druze were also recruited into the *Troupes Speciales* out of proportion to their numerical presence in the population. This tradition of military service led to a disproportionate presence of Druze in the military up until the 1960s when a thwarted coup attempt by Druze officers Capt. Salim Hatum and Maj. Gen. Fahd Sha’ir, triggered a military purge that reduced their numbers in the higher ranks.

The long and short of it is that the Druze have always valued their autonomy and resisted efforts by central powers to interfere in their affairs. They have, at numerous times in the past, been prepared to fight to preserve their “separateness.” Notably, when Syria finally gained independence from France in 1946, most Druze leaders were adamant that their territorial autonomy be preserved within the new state. The nationalist government in Damascus refused and pumped resources into provoking a civil war among rival Druze factions. In 1947, Druze leaders appealed to King Abdullah of Jordan to annex the Jabal and attach it to Jordan (the King refused). It was not until 1953 that Syria’s then dictator, General Adib Shishakli, was able to crush Druze resistance to assimilation with a massive display of force in the Jabal (Landis 1998). Less than a

¹²<https://www.fpri.org/article/2013/03/syrian-druze-toward-defiant-neutrality/>

¹³The Druze eventually agreed to turn over weapons in return for not being conscripted (Talhamy 2011).

year later, the Druze took their revenge when disgruntled Druze officers spearheaded a coup that removed Shishakli from power. The purge that followed the failed Hatum coup of 1966 reduced the presence of Druze in the upper ranks of the armed forces and the civilian wing of the Ba'ath Party; but over time, the Druze “came to be equitably represented (or slightly overrepresented) in many branches of the civil service, the army’s midlevel officer corps, and state-owned industries” (Gambill 2013b). By the late 1980s, one scholar refers to the “stability, peace, and relative prosperity” of the community (Betts 1988: 109). Politically, the Druze have enjoyed little power since the 1960s, though they are still a presence in the Syrian armed forces, and many of the two Assads’ cabinets have included at least a token Druze member.¹⁴

3.2.3. *The Kurds*

The Kurds constitute Syria’s largest ethnic minority — some 8%–10% of the population¹⁵ — and are concentrated in the northern portion of the Hasakah governorate and across a broad swathe of territory along the Syria–Turkey border. Within this region, the Kurdish population is clustered into three non-contiguous enclaves — Upper Jazira, Jarablus, and Kurd Dagh — centered on the cities of Qamishli, Kobani, and Afrin, respectively. In addition, there are significant Kurdish populations in most of Syria’s major cities, most notably in Damascus, where Kurds have been present since the thirteenth century. The dispersed nature of Syria’s Kurdish population and internal divisions meant that a distinct sense of Kurdish nationalism was slow to emerge. A seminal moment in this regard came during the French Mandate in 1927 with the formation of *Khoybun* League — an organization aimed at infusing Kurds of diverse backgrounds with a sense of national identity. To this end, the prominent members of the League, such as the brothers Jaladet and Kamuran Bedirkhan, helped formalize the Kurmanji dialect; solidified a Kurdish language alphabet based on Latin script; and published journals and studies on

¹⁴Sporadic friction between the Druze and the Assad regimes have included repeated confrontations over the regime’s ban on commemorating the Sultan al-Atrash’s death in 1987, and an incident that occurred in 2000, when fighting between Druze and local Bedouin Arabs morphed rapidly into anti-government demonstrations (Smyth 2012).

¹⁵Some analysts claim a higher figure. Balanche (2018), for example, estimates the Kurdish population to be as high as 16%, as of 2018.

Kurdish culture, ethnography, and history. The League's activities were tolerated by the French because its political activities targeted the Kemalist regime in Turkey rather than French rule in Syria. If the League signaled an awakening of sorts among Syrian Kurds, the Franco-Syrian agreement of 1936 provoked a more hostile reaction among the Jazira's Kurdish population. The agreement, which revoked the autonomy of Jabal Druze and the Alawite State, placed all of Syria under the control of an Arab nationalist majority in Damascus, thus ignoring the Jazira's demand for autonomy along the lines previously granted to the Druze and Alawis. The upshot was a short-lived revolt in 1937 triggered by Kurdish tribal elites and Assyrian notables that was rapidly suppressed (Khoury 1987: 525–534).¹⁶ However, Jazira was also granted some degree of autonomy (*Ibid.*: 534). This was not a Kurdish nationalist revolt, but it was a clear demonstration of the Jazira's resistance and hostility toward the idea of centralized rule from Damascus.

Unlike other compact minorities, such as the Alawis and Druze, who generally prospered over the first decades of Syrian independence by progressing up the ranks of the Ba'ath Party and/or the military, the Kurds' position in the state deteriorated significantly, despite the fact that at least two of Syria's never-ending parade of post-war military rulers — Husni al-Zaim and Adib Shishakli — were of Kurdish ancestry. However, both were urban Arabic speakers who were dedicated to the cause of Arab nationalism. The Kurds also lacked political organization, at least until the late 1950s. Politically active Kurds tended to join non-Arabist parties, especially the Syrian Communist Party, and it was not until 1957, with the formation of the Democratic Party of Kurds in Syria (DKPS) that a political party representing the interest of all of Syria's Kurds emerged (Schott 2017). The DKPS suffered government repression and fragmented along ideological lines in 1960, subsequently spawning a bewildering array of parties, many of which survive to the present day. By some estimates, 17 of today's 20 Kurdish political parties can trace their roots back to the original DKPS (Allsopp 2016).

As the Syrian government's commitment to the Arab nationalist cause intensified during the 1960s, as exemplified by the official renaming of the state to the Syrian *Arab* Republic, so the potential "threat" posed to the country's unity by the largest non-Arab ethnic group increased. The

¹⁶The French High Commissioner eventually decreed the status of "special regime under French under direct French control" to the Jazira in 1939 (Khoury 1987: 534).

112 *Federal Solutions for Fragile States in the Middle East*

1960s witnessed a series of government measures aimed at diminishing this threat. Most infamously, in 1962, the Syrian census denied citizenship to a significant portion of Kurds living in the Jazira region. Kurds who could not prove they had residence in Syria prior to 1940 had their identity documents withdrawn, were registered as aliens (*ajanib*), and as a result lost almost all their legal rights, including to education and to own property. Those Kurds who declined to participate in the census became known as “concealed” (*maktumin*), thus rendering themselves legally non-existent. Altogether, some 120,000 Kurds lost citizenship as a consequence of the 1962 census, comprising approximately 20% of Syria’s Kurdish population. The Kurds’ situation only worsened with the advent of Ba’ath Party rule in 1963. Indicative of the Ba’ath-dominated government’s perception of the nature of Syria’s Kurdish “problem” was a security report authored in 1963 that characterized the Jaziran Kurds as “our enemy,” and described them as a “malignant tumor which had developed in a part of the body of the Arab nation” (Yildiz 2005: 34). The report’s proposed solution was to deport Kurds from a belt of land along the Turkish border and replace them with resettled Arabs, a process that began in the early 1970s and involved more than 4,000 Arab families. Other repressive measures implemented under the Ba’ath included a ban on use of the Kurdish language in school and places of work, a continuation of the ban on publications in Kurdish, and the airbrushing of Kurdish identity from Syrian textbooks.

The inability of the Kurdish political parties to protect Kurdish rights and culture in Syria was due to the harshly repressive tactics of the Ba’ath regime but was also the product of internal divisions. By the 1970s, there were at least three distinct trends discernable within the Syrian Kurdish politics, based on their respective stances on two basic issues: first, whether the Kurds should better be conceptualized as a nation, deserving of a homeland, or as a minority within Syria; and second, whether the best way to protect Kurdish interests and identity in Syria was to confront or cooperate with the Assad regime. The arrival of the Kurdish Worker’s Party (PKK) in the region after 1980 prompted a radical change in the dynamics of Kurdish politics in Syria. The PKK’s presence on Syrian soil was actively endorsed by the Assad regime as a source of leverage over Turkey, so, unlike other Kurdish parties, the PKK’s activities were openly tolerated by the regime. Relative to the hopelessly fragmented indigenous parties, the PKK was a model of coherence, and its willingness to promote the Kurdish nationalist cause via armed confrontation with the

Turkish government greatly enhanced its popularity, especially among Kurdish youth in the Kobane and Kurd Dagh regions (Tejel 2008). As the PKK expanded its support base in Syria, it also took over the “cultural framing” of the Syrian Kurds by organizing and politicizing events such as public celebrations of Newroz and promoting symbols of Kurdish identity. In 1998, a security agreement between Turkey and Syria officially terminated Assad’s previous policy of tolerance for the PKK’s presence in Syria, but the groundwork had been laid for the emergence of the PKK affiliate, Democratic Unionist Party (PYD), in 2003.

Following a fleeting thaw in relations between Kurdish groups and the regime during Bashar al-Assad’s Damascus Spring, the year 2004 witnessed the most serious conflict yet between the Kurds and the state. Ethnically charged confrontations among rival fans during a football match in Qamishli between the local (Kurdish) team and a visiting (Arab) team from Deir ez-Zor escalated rapidly into a form of popular Kurdish uprising that lasted for 13 days and spread to all Kurdish-populated regions, including Damascus. The spate of violent protests was eventually suppressed by the regime at the cost of over 40 deaths, hundreds wounded, and more than 2,000 Kurdish arrests. The events of 2004 were seminal for the Syria’s Kurds in that they signaled an end to the traditional Kurdish quiescence in the face of state repression and also the arrival on the political scene of a political party — the PYD — that was sufficiently coherent and well-organized to mobilize large numbers of Kurds in defiance of the regime.

3.3. Intercommunal Relations: Post-2011

The protest movement that erupted in Syria during March 2011 was clearly not motivated primarily by concerns over the sectarian composition of the regime; that is, it was not a Sunni Arab uprising against an Alawi regime, spawned by sectarian hatred. Early protests were peaceful, inclusive, and explicitly non-sectarian. Protestors “spoke for ‘the people’ and ‘Syria’ rather than any ethnosectarian group, even if most were Sunni Arabs” (Phillips 2015). Initial demands were mostly moderate — an end to the state of emergency, a lightening of repression, the release of political prisoners, and so on, but as the regime cracked down violently on the protests, the demands escalated to regime change. In short order, the uprising also assumed ominous sectarian undertones, with purported sectarian “massacres” occurring on both sides as early as April 2011 (*Ibid.*: 359).

Those sympathetic to the goals of the uprising tend to hold the Assad regime exclusively responsible for “weaponizing” sect by using Alawi militias (*Shabiha*) to commit atrocities and stoking the fears of Alawis and other minorities that the regime was their last line of defense against “seditious sectarianism” and radical Sunni Islamist terror groups (Yassin-Kassab and Al-Shami 2018; McLauchlin 2018). Within a year or so, the regime’s warnings had arguably become a self-fulfilling prophesy as groups like the Al-Qaeda–affiliated Jabat al-Nusra (JN), and subsequently, IS, began to dominate the armed opposition, while various radical Shi’a militia forces, such as Lebanese Hezbollah, had stepped in to help prop up the regime. The initial integrity of the Syrian uprising was quickly overwhelmed by region-wide sectarian dynamics, as prominent Sunni and Shi’a clerics across the Middle East increasingly chose to define the conflict in explicitly sectarian terms. In May 2013, for example, the prominent Sunni scholar Shaykh Yusuf al-Qaradawi revived the spirit of Ahmad ibn Tamyiya’s 700-year-old fatwa, with his judgment that Alawis “are more disbelieving than the Jews and Christians” (Farouk-Alli 2014: 207). Equally disturbing to Alawi ears were the anti-Alawi rantings of Syrian Sheikh Adnan al-Arour, perceived by many Alawis as “commander of the opposition” (Nakkash 2013: 11). Using satellite TV channels in Saudi Arabia to peddle sectarian hatred, al-Arour has pledged to “grind the flesh” of pro-regime Alawis and “feed it to the dogs.”¹⁷ As a result, the Alawi community almost in its entirety has stood behind the regime. This has less to do with the community’s love for the Assad regime than with genuine (and legitimate) fears about the fate of Alawis if the regime falls (Nakkash 2013; Goldsmith 2011). Very few prominent Alawis have opposed the regime, and all but a handful of the important military and political defections that have occurred since 2011 have been Sunni Arabs.¹⁸ Data indicate that by 2015, the officer corps of all the major military and internal security institutions were over 90% Alawi (Bou Nassif 2015), while remaining opposition forces were, and are, exclusively Sunni.

Meanwhile, the various security forces loyal to the regime — the *Mukhabarat*, Special forces, and various paramilitary units — have

¹⁷<https://www.economist.com/middle-east-and-africa/2012/10/20/the-charm-of-tele-salafism>

¹⁸<https://www.npr.org/2012/10/14/162785495/a-defection-hints-at-cracks-among-syrias-alawites>

sought to “militarize” the Alawi community, which “implicates them directly, or indirectly, in the current conflict” (Nakkash 2013: 11). In other words, by making the entire community complicit in the regime’s scorched-earth military campaign and associated atrocities, the regime effectively tied its own survival to that of the entire Alawi community.

The debate about how to classify the Syrian Civil War — as sectarian, semi-sectarian, or something else — may be of scholarly interest, but it is of limited practical utility moving forward. The Alawi community clearly has a collective identity that has strengthened over the course of the war, as the battle lines have hardened. The prime motive for this appears to be shared fear, and it does not matter much whether this fear is rooted in a collective historical narrative that dates back to an early-fourteenth-century fatwa, an Ottoman massacre in 1516, the SMB uprising of the 1970/80s, or events since 2011. The fear is real and legitimate. The “moderate” rebel forces of the Free Syrian Army (FSA) had essentially disintegrated by the end of 2013, leaving the battlefield dominated by groups that were not at all ambiguous about the future fate of Syria’s heterodox Muslim minorities. Meanwhile, the myriad opposition forces — civilian and military — agree on very little, other than that the Alawi community provides the main pillar of support for a regime that has perpetrated a litany of war crimes and atrocities on its (mainly) Sunni population. The status of the Alawi community in a post-conflict Syria is entirely dependent on the outcome of the conflict. If the regime “wins,” Alawis will continue to control all the key power institutions and are protected, for the time being; if it “loses,” the community not only loses power, but quite plausibly faces physical annihilation.

By some accounts, the Druze were initially divided by the current conflict into pro- and anti-regime factions (Ezzi 2015).¹⁹ In contrast to other (Sunni) regions of Syria, the regime’s response to the small anti-regime protest movement in Suwayda was relatively restrained. Unlike in other regions, where the regime’s brutal crackdown served to escalate the intensity and violence of the protests, protests in the Jabal eventually petered out. Thereafter, the policy of most Druze was to “sit on the fence of the conflict, refusing to join the fight, adopting a mildly pro-regime attitude, and maneuvering skillfully out of the line of fire”

¹⁹A widely circulated YouTube video depicting Abdul-Salam al-Khalili, a Salafi sheikh from neighboring Dara’a, condemning the Druze as apostates and insulting their honor and history appears to have changed this dynamic (Ezzi 2015: 42).

(Rabinovich 2015).²⁰ Initially, there was some support for opposition to the regime, and significant numbers of Druze (somewhere between 12,000 and 26,000) reportedly defected from the Syrian army. The emergence of Jabhat al-Nusra (JN) and Islamic State (IS) as the two most powerful forces fighting the regime led most in the community to conclude that the Assad regime was, and is, the lesser of two evils. Both IS and JN consider the Druze to be infidels; the latter conducted a forced conversion of 25,000 Druze in Idlib, and both groups have massacred Druze civilians during the course of the war. Hence, the prime objective for the Druze has been to do whatever it takes to prevent a victory by groups like JN and IS. To this end, Druze leaders reached an arrangement with the regime whereby the regime supplies weapons to the population, while Druze conscripts are exempted from serving outside Suwayda governorate. Subsequently, Druze militias and paramilitary groups have generally cooperated with Syrian government forces to defend their territory.

The role played by Kurdish political parties in the uprising against the Assad regime has been inconsistent and ambiguous, due both to the inherently fragmentary nature of Syrian Kurdish politics and to the failure of prominent opposition groups like the Syrian National Council (SNC) and the “Coalition” to articulate visions for Syria’s political future inclusive enough to accommodate Kurdish demands (Daher 2019). The SNC, which was formed in October 2011 and quickly established itself as the “main point of reference” for external players backing the opposition to Assad, initially attracted the support of several Kurdish factions (Hossino and Tanir 2012). However, the emergence of Turkey (along with Qatar) as the SNC’s main backer all but extinguished Kurdish support for the organization. Instead, 11 Syrian Kurdish parties were brought together by Iraqi Kurdish President Barzani under the umbrella Kurdish National Council (KNC) in October 2011. Notably absent from the KNC, however, was the PYD. A stillborn effort to integrate the PYD into the KNC came in July 2012 with the formation of the Kurdish Supreme Council (KSC), again under the auspices of President Barzani. The KSC’s one tangible achievement was the codification of the People’s Protection Units (YPG), a militia force created to protect the Kurdish population as Syrian government forces withdrew. The YPG includes fighters from multiple ethnic groups but is dominated by Kurds. Following the YPG’s heroic defense of

²⁰<https://www.the-american-interest.com/2015/06/26/the-syrian-civil-war-comes-to-the-druze/>

Kobani against an IS onslaught in early 2015, the US finally started to provide air support, money, and weapons to the YPG, and in October 2015, at US urging, the YPG agreed to the formation of the Syrian Democratic Forces (SDF) as a less exclusively Kurdish fighting force. Subsequently, the SDF became the US' fighting force of choice in the struggle to eliminate IS in Syria.

As the territory under the control of the YPG/SDF steadily expanded, the PYD sought to translate these military advances into concrete political gains on the ground. Hence in 2014, the PYD promulgated the Charter of the Social Contract, a *de facto* constitution for the three "cantons" under PYD control — Afrin, Kobani, and Jazira. While Article 12 of the Charter describes the autonomous regions as an "integral part of Syria," the same article touts them as "a model for a future decentralized system of federal governance in Syria."

3.4. Prospects for Ethnofederalism in Post-Conflict Syria

3.4.1. *The Logistics*

In theory, an ethnofederation with homeland units for Alawis, Druze, and Kurds and the majority Sunni Arab population parceled out among multiple subunits makes good political sense. Logistically, it would not require significant changes to Syria's extant administrative boundaries. Suwayda is already a *de facto* homeland for the Druze; it is almost 90% Druze, and its boundaries encompass the majority of Syria's Druze population. An Alawi unit can be created by reuniting the governorates of Tartus and Latakia, effectively restoring Latakia to its pre-1973 borders. The population of this unit would certainly not be homogenous in terms of ethnicity and sect, and significant Alawi populations would be left outside its borders, but the purpose is to create a defensible homeland for Alawis as a hedge against future developments. A Kurdish homeland unit is logistically problematic because the Kurds are less territorially compact than the other two groups. Ignoring the current state of play in Syria for the moment, a Kurdish subunit could realistically expect to include the two "cantons" of Jazira and Kobani, which would require carving a new administrative unit out of the northern portions of three old units (Hasakah, Raqqa, and Aleppo). This would create a territorially contiguous unit connecting Qamishli in the East to Jarabulus in the West, potentially

stretching as far south as Hasakah. Whether it is viable to extend this unit to include the Kurd Dagh enclave is entirely down to future events on the ground (see below).

The demographic composition of this Kurdish “homeland” (that excludes the Kurd Dagh) cannot be determined with any precision, but as of 2021, it would almost certainly contain a Kurdish majority, with significant minorities of Arabs and Christians. The logistics of creating a territorially contiguous unit for the Kurds may be challenging, given the balance of forces at work in northern Syria, but contiguity is not a necessary requirement for ethnic autonomy. It would be entirely possible to provide autonomy to the three Kurdish cantons without them being physically connected.²¹ An autonomous Kurdish region of three cantons, basically like that announced by the PYD in 2014, would be significantly more ethnically homogenous than a contiguous unit stretching from Qamishli to Afrin that unavoidably encompasses sizeable populations of Arabs and Christians. If the goal is to create a “homeland” for Syrian Kurds, a region of contiguous territory makes sense; if the intent is to maximize ethnic homogeneity, the canton model works better.

Outside the three minority subunits, the rest of Syria falls more or less naturally into regions that possess some sense of coherence and discernable regional identities. The concept of the “agro-city” is useful here to understand how this might play out in practice. As explained by Van Dusen (1972), an agro-city forms the core of a distinct, interdependent economic subsystem within an agricultural economy. Further, “the traditional Arab agro-city is the focus of regional loyalty” and provides the framework “for social, political and economic participation” (Van Dusen 1972: 124). Van Dusen identifies nine such cities in Syria, seven of which are located in Sunni-Arab-dominated regions of Syria — Qunaytara, Dara’a, and Damascus in the south; Hama, Homs, and Aleppo in the northwest; and Deir ez-Zor in the southern Jazira. These seven cities, together with Idlib in the northwest, make logical focal points for the division of the Sunni Arab majority into multiple subunits.

²¹As an example, when the Gagauz population voted to establish an autonomous ethnic unit within the otherwise unitary state of Moldova, the vote was conducted at the village level, with the result that the main body of the Gagauz Autonomous Region (the part that contains the region’s capital, Comrat) is physically separated from the region’s other three constituent parts.

Determining the boundaries of a Kurdish subunit remains potentially problematic, but otherwise, the lines on the map that currently define Syria's governorates can remain largely unchanged; in other words, the implementation of a partial ethnofederation in post-war Syria is logistically straightforward.

3.4.2. *Problems*

Three of the main objections to ethnofederalism, all of which are potentially relevant to the case of Syria, concern the impossibility of demarcating ethnically homogenous units, the threat of minority unit secession and state collapse, and the fear of recentralization. Taking each in turn: the first of these objections is literally true, in that it is cartographically impossible to create an Alawi subunit that is 100% Alawi and that contains 100% of Syria's Alawi population. The population of an Alawi subunit formed through the reunion of Latakia and Tartus would likely be approximately two-thirds Alawi, with the remaining one-third comprising Christians and Sunni Arabs. Left outside the unit would be significant Alawi populations in the hinterland of Homs, in the city of Homs itself, in Aleppo, and, most notably, in and around the capital Damascus.²² Likewise, any conceivable Kurdish unit will contain more than just Kurds, and leave many Kurds outside its borders. A Druze unit based on the governorate of Suwayda would be the most homogenous — about 90% Druze and with only about 10% of Syria's Druze population left outside its borders.

By the same token, the division of the Sunni Arab population around regions centered on cities inevitably creates heterogenous units, simply because most of Syria's major cities are ethnically and religiously diverse. The relevant question that needs to be answered, however, is not whether entirely homogenous units can be created — they clearly cannot — but whether this is problematic.

If the creation of an ethnofederation were equivalent to the partitioning of the state into new independent states, then the issue of heterogeneity is potentially problematic, especially in the aftermath of ethnic or

²²Balanche (2018: 32) estimates that in 2010, the capital city Damascus was home to approximately 500,000 Alawis, constituting about one-quarter of the country's entire Alawi population.

120 *Federal Solutions for Fragile States in the Middle East*

sectarian war. Partition becomes tantamount to leaving vulnerable minorities trapped “behind enemy lines.” But the purpose of an ethnofederation is precisely to diminish the prospects of partition; subunits remain part of a single, sovereign entity and people are (presumably) free to move across unit boundaries. Hence, populations are not trapped within boundaries. Of course, minorities within ethnically denominated units may still suffer from discrimination and repression, but this can, and does, happen regardless of whether the state is unitary or federal. It is worth noting, however, that most of the internally displaced persons fleeing rebel-held areas have taken refuge in regime-controlled territory; the vast majority of these are Sunnis, and a significant portion have moved to Latakia. With a few exceptions, Sunnis have not been victims of revenge attacks perpetrated by regime forces (Lichtenheld 2019).

The threat of secession and, ultimately, state collapse is viewed by many critics as *the* major drawback of ethnofederalism, but this is unlikely to be a problem in Syria’s case. Two of the potential ethnic units — the Jabal Druze and Rojava — are landlocked and patently unviable as economically independent entities, especially if the secessions were to be contested by hostile neighbors. An Alawi state is potentially more viable, given the presence of Syria’s two major ports — Latakia and Tartus — within its borders, but again, for either port to function as an export/import hub requires the active cooperation of friendly neighbors. Hence, all three entities are viable economically *only* to the extent that their secession is recognized by other states in the region, including the main body of Syria, and that their independence enjoys widespread international recognition. This seems implausible given the almost universal opposition within and outside the region that greeted the Iraqi Kurds’ recent efforts to initiate secession. The Iraqi Kurds have a long track record of fighting for independence, have enjoyed the financial and military backing of a powerful ally (the US), and had a path to economic viability via the control of the oil industry of the disputed territories; none of this applies to Syria’s minority groups.

Above and beyond the problem of international recognition, the main reason to doubt that an ethnofederation will lead to secession is that none of Syria’s three minorities has ever seriously sought independence. As various times in history — notably 1936 and 1946 — certain Druze and Alawi leaders floated the idea of detaching from Syria and joining a neighbor, but there was, and still is, little support within either community for independence.

Concern over recentralization is legitimate in light of the high degree of political centralization that has characterized most states in the Arab World since independence. The experience of neighboring Iraq provides a salutary lesson in this respect (see Chapter 4). In Syria, the creation of subunits with well-entrenched regional identities, such as Damascus, Aleppo, and Hama, can play a vital role in resisting efforts the central government to recentralize power. As most experts on Syria have noted, the most important sources of societal cleavage historically, have been sect, tribe, urban/rural, social class, and *region* (Van Dam 1978, 2011; Van Dusen 1972; Ma'oz 1972).²³

On the face of it, then, Syria seems naturally suited to a partial ethnofederation that could preserve the delicate balance of power between center and periphery, while affording protection and autonomy to minority communities. Under current conditions, however, the prospects for the emergence of an ethnofederation in Syria as part of any post-war agreement to reform Syria's political system do not look good.

The one group that has unambiguously expressed a desire for territorial autonomy — the Kurds — has very little in the way of leverage over post-war negotiations. There are several problems with the PYD's ongoing efforts to create a single, territorially coherent, autonomous entity in Northern Syria. The most obvious of these is the determination of the Turkish government to avoid this very outcome. The logistical problem for the Kurds of capturing the territory necessary to link up the three cantons was dealt a serious blow in early 2018 when the Turkish-supported Free Syrian Army (TFSA) backed by Turkish Armed Forces (TAF) attacked and captured Afrin from the SDF. Then in October 2019, the TAF launched attacks at multiple points along the border with Syria as part of Operation Peace Spring. The stated goal of the operation was to kill "terrorists" and establish a 20-mile-deep, SDF-free "safe zone" along the shared border in which to resettle some portion of the more than 3 million (mainly Arab) refugees currently inhabiting camps in Turkey. The Turkish military operation forced the YPG to accept a Russian-brokered deal by which Kurdish forces would cede control over the two key towns of Manbij and Kobani to Syrian government forces.

²³The regional identities of the non-minority governorates would be enhanced in this respect by the historical and enduring rivalry between Damascus and Aleppo (see Faksh note 3; p. 150).

The Turkish government has also successfully sidelined the PYD from participating in negotiations between the regime and the (Turkish-backed) opposition. The October 2019 iteration of peace negotiations between the regime and opposition in Geneva involved 150 participants, of which 50 represented the interests of the regime, 50, the opposition, and an additional 50 were civilians. Only seven Kurds took part, and representatives of the PYD were pointedly excluded from participation. The Turkish-backed opposition and the Assad regime are unlikely to see eye-to-eye on anything much; a refusal to grant the Kurds autonomous status as part of a system-wide federation may be the one exception.

These various problems mean that the Syrian Kurdish parties will struggle to translate the *de facto* autonomy enjoyed on the ground since summer 2012 into *de jure* (i.e. constitutional) autonomy in any post-war settlement.

Of the other two minority groups that one might logically expect to favor ethnic autonomy within a future federation — the Alawis and the Druze — neither group has openly expressed support for this as a solution to Syria's political problems. The limited anecdotal and opinion poll evidence that exists indicates that Alawis are not at all supportive of defining political institutions on the basis of sect or ethnicity. According to a 2017 poll by *The Day After* (TDA), for example, over 70% of Alawis agreed that the most appropriate system of governance to address the problem of sectarianism was one “based on the principles of citizenship and equality before the law”; about one-quarter opted for “Partition, there is no room for coexistence after all that has happened,” but less than 2% of respondents opted for a system “based on sectarian quotas” (TDA 2018: 45). A previous survey (May 2016) by the same organization on the specific question of federalism found that Alawi respondents were unanimous in their opposition to federalism as a future system for Syria (7% opposed, and 93% strongly opposed). The rejection of federalism by the Druze was less overwhelming, but not by much (45% opposed, and 43% strongly opposed) (TDA 2016: 6).²⁴ The only pronounced support for federalism — 26% supporting and 65% strongly supporting — came,

²⁴Two caveats are in order here. First, very few Druze were actually polled, and, second, a large number of respondents (nearly 60%) from Suwayda preferred “not to answer” when asked about their sectarian affiliation. It seems reasonable to assume that most of these were Druze, and of the “prefer not to answer” category, approximately 35% either “strongly supported” or “supported” federalism for Syria.

unsurprisingly, from Kurds, but across Syria as a whole, some 80% of the population rejected a federal system (TDA 2016: 5). This broad-based rejection of a federal option is reflected in the stances of both the regime and the various movements and groups that have claimed to speak on behalf of the opposition. Groups representing what is sometimes referred to as the “civil” opposition have issued a number of documents outlining proposals for Syria’s political future, which invariably pay lip service to the country’s ethnic and religious diversity but reject reflecting this diversity in the design of political institutions. Instead, the standard formula is for a government that treats all citizens equally and does not discriminate “on the basis of ethnicity, religion, or gender.”²⁵ The Assad regime has also expressly ruled out the idea of a federation for Syria, despite Russian support for this at various times.

On the face of it, then, the current lack of demand among precisely those groups who might benefit most from the system, and the lack of political bargaining power on the part of the one group that does favor autonomy, constitute a formidable, perhaps terminal, barrier to the whole idea of a partial ethnofederation or indeed any sort of federation for Syria.

It is important to recognize, however, that the lack of demand among Alawis for an ethnofederation is likely contingent on the preservation of the prevailing status quo; that is, the Alawi-based regime (and protector of other minority groups), has “won” the war, and opposition forces have “lost.” Under these conditions, it is understandable that the winners do not support sharing power with the losers. Throughout the conflict, playing the sectarian card has been an important (and successful) strategy of the Assad regime. Demonizing the opposition as “terrorists” or radical Islamist jihadis served to rally Assad’s minority (i.e. non-Sunni) base but also sharply polarized Syrian society along sectarian lines. To many Alawis (and other minorities), sharing political power, a necessary requisite in a federal system, with the remnants of violent extremist opposition forces is understandably unappealing in the current climate. However, much depends on the evolving situation on the ground in Syria, and there are reasons to doubt the sustainability of the current status quo. The sheer complexity of situation in Syria makes it impossible to predict the country’s future political trajectory with any certainty, but the options

²⁵For a detailed analysis of the various positions of opposition groups on the question of Syria’s ethnosectarian diversity as it relates to the future design of political institutions, see Mahmoud and Rosiny (2016). For a condensed version, see Mahmoud and Rosiny (2018).

124 *Federal Solutions for Fragile States in the Middle East*

available to the regime moving forward can basically be distilled down to three.

3.5. Future Options for the Regime

3.5.1. *Back to the Future*

If the regime opts to go down this path, it declares victory and attempts to return the Syrian political system to the *status quo ante*, that is, a highly centralized system dominated by Alawis close to Assad that relies on a combination of repression and patronage/corruption to sustain its grip on power. A mix of fear and self-interest may be enough to retain the support of powerful segments of the urban Sunni community, especially in Damascus, who stand to benefit from the promise of strategically directed government reconstruction contracts, while minority groups — Ismailis, Shi'a, Druze, and Alawis — will continue to back the regime because they have no viable alternative. With at least some support from all groups, Assad can then claim, with reasonable justification, that his regime offers the best hope for defending a multi-ethnic, religiously tolerant society against the forces of extremism and intolerance. To assuage the concerns of the international community, token efforts will be made to share power through the appointment of still loyal Sunnis to symbolically important, but essentially powerless posts²⁶; cosmetic reforms to the system will be announced and carefully controlled elections to the Syrian parliament will be held in regime-controlled areas. The absence of any organized opposition within the country guarantees a victory for the Ba'ath and the National Progressive Front (NPF) and paves the way for the triumphant reelection of President Assad in 2021 with 95% of the vote. The July 2020 parliamentary elections provided the predictable template for this. In a vote that featured “unusually overt levels of corruption,”²⁷ even for Syria, the NPF gained 177 of the 250 seats in the Syrian People's Council, with the Ba'ath Party claiming 166 of the seats. The remaining seats were shared by regime loyalists masquerading as “independents.”

It is certainly plausible that the Assad regime will *try* to return the system to the *status quo ante*; it is much less plausible that it will succeed. The regime has achieved close to a textbook definition of a

²⁶See Vignal (<https://booksandideas.net/The-Origins-of-the-Syrian-Insurrection.html>).

²⁷See Sly and Khatatb (2020).

“pyrrhic victory.” (Lesch 2017: 44–46). By some estimates, 65% of Syria’s infrastructure has been destroyed over the course of the conflict, a higher percentage than that suffered by Germany during World War II. To rebuild the country will take somewhere in the region of US\$400 billion; this for a country with a total budget of less than US\$9 billion in 2018. Both of the regime’s major backers — Iran and Russia — have serious economic issues of their own, so realistically, the only potential suppliers of aid on this scale are the Gulf monarchies and the Western powers (Europe and the US). The former universally opposed the Assad regime and provided the major source of funding for various armed opposition groups during the conflict; likewise, the Assad regime has few supporters in the West, and most Western powers adopted a *de facto* policy of regime change during the initial years of the war. While there now appears to be a reluctant acceptance on all sides that the regime will survive in some form, neither the Gulf monarchies nor the Western powers has any great incentive to help the regime consolidate its hold over the country by flooding Syria with reconstruction aid. For example, in 2018, the Assad regime issued a decree (Law No. 10), that empowered the government to take control of land and property unless owners could produce documents proving ownership within a one-month period. The intent was obviously to seize land and property from refugees and those displaced (i.e. opponents of the regime) as a means of preventing their return to Syria. This may have made sense from a regime perspective, but it did not endear the regime to potential Western donors. The German Foreign Ministry described the Law as “perfidious,” and a senior EU official announced that it was “the nail in the coffin” of Assad’s efforts to secure reconstruction aid from the EU. In short, the sorts of measures that may be necessary for the regime to reclaim, and then maintain, control over the whole of the country, are not those likely to attract support from Western sources. Syria’s already bleak economic prospects dimmed further in the summer of 2020, when a new round of US sanctions took effect under the terms of the Caesar Syria Civilian Protection Act. Under the guise of punishing high-level regime officials for war crimes conducted during the war, the Act threatened extra-territorial sanctions on *any* entity conducting business with members of the Assad regime. The early months of 2020 also witnessed a series of analyses and editorials in Russian state media suggesting Russia was losing patience with the Assad regime.²⁸ According to

²⁸For details, see Hodge (2020).

126 *Federal Solutions for Fragile States in the Middle East*

a May 2020 editorial from the TASS news agency, for example, “Russia suspects that Al-Assad is not only unable to lead the country, but also that the head of the Syrian regime is dragging Moscow towards the same fate as Afghanistan”²⁹; the same report also suggested that Russia, Turkey, and Iran had reached agreement on the need to remove Assad from office and create a transitional government that would include members of both the regime and opposition.

Without aid on a monumental scale, “Syria may become a state such as Somalia, where the central government may reign but doesn’t really rule ... it may stamp passports and print currency, but little else” (Lesch 2017: 44). At best, any aid from Western sources will be contingent on the enactment of meaningful political reforms, which can be expected to include power-sharing arrangements and/or the staging of free and fair elections, neither of which bode well for the future survival of the regime. If, as seems likely, the regime struggles to attract the resources necessary to rebuild a shattered country, levels of popular resentment can only increase over time. Disturbingly for the regime, early 2020 witnessed the eruption of large-scale protests within the Druze community in the previously quiescent city of Suwayda. Initially, the ire of protestors targeted regime corruption and the dire economic situation, but this soon morphed into demands for regime change (McLoughlin 2020).

In the midst of this, what remains of the Syrian Civil War will likely morph into a low-level insurgency, backed by regional powers, that will fuel insecurity and instability for the foreseeable future (Lister 2019).³⁰ The insurgency will be rooted in the Arab Sunni community, meaning that the regime’s inevitably violent counter-insurgency will target the Sunni population and further deepen sectarian divisions.

Beyond the basic economic issue lies the much deeper problem of whether it is even possible for the regime to reconstruct the centralized, authoritarian state that existed prior to 2011. Relatively early on in the war, the regime was forced to cede control of the fighting to a “dizzying array of hyper-local militias aligned with various factions, domestic and foreign sponsors, and local warlords” (Schneider 2016). Within two years, the regime’s coercive apparatus, “was not able to continue operating as a

²⁹See <https://www.middleeastmonitor.com/20200504-report-russia-turkey-iran-agree-to-remove-syrias-assad/>

³⁰Lister, indeed, describes the emergence of a sustained insurgency as “a virtually inevitable eventuality.”

centralized and orderly machine anymore,” and by 2016, in the words of one analyst, “as the once totalitarian Syrian central state atrophies, its constituent parts — be they sectarian, rentierist, or simple brutes — have gained a stunning degree of political and economic independence from Damascus” (*Ibid.* 2016). This forced decentralization of power intensified between 2016 and 2019, leading Kodmani (2019: 3) to conclude that: “The reality of the Syrian state after nine years of war is that its institutions have undergone a process of fragmentation and gradual collapse and are unlikely to be restored to their previous mode of operation.” In similar fashion, the BTI’s 2018 report on Syria awards the country a “1” on its “stateness” measure (the minimum possible) and argues, “The Syrian governments once effective monopoly on the use of force has consistently diminished and, in the past years, has been completely dismantled.”³¹ Restoring the regime’s vertical chain of command over these powerful local entities is a daunting challenge, and without copious quantities of international aid to grease the wheels, it may not be possible. However, if aid is contingent on meaningful political reform, then the regime faces a different problem.

3.5.2. *Genuine Reform*

Under this scenario, the regime calculates that its best chance for survival is to gain access to large quantities of reconstruction aid from international donors, and that meaningful political reform is an undesirable, but necessary prerequisite for this.³² Real reform would presumably include free and fair elections, with associated freedoms (speech, press, assembly) and the participation of all eligible Syrians (including refugees). The alternative is some form of formalized power-sharing between the regime and whichever

³¹<https://www.bti-project.org/en/reports/country-reports/detail/itc/syr/ity/2018/itr/mena/>

³²See Lund (<https://tcf.org/content/report/assads-enemies-gave-syrian-opposition/?agreed=1>). UNSCR 2254 of December 2015 calls for “free and fair elections, pursuant to the new constitution, to be held within 18 months and administered under supervision of the United Nations, to the satisfaction of the governance and to the highest international standards of transparency and accountability, with all Syrians, including members of the diaspora, eligible to participate (UN Security Council 2015). However implausible the idea of “free and fair” elections taking place in Syria under prevailing conditions, major international donors will use UNSCR 2254 as a way to strong-arm the regime into making concessions in return for money.

128 *Federal Solutions for Fragile States in the Middle East*

faction of the opposition is deemed “legitimate” by the international community at the time.³³ Presumably, the appeal of elections to Assad depends on his calculation of the probability that pro-regime candidates can win. Strange as it may seem in the context of a ruler who has protected one part of his population by systematically brutalizing the other, a pro-regime victory in genuinely free and fair elections cannot be dismissed out of hand. Balanche’s (2018) meticulous mapping of the Syrian Civil War indicates that by May 2017, 65% of Syria’s population inhabited territory controlled by regime forces; moreover, by June of the same year, the population of Arab Sunnis remaining in the country had declined to 61% (*Ibid.*: 22–23). This means that as of mid-2017, the regime was “protecting” (as Assad sees it) nearly two-thirds of the population against an opposition that by this point was unambiguously extremist, violent, and intolerant. Assad might plausibly calculate that the gratitude of the “protectees” translates into popular support at the ballot box. Moreover, the Ba’ath Party (which will no doubt be rebranded to include the word “Democratic” in its name) has a huge advantage over whichever opposition parties emerge after the dust settles; it will be organized, well-resourced, and present in most of the country.³⁴ Among existing “opposition” parties, the Syrian Social Nationalist Party (SSNP) is probably the most popular and best organized, but its solid support, politically and militarily, for the regime makes it an implausible challenger to the existing *status quo*.³⁵

On the other side of the equation, there is an obvious problem associated with introducing a political system that, at its core, translates into rule by the majority. At 11% of the population, the Alawis are not well placed to win by these rules over the long haul. In the short term, there is uncertainty about the *genuine* popularity of Assad, even within the Alawi core of his support base (Tsurkov 2019). Explanations for why the Alawi community has doggedly stuck by the regime to this point include

³³For a more detailed discussion of the problems associated with post-conflict, power-sharing arrangements, see Chapter 1.

³⁴By now the Ba’ath Party is a shell of a party that exists more in theory than in reality, but its corpse can easily be reanimated to serve as a convenient pro-regime electoral vehicle. The only other political party that possesses coherence is the Kurdish PYD, but it is not clear that an “ethnic” party like the PYD would even be allowed to run candidates in light of the 2012 amendments to the Syrian Constitution.

³⁵The SSNP’s militia force, the Eagles of the Whirlwind, is viewed as an effective fighting force that has fought with the regime virtually since the start of the war.

primarily due to fear, or “sectarian insecurity,” along with a “lesser of two evils” mentality, self-interest, greed, and even the design of the military housing complex (Goldsmith 2011, 2015; Nakkash 2013; Khaddour 2015; Phillips 2015; McLauchlin 2018). It is seldom suggested that this support is authentic, in the sense that it reflects genuine admiration or great love for Assad (Waters 2017). It seems reasonable to assume that similar sentiments drive the continued “support” from members of other regime-protected communities. Ironically, then, the more effective regime forces are at eliminating the threat of extremist Sunni groups on the battlefield, the less of a threat these groups pose, and the lower the level of fear among the population, which raises an unanswerable question. Would a majority of even the Alawi population support the regime in free and fair elections if fear was no longer driving the calculation? Without access to scientifically conducted opinion poll data, the answer cannot be known, but to the extent that uncertainty surrounding the outcome of an unrigged election equals risk to regime survival, it is difficult to see why Assad would choose to go down this path (Zisser 2017: 30). Far better, from a regime perspective, is to ensure the “right” outcome in advance of any election, which reverts us to Option 1.

Hence, the regime faces an acute dilemma. It can attempt to return to the *status quo ante* — that is, to govern as a highly centralized, corrupt, and repressive Alawi-dominated regime — in which case it will not attract the foreign aid it desperately needs to rebuild a shattered country, or it can initiate meaningful political reforms in exchange for aid and thereby usher in the end of Alawi domination either now or at some point in the near future. Option 1 is a recipe for delaying the regime’s day of reckoning, while all but guaranteeing that when that day *does* come, it will end painfully for both the regime and the broader Alawi community. Option 2 ends in the same place — the Alawis yield control over the Syrian state — but offers a *potentially* softer landing than Option 1. If free and fair democratic elections yield a government that faithfully abides by the constitution and the rule of law and genuinely respects the legal equality of all citizens, regardless of sect or ethnicity, the Alawis might possibly avoid violent reprisals by an embittered majority and can reasonably expect to enjoy political power in proportion to their numerical presence in the population. If this seems like an implausible future for Syria, as it almost certainly must to most Alawis, then the rational course of action is to negotiate a more secure future for the Alawi community as a hedge against future retribution.

130 *Federal Solutions for Fragile States in the Middle East*

At some point, therefore, members of the Alawi community (and other minority groups) will likely confront the reality that their hold over Syria's institutions of power will end sooner or later, and the calculation will shift toward how best to survive in a Syria they no longer dominate. At this point, the idea of an Alawi subunit within a federalized system becomes significantly more appealing, hence Option 3.

3.5.3. *Retreat to the Mountains*

Arguably, this third option makes the most sense from a regime perspective, but it is also the least likely to happen because it requires Assad and those around him to acknowledge that a system in which a small minority of the population controls almost all the power positions in the Syrian state cannot survive indefinitely. Most seasoned observers recognize that the foundation of the basic architecture of power constructed by Hafez has eroded irreparably under his son and now is living on borrowed time. Rationally, therefore, it makes good sense for Assad to negotiate the relinquishment of power from a position of strength. An ethnofederation with an Alawi subunit serves two purposes. First, it ensures that political power in a future Syria is decentralized and dispersed across multiple regional power nodes, of which an Alawi subunit would be one. This reduces the likelihood that a highly centralized, potentially repressive regime can emerge in the future that might endanger the physical survival of the Alawi community. Second, it provides a defensible enclave to retreat to for an Alawi population that is now much more dispersed than at any point in the past. From a position of strength, the Assad regime can ensure that certain powers are constitutionally guaranteed to subunits in a federation, such as the power to defend themselves with standing armed formations, similar to the "guards of the region" provided for the Iraqi constitution.³⁶ In fact, according to Balanche (2018: 38), the elder Assad began laying the groundwork for an Alawi statelet in the 1970s by transforming the coastal region into a "bunker," in which Alawis "could take refuge if they

³⁶Already in 2015, Assad created the "Coastal Shield Brigade," a militia force that appears to operate under the auspices of the Republican Guard, and the sole purpose of which is to protect Latakia against rebel incursions (<http://www.aymennjawad.org/17614/the-coastal-shield-brigade-a-new-pro-assad-militia>).

lost power in the capital.”³⁷ The regime’s current calculation, apparently, is that Alawi power in the capital can be retained indefinitely, so there is no need to retreat to the “bunker”; based on opinion poll evidence, most Alawis seem to agree. An ethnofederation makes good sense logistically, and from the perspective of the future security of the Alawi community, but in the end, the probability of an ethnofederation emerging in Syria is basically a function of the accuracy of this calculation.

Three final points merit consideration. First, while many Western scholars may dispute the “sectarian narrative” that tends to frame most media coverage of the war or dismiss it as an orientalist imposition, it appears that Syrians themselves are sharply conscious of the sectarian divisions within Syrian society. A 2016 opinion poll conducted by TDA revealed that a clear majority of respondents view sect as either a “dangerous” or “extremely dangerous” problem (15). Moreover, more than 70% date the origins of the sectarian problem at least as far back as the Ba’athist take-over in 1963 (19), and a majority responded affirmatively to the question, “Do you think your sect ... is better than other sects?” (23). Troublingly, large majorities of Alawis (68%) and Sunnis (79%) characterized the sectarian identity of any future president as either “important,” or “very important” (26). Finally, nearly two-thirds responded positively to the question, “Do you think there is one or more particular sect that benefits from the political authority more than others?” and, of these, nearly 94% identified Alawis as the beneficiaries (68). Overwhelming majorities also defined the main state institutions as either “sectarian,” or “very sectarian” (70) with Sunnis tagging the Syrian Army as the most frequent practitioner of “sectarian discrimination” (78). It would, perhaps, be imprudent to put too much stock in an opinion poll conducted by an opposition-sponsored organization in the middle of a war zone, but the pattern of results indicates that simply ignoring sect in the design of Syria’s future political institutions is not an option.

Second, while it is important to acknowledge that available opinion polls demonstrate scant support for a federal solution across all communities bar the Kurds, these same polls indicate that Syria’s various

³⁷Others (Heras 2013; Zisser 2017) have speculated on the plausibility and viability of al-Alawi/Assad statelet emerging as a consequence of the conflict (Heras 2013), and still others have viewed “partition” as either inevitable, or the “least bad” option for Syria’s future under current circumstances (Gambill 2013; O’Hanlon 2013; Dobbins *et al.* 2015; Choksy and Choksy 2017).

communities are sharply divided on almost every other design feature of a future political system. According to an opinion poll conducted in 2015, a majority of Sunnis were opposed to even beginning negotiations with the regime over a political solution to the conflict, though obviously this percentage may have changed since then as a result of developments on the ground in Syria.

On an issue as seemingly uncontroversial as whether a future Syrian state should have a second chamber of parliament, the level of disagreement between Sunni respondents (72% supported) and Alawis (87% rejected) is disconcerting (TDA 2018: 16). Similarly, when asked about the locus of executive power, nearly 90% of Sunnis favored either a division of power between president and prime minister or granting the bulk of powers to a prime minister; among Alawis, some 87% favored investing *all* executive powers in the hands of a president, an option supported by just 10% of Sunnis (*Ibid.*: 20).

Absent more nuanced opinion poll questions, it is impossible to know precisely why Sunnis appear to favor the division and separation of powers at the central government level, while Alawis support the concentration of power; but it is difficult to avoid the conclusion that the identity of the current president is a major factor. To put this another way, it seems implausible that Alawis would support highly concentrated power in the hands of, say, a Muslim Brotherhood government.

Responses are equivalently divided along sectarian lines when it comes to more controversial issues. Perhaps unsurprisingly, only 15% of Sunnis supported removing the word “Arab” from the country’s name (75% opposed), while some 93% of Kurds supported this option (*Ibid.*: 26); this pattern was essentially replicated with respect to establishing Kurdish as a second official language. On the delicate issue of the relationship between Islam and the state, only 13% of Sunni respondents opposed the statement “Syria’s Islamic identity must be shown in the next constitution,” while this same statement was opposed by 91% of Alawis, 94% of residents in Suwayda (i.e. Druze), and 100% of Christians.

These basic disagreements on the design of the system fall largely along sectarian lines and risk deepening divisions within society still further. Ethnofederalism cannot “resolve” these disagreements, but it can help to de-intensify their significance. A formal division of power between levels of government involves reallocating certain powers from the central government to regional governments. That is, any federal system necessarily reduces the power of the central government, thereby

diminishing the *significance* of both the design of institutions at the central level, and the identity of the holders of power at the center. Ethnofederations can also accommodate religious, cultural, and linguistic diversity; for example, Kurdish can be declared an official language within a Kurdish-majority federal subunit, without requiring it to have this status across Syria as a whole.

Having said this, to acknowledge the potential benefits of ethno-federalism for Syria does nothing much to improve prospects for its implementation. As long as Syrians of all sects and ethnicities (Kurds excepted) continue to reject a federal system, the barrier to implementation remains one of political feasibility; but a final point to note is that this rejection may not be as absolute as it first appears. The 2016 TDA poll mentioned above certainly indicates strong opposition to federalism among most groups, particularly among Alawis, but support for some form of decentralized system is much stronger. Indeed, the same poll reveals that nearly 60% of Sunnis either support a fully federal system, or at least a decentralized structure that redistributes power away from the center to the periphery (TDA 2016: 8). Similarly, a clear majority of those who prefer not to identify their sect, most of whom hail from Suwayda (which is overwhelmingly Druze) favor some form of decentralization, with almost third opting for a federation. In this context, Alawi respondents stand out as the exception in their almost unanimous rejection of decentralization. A subsequent 2018 TDA survey revealed that a plurality of Syrians (42%) supported the statement, “Syria must adopt a decentralized political system based on granting broad administrative powers to local authorities,” while only 35% opposed (TDA 2018: 34). Governorates in which there is majority support, or close to it, for decentralization include Damascus, Aleppo, Hasakah, Dara’a, and Suwayda.³⁸ Both the regime and the various iterations of the opposition have, at various points in negotiations, appeared open to the idea of a decentralized Syria, and there is also considerable support among scholars for decentralization (though much less for federalism) as a possible solution to the Syrian conflict moving forward.³⁹ As discussed in Chapter 2, decentralization and federalism are conceptually distinct, but they are clearly related, so it

³⁸These constitute five of the eight governorates in which the survey was conducted.

³⁹See, for example, Yazigi (2016); Kodmani (2019); Khaddour (2017); Issaev and Zakharov (2018); <https://www.aljazeera.com/indepth/opinion/decentralisation-syria-lesser-evil-181013120226829.html>.

134 *Federal Solutions for Fragile States in the Middle East*

is difficult to understand the magnitude of the discrepancy in support for the two among most Syrians. A speculative, but plausible, explanation is that Syrians regard federalism, and especially ethnofederalism, as synonymous with partition. For example, the opposition of (non-Kurdish) Syrians to the PYD's current autonomy project is overwhelmingly driven by the concern that "it constitutes a first step toward the partition of Syria" (TDA 2016: 16). The conflation of ethnofederalism with partition is understandable; indeed, many Western observers (mainly think tanks but also some scholars) persist in making the same error. Syria's traumatic historical experience with what might be termed "involuntary partition" — the losses of Lebanon, the Sanjak of Alexandretta, and the Golan Heights — then helps to explain the widespread hostility toward anything that implies *separation* of territory.⁴⁰ As Bick (2017) observes, "Within Syria, discussion of partition is interpreted in the light of ... imperial history, rather than as a pragmatic approach to resolving the conflict." The reality — that in the vast majority of cases, the primary purpose of ethnofederalism is to *preserve* the territorial unity of a state — may be less important than the perception. But if Syrians generally reject federalism (as equivalent to partition), while supporting decentralization, then this suggests that the problem is more one of terminology. It may be, as Meyer-Resende (2016) claims, that the term "federalism" is simply too "emotionally charged and politically sensitive" to use in the Syrian context. An obvious way around this is to design a *de facto* federal system that calls itself something else. Spain's *Estado de las Autonomías* (State of the Autonomies) is technically not a federal system, and the words "federal" or "federalism" appear nowhere in the Spanish constitution; likewise, the South African constitution makes no mention of federalism but is routinely considered to function as a federal system by most experts. Moreover, in the South African case, the boundaries of South Africa's provinces were delineated with the stated intent of preventing "negative forms of competition" with respect to "ethnic and chauvinistic" forces, which suggested that ethnicity would not be used as a criterion in determining their location and trajectory (Egan and Taylor 2003). Despite this, there is a high degree of congruence between the borders of the nine provinces and the territorial distribution of language groups (except

⁴⁰As Seale (1988: 14) states, "[e]very Syrian schoolchild is brought up to hate the Sykes-Picot Agreement of 1916 and the Balfour Declaration of 1917, the two instruments which in Arab eyes carved up and disposed of 'Natural Syria.'"

Afrikaans speakers). With the exception of KwaZulu Natal, however, none of the provinces refers to an ethnolinguistic group in its official name. In other words, South Africa is a *de facto* ethnofederation that is neither “federal” nor “ethno” with respect to terminology.

Applied to Syria, there is no compelling reason to define the system as “federal” in a future constitution, nor any great need to name subunits after ethnosectarian groups. What is far more important is that powers are devolved to subunits and that these powers are constitutionally guaranteed. After all, an autonomous Suwayda will function as a Druze homeland regardless of the terminology employed.

3.6. Conclusion

The case of Syria offers a clear illustration of the disconnect that often exists between the desirability of a given political institution and the political feasibility of its implementation. A powerful case can be made that an ethnofederation would be both logistically straightforward to implement *and* beneficial to Syria’s future political well-being. Any federal arrangement necessarily involves the de-concentration of power. Important powers are transferred from the center to the constituent subunits, thereby reducing the capacity of the former to dominate and repress the latter. The events of the post-2011 period indicate that the highly centralized, unitary system in place in Syria since the 1960s is no longer a viable option for the country moving forward. Further, an ethnofederation that includes Alawi, Druze, and Kurdish subunits affords physical protection for minority groups against potential majority tyranny and allows for the accommodation of linguistic, religious, and cultural diversity, while safeguarding the territorial integrity of the state. Dividing up the majority population across multiple majority-dominated subunits is also straightforward in Syria’s case. Regionalism, centered on Syria’s major “agro-cities,” is a powerful source of identity for many Syrians. All else being equal, the stronger the identity of the subunits, the lower the risk of recentralization.

In theory, then, Syria is ideally suited to this form of federal arrangement; however, as discussed above, the main impediment is practical rather than theoretical. Bluntly put, both the regime and the various iterations of the opposition have rejected federalism as an option. The one group that strongly favors some form of ethnofederalism, the Kurds, lacks the political clout to force the issue and is adamantly opposed by

136 *Federal Solutions for Fragile States in the Middle East*

a powerful neighbor. Among other minority groups, the Druze's perspective on ethnofederalism is ambiguous, and the Alawi community is, for now, almost uniformly hostile to the idea. This lack of demand for an ethnofederation among the very minority groups that might benefit most from this arrangement would appear to present a terminal impediment to its implementation; but while an ethnofederation for Syria may be politically unviable under *current* conditions, the prevailing status quo is not sustainable.

After a decade of ruinous civil war that has shattered both the physical and social infrastructure of the country, Syria stands at a crossroads. Attempting to predict the future trajectory of events in Syria is a fool's errand; there are simply too many interested actors involved and too many "unknowns," (known and unknown) to make prediction worthwhile. Against the odds, and contrary to the predictions of most experts, some version of the Assad regime appears to have survived; the critical question is, for how long? One possible future for Syria sees the Assad regime succeed in returning the political system to the *status quo ante*: that is, an Alawi-dominated regime with Assad at the apex of a highly centralized system that survives on a mix of patronage/corruption and coercion. To the extent that this is a plausible outcome, any discussion of the design of Syria's future political system is superfluous. The regime may make cosmetic changes — e.g. a token attempt at decentralization — but the essence of the system will remain intact. Certainly, the regime will have no incentive to implement meaningful political reforms, such as executive power-sharing, or to decentralize the system along federal lines. After the "miracle" of Assad's survival, a *status quo ante* outcome for Syria cannot be dismissed out of hand, but given the magnitude of the problems the regime confronts moving forward, it also cannot be considered especially plausible. In the midst of the low-level insurgency that the regime will almost certainly face in the coming years, the regime will have to reconstruct Syria, physically, socially, and economically from the ground up, while simultaneously reestablishing centralized control over a society in which power is now highly dispersed and fragmented. Control over the distribution of the massive quantities of aid required to reconstruct Syria would be a powerful, perhaps decisive, weapon in the hands of regime as it attempts to regain its grip on the country, but aid on the scale required will likely be tied to the implementation of *genuine* political reforms, such as free and fair elections. Over the long haul, a regime dominated by a community that constitutes 10%–11% of the population

is not well-equipped to survive in any meaningfully democratic system, so at some point in the near future, the Alawi community may need to confront the reality that its position of political dominance is most likely at an end. At this point, the rational option is to negotiate from a position of strength to create and codify an autonomous Alawi region within a decentralized federal system that accommodates diversity and affords some degree of physical protection. Already, up to one-third of the Alawi population has reached the conclusion that coexistence with Arab Sunnis is no longer possible, and that partition is the only viable option. For all of its flaws, ethnofederalism offers a workable compromise between a secession that is unlikely to be recognized by powerful actors in the international community, and that will *never* be accepted by the rest of Syria, and a centralized, unitary state that can be captured in the future by a hostile majority. An ethnofederation need not be the ideal solution, it just needs to be preferable to the alternatives.



Chapter 4

Iraq: A Work in Progress

4.1. Introduction

Among the four states analyzed, Iraq is alone in having a functioning federal system in place, though the term “functioning” is here used loosely. Established by Iraq’s 2005 constitution, the system envisages a bottom-up process of evolution that permits any of the country’s 18 governorates, either alone, or in combination, to form regions, which are then supposed to form the basis of fully fledged federation. The only existing region, the Kurdistan Region (KR), was recognized in Article 117 of the constitution, meaning that, to date, no governorate has successfully navigated this transition to regional status. Hence, the system is a largely stillborn creation that remains compromised by a constitution that is at best inconsistent as to the division of power between the centre and the constituent units. Moreover, both of the two institutions that matter most to the effective functioning of a federal system — a (legitimately created) constitutional court and a second chamber of parliament that represents regional interests — remain hostages to a gridlocked political process in Baghdad. Thus, a system that could, and arguably should, have evolved into fully functioning partial ethnofederation remains trapped in limbo.

The current status quo is neither desirable nor stable. The system lacks the relevant institutions it requires to function effectively and operates without clearly articulated constitutional rules of the game. It also leaves the Kurds as the only *de facto* autonomous participants in the system. This means that each and every dispute between levels of government over the distribution of powers, the allocation of resources, and so

on, assumes the form of an ethnic conflict that pits Kurds against Arabs. In this way, the current system *intensifies* ethnic tension rather than facilitating its alleviation. At the same time, the system mostly fails to perform its other key function, which is to provide a safeguard against the recentralization of power.

While some may conclude from this that federalism in Iraq has failed, and that the entire experiment should be scrapped, a more pragmatic assessment would recognize that proposed alternatives, such as a return to a centralized, unitary state, or partition, are politically unfeasible. Barring seismic changes in the Middle East, Iraq's borders will not change, and any attempt to recentralize Iraq that deprives the Kurds of their autonomous status will provoke serious inter-ethnic violence. Once the reality of an autonomous KR is acknowledged, the relevant question becomes how best to recalibrate the rest of the system around this existing reality. There is a solid case for moving to flesh out fully the partial ethnofederation that exists in latent form in the constitution; that is, the mainly Shi'a-dominated governorates of the south are empowered as unamalgamated regions, a single region is formed from Sunni-dominated governorates, and Baghdad and the KR are left intact. The result would be a partial ethnofederation of two "homeland" units for minority groups (Kurds and Sunnis), with the majority parceled out among approximately nine further units. While the empirical evidence indicates that this structure would stand the best chance of accommodating diversity while avoiding problems like secession and recentralization, for reasons discussed in greater detail below, political realities on the ground make this an implausible outcome. The most plausible way for the system to "fill out" is for a governorate with some history of autonomy and a distinct regional identity — Basra is the obvious candidate — to make the transition to regional status; others would then likely follow Basra's example.

4.2. Intercommunal Relations Pre-2003

Inevitably, controversy swirls around the nature and history of relations among Iraq's diverse ethnic/religious communities. Even determining the exact demographics of Iraq is problematic; Iraqi censuses have never recorded "sect" as a category and, in any case, the last reliable census was conducted in the year before the demise of the monarchy (in 1957). Subsequent censuses were manipulated to increase the number of Arabs at the expense of other ethnicities (mainly Turkmens and Kurds), a practice

that was particularly prevalent in the areas around Kirkuk and in the so-called “disputed territories” more broadly. This is, in fact, one of the main reasons why “ownership” of these territories is disputed. Nonetheless, the broad consensus among scholars is that Kurds comprise about 17% of the population, Arab Sunnis approximately 20%, and Shi’a Arabs most of the rest. Smaller groups, such as Christians (Chaldeans and Assyrians) and Turkmens are dispersed across a swathe of territory in northern Iraq, and most of the evidence suggests that, collectively, these smaller groups comprise 3–5% of the population.

4.2.1. *Sunni vs. Shi’a*

While few knowledgeable observers question the long-standing significance of the Kurdish/Arab divide, the intensity of the purported sectarian (Shi’a–Sunnī) division is very much in the eye of the beholder. For some, events in Iraq post-2003 provide ample evidence of a deep, abiding, sectarian societal cleavage that had been present, but either deliberately ignored or actively suppressed, since the creation of the state of Iraq in the 1920s; others categorically reject this perspective in favor of a historical narrative that stresses the slow but consistent integration of the Shi’a community into the political, economic, and social fabric of Iraq. By this latter account, the horrific sectarian violence that has plagued post-2006 Iraq is an aberration, attributable to the brutality of the Ba’athist regime during the 1990s and the chronic incoherence of the US occupation after 2003. The problem, of course, is that it is the same historical facts can be interpreted differently to support either perspective, so a definitive history of sectarian relations in Iraq will remain elusive. It is probably easier to recognize that a spectrum of perspectives exists. At one end of this spectrum, sectarian identity is essentially irrelevant to the comprehension of Iraq and its history; at the other, it is one of the defining features of Iraqi society. Common sense suggests that the “truth” lies somewhere between these two and that sectarian identities have varied in their significance across time and space and among and between individuals. Thus, the brutal Sunni–Shi’a civil war that ripped Iraq apart between 2006 and 2008 was not the natural product of a society deeply divided by ancient hatreds but neither can it be attributed solely to the pernicious influence of manipulative elites or external forces on an otherwise tightly unified Arab Iraqi citizenry.

That being said, the broad outlines, if not the specifics, of Iraq’s history with respect to sect are generally well-established. Prior to coming

under British control in 1918, the territory that was to become Iraq had been controlled by the Ottoman Empire for half a millennium. During this period, Iraq was, for more than a century, the frontline in a regional power struggle between the Sunni Ottoman and Shi'a Safavid Empires, and this "seesaw struggle for control of the land of Iraq" engendered frequent, large-scale, sectarian massacres. As Khadim (2010: 277) puts it, "Each time Iraq was invaded, the victorious power committed massacres against the inhabitants of the opposite sect and, occasionally, sectarian atrocities were also committed in response to the mistreatment of co-religionists inside the other empire." Thereafter, the several massacres and atrocities that occurred under Ottoman rule targeted mainly Shi'a inhabitants of the holy city of Karbala. These seem to have tailed off after the mid-point of the nineteenth century, and there were "few reports of violent or confrontational sectarian incidents in Ottoman Iraq in the run-up to World War I" (Sluglett 2010: 263).

The more enduring legacy of Ottoman rule was probably the Ottoman's almost exclusive reliance on Sunni Arabs to administer and police Iraq. That Sunni Arabs functioned as a "bureaucratic and military 'aristocracy of service'" under Ottoman rule meant that few Shi'a in Iraq had the training or experience necessary to assume positions of power (military or political) in a newly independent Iraq. This problem was compounded by the widespread opposition of prominent Shi'a religious leaders to British rule, which made the perpetuation of Sunni Arab rule a logical governing strategy for the British. Hence, from the outset, Iraq was "essentially a Sunni project" (Dawisha 2010: 245). It goes without saying that neither the Sunni nor the Shi'a community was remotely a "community" in the sense of being a monolithic bloc with a unified preference structure. Both groups contained nationalists opposed to British rule, as was evident from the geographical trajectory of the 1920 Uprising, and those whose interests coincided (or were made to coincide) with British interests. Nonetheless, the systematic exclusion of Shi'a from political, bureaucratic, and military power in monarchical Iraq is beyond dispute, as the numbers speak for themselves.¹ For example, between 1921 and 1936, 57 men held cabinet posts, of whom only 5 were either Shi'a or Kurds.

¹The dearth of Shi'a in positions of power was partly the result of discriminatory government policies, but the situation was exacerbated by the reluctance of many Shi'a to accept government positions due to the hostility of Shi'a religious leaders to both the government and the British presence (Nakash 1994: 110). Many prominent Shi'a religious

Across all the years of the monarchy (1921–1958), the five power ministries (interior, foreign affairs, defence, finance, and premier) were held almost exclusively by Arab Sunnis (Simon 1994: 195), and, by another estimate, close to 60% of the most important political leaders were Sunnis (Marr 1985: 144).² Over the same period, Shi'a comprised between 50% and 60% of the population and Sunnis, just 20%. At the local level, Sunni dominance was even more pronounced. In 1933, for example, Sunnis governed 13 of the country's 14 provinces, and constituted 43 of 47 heads of district. The first 15 of Iraq's prime ministers were Sunnis, and it was not until March 1947 that the first Shi'a was appointed to the post (Batatu 1978: 180–183). Subsequently, three more Shi'a attained this rank, but their collective time in office totaled just 15 months combined.

The other critical institution from which Shi'a were excluded was the military. Throughout the period of the monarchy, the officer corps of the armed forces was an almost exclusively Sunni Arab domain, and the few exceptions to this pattern were all Kurds rather than Shi'a (Marr 1985: 144). The introduction of conscription in 1934 greatly increased the size and, ultimately, the political significance of the Iraqi army. Conscription was strongly opposed in many Shi'a-dominated regions of the country for the obvious reason that it imposed a burden that fell disproportionately on the more numerous Shi'a without providing meaningful access to the upper ranks. Henceforth, Iraq's army was a "Sunni project" that remained monopolized by Sunnis at the top levels, but which relied on the Shi'a masses to staff the lower ranks (Kadhim 2010: 289–290). This was to prove decisive in 1958 and for at least a decade after, when the real locus of power shifted from Iraq's political institutions to the military.

Discontent over their systematic exclusion from power prompted prominent Shi'a leaders to issue a series of manifestos demanding, among other things, greater representation in political institutions and an increase in government investment in health and education in Shi'a areas (Nakash 1994: 122). The basic thrust of these was laid out in the 1935 People's Pact, a series of demands relating signed by mid-Euphrates tribal and

figures, indeed, declared any form of cooperation with the new political system, whether voting in elections, or serving in the civil service, to be forbidden.

²Batatu's (1978: 47) figures for Shi'a ministerial appointments under the monarchy indicate that the percentage of Shi'a appointees ranged from a low of 16% (1932–1936), to a high of 35% (1947–1958).

religious leaders along with Shi'a lawyers from Baghdad. Article 1 argued that "the Iraqi state has, since its establishment ... adopted a policy of sectarian division as a basis for governance."³ The failure of the government to address any of these demands spawned a series of uprisings in Shi'a areas, the most significant of which occurred in 1935 and was centered on Diwaniyah.

The Shi'a fared better in the economic realm. For example, Shi'a Arabs comprised 6 of the 7 biggest landowners in Iraq in 1958, 7 of the country's 15 millionaires, and 14 of the 18 members of Baghdad's Chamber of Commerce (Batatu 1978: 48; Marr 2004: 145). Moreover, as access to public education expanded for all Iraqis, including the Shi'a, they increasingly joined the ranks of an emerging, professional middle class. "By the 1940s and 1950s," Dawisha (2010: 251) tells us, "droves of young, well-educated Shi'ites had entered the ranks of the middle class, working in governmental institutions, the private sector and the professions. Their social mobility undoubtedly created some erosion in the social and cultural barriers that had separated the two sects."

The general pattern established during the years of the monarchy, then, was of Sunni dominance over the key nodes of political and military power; at the same time, the slow but steady integration of the Shi'a community into the social and economic fabric of the Iraqi state was also discernable. Notably, Batatu (1978: 47) claims that during the 1940s — at least in "upper-income circles" — "Sunnis began giving their daughters in marriage to Shi'is, when only a few decades before the impediment to such intermarriage seemed insurmountable."

The violent overthrow of the monarchy by the armed forces in 1958 did little to change these basic dynamics. Initially it seemed otherwise. Heading the military coup was Abdul Karim Qasim, a leader whose demographic profile should have equipped him perfectly to unite the country and heal old wounds. Among Qasim's first moves was to create a three-member Council of Sovereignty to head up the executive branch. Indicating an awareness of the need to take account of Iraq's ethnic diversity, Qasim's first appointees to the Council were an Arab Sunni, a Kurd, and a Shi'a. Further, while Qasim's first cabinet continued the practice of keeping the power positions in the hands of Arab Sunnis, of the 13 Cabinet posts, 4 went to Shi'a Arabs, and 2 to Kurds (Batatu 1978). Prospects for the political advancement of the Shi'a were also enhanced

³Quoted in Haddad (2011: 15).

by the importance of the Iraqi Communist Party (ICP) in both the overthrow of the monarchy and to the consolidation of Qasim's regime.

As a purely ideological party, the ICP was perhaps the only mass political movement in Iraq's history that had an appeal that authentically transcended ethnosectarian loyalties. Shi'a Arabs were not only heavily represented in the rank and file of the ICP but also prominently placed in the Party's upper echelons. Between 1949 and 1955, for example, Batatu's (1978: 700) data indicate that Shi'a Arabs comprised nearly 47% of the members of the ICP's Central Committees over the period, and to the extent that Shi'a were marginally underrepresented relative to their numerical presence in the population, the beneficiaries were Kurds rather than Sunni Arabs. Within the space of five years, however, the prospect of a more equitable distribution of political power was shattered by another military coup that removed (and executed) Qasim and brought to power General Abdul Salam Arif. An ardent pan-Arabist, and "staunch Sunni nationalist," Arif's brief period of dictatorial rule brought an end to any prospect of democracy in Iraq and systematically eliminated the ICP as a meaningful influence in the country's politics.

Overall, the first decade of the Iraqi Republic did little to change the basic pattern of Sunni dominance. By Marr's (1985: 282) estimation, across the 1958–1968 period, of the 38 most important political leaders, 30 were Sunni Arabs, 6 were Shi'a, and only 2 were Kurds. Following Arif's death, and a couple of years of ineffectual rule by his brother, another coup of 1968, this time by members of military wing of the Ba'ath Party, put in place the regime that would dominate Iraq until the war of 2003.

The impact of Ba'athist rule on sectarian relations was not straightforward. On the one hand, the Ba'ath Party was first and foremost an Arabist party that attracted many Shi'a as members, though fewer reached its upper ranks.⁴ On paper at least, the political position of Shi'a improved over the period. Within the state's chief decision-making body, the Revolutionary Command Council (RCC), Shi'a representation increased from precisely zero in 1968, to 28% in 1977. The restoration of parliament (the National Council) in 1980, meanwhile, prompted elections that were organized regionally to ensure adequate Shi'a (and Kurdish)

⁴For example, as of 1977, only 26% of the members of the Ba'ath Party's highest executive organ, the Regional Command, were Shi'a (Baram 1991: 15).

representation.⁵ Further, the Party's moderately socialist economic outlook saw Iraq's oil wealth redistributed to an unprecedented degree and a massive expansion in the provision of public goods, such as free, universal healthcare and education. The net effect was to greatly improve the socioeconomic situation of large numbers of formerly disadvantaged Shi'a and to create an expanding cadre of secular, middle-class professionals and bureaucrats for whom sectarian identity was not a relevant point of reference. The practice of exogamous (intersect) marriage that Batatu notes expanded greatly during the 1970s and 1980s. Precise data on the numbers involved are impossible to obtain because a person's "sect" was not recorded on either the census, or a wedding certificate, but anecdotal evidence suggests the practice was quite widespread. "Until 2003," according to one source, "most people in Baghdad and other cities were secular, and Sunni-Shia intermarriage was the norm."⁶ Meanwhile, al-Gharbi (2014) claims that "nearly a third of marriages were between members of different sects," though no source is offered for this claim. Contemporaneous with these broader processes and developments, the Iran-Iraq War of the 1980s in many ways offered the acid of the relative strength of dualling identities. On one side was an ethnically (mostly) Persian Shi'a fundamentalist regime; on the other a totalitarian (mostly) Arab state that had, since its creation, been a "Sunni project." The identity that was assiduously promoted by the regime, and seemingly embraced by most of the Iraq's Shi'a community was the "Arabness" of Iraq as a counterpoint to Iran's Persian identity (Dawisha 1999: 54; Chubin and Tripp 1988: 103). In the heat of battle, therefore, the ethnolinguistic homogeneity of Iraq's Arab population apparently trumped its sectarian divisions.⁷

In some respects, then, the first 20 or so years of Ba'athist rule continued, and even accelerated the integration of the Shi'a population into fabric of Iraqi life. However, this period also witnessed the emergence of organized, violent opposition on the part of Shi'a religious

⁵Of the 250 representatives elected, 43% were Shi'a and 12% Kurds. In practice, the National Council was a powerless body that was entirely subservient to the will of the RCC, which was in turn, dominated by the Ba'ath Party.

⁶<https://www.refworld.org/docid/5aa916bb7.html>

⁷The regime even sought to foster nationalism among the Shi'a community by embracing Shi'a religious symbols and cultural history, by, for example, celebrating the Shi'a-led 1920 Revolt, and respecting Shi'a religious holidays (Blaydes 2018: 85).

movements to a “Godless” regime. The creation of al-Dawa in 1957 marked the first time since the 1920s that prominent Shi’a religious leaders had involved themselves in politics and was originally intended to counteract the recruitment success of the ICP among Shi’a youth. Following the demise of the ICP as an effective force, the movement initiated a low-level insurgency against the Ba’ath regime during the late-1970s, conducting terrorist attacks and targeting prominent regime officials for assassination, including Saddam Hussein himself on more than one occasion. While the al-Dawa was (and remains) small in terms of membership — Makiya (2008: 5), for example, estimates “a few hundred activists during its heyday” — it exercised influence beyond its size, in part, at least, because its various operations prompted brutal regime reprisals against the broader Shi’a population.

The other important Shi’a religious movement to emerge during this period was the Supreme Council for the Islamic Revolution in Iraq (SCIRI), an Iranian creation that was backed by an Iranian-trained and -equipped militia, the Badr Brigades. The 1979 Iranian Revolution was, of course, pivotal both in galvanizing the activism of Iraq’s Shi’a religious movements and to the elevation of sectarianism as a potent force in Iraq and across the region as a whole (Haddad 2011: 12–13). As one veteran observer notes, “sectarian relations have always been problematic in Iraq but they became unmanageable after 1979.”⁸ While neither al-Dawa nor SCIRI has ever come close to being a mass movement, both have played important roles in the emergence of sectarianism as a pernicious influence in post-2003 Iraq.

Just over a decade after the Iranian Revolution, the Shi’a uprising after the 1991 Gulf War is viewed by many scholars as critical to the evolution of sectarian relations in Iraq. Haddad (2011: 13), for example, identifies 1991 as “perhaps the most significant turning point in sectarian relations in twentieth-century Iraq.” The context was Iraq’s humiliating expulsion from Kuwait in the wake of a devastating aerial bombardment by a broad coalition of forces that systematically dismantled large swathes of Iraq’s army and much of its physical infrastructure, and a 48-hour ground war spearheaded by the US that routed what was left of Iraq’s regular armed forces. Almost every detail of the Shi’a *intifada* that followed the rout — where and when it began, the degree of Iranian

⁸Quoted in Haddad (2011: 12), based on an interview with Ghassan al-Attayah, former adviser to Iraq’s foreign ministry during the 1970s and 1980s.

involvement, the role of Iraqi Shi'a religious groups like SCIRI and al-Dawa, and the rebels' motivation — is disputed.⁹ Not in dispute is that the uprising was spontaneous, chaotic, violent, and ultimately unsuccessful. Within the space of about two weeks, the *intifada* had been brutally and indiscriminately suppressed by forces (mostly Sunnis) loyal to the regime. During the course of the suppression, loyalist forces either deliberately targeted, or at least, did little to spare, the shrines of revered Shi'a figures, such as Abbas and Hussein in Karbala, and that of Ali in Najaf.

From the perspective of most Sunnis, the uprising was act of betrayal in which Iraq's Shi'a displayed their true colours by conspiring with Iran to attack Iraq at a moment of existential weakness; most Shi'a remember the *intifada* differently — as a heroic struggle against a tyrannical regime that had systematically brutalized its population. Facts often matter less than perception, and the most enduring legacy of the 1991 uprising was that it spawned what Kaufman (2001: 25) terms “competing myth-symbol complexes” that poisoned sectarian relations in Iraq thereafter. In Haddad's (2011: 86) words, “the events of 1991 and the polarization of its memory along sectarian lines in the climate of the 1990s made the gap between Shi'a and Sunni imaginings of Iraq and Iraqi history almost unbridgeable.” The “climate of 1990s” refers to the international sanctions regime that was first imposed on Iraq in 1990 and then sustained until 2003. The economic devastation inflicted on Iraq during the 1990s had a number of important effects on societal relations, but key among these was the annihilation of Iraq's large middle class. In a time of crippling scarce resources and collapsing social services, the salaries of government employees (some 40% of the population) plummeted, plunging most into abject poverty, while many professionals — doctors, university professors, and the like — simply voted with their feet.

The net effect was the destruction of that part of the population for whom sectarian identity mattered little, and who provided the country's reservoir of tolerance and secularism. The 1990s also witnessed a revival of religious sentiment in Iraq that inevitably heightened consciousness of sectarian divisions. One component of this was the conscious policy of Saddam Hussein's regime to co-opt religious legitimacy as a survival strategy. The so-called “Faith Campaign” was multidimensional, involving a ban on alcohol, the imposition of Islamic punishments like amputations,

⁹For a detailed analysis of the uprisings in the south that provides a good sense of the lack of consensus over almost every aspect of the events, see Haddad (2011: Chapter 4).

and the construction of ostentatious mosques, but it was an explicitly Sunni version of Islam that was promoted. External manifestations of Shi'ism, such as pilgrimages, celebrations, and rituals, remained tightly controlled. At a societal level, the collapse of government welfare programs and the destruction over all other forms of viable social and civil organization over 30 years of Ba'athist rule, left many with little option but to rely increasingly on religious institutions for their physical survival.

For most of Iraq's modern history, the sectarian divide has been the "proverbial skeleton-in-the-closet"; that is, "an undeniable fact known to all but one which was seldom discussed beyond the confines of a single sect" (Haddad 2011: 1). The 1990s opened the closet door to reveal the contents. In the words of one Iraqi lawyer, "Anyone who tells you that the 1990s did not witness a chasm between Sunnis and Shi'as is lying to you It [sectarianism] has always been there but in the 1990s it was strengthened and brought out into the open."¹⁰

Prior to the 1990s, Iraq's "problem" with sectarianism was deeply embedded in unequal power relations. To the extent that it centered on the inadequate representation of one sect — the Shi'a — in the institutions of state (government, civil service, military, security services, etc.), it is probably more accurate to conceptualize it as a Shi'a vs. state, rather than Shi'a vs. Sunni problem. As Haddad (2017: 110) argues, as late as 2003, "Sunnis did not have an active sectarian identity that could serve as a mobilizer or that demanded validation or expression — certainly not in any manner that would parallel the contours of (some forms of) Shi'a identity in pre-2003 Iraq."

4.2.2. Arab vs. Kurd

While the importance of Iraq's sectarian divide is legitimately a topic for scholarly debate, the ethnic (Arab/Kurd) division is rather more clear cut. There is certainly room for disagreement as to which of the multitude of Kurdish uprisings against central government authority in Iraq that occurred during the twentieth century can reasonably be classified as "nationalist" in intent. Similarly, to speak of the Kurds as a coherent, unified "group" is to ignore the very real intra-ethnic divisions that exist,

¹⁰Quoted in Haddad (2011: 112).

not to mention the Kurds' oft-demonstrated capacity for ruinous factional infighting. Nonetheless, there are some essential "truths" about the history of relations between the Iraqi state and its Kurdish population that serve to distinguish the Shia/Sunni "problem" from that of the Arab/Kurd relationship, none of which is especially controversial. First, the Kurds have never been willing participants in the state of Iraq. Unlike the Shi'a, who have struggled consistently for fair representation *within* the institutions of the Iraqi state, the Kurds have invariably fought to escape the boundaries imposed on them during the 1920s and 1930s. To paraphrase Hirschman (1970), the Shi'a sought "voice," while the Kurds sought "exit." At a minimum, exit equals autonomy, and at a maximum, independence. Second, and again, unlike the Shi'a, the relationship between the Kurds and the state has almost always been violent. Violence has been the rule, not the exception. Moreover, the intensity of violence that regimes in Baghdad were prepared to deploy escalated steadily throughout the twentieth century, culminating in the quasi-genocidal "Anfal" campaign of the late-1980s. Third, as a result of the previous two truths, there is no viable formula for *integrating* the Kurds into the fabric of Iraqi society. Simply put, the majority of Kurds feel no affective attachment to the Iraqi state or the concept of Iraq. They will stay as part of Iraq because it is in their interests to do so, or because they have no other choice.

Kurdish resistance to centralized authority in Baghdad began even before the creation of the Iraqi state. The 1920 Revolution is often hailed as a crystallizing moment for sectarian relations in Iraq, in that it was dominated by Shi'a tribes from the mid- and lower-Euphrates, but was also backed by some Sunni tribes and some Sunni nationalists in Baghdad. Less well-known is the Kurdish uprising against the British led by the irrepressible Sheykh Mahmud Barzanji that started in May 1919 and is viewed by some historians as the genesis of the Kurdish nationalist movement.¹¹ The uprising was quickly suppressed by British forces and Barzanji was arrested and exiled to India. He later returned at British invitation and was named governor of southern Kurdistan before rebelling a second time and declaring an independent Kingdom of Kurdistan with

¹¹Kirmanj (2013: 31), for example, disputes accounts that link Barzanji's rebellion to the Revolution of 1920 (i.e. as part of a Iraqi nationalist uprising against the British), pointing out that when the Sheykh took control of Sulaymaniyah from the British, he replaced the British flag with the Kurdish flag, thus indicating his primary loyalty to the Kurdish nationalist cause.

himself as “King” (Izady 2004: 105). Though defeated by British forces again in 1924, Barzanji continued his struggle for Kurdish independence into the 1930s, rising up once more in 1931 to protest the terms of the Anglo–Iraq Treaty of 1931 that failed to provide any form of autonomy to Kurdish regions.

To characterize Barzanji’s quixotic quest for Kurdish independence as a nationalist crusade is a stretch and tends to ignore the extent to which Barzanji was primarily motivated by personal ambition (Aziz 2011: 62–63; McDowall 1996: 158; Gunter 1992: 3). Barzanji was also opposed and supported in about equal measure by other Kurdish tribes. While enjoying the support of an estimated “four out of five people” in southern Kurdistan, many Kurds — modernist Kurdish intellectuals and local tribal chieftains, for example — actually opposed Barzanji, and members of the rival Talabani clan even offered to aid the British in his suppression (Izady 2004: 107). In other words, the Kurds were by no means united in a common cause at this stage in proceedings.¹² Having said this, the consensus among most Kurdish leaders then, and throughout the twentieth century, was a rejection of centralized, Arab-dominated rule from Baghdad.¹³

With their fate effectively determined for them by forces beyond their control, some Kurds at least, bowed down to the inevitable and sought integration into the newly independent Iraqi state. While few Kurds achieved positions of political prominence during the years of the monarchy, several Kurds did advance to positions of military power. Indeed, of the 10 Kurds who came to play a significant political role across the 1920–1958 period, all owed their positions of prominence to careers in the armed forces (Marr 1985: 144). Elsewhere, the major avenue for Kurdish political advancement came in the form of the ICP. Kurds were, in fact, disproportionately overrepresented in the ICP Central Committees between 1949 and 1955, and two Kurds held the party’s primary leadership position (First Secretary) over the same period (Batatu 1978). This left Kurds well placed to exert influence in 1958, when the half-Kurdish

¹²This much is evident from the results of the 1921 referendum to approve Faisal as King. Faisal’s accession was comprehensively rejected in Kirkuk (a mixed Kurdish/Turkmen city), supported in Erbil (largely Kurdish), and Sulaymaniyah refused to even participate (Bet-Slimon 2019: 47–48).

¹³Other notable Kurdish uprisings during this period included that of Shaykh Ahmed Barzani (brother of Mullah Mustafa), and a rebellion by Yazidi Kurds in Sinjar against attempts by the central government to impose conscription in 1935.

Qasim emerged to lead Iraq from monarchy to republic, with the strong support of the ICP. Qasim's coup was also backed by the Kurdistan Democratic Party (KDP), arguably the most successful and durable of the various Kurdish nationalist movements that emerged during the twentieth century.¹⁴ Initially, Qasim's regime seemed willing to make concessions to the Kurds. For example, a Provisional Constitution issued two weeks after the coup declared "Arabs and Kurds are partners in the Homeland," and guaranteed the "national rights" of both (Rubin 2007: 357); a Kurd was seated on the three-member executive Sovereignty Council, and Kurds were awarded three portfolios (Communications and Works, Health, and Justice) in Qasim's first cabinet (Batatu 1978: 812–813). Qasim also granted amnesty to Barzani and invited him to return to Iraq.¹⁵ The high point of cooperation between the unlikely Qasim–ICP–KDP alliance came with the joint suppression of a coup attempt/uprising by Arab nationalist military officers in Mosul in March 1959. Thereafter, for a number of reasons, the relationship between Qasim and KDP (and ICP) deteriorated in short order and by 1961, government forces were once more sent north to do battle with Barzani's Kurdish rebels. By the end of August 1962, almost 40% percent of the Iraqi army's combat troops were deployed to northern Iraq to suppress the uprising. The brutality of the tactics employed by government forces — mass executions, indiscriminate bombardment, looting of villages, and so on — served to strengthen the rebellion by rallying Kurdish tribes formerly hostile to Barzani to the Kurdish nationalist cause (Rubin 2007: 374). While Kurdish forces could never hope to win a decisive victory against the Iraqi army, the inability of Qasim's forces to defeat the rebels seriously weakened the regime and was a key factor in the decision by a group of Arab nationalist army

¹⁴The KDP was formed in Iran in 1946 during the existence of the Mahabad Republic, then held its founding congress in Baghdad later the same year. Mustafa Barzani was elected president, despite being exiled in the Soviet Union at the time. The other key figure in the KDP's formation was Ibrahim Ahmed, a leftist intellectual who joined the Iraqi branch of the party in 1947 following the collapse of Mahabad. This union of the tribally rooted nationalism of Barzani with the leftist intellectual nationalism of Ahmed was a potentially powerful but ultimately unstable marriage that disintegrated in 1975 when the Patriotic Union of Kurdistan (PUK) split from the KDP.

¹⁵On his arrival back in Iraq, Barzani was given a new house, a car, and a monthly stipend. Qasim also provided the rest of his exiled followers returned with government jobs when they returned (Rubin 2007: 360).

officers (with support from the Ba'ath Party) to remove Qasim in a coup in February 1963. Ironically, the KDP came out in support of a coup by Ba'athists and Arab nationalists that removed from power (and executed) a half-Kurd, in return, apparently, for a promise of future Kurdish autonomy (Rubin 2007: 376; Kirmanj 2013: 111).

Negotiations between the Kurds and the newly installed Arif regime foundered almost immediately. The Kurds demanded autonomy within an expansive stretch of territory that included not just Erbil and Sulaymaniah but also Kirkuk and parts of Diyala and Ninevah; further, the Kurds demanded proportional representation (20%) in governing institutions and in terms of revenues, and restrictions on the movement of the Iraqi army in the Kurdish region (Kirmanj 2013: 114). These terms were rejected, and the war resumed, and was to drag on for another seven years, occupying a large portion of Iraq's armed forces and causing an unsustainable drain on the economy.¹⁶

It was not until 1970 that a serious effort was made to negotiate an end to Iraq's Kurdish "problem." The opening came in the implausible form of Saddam Hussein, then Vice President following the second Ba'athist coup of 1968. Taken at face value, the so-called "March Manifesto" was the most generous offer the Kurds had received to that point from any regime. The agreement provided for Kurdish autonomy over a territory to be defined at a later date by census; recognized Kurdish as the official language of this territory; and guaranteed proportional representation for the Kurds in government and a proportional share of oil revenues. Many question the sincerity of the offer and consider it a delaying tactic to buy time for the new Ba'ath regime to consolidate its hold over Iraq. Certainly, two assassination attempts against Masoud Barzani (in September 1971 and July 1972) can have done little to engender Kurdish trust; moreover, efforts to implement the agreement were taking place against a backdrop of ongoing Arabization, designed to alter pre-census demographics on the ground. On the other side of the equation, the Kurds continued to accept armaments and training from hostile external powers, such as Israel and Iran. Even with the best will in the world, the agreement was probably doomed from the start because of a fundamental disagreement over the future status of Kirkuk and its associated oil fields. It is inconceivable that

¹⁶In May 1966, Kurdish forces scored a major victory against Iraq's army at the Battle of Hindren Mountain in which an entire Iraqi brigade (5,000 men) was wiped out (<https://www.nytimes.com/2017/09/22/world/middleeast/kurds-independence-israel.html>).

the Iraqi government would have consented to the inclusion of Kirkuk in an autonomous Kurdish region, and equally inconceivable that the Kurds would have accepted the loss of Kirkuk as a result of Arabization.

The end result was Baghdad's unilateral imposition of the autonomy agreement on territory that constituted less than half of what the Kurds demanded and pointedly excluded Kirkuk. The predictable Kurdish rejection was followed by a resumption of the war. With considerable external support from Iran, the US, and Israel, the *peshmerga* were able to inflict heavy casualties on Iraqi forces. In just one year (March 1974–March 1975), some 60,000 Iraqis were killed in the fighting, including some 16,000 Iraqi government troops. Desperate to terminate an unwinnable war, the Ba'ath regime concluded the Algiers Accord with Iran in 1975, at which point all of the Kurds' external sponsors pulled the plug and the rebellion crumbled.

A couple of months later, the KDP fractured along predictable lines. The formation of the Patriotic Union of Kurdistan (PUK) in Damascus in June 1975 brought to an end a tense relationship between two wings of the Kurdish nationalist movement — the traditionalist, conservative wing rooted in tribalism and led by Masoud Barzani, and the urban, leftist, intellectual wing headed by Ibrahim Ahmed and Jalal Talabani, but in reality, this formal split merely codified a deep schism that had opened up as early as 1964 and persists to this day. Other variables — region, language (Kirmanji vs. Sorani dialects), culture etc. — reinforce this basic division. As Van Bruinessen (1986: 16) has it, “the ‘Soran’ often find the ‘Kurmanj’ primitive and fanatical in religious affairs, but they acknowledge their fighting prowess; the ‘Kurmanj’ often see the ‘Soran’ as unmanly, unreliable and culturally arrogant.”

The damage done by the fragmentation of the Kurdish nationalist movement was apparent almost immediately. In 1983, the PUK negotiated a ceasefire deal with Baghdad, which enabled Iraqi armed forces to invade KDP-held territory. Between 5,000 and 8,000 male members of the Barzani tribe were rounded up by Iraqi security forces and simply made to “disappear.”¹⁷ According to the regime, they had been “severely punished and sent to hell.”¹⁸ Worse was to come. Toward the tail-end of the Iran–Iraq War, the PUK and KDP reunited to form the Iraqi Kurdistan

¹⁷https://web.amnesty.org/pages/irq-article_6-eng

¹⁸“The Tragedy of the Missing Barzanis,” Kurdistan Memory Programme (<https://kurdistanmemoryprogramme.com/the-tragedy-of-the-missing-barzanis/>).

Front (IKF) and actively assisted the Iranians to open up a northern front in the war. Ali Hassan al-Majid, Saddam's cousin, was dispatched to take care of the Kurds and promised to bury them "with bulldozers" (Mackey 2003: 160–161). This translated into a sustained campaign of vicious retribution meted out on the entire Kurdish population. During the course of 1987, and especially after February 1988, the Anfal (spoils) campaign launched by al-Majid led to the destruction of up to 4,000 Kurdish villages, the forced relocation of nearly half a million Kurds, the disappearance of more than 100,000 Kurds,¹⁹ and the systematic use of chemical weapons against civilian populations. In one single incident, over 5,000 mostly women and children died during a gas attack on the town of Halabja. Subsequently, the "martyrs' town of Halabja was to become an enduring symbol for the suffering of Kurdish people under the Ba'ath regime and a key element of Kurdish national identity (Mlodoch 2017: 349).²⁰ In the words of Baser and Toivanen (2017), "Anfal — as the 'chosen trauma' — has become a component of (local) nation-building mechanisms."

The intensity of violence inflicted during the various Anfal campaigns effectively ended the Kurdish uprising that had been ongoing, on and off, since the early 1960s. As Masoud Barzani put it, "Everything has ended; the rebellion is over. We cannot fight chemical weapons with our bare hands."²¹ The Ba'ath period also witnessed a sharp escalation of the Arabization process that had begun under the Arif regime. Arabization was an attempt, mostly successful, to systematically manipulate the demographics of strategic areas of northern Iraq. To this end, several approaches were employed: hundreds of thousands of Kurds were uprooted from their towns and villages of residence and relocated to specially constructed settlements that could be easily controlled by security forces; Shi'a (Faili) Kurds were expelled *en masse* from the regions that bordered Iran²²; Shi'a Arabs from the south — so-called 10,000 dinar Arabs — were sent north with a grant of money (hence the name) to

¹⁹https://web.amnesty.org/pages/irq-article_6-eng

²⁰For detailed treatments of the various Anfal campaigns and the gassing of Halabja, see Hilterman (2007); Human Rights Watch (1993); and Kelly (2008).

²¹Quoted in Mackey (2003: 263).

²²This process began in 1969 but kicked into high gear after the start of the Iran–Iraq War. Decree No. 666 of 1980 revoked Iraqi citizenship from all those of foreign origin "whose disloyalty to the nation, people and the higher social and political principles of the

156 *Federal Solutions for Fragile States in the Middle East*

occupy land and property formerly occupied by Kurds; nationalities were “corrected” by officials on official documents, with rewards for those declaring themselves “Arabs” and punishments for those that refused; and the boundaries of strategic administrative units, most notably Kirkuk, were relentlessly gerrymandered to reduce the number of Kurds (and Turkmens), relative to Arabs. The goal of the Arabization process was to ethnically cleanse “suspect” populations from strategic regions and replace them with Arabs, and the results were impressive. In Kirkuk, for example, more than 40 years of Arabization changed the demographics of this key oil-rich region and city beyond recognition. By the 1990s, Kirkuk had become an Arab-dominated city and province for the first time in its history.

In the aftermath of the 1991 Gulf War, as central authority collapsed in large parts of Iraq, the Kurds rose up against the regime. The Kurdish *rapareen* was better organized than its Shi’a counterpart, and initially scored some notable successes. Suleimaniya and Erbil fell to rebels on March 6 and 7, 1991 respectively; Dohuk and Zakho followed on March 11; and by March 21, most of Kirkuk was under the control of IKF forces. A counterattack by the regime’s Republican Guard retook Kirkuk on March 30, and within a few days, all major Kurdish cities had capitulated to government forces. Fearing retribution, up to two million Kurds fled the cities, seeking refuge in Iran and Turkey. A large portion of these people were left stranded in the mountains after Turkey refused to open its border, and a humanitarian disaster of biblical proportions seemed inevitable. In response, the UN Security Council passed Resolution 688, which demanded an end to the repression of the Iraqi population, and, for the first time in the UN’s history, mentioned the Kurds by name. The US, UK, and France used the Resolution as a pretext to establish no-fly zones in the north and south of Iraq, and under this cover, launched Operation Provide Comfort to deliver humanitarian assistance to the stranded Kurds and facilitate their return home. The subsequent withdrawal of Iraqi government forces from territory beyond the green line left the Kurds in control of their own quasi-state until the 2003 invasion that removed the regime from power. Under the protection of the US- and UK-enforced no-fly zone, and with income provided via the UN’s “oil for food” program, the KR began constructing the institutional attributes of statehood.

revolution had been revealed.” Somewhere between 150,000 and 500,000 were “denationalized” and expelled to Iran as a result (<https://minorityrights.org/minorities/faili-kurds/>).

A civil war between the two main parties in the mid-1990s provided a sharp reminder of the Kurds' limitless capacity for self-immolation, but the 1990s also demonstrated to the world that the Kurds were eminently capable of a form of self-government that was more tolerant, pluralistic, and democratic than most other states in the region.²³ The removal of Saddam Hussein's regime in 2003 was, therefore, a mixed blessing for the Kurds. On the one hand, it confined a detested regime to the dustbin of history, on the other, Kurdish leaders were now forced to confront the reality that their days of *de facto* independence were likely at an end. What remained to be determined were the terms by which the Kurds would agree to being reattached to the rest of Iraq.

4.3. Intercommunal Relations Post-2003

It is by now standard to blame the US²⁴ for the imposition of what became known as the *muhāsasa* system by which political and administrative positions are allocated on the basis of ethnosectarian identity.²⁵ Dodge (2018), for example, argues, "The planning for the *Muhāsasa Ta'ifia* system was done in the early 1990s, by a disparate group of exiled Iraqi politicians. It was then imported into the country, along with those exiles that went on to form Iraq's new ruling elite, under American force of arms."²⁶ Some take this a stage further, arguing that this policy "created" divides where none previously existed, or that it was part of a conscious "divide-and-rule" approach to governing Iraq post-2003. Notably absent from these analyses is any consideration of which, if any, plausible alternatives existed in 2003. Many date the founding of the *muhāsasa* system to the formation of the Iraqi Governing Council (IGC), thus implicitly blaming the US for "sectarianizing" Iraq. There can be little doubt that Bremer used a basic Sunni/Shi'a/Kurd template when appointing members to the IGC. The final breakdown — 13 Shi'a Arabs, 5 Sunnis, 5 Kurds, 1 Assyrian Christian, and 1 Turkman, is a pretty faithful reflection of what

²³On the PUK–KDP conflict, see Gunter (1996).

²⁴A distinct but related argument is that the *muhāsasa* system was "imposed" by exiled Iraqi leaders, who were empowered by the US during the early days of the occupation.

²⁵<https://www.trtworld.com/opinion/muhāsasa-and-the-scourge-of-divide-and-rule-in-iraq-31909>

²⁶<https://fpc.org.uk/iraq-and-muhāsasa-taifia-the-external-imposition-of-sectarian-politics/>

158 *Federal Solutions for Fragile States in the Middle East*

most estimate to be Iraq's ethnosectarian makeup, and this is presumably why critics, such as Dawisha (2010: 252) describe it as "the one decision that would open the way for the institutionalization of ethno-sectarianism in the country's body politic."²⁷

This might be a more plausible argument had the ICG actually done anything, or been taken at all seriously by either the Coalition Provisional Authority (CPA), the Iraqi people, or even its own members. Much more decisive to the consolidation of the system was the January 2005 election in which the Iraqi people could, for the first time in 50 years, vote freely and fairly for their chosen representatives.²⁸ By this time, the sectarian genie was out of the bottle in the form of a virulent Sunni insurgency, a part of which specialized in targeting Shi'a civilians in mass casualty suicide bombings.²⁹

²⁷A couple of points merit attention here. First, accurately reflecting the demographic weight of ethnosectarian communities was certainly an important part of Bremer's calculation, but his understanding of the term "representative" was more expansive than this. There were four women on the ICG, for example, and its membership was broadly, and intentionally, split between religious and secular leaders; it was also deliberately geographically representative (Bremer 2006: Chapter 4). Second, what were the plausible alternatives to this? If not ethnicity and/or sect, which criteria *should* have been used to determine the membership of the ICG? Experience and competence/expertise are two obvious criteria, but more or less all the experienced decision-makers in Iraq, and most experts, were former Ba'athists, or exiled former Ba'athists who had fallen foul of the regime (like most of the G-7). Within the Shi'a community, the only indigenous leaders with influence and credibility were religious figures, such as Muqtada as-Sadr, who refused to cooperate with the occupation from the outset. Within the Sunni community, there simply were no recognized leaders after de-Ba'athification kicked in and the army had been disbanded.

²⁸Prior to this, Iraq was briefly governed by the Iraqi Interim Government, headed by the staunchly secular Shi'a Iyad Allawi.

²⁹The root causes of the insurgency are well-known. With L. Paul Bremer at the helm, the Coalition Provisional Authority (CPA) initiated this process with Orders Nos 1 and 2. The former "De-Ba'athified" Iraq's institutions (i.e. purged the government a bureaucracy of middle- to high-ranking party members). Order 2 disbanded the armed forces, including the security forces and the Republican Guard. These two orders disproportionately affected Sunnis because Sunnis were disproportionately represented in the upper ranks of the Ba'ath and the officer corps of the army. By 2003, the units of the Republican Guard at the various internal security institutions were dominated by Sunnis at all ranks, so the elimination of these units created a cadre of unemployed, well-trained, and armed Sunnis with a grudge against the occupation. The emergence of organized resistance to the US occupation within

Subsequently, Sunni areas of the country locked themselves into a downward spiral whereby the lack of security made reconstruction almost impossible, and the lack of reconstruction further fueled the anger that drove the insurgency. The insurgency against US forces and the various post-2003 iterations of the Iraqi government was not an exclusively Sunni affair,³⁰ but the reality was that by the time of the January 2005 elections, Iraqi society was more intensely/starkly divided along sectarian lines than at any point in its history. To attribute this to decisions made about the composition of a trivial and futile institution like the ICG stretches credulity. The January 2005 election was much more pivotal as both symptom and cause of Iraq's dramatic descent into the abyss of sectarian violence. As a *symptom* of the salience of ethnosectarian divisions, the elections engendered huge turnout in Kurdish- and Shi'a-dominated regions of Iraq but were simultaneously boycotted *en masse* by the Sunni community. The idea that Iraq is, or ever has been, neatly divided into three mutually antagonistic groups is routinely ridiculed by some scholars as "simplistic" or "reductionist," but the January 2005 elections demonstrated otherwise. The overwhelming majority of Kurds opted for Kurdish nationalist parties that could secure a constitution providing the region with *de facto* independence; the majority of the Shi'a community, presumably inspired by an Ayatollah al-Sistani fatwa, voted for an explicitly religious coalition headed by parties closely aligned with Iran; and the Sunni community comprehensively rejected the entire process. It would be difficult to imagine a more unambiguous demonstration of the division of Iraqi society along ethnosectarian lines.³¹

As *cause* of further sectarian conflict, the January 2005 elections were to elect a National Assembly charged with drafting Iraq's permanent constitution, which meant that the Sunni boycott effectively left the community voiceless in the drafting process.³² Worse still for intercommunal

a couple of months of regime change was, therefore, entirely predictable; that the epicenter of the insurgency was a triangle of Sunni-inhabited territory linking Baghdad, to Mosul in the north, to al-Qaim on the western border with Syria was also no great surprise.

³⁰Notably, Shi'a cleric Muqtada al-Sadr mobilized his Mahdi Army to resist the occupation and rose up to challenge US forces throughout 2004.

³¹The obvious exception to this otherwise clear-cut pattern was Muqtada al-Sadr, who called on supporters to boycott the elections.

³²The committee established by the NA comprised 55 members, allocated in proportion to the results of the election. Subsequently, 15 Sunni non-voting members were added in an effort to assuage Sunni concerns.

160 *Federal Solutions for Fragile States in the Middle East*

relations, the elections resulted in a government dominated by Shi'a religious parties, and an Interior Ministry controlled by SCIRI. SCIRI's Bayn Jabr was appointed Interior Minister and proceeded to integrate members of the Badr Brigades into the various "counter-insurgency" commando units of the Ministry. By day these units conducted a brutal counter-insurgency campaign against Sunnis suspected of sympathizing with the insurgency; by night, they morphed into death squads, tracking down, torturing, and executing Sunnis in large numbers.

As multiple scholars have argued, the process by which the constitution was drafted and ratified was flawed, as was the finished product (see, e.g. Diamond 2007; Arato 2009; Allawi 2008; Romano 2014).³³ Most critics focus on three shortcomings — the lack of meaningful Sunni participation, the highly truncated timetable for the completion of the process, and vagueness and ambiguity of the document itself. As per the interim constitution — the Transitional Administrative Law (TAL) — ratification of the constitution required approval in a popular referendum, so long as it was not rejected by two-thirds of voters in three governorates (the so-called "Kurdish veto"). The referendum revealed once again, the starkness of Iraq's ethnosectarian divisions. Shi'a- and Kurdish-dominated governorates overwhelmingly approved the constitution by margins of between 9 and 10 to one; all three Sunni majority governorates rejected it, by huge margins in the cases of Anbar and Salah al-Din, but by less than the requisite two-thirds in Ninevah. Hence, the constitution came into being, despite the blanket opposition of the Sunni community. The results of the December 2005 elections then assumed the form of an ethnosectarian census. Shi'a voted overwhelmingly for the Shi'a religious list (the United Iraqi Alliance); Sunnis, for one of two exclusively Sunni lists (the Iraqi Accord Front and the Front for National Dialogue); and the Kurds exclusively for the Kurdish Alliance. None of these coalitions won seats outside its ethnosectarian "homeland." Notably, the one list that did offer a moderate, genuinely trans-sectarian alternative, Iyad Allawi's Iraqi National List, gained only 8% of the vote.

To complete Iraq's descent into sectarian madness, in February 2006, a terrorist attack on the al-Askari Mosque in Samarra, which contains the shrines of two Shi'a imams, triggered widespread reprisals against the

³³For a more upbeat take on the Iraqi constitution, see Hamoudi (2013), in which the author gamely argues that the vagueness and ambiguity that riddles the document is actually a source of strength.

Sunni community and plunged the country into a sectarian civil war that would last the best part of two years. During this time, the demographic profiles of Iraq's major cities, especially Baghdad, changed beyond recognition, as Sunnis fled Shi'a-majority areas (and vice versa) and diverse extra-legal militias hunted down, tortured, and executed victims based solely on sectarian identity. In short order, the wave of brutal sectarian violence eliminated mixed (Sunni/Shi'a) neighborhoods from the capital city. Unlike the January elections and constitutional referendum, in which Muqtada al-Sadr had effectively sided with the Sunni community, during this period, al-Sadr's Mahdi Army was at the forefront of the violence inflicted on Sunnis.

The violence in Baghdad eventually subsided partly due to the new "surge" tactics of US forces, which included the deployment of an additional 25,000 troops to Baghdad and a "clear, hold, build" approach that had helped to reduce violence in other places like Tal Afar, but the main reason for the reduction in violence was more mundane. As the main targets of the violence, Baghdad's Sunnis either fled the city to become internally displaced in the north and west, or sought sanctuary in a dwindling number of Sunni-dominated neighborhoods in the city. Neighborhoods such as Adhamiya were then transformed into defensible enclaves via the construction of 12-foot high concrete walls that provided control over entry points. In effect, violence diminished because Baghdad's population self-segregated, offering fewer opportunities for killing. Simultaneously, the so-called "Anbar Awakening," which initially involved US forces bribing Sunni tribes in Anbar to turn on Al-Qaeda in Iraq (AQI), but was subsequently expanded across Sunni populated areas of the country. The creation of a network of Sunni militias, known variously as the "sons of Iraq," or "mercenaries," depending on perspective, all but eliminated AQI as a relevant force in Iraq, and furnished Sunni-populated areas with militarized "neighborhood-watch programs" that enabled the community to defend itself.³⁴

By the time US forces finally departed Iraq in December 2011, therefore, all metrics indicated that violence had declined to its lowest level since 2003. Unfortunately, a decline in violence was supposed to pave the way for Sunni-Shi'a reconciliation, and this did not happen. Many of the grievances of the Sunni community related to objectionable

³⁴http://www.cfr.org/publication/16088/role_of_the_sons_of_iraq_in_improving_security.html

provisions in the constitution (see below), but the premiership of Nuri al-Maliki was also a major problem. When al-Maliki was initially elevated to the premiership, he was viewed as a “weak” leader because he lacked an independent power base and the party to which he was affiliated — al-Dawa — lacked a powerful militia. Over time, however, al-Maliki succeeded in centralizing and personalizing power to a degree that had not been seen since the days of Saddam Hussein. Simultaneously, al-Maliki formed his own political movement — the State of Law (SoL) — and began to market himself as a “strongman” Iraqi nationalist. The 2009 governorate elections appeared to validate this campaign strategy as the SoL won sweeping victories throughout the south and in Baghdad. Then in 2010, a pivotal election pitted the SoL against the Iraqi National List (INL), which was headed by Iyad Allawi, a secular Shi’a, but which included most the key Sunni movements in a broad, non-sectarian, nationalist coalition. Despite winning the popular vote and gaining the most seats in parliament, the INL ended up “losing” the election when both the US and Iran signed off on a second al-Maliki term of office. With two self-defined Iraqi nationalist parties dominating the vote, some rushed to hail this as a “vote against sectarianism” and claim that Iraqi voters “no longer blindly followed their primordial instincts” (Dawisha 2010: 27). A closer examination of the pattern of results indicates otherwise. In the nine governorates south of Baghdad (i.e. the Shi’a governorates), the most authentically non-sectarian of the two parties, the INL, won just 12 seats out of a total 119; in the eight governorates north and west of Baghdad (the Sunni and Kurdish governorates), of the 123 seats up for grabs, the SoL won a grand total of 1 (in Diyala). Hence, while the rhetoric of political leaders was certainly less overtly sectarian than in 2005, the societal divisions revealed by the results were only marginally less explicit. As always, Baghdad’s diversity made it the most competitive governorate, but even here, the starkness of sectarian segregation made it implausible as evidence of a “vote against sectarianism.”

Fast forward to 2014, and the pattern of election results was almost identical. In the meantime, al-Maliki managed to destroy any prospect of sectarian reconciliation by relentlessly targeting prominent Sunni leaders and treating the Sunni community more broadly as a reservoir of extremist hostility. In addition to an array of prior grievances on the part of the Sunni community — al-Maliki’s failure to integrate Sons of Iraq into the security forces, the detrimental effects of ongoing de-Ba’athification, the arrest and incarceration of large numbers of Sunnis,

and so on — al-Maliki chose the day after the departure of US troops to issue an arrest warrant for Sunni Vice-President Tariq al-Hashimi. A year later, he followed up by arresting 10 bodyguards of popular Sunni Finance Minister Raffi al-Issawi on charges of terrorism. Al-Maliki's actions prompted large-scale protests in many Sunni regions, which then provided an excuse for the PM to launch a brutal crackdown on these gatherings of alleged "Ba'athists and terrorists." As al-Hashimi himself put it, "To be an Arab Sunni in Iraq, you're a terrorist. Simple as that."³⁵ The end result of al-Maliki's campaign to crush Sunni dissent was that, by the time IS expanded back into Iraq in 2014, it was viewed by many Sunnis as, at best, a protector of the Sunni community, and at worst, the lesser of two evils.

The war to eliminate the presence of IS involved an unlikely alliance that united Iran, the US, and what remained of the Iraqi armed forces and police against a common enemy. In the front lines was the *Hashd al-Shaabi*, an umbrella force of mainly Shi'a religious militias that gelled in the wake of a Sistani fatwa. This force was by no means exclusively Shi'a. It included Sunni, Turkmen, and Christian units, but it was dominated by established Shi'a militias with close links to Iran. As the *Hashd* retook cities and towns, credible reports emerged of revenge attacks against Sunni inhabitants, diminishing hopes that the experience of combating a shared enemy could help recalibrate sectarian relations in a positive direction. Prominent *Hashd* leaders then cashed in on their newfound celebrity and made a predictable transition from military leaders to politicians by establishing the Fatah Alliance to compete in the 2018 elections. In a development that does not bode well for Iraq's future, this alliance of Shi'a religious militias came second in the election, earning 48 seats in the Council of Representatives.

As ever, relations between Sunni and Shi'a were anything but straightforward over the 2003–2020 period. What stands out most is how sect stopped being an unspoken identity and moved into the mainstream of discourse among Iraqis themselves. In 2003, it is doubtful whether many Sunnis saw themselves as a group with a defined identity; by 2011, prominent Sunni leaders were speaking of "the Sunnis" as a group, whose identity was defined by being victims of discrimination and repression. Likewise, Sunni voters in multiple elections behaved *as if* they were a

³⁵<https://www.pbs.org/wgbh/frontline/article/in-their-own-words-sunnis-on-their-treatment-in-malikis-iraq/>

collective with a coherent group preference. In reality, a large problem for the Sunni community since 2003 has been an inability to cohere politically around a common sense of purpose. Sunnis may know what they are against but cannot agree on what they favor. Fragmentation has also been prevalent within the Shi'a community. While the vast majority of the community cohered around a Shi'a religious coalition in the two 2005 elections, over time, the various components of this coalition have splintered to form an ever greater number of competing parties, most of which are vehicles for the advancement of specific personalities. Hence, the Sunni and Shi'a "communities" in Iraq are anything but coherent monoliths. At the same time, and despite repeated claims that Iraqis have moved "beyond sectarianism," the brutal truth is that there have been no political parties capable of winning seats in parliament in all regions of the country, and very few have even tried. Unless and until a party emerges that can win votes in both Anbar and Wasit, or Ninevah and Najaf, sectarian identity will retain its salience as a politically divisive force.

4.3.1. *The Kurds*

The Kurds were the only indigenous participants in the military campaign to remove Saddam Hussein's regime. This put them in a position of power when the time came to negotiate Iraq's political future. After more than a decade of independent existence, the Kurds were effectively negotiating the terms of their readmission into Iraq, and with a large competent military force, a working alliance with the dominant power in Iraq (the US), and a unified (for once) political face, the Kurds were ideally placed to press for maximal demands. Strategically, Kurdish leaders had three main goals. First, to preserve the governing autonomy of the KR at, or near, pre-2003 levels; second, to secure the constitutional guarantees necessary to defend Kurdish autonomy against future, resurgent Arab majority governments in Baghdad; and third, to define the boundaries of the KR and, specifically, to reclaim as "Kurdish" disputed territories such as Kirkuk.³⁶

The Kurds were prepared to compromise over the provisions of the TAL but made sure to include an article that gave three governorates the

³⁶All of the specific "red line" demands articulated by Kurdish leaders during the process of drafting the TAL and the permanent constitution related to one of these three strategic goals.

power to veto the permanent constitution. Armed with this “Kurdish veto,” Kurdish leaders were well-placed to secure their demands in the finished document. The Kurds’ bargaining position was further enhanced by the January 2005 elections. Sunnis denied themselves a voice in the drafting process by boycotting the vote, and the Shi’a community voted overwhelmingly for a coalition of Shi’a religious parties headed by SCIRI.³⁷ While the decisions of the drafting committee were supposed to be taken by consensus, members drawn from SCIRI and the Kurdish Alliance dominated the drafting process.

What emerged from the process was a package deal of trade-offs between the Kurdish and Shi’a political leaders that was acceptable to both, but which offered little to Iraq’s embattled and embittered Sunni community. With respect to the Kurds, the constitution reiterated and reinforced many of the various rights and powers accorded the Kurds in the TAL. Thus, Kurdistan was formally recognized as a federal region (Article 117); the status of the KRG was recognized officially, albeit indirectly (Article 143); Kurdish remained one of Iraq’s two official languages (Article 4); the Kurdistan Regional Government (KRG) retained power over “all administrative requirements of the region”; and, critically, federal regions were empowered to administer all aspects of internal security, including the creation of “guards of the region” (Article 121: 5). Hence, the Kurds’ last line of defense — the *peshmerga* — was accorded constitutional legitimacy. Additionally, the Kurds also won some important new concessions. Unlike the TAL, which specifically listed oil and gas management as an exclusive power of the federal government, the constitution (apparently) allowed the Kurds (or any region, indeed) to control the management and development of oil and gas reserves within the KR. The Kurds also won a seemingly important victory in their struggle to reclaim disputed territories. Article 140 incorporated the process outlined in the TAL’s Article 58, but established a deadline of December 31, 2007, for the “executive authority” to complete the process.

Of all the main parties to the drafting process, the Kurds had the most reason to be enthused about the finished product. The core problem was, and still is, that the product in question was not finished. Nor were many

³⁷The electoral system used for the January 2005 elections was sensitive to voter turnout, and a massive turnout among Kurdish voters gave the Kurdish alliance a highly disproportionate share of seats in the NA (26%), and, therefore, the drafting committee (15 seats out of 55, or 27%).

of its provisions unambiguous enough to serve as clear-cut “rules of the game.” In truth, “ambiguity of a rather extreme sort” (Hamoudi, 2013: 71) was used to fudge the clauses dealing with oil and gas and, more broadly, those addressing the division of powers between federal and regional governments. The “exclusive competences” of the federal government are listed in Article 110, while competences shared between Baghdad and the regions and governorates are detailed in Article 114. The oil and gas provisions are sandwiched between the two in Articles 111 and 112, indicating a different status for oil and gas than for other competences. Exactly what this status is remains unclear. The text of Article 112 states that the management of oil and gas from “present” fields is the responsibility of the federal government *with* the producing governorates and regions, which implies a collaborative (i.e. shared) competence. Article 115, meanwhile, reserves all powers not listed as exclusive to the federal government to the regions and governorates and gives priority to regional/governorate law over federal law in areas of shared competence in the event of disputes. To complicate matters further, a nullification clause — Article 121(2) — gives regions, though not governorates, the right to amend the application of federal law if it contradicts regional law in an area “outside the exclusive authorities of the federal government.” The most straightforward and reasonable way to interpret these clauses is that, at least with respect to future oil and gas fields, a regional oil and gas law trumps a federal oil and gas law, and this is certainly the meaning the Kurds (who insisted on Article 121) intended. Yet this is not an interpretation accepted by some legal experts or, more importantly, by Iraq’s Oil Ministry.³⁸

Subsequent to the ratification of the constitution, the Kurds have, understandably, used ambiguities in the document to help expand the frontiers of regional autonomy. For example, Article 121(2) (the nullification clause) has been interpreted by the Kurds to mean that any law passed by the Iraqi government since 1991 that falls outside the its narrowly defined exclusive competences must be specifically approved by the Kurdish parliament before it comes into effect in the Region. Article 121(2), or perhaps Article 115, can also be used to justify the KRG’s enactment of a regional oil and gas law, despite the continued failure of the Iraqi government to produce a federal equivalent. Since the passage of

³⁸For a legal opinions that challenge the Kurds’ interpretation, see Zedalis (2008) and Bell and Saunders (2007).

the law in 2007, the KRG has signed contracts with more than 40 foreign oil companies, including majors such as ExxonMobil.³⁹ In late 2013, the completion of a new pipeline that links KR's producing oil fields to the Turkish export hub of Ceyhan finally provided the Kurds with an export outlet that bypasses the existing Iraqi pipeline system and paves the way for a degree of oil independence for KR. This is important because it decreases the ability of Baghdad to use oil revenues as a weapon to bring the Kurds to heel. Finally, the constitutional right of a region to control internal security and provide "guards of the region" translates, in the Kurdish case to a *de facto* standing army of more than 100,000 well-trained *peshmerga* dispersed throughout the recognized Region and beyond. *Peshmerga* forces patrol the so-called "trigger line" that defines the disputed territories of northern Iraq, and the deployment of Iraqi government forces above this line requires the consent of the KRG (at least according to the Kurds). In sum, since the ratification of the constitution, the Kurds have used its inherent lack of clarity to expand the boundaries of their own autonomy to the maximum.

None of this has gone uncontested. To avoid setting a dangerous precedent that might be followed by future regions, the Oil Ministry in Baghdad strongly contested the legality of the KRG's oil and gas contracts, denied the use of Iraq's oil infrastructure to transport Kurdish oil, blacklisted companies that sign contracts with the KRG, and threatened to reduce the Kurds' 17% share of the annual budget, or even withheld it altogether. Each side relies on a different interpretation of the ambiguous oil and gas clauses, and without a constitutional court empowered to interpret the constitution, itself one of several institutions held hostage to the stalled Article 142 process, there is really no decisive way to adjudicate between rival political claims.

Mounting tensions between the Kurds and Baghdad were intensified by the failure of the Iraqi government to implement the terms of Article 140. The Article 140 process failed for many reasons, not all of which can be blamed on the Iraqi government. In some ways, the Kurds were victims of their own deadline; for opponents of the Kurds, as long as the process could be dragged out past December 2007, the process itself could be rendered null and void by the failure to meet the deadline. However, in truth, the process itself was so complex — involving the legal transfer and

³⁹For details of the KRG's recent ventures in the oil and gas sector, see, Voller (2013); Alkadiri (2010); and, Mills (2013).

resettlement of hundreds of thousands of people, both into and out of Kirkuk — that it essentially collapsed under its own weight. To have completed the normalization process within the requisite period would have taxed the administrative resources of a country like Sweden; for a failed state like Iraq, in the midst of a violent insurgency, and from February 2006 onward, a brutal sectarian civil war, it was an impossible task. Nonetheless, from a Kurdish perspective, the refusal of the Iraqi government to implement Article 140 was an act of betrayal that cast doubt upon the integrity of the entire constitutional bargain. Moreover, as Nuri al-Maliki's quest to burnish his image as the strongman champion of the Iraqi nationalism gathered pace during 2008, he proved increasingly willing to call for a recentralization of power and to openly confront Kurdish claims to disputed territory. Thus, in August 2008, after confronting and taming the Mahdi Army in Basra and Baghdad, al-Maliki engineered an armed confrontation between *peshmerga* and Iraqi government troops in Khanaqin, and followed this up by deploying the 12th Army to Kirkuk. In August 2009, the US military, which had retained credibility as an honest broker, stepped in to create joint US–Kurdish–Iraqi checkpoints and patrols along lines of separation in Nineva, Kirkuk, and Diyala. These began in January 2010 and helped preserve a fragile peace until the departure of all US troops at the end of 2011.⁴⁰

Along with Iraq's steady drift toward authoritarianism, developments in the KR greatly increased the potential for friction, even military conflict, between Erbil and Baghdad. The electoral decline of the PUK and the long-term illness of its respected leader and Iraqi President, Jalal Talabani, left Barzani's Kurdistan Democratic Party (KDP) as the preeminent political force in the Region and Barzani himself as the unchallenged "face" of the Kurds. From 2003 until the onset of his debilitating illness, Talabani had played an important role as mediator, both between Sunni and Shi'a leaders when Iraq was on the cusp of all-out civil war in 2006, and between Baghdad and Erbil. In his absence, relations between the Iraqi government and the KRG deteriorated sharply, due in part to a deepening personal animosity between al-Maliki and Barzani.

The very real potential for military conflict between Kurds and the Iraqi government after the US withdrawal went unrealized, at least temporarily, as a result of IS' dramatic reentry into Iraq in summer 2014. As Iraq's armed forces disintegrated and Mosul fell in the face of the IS'

⁴⁰For details, see International Crisis Group (2009).

seemingly unstoppable advance, the US finally took note when Erbil came under threat. With US assistance, *peshmerga* troops gradually rolled back the territory conquered by IS and in the process, established *de facto* control over most of the disputed territories, including Kirkuk and the most important parts of its oil infrastructure. Referring to the broad expanse of disputed territory under Kurdish military control by the end of 2016, President Barzani stated, “These areas were liberated with the blood of 11,500 dead and wounded Peshmerga fighters. It’s unacceptable that after all these sacrifices we’ll return this area to the federal government ... There will also be no need for a referendum.”⁴¹

Though the referendum referred to was that connected to the Article 140 process, another referendum — to determine the will of the people on the issue on Kurdish independence — went ahead as planned on September 25, 2017; predictably, the vote was overwhelmingly positive, but the lower-than-expected turnout indicated that Kurds were not universally behind the move. The relatively low turnout (~73%) was not prompted by opposition or indifference to the independence issue on the part of the Kurdish people; rather, many critics within the KR viewed the referendum as a thinly veiled effort by Barzani to “play the nationalism card” in order to distract attention from the KR’s chronic economic problems and to entrench his *de facto* (though not *de jure*) status as president in perpetuity.⁴² Events the following month revealed the depth of divisions among Kurdish leaders. On October 16, 2017, Iraqi government forces, backed by Iranian-supported *Hashd* militias, marched into Kirkuk and captured the city within the space of 24 hours; barely a shot was fired in anger.⁴³ Within a month, Iraqi forces recaptured almost all of the disputed territory claimed and occupied by Kurds forces during the defeat of IS.

⁴¹“Instead of Uniting, Kurds are Busy Fighting Each Other,” *Haaretz*, December 5, 2015 (<https://www.haaretz.com/middle-east-news/iraq/.premium-instead-of-uniting-kurds-are-busy-fighting-each-other-1.5469490>).

⁴²Among these is a US\$20 billion debt, high unemployment, a continued reliance on Baghdad for the lion’s share of the Region’s income, and the absence of private sector development.

⁴³At some point before the operation, and without Barzani’s knowledge, a faction of the PUK’s leadership cut a deal with Baghdad and Iran to withdraw peacefully from Kirkuk in return for some, as yet unspecified, payoff. This left a small number of lightly armed KDP *Peshmerga* with the impossible task of fighting off heavily armed IAF and PMF forces. Viewed in this context, Kirkuk was not lost because the US betrayed the Kurds, but

170 *Federal Solutions for Fragile States in the Middle East*

This disaster for the Kurds, attributable to internal divisions both within and between the two major parties, illustrated once again the Kurds' unrivaled capacity for snatching defeat from the jaws of victory.

More ominously for the Kurds over the long term, the reaction of the international community to the referendum result conveyed a bluntly unambiguous message. Opposition to Kurdish independence, or at least to staging the referendum, was almost universal. Whatever the rights and wrongs of the issue, Iraq's borders will stay intact for the foreseeable future, and the Kurds will remain trapped in a loveless marriage with the rest of Iraq.

4.4. Assessment

Prior to 2003, most scholars working on Iraq were country or area specialists, for whom the issue of "sect" barely registered as a relevant source of division within Iraq. Certainly, few predicted that barely three years after the removal of Saddam Hussein's regime, the country would be plunged into a horrific sectarian conflict, and that about a decade later, a sizeable portion of Iraq's Sunni population would be welcoming the arrival of a group like IS as protection against the predations of a nakedly sectarian Shi'a Prime Minister. Faced with the undeniable reality and brutality of sectarian violence in Iraq, some blame US authorities, especially Paul Bremer, for foisting alien ethnosectarian power-sharing institutions on Iraq; others blame the nefarious manipulations of ethnic entrepreneurs, or the influence of "carpetbagging" exiled leaders, while others have come to the reluctant conclusion that sectarianism may have been a more long-standing and deeper problem than previously acknowledged.

A scholarly consensus on the nature of intersectarian relations in Iraq will remain elusive because historical events do not have single, objective meanings. The 1920 Revolution was mainly a mid-Euphrates Shi'a tribal affair that was backed, at least rhetorically, by some Sunni nationalists, but opposed by most Sunni elites. Is this evidence of nascent transsectarian Iraqi nationalism, or does it indicate that most Sunni leaders were not prepared to sacrifice positions of power in common cause with Shi'a co-nationalists? Does the conduct of the Iran–Iraq War constitute

because the Kurds betrayed themselves. For the inside story of the events of 16 October, see Weiss (2017) and Morris (2017).

concrete evidence that a strong sense of Iraqi nationalism had emerged by the 1980s? Or does the fact that significant numbers of Shi'a dodged the draft or deserted the battlefield,⁴⁴ while others actively fought on the Iranian side, illustrate the inherent fragility of the Iraqi nationalist project? There may be no definitive answer to questions like these, but there are some plausible observations and generalizations that can be made on the basis of patterns of Sunni/Shia and Kurd/Arab interaction over the years.

First, to speak of three distinct "communities" (Shi'a, Sunni, Kurd) is obviously a *deliberate* simplification. It goes without saying that Iraqis are historically divided along multiple lines of cleavage — ethnicity, sect, region, tribe, urban/rural, social class — many of which are cross-cutting.⁴⁵ It is also evident that none of the three groups has ever constituted a unified monolith. It is difficult to dispute Haddad's assertion that Arab Sunnis did not even see themselves as a distinct "group" with an associated identity prior to 2003. Shi'a identity, in the sense of being politically marginalized as a group, has always been better defined. The 2002 "Declaration of the Shi'a" is sometimes dismissed as the product of ambitious exiles who were "out of touch" with mainstream Shi'a opinion within Iraq, but in content and tone, the 2002 document does not differ markedly from the 1935 People's Pact.

The Kurds are clearly the group with the most coherence and the best-developed sense of group identity, but even here, there are important intra-ethnic divisions that have impeded the Kurds' nationalist ambitions. With this in mind, a second generalization is that the Shi'a have been systematically excluded from the top-level power positions since the creation of the state. The appointment of an occasional Shi'a Prime Minister cannot obscure this basic pattern, and the numbers speak for themselves. Third, the Shi'a community has always accepted the basic legitimacy of Iraq as a state. The dispute between Shi'a leaders and a succession of regimes was about representation within the state, and, a few eccentric exceptions aside, there is no tradition within the community of agitating for separation. By way of contrast, a fourth generalization is that Kurdish nationalist leaders have consistently sought separation — either in the form of autonomy, or as outright independence — since the creation of the state.

⁴⁴According to some reports, the number of deserters may have reached as high as 120,000, most of whom will likely have been either Kurds or Shi'a (Kirmanj 2013: 145).

⁴⁵To take just one example, Iraq's three largest ethnic groups — Arabs, Kurds and Turks — are all cross-cut along lines of sect (Sunni/Shi'a).

Taken together, points three and four highlight a serious problem. The political institutions that may be best suited to the successful integration of the Shi'a community into Iraq's political fabric may also *not* be those that can adequately accommodate Kurdish demands. Indeed, a reasonable argument can be made that they are mutually incompatible.

It is not possible to understand the unfolding events in Iraq over the 2003–2020 period without reference to sectarian identity; the patterns are simply too clear cut. The only real debate is about whether the potential for Iraq to fragment along these lines had been present in Iraq since its creation, or whether an alien “primordial template” (Dodge 2010: 112) or “sectarian master narrative” as Visser (2007: 84) puts it, was somehow foisted on the Iraqi people by US administrators and exiled Iraqi leaders post 2003. This latter interpretation is broadly in line with an instrumentalist conception of identity that attributes outbreaks of ethnic violence to the manipulations of nefarious ethnic entrepreneurs. Its main appeal is that it leaves undisturbed the standard historical narrative depicting Iraq as a bastion of sectarian peace and harmony and instead pins the blame on external forces (exiles, the US, Iran, and probably Israel) for creating divisions where none previously existed (Visser 2007; Dodge and Mansour 2020; al-Rawi 2013; Ismael and Ismael 2010; Ismael and Fuller 2008).⁴⁶ However, it also leaves several important questions unanswered.

Given that most of the exiles were secular, why would “sect” be the perceived by them as the logical identity on which to base an appeal? Why would this be an *effective* way to mobilize the population, if indeed “sect” was an irrelevant identity in Iraq? Why would the US promote sectarianism when its most reliable allies — Iyad Allawi, for example — were forging political movements whose primary appeal was transcending “sect” as an identity? Why would it matter that Sunnis were largely excluded from the constitutional drafting process if sect is an irrelevant category in Iraq? The instrumentalist emphasis on the importance of elites also denies the Iraqi people autonomy and agency. Like it or not, the Iraqi people voted in two elections in 2005 and a referendum, and in each election, the results were indistinguishable from an ethnosectarian census. In both elections, moderate, explicitly non-sectarian options were available, they were just not chosen by the Iraqi people. The instrumentalist perspective requires us to accept that the Iraqi people apparently lack the

⁴⁶<https://www.sepad.org.uk/report/iraq-and-muhasasa-ta-iffia-the-external-imposition-of-sectarian-politics>

knowledge, or intelligence, or capacity to exercise independent choices that best reflected their preferences and identities.

At the same time, repeated opinion polls have revealed that Sunni and Shi'a populations do not necessarily disagree on the desirability of certain political institutions over others for Iraq. As discussed more fully below, the idea of a three-way division of Iraq into Sunni/Shi'a/Kurdish autonomous regions with a weak central government enjoys limited popular support among Iraq's Arabs. The option of choice for a majority of Arabs appears to be a centralized system with a single strong leader, though opinions on this have fluctuated over time. Understandably, the Kurds tend to view things differently. By huge margins, the Kurdish population favors either independence or a federal system with a high degree of autonomy for subunits. As alluded to above, the heart of the problem is that the sorts of non-ethnosectarian political institutions that might best serve to integrate Iraq's Arab population are incompatible with the institutions required to accommodate Kurdish demands.

4.5. Prospects for a Partial Ethnofederalism in Iraq

Prior to an evaluation of the prospects for the evolution of federalism in Iraq, it is important to recognize that, on paper at least, Iraq already possesses a partial ethnofederation comprising 1 ethnic region and 15 non-ethnic governorates. The problem is that, in practice, the system functions as an ethnic federacy in which the one ethnic unit is attached to an otherwise unitary state. This is partly because none of the governorates outside the KR has successfully completed the transition to regional status but also because the more limited constitutional powers granted to "governorates not incorporated in a region" have yet to be meaningfully devolved by the federal government. The 2008 "Law on Governorates not Incorporated into a Region" (Law 21) supposedly granted broad administrative powers to governorates, but no serious effort was made to implement any of its provisions until 2014 with the establishment of a federal government committee — the Higher Coordination Committee of Provinces (HCCP).⁴⁷ The rise of IS and the consequent pressure exerted

⁴⁷A series of amendments to Law 21 were passed in 2013 that, on paper at least, appeared to empower governorates significantly.

by the US for a policy of “functioning federalism,” aimed at devolving control over security to the governorate and local levels, maintained the ongoing momentum of the decentralization push, but by 2018, efforts to implement Law 21 had effectively ground to a halt, and, as some saw it, started going in reverse (al-Mawlawi 2019).⁴⁸ Thus, governorates currently remain entirely dependent for revenues on the largesse of Baghdad⁴⁹; almost all important appointments in governorates, including security positions, are controlled by federal authorities; and governors of governorates can be, and have been, removed from office by a parliamentary vote in Baghdad. In October 2019, the Council of Representatives in Baghdad activated Article 20 of Law 21 to dissolve all provincial councils and turned over their duties to governors.⁵⁰

As a result of the federal government’s refusal to implement meaningful decentralization, Iraq’s federal system is a stillborn creation that grants a high level of autonomy to one unit, while simultaneously denying any autonomy to the other 15 units. This is not how the system was designed, and the key question is whether the system can “fill-out,” as originally intended, and impart some stability and balance to Iraq’s political system. A realistic assessment of prospects for a fleshed-out partial ethnofederation needs to address not just what is constitutionally and logistically possible but also what is politically feasible. Further, a reasonable case needs to be made that a fleshed-out partial ethnofederation would actually benefit Iraq moving forward.

4.6. Logistical/Constitutional Feasibility

There are two subunits officially recognized in the constitution. Article 117 recognizes “the region of Kurdistan, along with its existing authorities, as a federal region,” while Article 124 specifically forbids the governorate of Baghdad from merging with any other region.⁵¹ The only

⁴⁸<https://blogs.lse.ac.uk/mec/2019/12/02/is-the-decentralisation-process-in-iraq-being-reversed/>

⁴⁹Law 21 (and the constitution) clearly give governorates the right to generate revenue, but efforts to do this have been vetoed by the Ministry of Finance in Baghdad (al-Mawlawi 2019).

⁵⁰Article 20 allows the CoR to dissolve councils for “gross violation to duties and tasks assigned thereto.”

⁵¹All citations from the Iraqi Constitution are taken from the version available at: http://www.export.gov/IRAQ/pdf/iraqi_constitution.pdf

other governorate to be mentioned by name is Kirkuk. Article 140 outlines the procedure for determining Kirkuk's future status, paving the way for Kirkuk to become the fourth component governorate of the KR alongside Dohuk, Erbil, and Suleimaniyah. The recognized territory of the KR also includes slices of other governorates, the dimensions of which had the potential to increase if the status of the "disputed territories" referred to in Article 140 is ever resolved in favor of the Kurds.

What remains are 13 of the original governorates, either in whole or in part. Each of the 13 has 3 options according to the constitution. A governorate can maintain its current status, it can form a region alone, or it can merge with other governorates to form a larger region. The broad outlines of the procedure for one or more governorates to form a region is provided in Article 119. A request by either one-third of council members, or one-tenth of the voters in the governorates intending to form a region is presented to the people of the affected governorates for approval or rejection in a referendum. The details of the procedure are fleshed out in a "Law on the Formation of Regions" passed by the Council of Representatives in 2006. The process is straightforward and permissive. A request for a referendum to form a region can be made by one-third of the members of the governorate council, or by one-tenth of the population of the governorate; the Council of Ministers is then required to arrange a referendum within three months, and the region is formed if approved by a majority of voters. A failed referendum can be repeated annually *ad infinitum*. The same process can also be used by multiple governorates to join together in a single region, and, unlike the TAL, which placed an upper limit on the number of governorates that could amalgamate into a region, the constitution contains no such limit.⁵²

Based on these constitutional provisions, if no governorate takes the option to merge, and if Kirkuk were to stay outside the KR, the maximum number of possible subunits in the system is 16. If all of the governorates outside the KR and Baghdad merge into a single "Arab" mega-region, the minimum number is three. There are, therefore, three basic constitutional realities to Iraq's federal system. First, the number of subunits will be determined by the Iraqi people themselves in referenda; second, Baghdad cannot be partitioned or merged into a region; and third, with the

⁵²There is not even a contiguity requirement for governorates seeking to join together, opening up the possibility that say, a nine-governorate southern mega-region can be pieced together over time in stages.

176 *Federal Solutions for Fragile States in the Middle East*

exception of the KR, the boundary lines of the future subunits will be based on existing governorate boundaries. Any proposed design for Iraq's federal system that cannot accommodate these three realities necessarily requires amending (or ignoring) the constitution.

Based on the empirical evidence (see Chapter 2), the system that would stand the best chance of success would be a partial ethnofederation that includes Baghdad, a single KR, a single Sunni region (through the merging of Anbar, Ninevah, and Salah al-Din), and the remaining 10 or 11 governorates elevated to regional status.⁵³ This design is consistent with the terms of the constitution and the Law on the Formation of Regions, and would leave approximately 30% of Iraq's population housed in ethnic units, while breaking up the majority Shi'a into multiple subunits. Logistically, therefore, the only problem with the emergence of this system is that the boundary of the KR has yet to be officially determined. Leaving aside the thorny issue of resolving Kirkuk's future status, the KR that existed outside the control of the Iraqi government from 1991–2003 includes parts of other governorates (Ninevah, Diyala), so the boundaries of several governorates in the north would have to be redrawn.⁵⁴ However, the boundaries of the KR will have to be defined at some point in the future in any case, regardless of how the rest of Iraq's federation is organized.

On the assumption that a partial ethnofederation of 14 (13) subunits⁵⁵ would adhere to the boundaries of existing governorates (in line with the constitution), the only subunits that would approach ethnosectarian homogeneity are those south of Baghdad. Any single Sunni region would encompass the diverse (Kurdish, Turkmen, Christian) populations of Ninevah, as well as the Shi'a, Kurdish, and Turkmen populations of Salah al-Din. Meanwhile, Kirkuk's demographics are legendarily complex, Diyala is (probably) more or less evenly divided between Sunni and Shi'a (with a smaller Kurdish population), and Baghdad is still a mixed city, despite the events of the 2006–2008 period. It is worth reiterating that the heterogeneity of many of the subunits is not inherently a problem. The goal of a partial ethnofederation is not to partition the country into ethnically homogenous units as a prelude to the disintegration of the state; it is

⁵³The exact number depends on how the status of Kirkuk is determined.

⁵⁴It also excludes the southern portion of Erbil.

⁵⁵Purely for the sake of convenience, we assume from here on that Kirkuk acquires the status of a stand-alone region outside Kurdistan.

to help preserve the integrity of the state. The sort of detailed demographic surgery attempted by some in a vain effort to maximize the ethnic homogeneity of subunits is neither necessary nor constitutionally permissible.⁵⁶

Aside from the problem of the disputed territories, which will need to be resolved at some point whatever the structure of the federal system, the logistics of creating a partial ethnofederation with single Kurdish and Sunni subunits are straightforward and in keeping with constitutional and legal strictures.

4.7. Would a Fleshed-Out Partial Ethnofederation Benefit Iraq?

On the face of it, the case for a partial ethnofederation along lines outlined above looks tenuous. Many diagnoses of Iraq's ongoing political problems focus on the detrimental effects of the *muhāsasa* system, which is usually characterized as the allocation of political and administrative positions on the basis of ethnosectarian identity. Implicit (or sometimes explicit) in this line of argument is that Sunni–Shi'a relations at the mass level were relatively unproblematic prior to 2003, and that Iraq's sectarian problems post-2003 are mainly the product of manipulation by elites empowered by a political system constructed around communal identity (Ismael 2015; Ismael and Ismael 2010; Ismael and Fuller 2008).⁵⁷

In this version of events, defining political institutions, including the federal system, on the basis of ethnosectarian identity is the cause of Iraq's problems, not the solution. Viewed through this lens, the reification of identities that started with the composition of the ICG helped harden and deepen societal divisions, leading to the Sunni insurgency, a brutal sectarian civil war, al-Maliki's overtly sectarian second administration,

⁵⁶See for example, Joseph and o'Hanlon (2007), in which the authors propose dividing up major cities like Baghdad and Mosul. To be fair to the authors, they were writing at a time when the physical safety of different populations was the priority — hence their focus on creating defensible enclaves.

⁵⁷Ismael and Ismael (2017: 23), for example, refer to the “imposition of a sectarianized political order in Iraq ... Never before experienced by Iraqis.” Others argue that, despite all evidence to the contrary, the violence that plagued Iraq post-2003, was “class conflict” rather than sectarian in nature (see Alnasseri 2017).

the rise of IS, and a second civil war. For good measure, Iraq's other serious problems — rampant corruption and perpetual political gridlock in Baghdad, to name but two — are also often attributed by critics to the *muhāsasa* system. Logically, therefore, any change to the federal system that strengthens the relationship between identity and institutions, such as the creation of a single Sunni region, further hardens societal divisions, which is precisely the opposite of what is required.

A second plausible line of attack involves evaluating the track record of the existing federal system since its inception in 2005. Since that time, it would be difficult to argue that the system has successfully managed the relationship between successive Arab-dominated governments in Baghdad and the system's one ethnic unit, the KR. Roeder's (2009) theoretical critique of ethnofederalism as a system that institutionalizes zero-sum confrontations between a federal government and ethnic units that escalate over time to the point of secession or state collapse, provides a not inaccurate description of relations between Erbil and Baghdad since 2005. Recurring crises between the two governments over oil and gas management, the status of the disputed territories, budgetary allocations for the KR, and the funding of the *peshmerga* led ultimately to the seizure of disputed territories by Kurdish forces, a referendum on Kurdish independence, and the forcible reclamation of the same territories by the Iraqi government. This is scarcely a track record that inspires confidence in ethnofederalism as an institution for the successful management of inter-ethnic relations.

The obvious counterpoint to both arguments is that Iraq's ethno-federation is the product of necessity, not choice. Iraq's system currently combines one ethnic unit (the KR) and 15 non-ethnic governorates. This was not the design of first choice of the Bush Administration, or, for that matter, most scholars writing at the time. Makiya (2003), Wimmer (2003), and Dawisha and Dawisha (2003), for example, all argued in favor of a system based on Iraq's 18 existing governorates that would deliberately have denied the Kurds a single, unified KR. However, a unified KR was non-negotiable for the Kurds, and at the time the TAL and the permanent constitution were drafted, the US occupation was already sinking under the weight of spectacular incompetence and an increasingly effective Sunni insurgency. With the best part of 20% of the population violently opposed to the US presence, and a non-trivial component of the Shi'a community under al-Sadr also in open rebellion, the US' loss of Kurdish support would have made a continued occupation unsustainable.

Moreover, the TAL's Kurdish veto allowed the Kurds to veto any permanent constitution that did not recognize a unified KR. By 2005, the only viable exit strategy left to the US was to secure approval of a new constitution and turn over authority (and blame) to a legitimately elected Iraqi government in short order. This highlights the dangers of advocating political institutions based on theoretical insight absent an appreciation of "on-the-ground" political realities.

Iraq's existing system of partial ethnofederalism since 2005 has certainly not functioned as intended, and in the wake of an attempted secession bid by the system's only ethnic unit in 2017, a reasonable argument can be made that the system has failed in its primary purpose of managing tensions between the country's Kurdish and Arab communities. If so, then why does it make sense to "flesh out" and consolidate a failing system? There are several possible responses to this.

First, it bears reiteration that there are no viable alternatives to a system that provides territorial autonomy to the Kurds. The only relevant question is how to arrange the rest of Iraq around this basic reality. Constitutionally, it would be possible for a nine-governorate "Shiastan" to emerge in the south and to create a three-governorate "Sunnistan" in the north and west, thus approximating the so-called "Biden Plan." The empirical evidence indicates that such a system would be more prone to failure than the current system. It will also not happen because large regions can only be created via popular votes in all affected governorates, and there appears to be very limited support for this among the relevant populations.

The only alternative is an ethnic federacy that marries an autonomous Kurdish unit to an otherwise unitary Arab state.⁵⁸ This would probably require constitutional amendments to formally reduce the powers of governorates and eliminate the possibility of governorates forming regions, which seems unlikely in the current climate. Moreover, if the problem is the zero-sum nature of relations between leaders in Baghdad and Erbil, an ethnic federacy would not solve the problem.

⁵⁸Prior to al-Maliki's second term, the strong opposition of most Sunnis and many Shi'a to the whole idea of regional autonomy made an ethnic federacy a more viable option. It would have allowed the KR to be treated as a *sui generis* autonomous region, without federalizing the rest of Iraq. See Anderson and Stansfield (2010) and O'Leary (2005) for detailed discussions of the pros and cons of this option.

Second, the problems that have strained relations between Kurdish and Arab leaders are complex; some are related to federalism, such as oil and gas issues, the annual budget for the KRG, and payment of the Kurds' "guards of the region," but others, like the disputed territories, are tangential at best. The dispute over the management of hydrocarbons is the consequence of a poorly written constitution and a tendency for political leaders in Baghdad to simply ignore the constitutional provisions that are inconvenient.⁵⁹ The deeper problem is that, in a system of multiple autonomous regions, these center-periphery disputes would become issues of shared concern. An autonomous Anbar might have a shared interest in siding with the Kurds over oil and gas issues; Ninevah might back the Kurds on the issue of funding for "guards of the region," and all regions would have a compelling interest in securing a stable, regular supply of revenue from the federal government. So, the problem with the way the system functions at present is that the KR lacks powerful allies because it exists in a system alongside powerless governorates. The creation of multiple autonomous regions to act in concert with the KR during negotiations with the federal government could also accelerate the process of creating the two institutions that matter most in any federal system. A second chamber of parliament that reflects the interests of regions is an important counterpoint to a lower chamber that represents the will of the majority. Importantly, a second chamber would provide a check on the power of the prime minister and help avoid repetitions of the crises that engulfed Iraq as a result of al-Maliki's unconstitutional power grab.

A duly constituted Supreme Court offers another avenue for checking executive power, and, more critically, an arena for the peaceful resolution of dispute between levels of government. Iraq's current court is an illegitimate holdover from the days of the TAL; it survives mainly by deciding

⁵⁹Any sensible reading of the constitution begins with the recognition that the management of oil and gas fields is a shared power that is not listed as an exclusive power of the federal government. Moreover, the specification that this power is shared with respect to "present" fields (Article 112 (1)) was intentionally designed to exempt "future" fields. Taken together with the provisions of Article 121(2), there is a clear constitutional mandate for the management and development of "future" fields to be under the control of regions. Hence, even in the absence of a federal oil and gas law, the KR is perfectly within its rights to legislate on how "future" fields that fall within its territory are managed and developed. If a hypothetical federal oil and gas law contradicts the KRG law, then it is the federal law that needs to be amended when applied to the KR.

in favor of the powerful against the weak, which meant a string of dubious decisions went in favor of PM al-Maliki during his second term.⁶⁰ Thus empowered, al-Maliki was able to cling onto power after losing the 2010 election and turn his attention to eliminating perceived enemies — with ruinous results for Iraq. When called upon to arbitrate on the division of powers between the federal government and the provinces, the Court has either refused to hear the case, or, more frequently, decided in favor of the federal government.⁶¹ This consistent pattern of avoiding controversial issues and systematically favoring the strong over the weak is not especially surprising for an institution whose continued survival depends on the goodwill of the politically powerful. However, a functioning federal system requires a neutral arbiter that makes rulings based on the contents of a constitution rather than a calculation about political survival. The best way to accelerate the creation of these two institutions is by encouraging the formation of autonomous regions that share an interest in their creation.

In sum, the tendency for disputes between Erbil and Baghdad to escalate into zero-sum ethnic confrontations can be addressed in one of two ways — by eliminating the KR, which means another civil war, or by fostering a fleshed-out system in which the Kurds do not stand alone in defending the constitutional rights of regions.

⁶⁰These included not just the Court's decision that a "bloc" in parliament could form after the elections, thus depriving Allawi's list of the first chance to form a new government, but also an incomprehensible decision that put "independent" commissions under the control of the executive branch (i.e. al-Maliki). The power to oversee some of the most important of these commissions, such as the High Electoral Commission, and the Central Bank, is expressly granted to parliament by the constitution. As one observer noted, "the ruling is curious in that it uses a constitutional principle (separation of powers) to declare a constitutional provision unconstitutional" (<http://www.icconnectblog.com/2011/01/independent-institutions-in-iraq/>).

⁶¹Ismael's (2016: 212) detailed analysis of the decisions taken by Iraq's Supreme Court concludes, "The Court opted to uphold laws and policies which might be considered to do a disservice to federalism since they are often supportive of the centralisation of powers in federal authorities which is arguably inconsistent with what the Constitution establishes." In 2018, the Court also ruled that only the Council of Ministers has the power to appoint senior officials (at or above the level of Director General) in governorates (Fleet 2019: 11). The constitutional basis for the ruling remains opaque. For a more optimistic take on the performance of the Court, see Hamoudi (2010).

182 *Federal Solutions for Fragile States in the Middle East*

Finally, the functioning of Iraq's federal system since 2005 provides some evidence of the positive effects of federalism for managing inter-communal relations in a divided society. Superficially, the 2017 referendum suggests that the creation of a KR hardened and deepened ethnic divisions, but a more nuanced interpretation of events suggest that the issue of Kurdish nationalism is essentially off the table. All Kurdish parties are "nationalist" in the sense that they defend the Kurds' *right* to self-determination, but the focus of Kurdish politics has shifted from protecting rights like the use of Kurdish language in schools, or the celebration of Kurdish cultural events, and so on, because these are now protected. The main divisions in Kurdish politics now revolve around bread and butter issues like unemployment, corruption, and nepotism. The emergence and success of *Gorran* (Change) is testament to this shift in emphasis. It also means that the referendum was by no means universally supported by Kurds; many viewed it as a thinly veiled attempt by Barzani to cling to power by playing the nationalist card. The creation of an ethnic KR has served to fragment the Kurdish political space by effectively taking the basic issue of national rights off the table and allowing Kurdish voters and political leaders to focus attention on more mundane quality of life issues.

On paper at least, a fleshed-out partial ethnofederation makes good sense for Iraq. As long as the Kurds are the only group with a vested interest in defending the rights of regions against federal government encroachment, any and all disputes between levels of government will assume a zero-sum ethnic character. Ideally, a single Sunni region and several empowered Shi'a regions, such as Basra, would emerge to join forces with the KR in disputes over the division of power between the center and periphery. Empowered regions need not all adopt the same level of autonomy as the Kurds. In the case of the KR, for example, the right to "guards of the region" translates into a professional standing army of more than 100,000. This is obviously not a necessary requirement for Basra. However, the absence of local control over security forces has been a key bone of contention in Sunni parts of the country, and even in Basra.⁶² Moreover, once power is authentically shared across levels of

⁶²In 2018, for example, PM Abadi prompted outrage within the Basra provincial council when he unilaterally replaced then police chief Gen. Abdul Kareem Mayahi with Gen. Jasim al-Sa'di, who hailed from Diyala. Basra's governor Asad Al-Aidani and provincial council members declared their strong objection to the appointment, claiming that the

government, sharing power at the center diminishes in importance; simply put, the less power that resides at the federal level, the lower the incentive for political leaders to engage in all-encompassing struggles to share the spoils of office. To argue in favor of a fleshed-out partial ethnofederation is to make the case for what *should* be done. What *will* be done is a different matter, which brings us to the question of political feasibility.

4.8. Political Feasibility

By the time the TAL was drafted in early 2004, the idea of adopting a system of federalism for post-war Iraq had been generally accepted on all sides. However, both the extent of the powers granted to regions (particularly on the issue of hydrocarbons) and the inclusion of Article 119 of the constitution, which lays out the process for transforming governorates into regions, proved to be much more contentious because they together paved the way for the future emergence of a system-wide federation of powerful regions with autonomy equivalent to that of the KR. Backed by the Kurds, the Supreme Council for the Islamic Revolution in Iraq (SCIRI, now ISCI) was the driving force behind the decision to allow any governorate, or group of governorates potentially, to enjoy Kurdish levels of autonomy (al-Istrabadi, 2009; Diamond, 2005: 167).

The fear among Sunni Arab political leaders was that Article 119 could be used to create a nine-governorate Shi'a mega-region with its own "guards of the region" (army) and, depending on constitutional interpretation, primary control over the management of 90% of the country's oil reserves.⁶³ This fear was confirmed by ISCI's leader Abdul Aziz al-Hakim in an August 2005 speech in the holy city of Najaf, in which he stated: "Regarding federalism, we think that it is necessary to form one entire region in the south."⁶⁴ The constitution's provisions on federalism, coupled with the declared intent of the dominant Shi'a political force to create a "Shiastan" were understandably disturbing to Sunni political leaders and to the Sunni community more broadly, and was the main reason for the

power to remove and appoint the police chief fell within the purview of provincial authorities. For details, see al-Mawlawi (2018).

⁶³The constitution also contains a provision that requires the equitable distribution of oil revenues, which in theory, provide Sunni regions their fair share regardless of who manages the hydrocarbons sector.

⁶⁴<https://www.aljazeera.com/archive/2005/08/2008410113722614183.html>

almost universal rejection of the constitution in Sunni areas of the country.

On the face of it, though, the strength of Sunni opposition to the system of federalism depicted in the constitution was counterintuitive. The system was designed for the express purpose of protecting the autonomy rights of a minority group — the Kurds — against the possibility of a resurgent, Arab-dominated government in Baghdad, but its provisions applied equally to any minority that feared majority tyranny. As a numerical minority in the newly democratic Iraq, one might have expected the Sunni community to embrace the opportunity to check the power of a government dominated by Shi'a religious parties. The continued Sunni rejection of federalism throughout the 2000s is more puzzling, especially once it became evident that support for a southern mega-region within the Shi'a community was thin on the ground, both at the elite and mass levels. The strength of opposition among Arab Iraqis for a federal system with powerful regions and a weak center was evident from the results of multiple opinion polls conducted in the years after the constitution came into force.

Until about 2010, therefore, there was a clear pattern of preferences with respect to federalism. Naturally enough, the Kurds supported a system of federalism with the maximum level of autonomy for regions; Sunnis almost universally opposed this vision; and the Shi'a were divided on the issue at both the mass and elite levels. Given that the formation of regions was a bottom-up process that required popular endorsement in referenda, a Sunni region was never a political reality during this period. The electoral fate of ISCI is also instructive. Despite dominating the coalition of Shi'a religious parties that won clear victories in both national elections during 2005, and winning majority control of seven governorates (including Baghdad) in the same year's governorate elections, ISCI was all but eliminated as a serious political force in the 2009 governorate elections. In its place, al-Maliki's SoL won sweeping victories across the south and in Baghdad. In contrast to ISCI, the SoL campaigned on a nationalist platform that called for amending the constitution to *strengthen* the central government (and al-Maliki) at the expense of the regions and governorates.

A strong theoretical and empirical case can be made that the implementation of a partial ethnofederation in Iraq, with multiple Shi'a regions and single Kurdish and Sunni regions, would impart overall stability to Iraq's political system. Moreover, the constitutional logistics of this would

be relatively straightforward. At least until 2010/2011, however, this structure was politically impossible to implement because it lacked popular support. The events of 2010 and 2011 may have changed the equation. Among these were the elections of 2010, in which the list backed by most Sunnis had its victory “stolen” by al-Maliki, courtesy of an accommodating Supreme Court decision; the failure of al-Maliki to integrate the Sons of Iraq into the security forces; the targeting of prominent Sunni politicians; the continued use of security forces to arrest and illegally detain Sunnis; the violent crackdown on Sunni demonstrations; and al-Maliki’s failure to implement any of the measures outlined in the so-called “Erbil Agreement.”⁶⁵ Collectively, these events helped convince Sunnis that al-Maliki had no interest in meaningful power-sharing in Baghdad. At this point, the possibility of forming a Sunni region began to gain serious traction for the first time. In June 2011, for example, the Sunni Speaker of the Council of Representatives, Osama al-Nujayfi, spoke of the need to form a Sunni region during a visit to the US, and suggested Sunnis might seek “secession” in the event there was no change in Baghdad’s policies.⁶⁶ Then in October 2011, the Salah al-Din Provincial Council voted to initiate the process of region formation, based on several issues of local concern.⁶⁷ This move should have triggered the provision in the Law on the Formation of Regions mandating the Council of Ministers to begin the process of organizing a referendum, but al-Maliki’s response was to do nothing and condemn the initiative as an attempt to form a region “on a sectarian basis.” When in December 2011, Sunni members of Diyala’s Provincial Council made the same request, al-Maliki ordered security forces to cordon off the provincial capital, take the council building by force, and impose martial law on the province.

The most homogeneously Sunni governorate in Iraq, Anbar, has also toyed with the idea of regional autonomy periodically since 2011, but has yet to take the matter to the next stage. Hence, *Al Jazeera*⁶⁸ reported in

⁶⁵<https://nationalinterest.org/feature/democracy-the-brink-iraq-10280>

⁶⁶<https://www.hudson.org/research/10505-iraq-s-second-sunni-insurgency>

⁶⁷The most prominent of these was a decision by the SoL’s Higher Education Minister, Ali al-Adib, to remove about 1,200 accused Ba’athists in Salah al-Din and Ninevah from state employment, including 140 teachers at the University of Tikrit. Another was the accusation that the Iraqi government was systematically manipulating the demography of Samarra to engineer a Shi’a majority there.

⁶⁸<https://www.aljazeera.com/indepth/features/2011/12/201112161177518162.html>

December 2011 that “a majority of the provincial council supports a bid for autonomy,” while in April 2012, another news report claimed that “All administrative and legal preparations needed to proclaim autonomy has been completed and the announcement will be made in the coming days.”⁶⁹ Apparently, the “coming days” never came.

At the height of the Sunni protest movement against al-Maliki’s government, the rhetoric shifted from calls for the autonomy of specific provinces to the demands for the creation of a single Sunni region. Many prominent Sunni leaders, such as Osama al-Nujaifi, Rafie al-Issawi, Ahmed al-Alwani, and Tariq Al-Hashimi, have, at one point or another, come out in favor of a Sunni region. The former governor of Ninevah, Atheel al-Nujaifi, has also called for the creation of a Sunni region protected by a Sunni army and, in 2014, went one stage further with the formation of the Ninevah Guard, a 4,000-strong Sunni militia financed and equipped (reportedly) by Turkey.⁷⁰ However, the al-Nujaifi brothers are symptomatic of the inconsistency of the movement pushing for Sunni autonomy. At times, the al-Nujaifis’ end goal has been regional autonomy of Ninevah; at other times, a single Sunni region is the priority, and the emphasis seems to vary depending on political expedience.

Sunni religious leaders have also been divided on the issue of federalism. Some younger religious scholars aligned with the Iraqi Islamic Party used the protest movement as an opportunity to promote the idea of a Sunni region, but another faction under the leadership of the Anbari religious scholar Abd al-Malik al-Saadi came out strongly opposed (Rabkin 2018). Indeed in 2013, al-Saadi issued a religious ruling that forming new autonomous regions was forbidden because it would “weaken and divide” the country.⁷¹ Simultaneously, the Fiqh Council, a group of Sunni religious leaders created in 2012 to serve as a Sunni equivalent to the Shia religious leadership in Najaf, staged a conference on the issue of federalism and declared that federalism was permitted by Islam. Consequently, as Rabkin (2016) observes, “Sunni religious leaders, instead of being a source of unity, actively took part in the divisions, betraying the idea that a common Sunni religious leadership could guide the community. While

⁶⁹<https://ekurd.net/mismas/articles/misc2012/4/govt1978.htm>

⁷⁰<https://www.telegraph.co.uk/news/worldnews/middleeast/iraq/10895792/Mosul-governor-calls-for-fragmentation-of-Iraq.html> and <https://www.middleeasteye.net/features/former-nineveh-governor-plans-return-mosul-despite-arrest-warrant>

⁷¹<https://www.hudson.org/research/14304-the-sunni-religious-leadership-in-iraq>

one wing of the Sunni religious leadership was calling for autonomy, another was denouncing the idea as heresy.”

It remains unclear how much popular support there is in Sunni areas for acquiring regional status, and it is certainly possible, as some have suggested, that the threat of autonomy is an elite-level bargaining chip for use in negotiations with the federal government.⁷² It is especially difficult to assess the credibility of media reports that emerged in early 2020 after the Iraqi parliament voted to oust US troops of joint US–Sunni plans for the creation an autonomous region that could house US military bases.⁷³ The idea is apparently being championed by Osama al-Nujaifi’s Salvation and Development Front, a group formed in September 2019 that includes Sunni parliamentarians and some tribal sheikhs, but other prominent Sunni politicians, Speaker Muhammad al-Halbousi, for example, have also been implicated in the plan.⁷⁴ Perhaps the most plausible route to a single Sunni region runs through Sunni millionaire, entrepreneur, and politician Khamis al-Khanjar, a strong advocate of a Sunni region who also manages to retain good relations with pro-Iranian Shi’a parties like Fatah. In 2015, al-Khanjar hired the Glover Park Group, a lobbying firm run by former Clinton White House officials, opened an office in Washington, and, according to Parker (2016), hired former US Ambassador to the United Nations Samantha Power as his “media point man.”⁷⁵ Al-Khanjar has some credibility within the Sunni community for having backed (reportedly) the insurgency in the 2000s and then helped

⁷²Notably, calls for an Anbari federal region escalated when the Anbar governorate council was pointedly excluded by Iraq’s Oil Ministry from participating in negotiations with Kazakhstan’s KazMunaiGas and South Korea’s KOGAS over the development of the Akaz gas field in Anbar in 2010 (Visser 2013: 93) <https://gulffanalysis.wordpress.com/category/basra-and-southern-regionalism/>

⁷³<https://www.middleeasteye.net/news/us-seeking-carve-out-sunni-state-its-influence-iraq-wanes>

⁷⁴The appeal of the plan from a US perspective is supposedly that a Sunni region would provide a buffer to Iranian influence and deny Iran a land bridge to the Mediterranean (<https://www.middleeasteye.net/news/us-seeking-carve-out-sunni-state-its-influence-iraq-wanes>). Why the US would not choose the much more appealing option of using allies the Kurds to perform the same function is not quite clear

⁷⁵<https://www.reuters.com/article/us-iraq-khanjar-insight-idUSKCN0YN4XF>. However, the prospects of US involvement in any scheme to create a Sunni autonomous region were seemingly dealt a terminal blow in December 2019, when al-Khanjar was placed on the US sanctions list based on allegations of corruption.

bankroll the Sunni protests over the 2010–2013 period. He has a large and active checkbook, with which to buy off rival Sunni politicians, and a network of top-level connections among the Sunni powers (and Iran) in the region.⁷⁶

It is certainly not beyond the realms of possibility that one or more Sunni-majority governorates will successfully navigate the transition to regional status at some point in the future. The emergence of a single, unified Sunni region seems less plausible. It is an idea that stubbornly refuses to die, but its realization requires that two sizeable impediments be overcome. First, a Shi'a-dominated government must be prepared to sign off on its creation; and, second, Sunni leaders must be unified enough to make it happen. With respect to the first point, the constitution does not give the federal government a veto over the process by which one or more governorates can form a region. The Law on the Formation of Regions *requires* the Council of Ministers to initiate the referendum process once either one-third of governorate council members, or one-tenth of the population has expressed this preference. However, PM al-Maliki's blunt refusal to act on legitimately processed requests is a stark reminder that if the federal government simply refuses to act on a governorate's request, there is very little a governorate can do about it. If Sunni political and religious leaders could unify under the banner of a single political movement that demanded the creation of one of more regions, Baghdad would probably have little choice but to accede to the request, because a unified Sunni bloc in parliament would have *de facto* veto power over government formation and could use this as bargaining chip, but the problem is that the Sunni community has been hopelessly fragmented since 2003. Part of the problem was the absence of a unifying sense of Sunni group identity prior to 2003. As one Sunni politician put it, "we awoke one day and suddenly discovered that we are all Sunnis."⁷⁷ Unlike the Kurdish and Shi'a communities, both of which had reasonably coherent senses of group identity and potent "myth-symbol complexes" constructed around the idea of group suffering and victimhood, "Sunnis had to develop a politicized sense of themselves as Sunnis to be relevant in a system that was fundamentally based on identity politics" (Haddad 2014: 151). While the US invasion was opposed by most of the Sunni community from the

⁷⁶<https://www.middleeasteye.net/news/us-seeking-carve-out-sunni-state-its-influence-iraq-wanes>

⁷⁷Quoted in Haddad (2014: 151).

outset, a split soon emerged between those leaders (political and religious) who adamantly rejected the US occupation and the entire post-war political edifice and those who sought to advance the community's interests through participation in the system. Hence, even at the point of maximum Sunni unity, when the community almost universally rejected the constitution in October 2005, the most important Sunni political party, the Iraqi Islamic Party, actually endorsed the constitution a few days before the vote. Thereafter, Sunni parties participated in elections and governments, while simultaneously a significant portion of the community was engaged in a violent struggle to destroy these very same institutions. By the time the 2010 parliamentary elections rolled around, most Sunni factions and the majority of prominent Sunni leaders had coalesced around Iyad Allawi's *Iraqiyya* movement.⁷⁸ This rare moment of coherence soon shattered following the failure of Allawi to secure the premiership, despite winning a plurality of seats (ICG 2012).

The protest movement that erupted in Sunni areas in the aftermath of the 2010 election and the US military withdrawal in 2011 was driven by a shared sense of outrage among many Sunnis over the nakedly (as Sunnis saw it) sectarian policies of al-Maliki's government. But once again, while united against a common enemy, the Sunni protestors were unable to cohere around a shared vision for the community's future role in Iraq. The International Crisis Group (ICG) identified three broad trends within the protest movement; the first rejected violence and sectarianism and favored working to reform the existing state institutions; the second, as noted above, viewed the creation of one or more Sunni autonomous regions as essential to protecting the rights of Sunnis; and the third rejected the entire political process and viewed the violent overthrow of the system to be the only remaining option. The dramatic arrival of IS in 2014 and its swift conquest of Fallujah and Mosul seemed to indicate that the third trend had gained the upper hand. But if anything, IS actually deepened divisions within the community.⁷⁹ While few Sunni political or religious leaders were prepared to support IS openly, the terror group attracted the support of a significant part of the community. Western media tended to focus on the number of foreign recruits flooding into Iraq

⁷⁸*Iraqiyya* included in its ranks, Tariq al-Hashimi's Renewal List, Saleh al-Mutlaq's National Dialogue Front, Raffi al-Issawi's National Future Gathering, and the al-Nujayfi brothers' al-Hadba.

⁷⁹For divisions among Sunni religious leaders, see Rabkin (2018).

and Syria, but by some estimates, indigenous Iraqis made up close to 90% of the group's membership and dominated its upper ranks (Benraad 2017: 95). For this reason, some observers have referred to the fight against IS as "Iraq's second Sunni insurgency."⁸⁰ At the same time, IS was also opposed by many within Sunni regions, and in some cases, different cities in the same province (e.g. Ramadi and Fallujah) responded very differently to the arrival of IS (Brenna 2017).

In the wake of IS' defeat, the Sunni community and its political leaders remain as divided as ever. After the 2018 legislative elections, the two major Sunni vote winners, Allawi's Wataniya and Osama al-Nujaifi's Mutahhidun were challenged almost immediately by Khamis al-Khanjar, who joined forces with Jamal al-Karbouli's National Movement for Development and Reform (al-Hal) to forge the National Axis Alliance. The Alliance picked off members of the two main Sunni parties with such success that it soon emerged as the largest Sunni group in parliament, with some 50 members claiming allegiance. Despite a track record of hostility between al-Khanjar and al-Maliki, the Axis Alliance opted to side with the bloc backed by al-Maliki (*Bina*), leaving the remnants of Wataniya and Mutahhidun to align with the competing bloc (*Islah*).⁸¹ As of late-2019, reports suggested that there were three parties "vying for the Sunni leadership" within the Council of Representatives⁸²: the Iraqi Forces' Union, led by Speaker Mohammed al-Halbousi; Osama al-Nujaifi's Salvation and Development Front; and the remainder of al-Khanjar's Axis Alliance.

On the face of it, the inability of the Sunni community to gel around a shared program of action is not necessarily negative. A shared program that unites the community around the idea of total and violent rejection of the political system, for example, would leave Iraq mired in civil war *ad infinitum*. In many ways the fragmentation of the Sunnis politically is an

⁸⁰<https://www.hudson.org/research/10505-iraq-s-second-sunni-insurgency>

⁸¹ Following a 2010 Supreme Court verdict, the largest "bloc" in parliament, which gets to form the next government can be formed after the election, so it is now standard practice for parties to coalesce into loose post-election coalitions of interest for the purpose of securing the premiership. After the 2018 elections, two blocs competed to earn this right — *Bina*, comprising al-Maliki's SoL and Hadi al-Ameri's "Conquest," and *Islah*, consisting of former prime minister Haider al-Abadi's Victory Alliance, Muqtada al-Sadr's "Forward," and Ammar al-Hakim's National Wisdom Movement.

⁸²<https://www.al-monitor.com/pulse/originals/2019/09/iraq-sunni-coalition-osama-nujaifi.html>

unavoidable consequence of the ill-defined nature of Sunni identity. The Kurds, though internally divided on many issues, have a well-defined sense of “self” and “other.” As a geographically concentrated “compact minority,” their campaign for regional autonomy unites Kurds of all stripes and is both natural and logical. As Visser notes, there is no history of a Sunni identity that relates to a specific territory. There are certainly geographically related identities within the Sunni community, but these tend to be associated with cities, such as Mosul (Dabbagh 2012), Tikrit (Zeidel 2007), and Fallujah (Brenna 2017), rather than governorates, most of which had their boundaries adjusted on multiple occasions during the twentieth century, and one of which (Salah al-Din) was created from scratch out of Baghdad in 1976.

The long and short of it is that the demand within the Sunni community for a single autonomous region is inconsistent. In turn, the absence of political consensus on the issue of federalism means that (unlike Kurdish leaders) Sunni political leaders lack the unity of purpose that would provide the bargaining power necessary to force the issue in Baghdad.

4.9. A Plausible Route to a Fleshed-Out Federation

An autonomous region for the Kurds within Iraq is an unavoidable political reality; on this point, there really is no disagreement. This means that Iraq will continue to have some form of ethnofederation, and the only remaining question is how to arrange the rest of Iraq around this reality to maximize the stability of the system. As discussed above, the present system, with a single ethnic region, and multiple powerless governorates is inherently destabilizing because it promotes zero-sum ethnic confrontations between the KR and an Arab-dominated government in Baghdad. Fortunately, the constitution and enabling legislation provide a straightforward mechanism for governorates to empower themselves as regions and thereby impart greater equilibrium to the system. The system needs to “flesh-out” naturally, in other words. Under current circumstances, there is probably not enough unity within the Sunni community for a single Sunni region to be a viable option in the short term. The elevation of individual Sunni-majority governorates to regional status is more plausible, both because it is easier to forge consensus within governorates than across multiple governorates, and because individual Sunni regions would be inherently less threatening

to a Shi'a-dominated federal government. Barring this, the most likely option is for the system to flesh-out from the south upwards. Outside the KR, the part of Iraq that has the longest tradition of "separatism" is Basra, which has also been the most consistently credible advocate of regional status since 2003.⁸³ Almost immediately following the fall of Baghdad, successive governors of Basra began to agitate for greater autonomy (Isakhan and Mulherin 2018). There appeared to be some support among Basra's political leaders for an initial, ISCI-backed plan to create a single autonomous "Region of the South" from the three governorates of Basra, Dhi Qar, and Maysan, but less enthusiasm for ISCI's subsequent nine-governorate "Shiastan" project (the Region of the Centre and South). Once the Law on the Formation of Regions came into effect in 2008, Basra mounted a bid to stage a referendum on regional status, but initiative failed to garner sufficient signatures. In 2010, Basra's governorate council launched a second bid when 22 of the 35 members officially called on Baghdad to initiate the referendum process. Strikingly, Basra's council was, at that time, dominated by members of al-Maliki's own SoL party, many of whom signed the request. True to form, al-Maliki rejected the request stating he would, "not allow the establishment of federalism [i.e. regions] in Iraqi [governorates] because it will be a cause for tearing the country" apart.⁸⁴

Undaunted, Basra's leaders pushed ahead in their quest for autonomy, and by 2014/2015, there appeared to be a critical mass of support not just among elites, but also at a popular level. In a 2011 International Republican Institute (IRI) poll, for example, more than two-thirds of Basrans favored strengthening provincial governments over the federal government;⁸⁵ a subsequent poll in 2012 found that 96% of respondents from Basra favored provincial councils when asked the question, "Would you prefer that the provincial councils or the federal government have more authority?"⁸⁶ Further evidence of increasing popular support for an

⁸³Basra agitated for separation from the rest of Iraq for most of the 1920s. Importantly, the movement was non-sectarian in intent and was backed by elites of all ethnicities and sects. It ultimately failed largely due to the lack of support at the mass level. For a detailed treatment of Basra's separatist quest, see Visser (2005).

⁸⁴Quoted in Isakhan and Mulherin (2018: 273).

⁸⁵<https://www.iri.org/sites/default/files/2012%20March%2015%20Survey%20of%20Iraq%27s%20Southern%20Region%2C%20November%2024-30%2C%202011.pdf>

⁸⁶<https://www.iri.org/sites/default/files/2012%20November%2027%20Survey%20of%20Iraq%20Public%20Opinion%2C%20September%201-7%2C%202012.pdf>

autonomy bid came with the formation of a youth movement — the Assembly of the Sons of the Basra Region — which launched a viral social media campaign titled, “I am for [the] Basra Region” (Isakhan and Mulherin 2018: 279), and designed a new flag for Basra. Adding to the momentum was the replacement of al-Maliki with Haider al-Abadi as PM. Unlike al-Maliki’s trenchant hostility to the very idea of regional autonomy, al-Abadi seemed much more open, stating in April 2015, “The only way, in the opinion of this government, to keep the country unified is to give the power of decentralization to these regions.”⁸⁷ The end result was the submission of a petition to kickstart the autonomy process with the requisite number of signatures in August 2015. At the time of writing, the federal government has yet to act on the petition, but the chronic failure of the federal government to provide adequate services and utilities to Basra have since triggered massive, ongoing protests demanding a more equitable distribution of the nation’s oil wealth, 80%–90% of which is generated in Basra. The net effect is likely to be an increase in support for autonomy.⁸⁸

Autonomy for Basra is by no means a foregone conclusion. While there is unprecedented anger directed at a federal government perpetually mired in gridlock and swimming in corruption, it is less clear whether the contempt expressed for Baghdad’s political elites applies equally to provincial-level politicians, who are, after all, members of the same parties that govern in the capital. To successfully navigate the process will probably require the formation of a “Basra first” political party, independent of the Baghdad parties, that campaigns specifically on the autonomy issue in the next provincial elections. Nonetheless, the momentum appears to be in favor of those supporting regional status, and there are many reasons to see this in a positive light.

What sets Basra’s quest for autonomy apart from schemes for a single Sunni region, or a nine-province Shi’a mega-region, is that it is entirely non-sectarian in nature. The primary motivation is to give Basrans a greater say in how the provinces oil wealth is managed and spent. Moreover, as Isakhan and Mulherin (2018: 285) put it, “Basra ... has

⁸⁷<https://www.csis.org/events/statesmens-forum-iraqi-prime-minister-haider-al-abadi>

⁸⁸By August 2016, the salinity of the drinking water in Basra exceeded five times the safe level specified by the World Health Organization. By the end of the month, tens of thousands of people in Basra had fallen sick with colic and diarrhea and there were fears of a large-scale cholera outbreak in the city.

194 *Federal Solutions for Fragile States in the Middle East*

worked within Iraq's constitutional and legal framework, has used peaceful civil and political action, and has not framed its quest for autonomy in sectarian or ethnic terms ... It ought to be heralded as a positive political development in a nation riven by sharp division and horrendous violence." Importantly, and regardless of the outcome of any referendum, providing Basra with the opportunity to complete the process by actually staging a referendum would demonstrate that the constitutional and legal "rules of the game" are not optional in Iraq. It is difficult to have faith in a constitution, the provisions of which are applied when it suits the whim of the prime minister and ignored when they do not. The oil and gas issue is also not a problem in the case of Basra. The constitution makes explicit mention of the federal government's role in the management of oil and gas with respect to "present" fields, which covers all of Basra's known fields, so the regional status for Basra would not give Basra control over Iraq's largest and most valuable export commodity.⁸⁹

However, the most important consequence of a successful push for autonomy in Basra would be its likely impact on the overall structure of Iraq's federal system. If the right to stage a referendum is granted to Basra, it can no longer be denied to other governorates. The most plausible outcome is that successful campaigns are launched elsewhere and that the system fills out from Basra on up. For several reasons, this will almost certainly not result in the creation of a single, nine-region "Shiastan." First, from a purely technical perspective, the procedural mechanics of the Law on the Formation of Regions are stacked against the formation of large, multigovernorate regions. Second, the "south" of Iraq is neither unified nor homogenous. In particular, there have been quite sharp divisions between cosmopolitan Basra and the two shrine cities of Najaf and Karbala that date back centuries (Visser 2007). Third, there is almost no popular support for such a creation. Similar problems will confront efforts to create a single Sunni region out of Ninevah, Anbar, and Salah al-Din,

⁸⁹Unlike the production-sharing agreements signed with foreign oil companies by the KRG, under which a portion of the oil or gas extracted becomes the property of the company, workers in Basra's oil industry have always campaigned to keep Iraq's oil in Iraqi hands. To this end, workers formed the first post-Saddam union in Iraq, the Southern Oil Company Union, which went on to become the major component of the powerful Iraqi Federation of Oil Workers' Unions. In other words, Basra has always adopted a staunchly nationalistic line with regard to control over Iraq's oil sector. For details, see Isakhan (2014).

so the most plausible end point to the process will be a federal system that comprises the KR, Baghdad, and 10 to 14 single-governorate regions.⁹⁰ If the system fleshes out along these lines, it will permanently eliminate the possibility of a three-unit system defined by ethnosectarian identity because regions are prohibited from joining with other regions. To the many opponents of the so-called “Biden Plan,” this should be welcome news, and while it will certainly not solve all of Iraq’s many problems, it will impart the balance and stability the system sorely lacks at present.

4.10. Conclusion

Solving Iraq’s multitude of political problems requires more than recalibrating institutions. Regardless of how the system of federalism is structured, Iraq will still be governed by political leaders who struggle to prioritize the national interest over personal gain; Iran will not stop interfering in Iraq’s internal affairs any time soon; the remnants of IS will present a serious security threat for the foreseeable future; and the country’s dilapidated infrastructure will continue to be unable to meet the basic demands of the population for regular supplies of electricity and drinking water that is actually drinkable. The collapse in the price of oil can only exacerbate these problems for a country that is more heavily dependent on this single resource than any other in the world. Fixing Iraq’s federal system might help, but it also might change none of this. Reallocating power from the federal government to the regions could result in lower levels of corruption, but it also might just redistribute the same level of corruption across multiple tiers of government. There are limits, in other words, to what the redesign of federalism in Iraq can actually hope to achieve.

One plausible benefit of empowering regions is to make it less likely that budding autocrats like al-Maliki can gain traction. As long as Iraq remains highly centralized, control of Baghdad equals *de facto* control of all territory south of the KR. It is worth recalling that the staunchest opponent of al-Maliki’s drive to accumulate and personalize power after 2010 was Masoud Barzani, and while this confrontation may have done little to diminish Kurd–Arab tensions, it did serve to check and

⁹⁰The exact number will depend on what happens to Kirkuk and whether certain governorates opt to amalgamate into regions. It is possible, for example, that Maysan and/or Dhi Qar might seek to join with Basra, and the fusion of Najaf and Karbala is also plausible.

balance al-Maliki's personal ambition. In this respect, the existence of an autonomous KR served an important purpose.

A second benefit relates to the much-maligned *muhasasa* system. The concentration of power in Baghdad makes sharing the spoils of office an existential issue for Kurdish and Sunni political parties. By contrast, the various Shi'a parties, for obvious reasons, seem more willing to accept being governed by technocrats or a simple majority rule at the center. A necessary condition for the central government to function as a coherent, credible, and capable entity is that gridlock ends, and the only plausible way for this to occur is if Iraq moves toward a majoritarian (minimum-winning coalition) model. However, without adequate protections for minority communities, this is a recipe for conflict. The escape route is to disperse power from the center to the regions and to make participation in the federal government less of an "all or nothing" proposition. If minority groups are empowered to govern themselves at the regional level, they have less at stake in perpetuating the *muhasasa* system.

Another potential advantage of a reconfigured federal system is the empowerment of local leaders, who are more directly accountable to the constituencies they serve. The population of Basra cannot remove a government in Baghdad, but it *can* replace its own governing council. Most of the anger driving the protest movement relates to the inadequate provision of basic everyday services, and, as Fleet (2019: 17) observes, "At the end of the day, services in Iraq must improve, and federalism is one pathway to get there — and one that can be a very strong tool to improve Iraqi governance." Whether this results in overall decline in corruption is an open question, but it is not easy to imagine an Iraq with *higher* levels of corruption.⁹¹

The dispersion of political power and bringing government closer to the people are potential benefits of any federal system. The main case for an *ethnofederation* is that it also offers the opportunity for self-government by territorially concentrated minorities. In turn, this helps alleviate ethnosectarian tensions by diminishing fear of majority

⁹¹It should also be remembered that provincial councils can also serve an anti-corruption function as they have the power to remove governors and have exercised this power on several occasions to remove corrupt chief executives. Recent examples of this include governors of Ninevah (2017), and Karbala (2019), both of whom were ousted by councils on charges of corruption.

domination. In the context of Iraq, the optimum structure is a system with single Sunni and Kurdish regions, and multiple Shi'a regions. To this point, Sunnis have either not wanted autonomy, or efforts to initiate the process have been denied arbitrarily by the federal government. If the Sunni population chooses not to seek regional status, then they accept minority status in what is effectively a unitary system, but if Sunni-majority governorates choose to initiate the process, either individually or collectively, and in line with the constitutional and legal strictures, then it is in the best interests of Iraq for the federal government to honor the request. Denying Sunni governorates a legitimately processed referendum request for specious reasons is a recipe for further conflict and inflicts further damage on the integrity of an already battered constitution. It remains to be seen what level of popular support there is in Sunni areas for autonomy, but this cannot be known until initiatives are actually allowed to proceed to a vote.⁹²

The more plausible way for the system to fill out starts in Basra and works its way up from there. Here again, the level of popular support for Basran autonomy is not easy to determine, but of the 15 governorates outside the KR, Basra has conducted by far the most coherent and credible campaign for regional status.⁹³ The campaign is also entirely peaceful, non-sectarian, and non-threatening to Iraq's territorial integrity.

Predictions aside, the normative case for a genuine partial ethnofederation is that it helps address what has always been Iraq's core problem, which is ethnic not sectarian. There are four to five million Kurds in Iraq, many of whom feel no attachment to Iraq. Apparently, independence is not permitted, and it would require another civil war to force the Kurds back into a unitary structure. Kurdish autonomy is a basic reality, so it is in everyone's interests to make this arrangement work in a peaceful,

⁹²As of 2019, opinion poll data suggests that a majority of Sunnis do not support a single Sunni region, but also that a plurality do not have enough information to decide on the issue of federalism (<https://iiacss.org/100-days-of-adel-abd-al-mehdis-government/>)

⁹³An opinion poll conducted in 2019 indicated that about one-third of those polled in Basra supported regional status for Basra. When asked about federalism more broadly, a plurality of Basrans (42%) rejected federalism as "unacceptable," but a further 25% favored a federal system and a further 32% were undecided (they agreed with the statement "I don't have enough information about federalism"). See <https://iiacss.org/100-days-of-adel-abd-al-mehdis-government/>. This suggests that Basra's campaign for regional status will be an uphill but still possibly winnable battle.

198 *Federal Solutions for Fragile States in the Middle East*

mutually beneficial way. The way the federal system is currently configured tends to escalate confrontations, because it transforms center-periphery disputes into zero-sum ethnic conflicts. Unless and until the Kurds have allies in their fight to safeguard autonomy, the system will remain unbalanced, unstable, and conflict-prone.

Chapter 5

Yemen: In Search of Stability

5.1. Introduction

As a candidate for post-conflict federalism, Yemen certainly yearns for stable, legitimate governance. Not only has Yemen endured state-collapsing civil war since 2014 but also it has arguably barely been a viable state since its unification in 1990. Previous “North” and “South” Yemen entities merged after enduring their own legitimacy crises and civil war of various degrees of severity. Yemen’s previous failed attempts at legitimating solutions have gone from “foreign state-building” by the British in the south (Schmitz 2016: 30–31), to an ethnoreligious Imamate in the north, to Marxist governments, to a stilted, illiberal democracy under President Ali Abdullah Saleh. That latter regime was upended in the chaos of the Arab Spring, when new and old forces called for change from within, and external pressure from the Saudis forced Saleh to abdicate in the name of political transition. Despite efforts at reconstruction, reparations, and “national dialogue,” the post-Saleh transition largely left the regime intact and gave immunity to the former President and his henchmen (Fraihat 2016: 41). In contrast to the de-Ba’athification process in Iraq, many in Yemen’s ruling party were left in power, maintaining popular resentment, while Saleh himself was forced out, free to carry out revenge in the coming civil war.

As a candidate for post-conflict federalism to accommodate fractious identities, Yemen has plenty to offer in terms of identity, just not in terms that are conventionally “ethnic.” The previous cases of Syria and Iraq are characterized by ethnic diversity, Yemen is more ethnically homogenous in terms of sizeable, viable, politicized movements. However, it is not without

fissures in political identity, in Yemen's case, based on religion and regional tribal configurations. A sizeable Shi'a population in the North long for a return to respected authority lost in the 1960s and continuing in a country dominated by a Sunni majority. Geographic nationalisms, also tribally infused, fight for respected authority lost in the South with unification.

All of this reveals the continued failure of the Yemeni system to grapple with its various internal divisions. The toll for the current civil war, as of July 2020, includes an estimated 100,000 killed, 4 million displaced, and upwards of 24 million in need of humanitarian assistance at the brink of famine (CFR Global Conflict Tracker 2020). Yemen, therefore, is a textbook case of a failed, conflict-riddled state in need of serious assessment of new possible solutions. This chapter assesses the prospects for federal, including partial ethnofederal, solutions to Yemen's problem given their identities and histories. We seek realistic assessments of realistic solutions. We presume no international border changes concocted by Western neo-conservatives or regional pan-Arab or pan-Islamic zealots, but presume a world where sovereign states jealously guard territory and borders in the face of secessionist, irredentist, and other external machinations. We acknowledge the importance of outside regional and global actors, while rejecting the myth of Yemen's war as mere proxy war between Saudi Arabia and Iran (MERIP 2015). And we assess the practical bases for accommodating sectarian religious differences of faith, debunking ideas of ancient, irreconcilable conflict between Sahi'i Sunni and Zaydi Shi'a schools of Islam, while recognizing that religiously infused identities may be best served in a variation of ethnofederal accommodation. Religion is not the cause of conflict, but can help be part of the solution to the conflict.

This chapter, like the other cases, starts with identifying Yemen's ethnic, religious, and tribal groups and assesses their size, coherence, territorial concentration, and politicization. It then turns to Yemen's origins as a state, to provide context for considering how identity groups have interacted before and during the conflict underway since 2014. Finally, it offers an assessment of the prospects for ethnofederal and other federal solutions in Yemen, relative to alternative possibilities.

5.2. Yemen's Political Identities

Any attempt to create an inventory of the demographics of Yemen along ethnic and religious identities soon encounters complexities, with fissures

within the categories, crisscrossed with tribal and geographic political factors. Yemen's population in 2020 was estimated at 29.88 million (Fanack, 2020) and is ethnically homogenous, as an estimated 99% of Yemeni are Arab, with a few thousand Turkish, Somali, Indonesian, Malaysian, Singaporean, Tuareg, and other small and dispersed communities (World Population Review).

Yemen is also homogeneously Muslim (99% of the total), though with small communities of Christians, Jews, and a growing Baha'i community. These communities are too small to factor into discussions of federal arrangements of mobilized political identity, but their presence does play into regional and international interest, such as intolerance toward, and fear of, Baha'i as threats to Islam or agents of Israel (Al-Sakkaf 2016).

Of the overwhelmingly Muslim population, though, there is a more significant division. By one account, the number of Zaydi Shi'a Muslims "comprise about 40% of Yemen's population" — 42.1%, compared to 56.4% Sunni, 1.5% Isma'ili Shi'a, and 0.03% Wahhabi (Ghafarzade 2016: 942; also see Izady 2014). Another source estimates 53%–56% of Yemen's Muslims are Sunni from the Shafi'i School and about 45% are Shi'a of the Zaydi school, with approximately 2% Ismaeli or Twelver Shi'a (World Population Review).

Though most of the Sunni are of the Shafi'i religious school, an increasing number of Sunni are adopting Wahhabist or Salafist views, more puritanical and conservative owing to the influence of neighboring Saudi Arabia (Hillridge 2010). While the majority of the country is Sunni Muslim, there are divisions in that world and still then only some which are politicized in what can be called "Islamist" politics. As Bonnefoy (2018: 23) notes, the "Sunni Islamist field" is structured around three competing branches with their own "distinct trajectories": Jihadism, Salafism, and the Muslim Brotherhood. Al-Islah is a political party established in 1990 as an alliance of the Muslim Brotherhood with various tribal sheikhs. Participating in the "Yemen Spring" uprising and supporting Saleh's successor Abdrabbuh Mansur Hadi, al-Islah played a mainstream role in the National Dialogue Conference, seeking consensus and not the "Brotherization" of the Yemeni state. An "explicitly salafi party, the Rashad Union," rose in 2012 as a politicization of the conservative movement (Bonnefoy 2018: 23–24). It offered an alternative to al-Islah, claiming to be moderate and democratic but new and different from al-Islah, which they portrayed as "a remnant of the old regime."



202 *Federal Solutions for Fragile States in the Middle East*

Then there are those reflecting the “militarization of Salafism,” including the prominently violent jihadist groups Al-Qaeda of the Arabia Peninsula (AQAP) and Islamic State (IS) (Bonney 2018: 25–26; Kendall 2018). Both IS and Ansar al-Shari’a (the local variant of Al-Qaeda, or AQAP) have staked claims in the weak state of Yemeni territory, posing threats to government, citizens, outside states, and Shi’a groups (Siyech 2016).

AQAP has local and established roots dating before 9/11. Some came from Afghanistan in the 1980s, and some were used by the government to wage war against southern separatists in the 1994 civil war. Theirs is a merger of Saudi and Yemeni Salafists (Kendall 2016: 91). The group was responsible for attacks on the USS Cole in 2000 and a French oil tanker in 2002, and Yemen’s governments, as a result, have been under pressure by the US to respond and cooperate with counter-terrorism efforts (Ghafarzade 2016: 961). Horton (2017) assesses that they have had mixed success playing tribes off one another in recruitment in provinces of al-Bayda. Kendall (2016: 90–93) argues that AQAP’s “staying power” comes through jihadist narratives culturally attuned to their Yemeni context and adapted to prevailing local conditions and taking advantage of the turbulence resulting from the Arab Spring and later Shi’a Houthi offensive and Saudi-led intervention against it in 2015.

The hardening of tactics and the sectarian dimension of AQAP politics increased as part of the process of outbidding between the competing Sunni jihadist organizations such as IS.¹ IS in Yemen (Kendall 2016: 103–104) began in November 2014 with a group called “Mujahidin of Yemen,” who swore allegiance to the IS Caliph. IS made a point of “savaging the Houthis” and critiqued how “Al Qaeda made no effort to implement the shari’ah after taking over,” while promoting “narratives ... blurring local enemies such as the Houthis with the Western crusading enemy of global jihad ... claimed houthis to be conniving with America to occupy Islamic lands” (Kendall 2016: 90, 95–96, 102).

Still, by most accounts, IS had a harder time establishing in the territory than in places like Libya, though suicide bombings in Aden in September show they still have influence in the city that is the *de facto* capital since Sana’a was overrun in 2018 (Postings 2019; Kendall 2016: 106). Neither the group nor their vision for an Islamic state may resonate. A broader survey of 2,000 tribesmen and women in al-Mahrah during

¹On outbidding among terrorist groups, see Kydd and Walter (2006).



2012–2013 shows the limits of appeals to Islamic states in the regions these groups predominate. “Only 30% considered the imam to be ‘the most trusted and respected position,’ as opposed to 41% for the tribal sheikh (29% for other non-religious choices), and only 21% believed the imam’s role was to ‘advise on all matters’ as opposed to ‘religious and personal matters only’” (Kendall 2016). Any discussion of institutions for a future Yemen, then, can dismiss notions of courting extremist groups or incorporating any notion of a Sunni caliphate. These are agitators to be contained, not constituents to be appeased.

A minority of Yemen is Shi’a, but they are concentrated in the north and are a solid majority there. Most are Zaydi Shi’a, estimated at 40%–45% of Yemen’s population as a whole (Minority Rights Group International (MRGI), “Zaydi Shi’a”, <https://minorityrights.org/minorities/zaydi-shias/>). A smaller portion of the Shi’a of Yemen are Ismaili, hailing back to the Fatimid Empire of the eighth to tenth centuries and largely located in the Haraaz mountains west of Sana’a (Hillridge 2010).² The Zaydi bloodline claims lineage to the Prophet Muhammad and have had an “open” view toward reason, innovation, and learning from Sunnism and other forms of Islam (Ardemagni 2019). The Imam Zayd rebelled against the Umayyad Caliph in the eighth century, beginning a 1,000-year-long independent state in the Arabian peninsula (Lippmann 2002: 142).

Discussion of Yemen’s Shi’a centers around the “Houthi,” and the major parties in the community are Ansar Allah and Hizb al-Haqq (Barzegar and Dinan 2016). The al-Haqq party made inroads with Zaydi Shi’a “throughout Yemen” (Freeman 2009: 1009), increasing its reach while diluting its local influence in the north. Before the “Houthi insurgency” became a household name, security scholars in the 2000s referred to the “SAM insurgency” in reference to the group Shabab al-Moumineen (SAM), or “Believing Youth,” formed in 1992 as a political group that began a process of both politicizing and radicalizing Zaydi youth in the Saada governorate (Freeman 2009: 1008).

²The different Shi’a sects are largely based on which Shi’a imam was the last in a line that they follow and recognize. Zaydi are also called “Fivers” referring to the fifth imam in the Shi’a line. Ismailis are also called “Sevens” for their allegiance to Ismail and his defenders. Iran and many other Shi’a in the Middle East are Twelvers, who follow the imam to the twelfth, Muhammad al-Muntazar, whom they believe is in a state of occultation awaiting God’s command to return to Earth as the “Mahdi” to reward the true believers (Lippmann 2002: 141–142; see also Momen (1987) for a thorough introduction.

204 *Federal Solutions for Fragile States in the Middle East*

The Houthi take their name from their leader, Hussein Badraddin al-Houthi. In 1992, a radicalization process led to a Zaydi movement, “Believing Youth,” formed in Saada Governorate (Freeman 2009). Hussein al-Houthi stoked anti-Americanism after the US invasion of Iraq that tapped these radicalized elements, leading to protests and unrest into 2004. Hussein al-Houthi’s positions were overtly anti-government and anti-US, winning him an invitation in 2004 to discuss grievances with President Saleh, which al-Houthi rejected (Freeman 2009: 1009). Civil war came in 2004, and the period 2004–2010 witnessed six separate wars against Houthi rebels (Fraihat 2016, 39; Freeman 2009: 1009). President Ali Abdullah Saleh, a Zaydi Shi’a himself, ended up cooperating with the Houthi to seize power after being forced out by the Saudis. This could suggest sectarian bonding, but Saleh’s calculations vary over his reign relative to the Houthi, whom when rivals, he referred to as “Persians” as a nod to Shiism but more so to tarnish them for their Iranian ties (al-Muslimi 2015).

Fighting erupted again several times from April 2005 through 2010, while SAM’s spiritual leader was Hussein’s father Badr Eddin al-Houthi and its military wing was led by Hussein’s brother, Abdul Malak. The Yemeni military spent much of six years in the north, until Saleh pivoted away from the Shi’a north partly under US pressure to focus on AQAP after the 2009 Christmas near-miss attack on a US-bound flight by AQAP-affiliated “underwear bomber” Umar Farouk Abdulmutallab (Ghafarzade 2016: 959–960).

However, Shi’a and Zaydi politics in Yemen is diverse, not just reduced to the so-called Houthi. Von Bruck (2010) differentiates between a predominantly Saada-based group that seeks to promote Zaydism politically, and those in Sana’a that reject coordinated political activism, fearing increased discrimination. King (2012: 407) notes another group, “neither wary of political Zaydism nor ambivalent towards the Republic,” who “fuse Zaydi and nationalistic activism, to promote the “flourishing of Republican, Yemeni and Islamic values in 21st century Yemen.”

Major religious parties courting Shi’a and not tied to one “sect” or another includes Islah, a Muslim Brotherhood party also known as the Yemeni Congregation for Reform, which represented “mixed demographics of the north,” including some Zaydi. While Islah is “ecumenical pan-Sunnism,” it is characterized as an “umbrella uniting centrist Islamists reaching out to Salafi and tribal leaders with business leaders ... from the North” (Yadav 2011). This pragmatism included working with Saleh and

the GPC in big-tent coalition government in the 1990s, but Islah eventually had a fallout with the Saleh regime. To find relevance in the 2000s, leaders of Islah, the YSP, the Popular Nasirist Unity Organization, and the liberal Zaydi Union of Popular Forces, announced the Program of the Joint Meeting for Political and National Reform” in November 2005 (Browers 2007: 565). Zaydi descendants of the Prophet Muhammed who dominated the Zaydi imamate reconstituted “themselves as republican citizens through an emphasis on technocratic expertise and visible commitment to constitutionalism” as part of a post-partisan democracy movement (Yadav 2011:554). Once the members of the Joint Meeting Parties (JMPers) came to self-identify as a coherent group, they identified a series of interests that transcended the particularities of party, region, tribe, sect, and gender, even while making space for difference (Yadav 2011: 555–556).

Yadav’s (2011: 550–551) analysis of the antecedents to Yemen’s Arab Spring protests that ultimately led to Saleh’s fall from power focuses not only on the JMP opposition alliance but also “post-partisan oppositional nationalism” built across non-governmental organizations (NGOs) and media sectors over several years. However, optimistic views of the unity and power of such alliances and processes have given way to more sober realities, as Saleh’s gambit to ally with the Houthi wrecked the prospects of fledgling pluralist democracy for the time being. Even before the onset of violence and civil war in 2014, observers noted that “the JMP is hijacking the revolution by seeking to regulate protest activity” and even working with the First Armored Division to “prevent unauthorized protests against JMP hegemony within the opposition” (Yadav 2011: 560).

As this discussion demonstrates, religious denomination overlaps with and sometimes serves as a synonym for distinctions based on region and tribe. For example, there are references to “northern Zaydi tribesmen” that run the country or “residents of northern Shafai cities . . . share the southern feeling of being marginalized by the elites who monopolize power and wealth in the Zaydi highlands” (Corstange 2016a: 99). The Zaydi are not a single religiously united bloc but intersect with tribes and tribal politics. There are an estimated 400 Zaydi tribes in the northern regions, among them the al-Akhdam and al-Houthi. In terms of sectarian ideology as motivation, Corstange (2016a: 92–93) argues that “Doctrinal differences were not . . . a salient part of the conflict, citing Sunni and Salafi on both sides of insurrections, just as Zaydi tribes split in the civil war of the 1960s between republicans and royalists. To the extent that Islamic schools and branches are somewhat tangled up in personalities, prophets, and clans, the

206 *Federal Solutions for Fragile States in the Middle East*

question of religion vs. tribe in defining Zaydi political identity is warranted. Even more so when considering the Houthis: a family within the Zaydi Shi'a group and, thus, both religiously Zaydi and of the Zaydi and Hashemite tribal structure and "social stratum" (Ardemagni 2019).

This cautions against the narrative of a "sectarian war" afoot based on different beliefs rather than a political skirmish over territory and power. Historically, "there has been little religious conflict between Shafis and Shi'a Yemenis (Hillridge 2010), though amidst conflict there is a movement to exploit and mobilize a sectarian framing between the parties (al-Muslimi 2015). Also, such labels do not properly stand in for one's self-identification or politicized identities that motivate attitudes and behavior. A survey about group membership reveals that 20% identify by sect, 23% by tribe, and the rest by economic circumstances (Corstange 2016a: 96–97). While some true zealots of faith stake out irreconcilable differences with those of different schools, the conflict in Yemen as elsewhere is less sectarian and has more sectarianization, or the political mobilization of people around a political cause using religion for political ends (Hashemi and Postel 2017).

Tribal politics matter in Yemen's politics and conflict dynamics, though just how much is a matter of dispute. Some observers claim Yemen is "dominated" by tribal politics, confederations of families and clans clustered around names like the Hashid — boasting hundreds of thousands of followers in northeast Amran — and the Bakil, "the largest population" concentrated north of Sana'a (Naylor 2012). Others say "Westerners are" fixated on tribes and "overestimate the role of tribes in Yemeni politics" (Schmitz 2011: 18). Minimally, tribal leaders have clout to move support toward or against political leaders, and the larger groups have been reckoned with in the form of patronage. In Yemen, Corstange (2016a: 101) speaks of tribes as convenient tools for dispensing patronage to clients "building tribes along with infrastructure." Khoury and Kostiner (1990) suggest that Yemen and other Middle Eastern states "failed to form ... a monopoly of authority" in transition from empires to modern territorial states and thus "still reflected certain tribal habits and had to accommodate a certain measure of tribal power," going so far as to say that "tribes constituted the main element in the peripheral areas" (see also Schnelzer 2016: 45–46).

Beyond religion, tribe, or ethnicity are political identities associated with history and location. The South has distinct identity rooted in the South Yemen project that spans and incorporates peoples and tribes.

Al-Hirak is a secessionist movement whose grievances date to the unification of Yemen in 1991, when territorial and political losses to Saleh's patron–client networks stirred resentment that briefly spilled into civil war in 1994. In the wake of the new civil war, the Southern Movement has reasserted itself in the form of the “Southern Transitional Council” (STC) (Gasim 2018) and has further complicated solutions to Yemen's conflict.

In all, Yemen is in dire need of conflict resolution, institutional stability, and legitimacy that will mitigate future conflict. The Zaydi represent a sizeable constituency based on religion that has not been given a voice in the latest round of nation-building politics. To grant them power may ease conflict and raise legitimacy but comes at a price of alienating domestic constituents hostile or jealous of such power. In the south, a secessionist movement must be coaxed to “stay in” Yemen not by force of arms but the promise of power of its own. Together, these two quantities cannot be removed from the equation, and federalism that takes both seriously can be the formula for stable peace. Given Yemen's decades-long legitimacy crisis, discussed below, such a solution should be a welcome alternative.

Autonomy for the Houthi could end much of the dynamics of violence dating to 2004, if not long before. But autonomy and power for the Houthi is opposed by many domestic and regional forces, for fear of emboldening Shi'a power in a Sunni peninsula, and emboldening patron Iran in the very anti-Iranian heart of Sunni Arabia. As a source of destruction and instability, the incentive to punish rather accommodate makes it politically difficult to embrace solutions that are seen as rewarding the Houthi.

5.3. Context: Yemen's Recurring Legitimacy Crisis

To understand Yemen's current troubles and prospects for institutional success, with or without federalism, the starting point requires examining how the state was put together and the prior relations among the groups involved in today's conflict. We see separate centers of power and shifting political alliances of identity after unification that show not ancient hatreds of tribe and religion but opportunities and threats in shifting realities of Yemeni territory and politics. Yemen as a unified concept is new and has lacked legitimacy in an area of tribal, regional, and religious localism and diversity. Judging federalism as a viable model must happen against the backdrop of other failed models and attempts. There have been

208 *Federal Solutions for Fragile States in the Middle East*

several indigenous attempts at governance to reflect upon in Yemen: a 1,000-year-long Zaydi Shi'a imamate in the north and its successor after the civil war of the 1960s, the Yemen Arab Republic; an Aden-centered southern PDRY that emerged from British protectorate; and the uneasy unification system from 1991 through 2011 under President Saleh that gave way to the Saudi-led reform attempts of 2011–2014, which collapsed into the present civil war.

A 1,000-year-long Zaydi Shi'a imamate predominated in what Corstange (2016a: 91–92) calls the fertile midland areas and coastal plains where the “tribal system was weaker.” For 1,000 years, “the Zaydi madhhab thrived in an intricate and delicate balance with tribal custom ... as the principal mediators of religious and social life in Upper Yemen” (King 2012: 405).

When the 1962 Revolution eventually upended the Zaydi imamate in favor of a Republic, King (2012: 405) notes that it overturned the traditional “position of ascendancy, replacing it with one of marginalization and relative inconsequence.” The revolutionary war pitted Arab nationalists supported by Egypt and the imamate supported by the Saudis. Having run northern Yemen for 1,000 years before the 1960s, the loss of long-standing power by a minority has parallels in other cases, such as Iraq's Sunni after 2003 or the threat to Syria's Alawites in the Arab Spring. The Zaydi would be beset by frustration and “impotence” against waves of Sunnification, Salafism, and Wahhabism, leading to reflection and revival in due course (King 2012: 406). The war belied homogenous identity alliances: “Midland shafai supported the republic, the Zaydi were split, Hashid tribal confederation sided with the republicans and some were “royalist by day, republican by night” (Corstange 2016a: 92). The Saudis, while Sunni, opposed Nasserist Arab nationalism in the region as a threat to monarchical and Saudi rule. In the end, Egypt withdrew and a Saudi-brokered settlement established a conservative, republican state in which Zaydis retained key positions while tribes and locals exercised wide authority locally.

The end of the civil war in the north did not usher in a stable, legitimate government. In 1970, while the north had a constitution that was “basically liberal democratic in form,” it was fraught with instability, coups, and assassinations (Ghafarzade, 2016: 948; Al-Deen 2019; Burrowes 1991). Ali Abdullah Saleh, who assumed power in 1978, was a follower of Zaydi Shiism but did not exploit religious ties, instead seeking to build beyond sectarian and tribal loyalties. Al-Deen (2019)

notes Saleh's patronage network, facilitated through the General People's Congress (GPC), characterized significantly by (1) a familial- and tribal-based military and security apparatus that included a large number of tribesmen from Saleh's home district and (2) the distribution of oil rents to buy loyalty.

Yemen's South has both history and future resting significantly in the hands of outside regional and global actors. Foreign state-building occurred in the form of British attempts to build a patchwork of emirates and sultanates to protect British security around the Arabian peninsula, including Aden in 1839 (Schmitz 2016: 30–31). The British encountered political opposition before and into the 1960s. A first attempt at federalism in modern Yemen was a British scheme to combine Aden with other protectorates into the Federation of the Emirates of the South in 1959, formally united as the South Arabian Federation in 1963. This imposed version met with instant skepticism and opposition in the form of the National Liberation Front for South Yemen (NLF), with terrorism and violence by year's end leading to a state of emergency and British forces clashing with rebellion over the next few years ("British South Arabian Federalism"; Kent 1965).

In the revolutionary throes following the overthrow of the northern imamate and the establishment of the YAR, anti-colonial protests became organized and emboldened in the south. Two rival groups emerged: the Nasserite People's Socialist Party, which became the Egyptian-backed Front for the Liberation of Occupied South Yemen (FLOSY), and the National Liberation Front, which originated within the Movement of Arab Nationalists (Lackner and al-Hamdani 2020). These two movements both fought the British and each other, with Britain negotiating independence and turning the country over to the NLF faction in 1967 and 1968.

The newly founded PDRY was a Marxist-dominated regime. The Marxist party sidelined tribal shaykhs and attempted to stamp out tribalism (Corstange 2016: 92–93) and, in its attempts to realign identity and politics, tried the following policies:

- (1) Numbering rather than naming governorates;
- (2) Selecting names that referred to geographical or ancient historical entities rather than contemporary social or tribal allegiances;
- (3) Encouraging Yemenis to use their fathers' and grandfathers' first names rather than family or tribal names.

210 *Federal Solutions for Fragile States in the Middle East*

- (4) Trying to ensure that people from all parts of the country, as well as all social groups, were represented in senior positions (Lackner and al-Hamdani 2020).

These initiatives show attempts to undercut rather than reinforce identities in Yemen, but despite this, or perhaps because of it, they failed to prevent internal conflicts and a brief civil war in 1986.

Some have described the 1986 conflict as a return to tribalism. Lackner and al-Hamdani (2020) argue that an official policy of promoting national rather than regional allegiances cannot change a centuries-old culture in just two decades. More than 10,000 people were killed during the brief civil war, which divided the South along what Al-Deen (2019) calls the “faultline that pitted military units from al-Dhalea and Lahj governorates, who emerged as winners of the civil war, against those from Abyan and Shabwa governorates, who fell on the losing side of the conflict.” Among those who fled to the North were Nasser Mohamed and the current Yemeni President Abdo Rabbu Mansour Hadi (Al-Deen 2019). On the winning side, Ali Salem al-Beidh became the leader of South Yemen and pushed for unification with the North after Soviet aid declined and intraparty and military threats mounted after the war.

5.4. Unification

Unification came in 1990, combining the north’s Yemen Arab Republic (YAR) and the south’s People’s Democratic Republic of Yemen (PDRY), thereby altering Yemen’s demographic profile in terms of political power. The previous iterations of a North Yemen were relatively evenly divided between Zaydis and Sunnis, “while the south was almost entirely Sunni” (Corstange 2016a: 99). The new, united Yemen “tilted Sunni 2/3 to 3/4,” which not only gave Sunni dominance over Shi’a overall but also “gave parties strong incentives to cultivate this expansive and diverse group of citizens” (Corstange 2016a: 99–100). Ali Abdullah Saleh, President of the Yemen Arab Republic (YAR) since 1978, assumed the presidency of the new Republic of Yemen. The governing elites in the two prior republics, the General People’s Congress (GPC) and Yemeni Socialist Party (YSP) shared power and merged parliaments and services, but retained control over own militaries and security services (Corstange 2016a: 91).

Identity groups worked in sometimes counterintuitive ways in Saleh's Yemen. Yemenis' compound identities — tribal, regional, occupational caste, denominational, experiential, and family background — are “neither static nor monolithic” but rather “competing and competed for,” leading Yemenis to “balance them ... depending on the situation or moment in history” (King 2012: 417). The Political Parties Law forbade the establishment of parties based on region, sect, tribe, and race. President Saleh's General People's Congress (GPC) Party and allied Islah Party, “consistently pitted Yemen's confessional communities against one another, for instance by supporting Salafi missionary activities in Zaydi tribal regions” (King 2012: 411). Corstange (2016a: 10) characterized Yemen as a system of patron–client networks in which “elites promote welfare of co-ethnic mass constituents or take for granted offering minimal rewards for political support.” Saleh diverted revenues disproportionately to a patronage network, particularly his family, yes, but also to Zaidi tribal sheikhs from the north (Al-Deen 2019). Corstange (2016a) argues that “competition within ethnic groups explains who elites can neglect and who they cannot. Defining constituencies with ascriptive membership rules cuts off constituents' exit options and makes them captive audiences for communal elites. Enforcing in-group unity cuts electoral competition that would otherwise bid up the value of their votes. Hegemonic elites become “sole credible buyers” of their communities' votes, leading to favoritism and neglect while forcing constituents to “tolerate meager rewards in the absence of within-group competition because they have little choice” (Corstange 2016a: 10, 95–96). Therefore, the GPC set out to “buy up the loyalties of tribal leaders” and freeze “out alternatives for Zaydi vote” (Corstange 2016a: 18–19).

The “Zaydi awakening” can be traced to the “democratic moment” that coincided with Saudi sponsorship of Wahhabi groups in Yemen and the encroachment of Islah and other Salafi activities in the north (King 2012: 413). Saleh first supported the influx of radical Sunni schools and institutions, then “began to tolerate, at times encourage, a nascent Zaydi revival movement to counterbalance the proliferation of these other religious forces in the country.” A cultural renewal came with political renewal, such as in the form of the political party, Hizb al-Haqq, and the 1990s “Believing Youth” movement (*Ibid.*). Two Zaydi-oriented JMP parties, al-Haqq and the Union of Popular Forces, had their offices closed and harassed by government. The government also resorted to “cloning,” by which the ruling regime supports pro-government factions inside small

212 *Federal Solutions for Fragile States in the Middle East*

parties to mount internal coups against existing leadership, who then publicly support the GPC. Islamist and Houthi-related groups were marginalized as “imamist” and separatist threats (Corstange 2016a: 109–112).

As for the Southern question, Al-Deen (2019) argues that, in the eyes of many southerners, the North was regarded as an occupying and oppressive power, partly because the regime began appropriating and selling off southern land. Southerners saw little financial benefit from Yemen’s limited natural resources, despite a large portion of Yemen’s oil resources being in the eastern Hadramawt and Shabwa governorates of the former south Yemen. Relations between Saleh and the Yemeni Socialist Party that shared power with him was reflected in the assassination or attempted assassination of more than 150 party leaders as well as the 1993 parliamentary election in which Saleh’s coalition formed around the Islamist Islah Party (Lackner and al-Hamdani 2020). Relations between the southern and northern leaderships deteriorated to the point of civil war in 1994, pitting Saleh supporters of unification and factions of the Yemeni Socialist Party that called for the return of the pre-1990 border. Saleh won this war, turning Islamist fundamentalists and tribal fighters against the south in a “scorched-earth campaign” (Gasim 2018; Al-Deen 2019). Schmitz (2016: 45–46) concluded that the “North treated the South as “War booty, not a wound to be mended.”

After the civil war in the south in 1994, GPC–Islah coordination deteriorated and Saleh’s patronage shifted away from the south and toward the center and new allies. The GPC no longer needed Islah to counterbalance YSP, so Islah became GPC’s chief rival. GPC set about to undermine Islah, cultivating other religious organizations as counterweights to Islah, encouraging “Wahhabism,” and supporting Al-Haqq (more extreme Zaydis). Looking for new allies, Gasim (2018) calls the alliance Saleh made with Sheikh Abdullah al-Ahmar of the Hashid tribal federation “the most significant tribal alliance” of all, buying four decades of relative stability with concessions such as the Sheikh serving as speaker of the House of Representatives from 1993 to 2007. Saleh maintained support by distributing patronage to his own tribe and those of the Hashid federation “with the highest military positions, government contracts, and generous financial support” (Gasim 2018). The beginning of the problem, as Gasim (2018) sees it, was when Saleh started to groom his son Ahmed as successor in the 2000s, which may have generated jealousy or resentment about the future of power relations in the country.

With the Arab Spring and all that follows, “the hostilities are rooted in local quarrels over power sharing, resources and subnational identities” (Thiel 2015). Opposition to Saleh, long-established in various parts of the country, expanded to youth and women’s movements and others concerned about continued lack of economic development (Al-Deen 2019). Youth and activists in the cities of Taiz, Sana’a, and Aden occupied public squares and called for Saleh to step down (Al-Deen 2019). Elite divisions mounted amidst the militarized demonstrations and repressive regime responses to the protests. The Houthi movement initially supported the protests against Saleh. The group’s leadership declared its willingness to engage in the political transition mapped out in the Gulf Initiative, even though it refused to sign on to the plan itself and officially condemned it. As for Saleh, once removed from office in a deal brokered by the Gulf Cooperation Council led by the Saudis, he seemed determined to exact revenge against those he held personally responsible for his ouster (Al-Deen 2019).

5.5. The Gulf Initiative Transition: 2011–2014

The Gulf Cooperation Council (GCC) deal called for a process by which Saleh ceded power to his vice president, Abdo Rabbu Mansour Hadi, in exchange for immunity for him and his allies from prosecution from all crimes and offenses (Al-Deen 2019). The GCC initiative allowed the ruling party to continue as a major player without major reform, and so was seen more as “renovation rather than change” (Fraihat 2016: 41). The Hadi successor government attempted to soothe old wounds through a combination of apologies to both southerners and the North for the regime’s various military campaigns and announced compensation funds for reconstruction and reparations (*Ibid.*).

Part of the GCC deal included the call for a National Dialogue Conference (NDC), which launched March 13, 2013, “to commemorate the martyrs” of the Arab Spring, which lasted 10 months, finishing January 25, 2014 (Fraihat 2016: 79). A total of 565 participants were chosen by President Hadi in a claimed attempt to account for the “diverse makeup of Yemen’s political landscape”: 112 from GPC, 85 from al-Hirak (the Beidh branch refused to participate), 50 from the Yemeni Congregation for Reform or Islah party, 35 from the Houthi represented by Ansar Allah, 37 from YSP, 7 from Justice and Building Party, and scattered few from the Ba’ath Party, Nasserist Party, and Rashad

214 *Federal Solutions for Fragile States in the Middle East*

Union (Fraihat 2016; Al-Deen 2019). The NDC offered them the opportunity to have their say in the reformulation of the country's governing system through consultations that aimed to tackle a number of issues, including state religion, political reform, transitional justice, child marriage, and, perhaps most importantly for our purposes, state structure and the form of governance (Al-Deen 2019).

But things did not go well or quickly. At one point in November 2013, the Subcommittee Chair Muhammad Ali Ahmed walked out of talks, "after we exhausted all political efforts to reach a just solution for the southern question." Adding to this mood was the boycott by key southern leaders, including ex-presidents, who rejected participation and instead demanded complete separation from the north ("Yemen to Become Six-region Federation"). The NDC attempted to address regional grievances through several working groups. According to Al-Deen (2019), the Southern Issue and State-Building working groups were the most divisive "due to diverging views over whether Yemen should remain a united centralized state, be separated into two countries as demanded by ardent southern secessionists, or even reconfigured into a new but still to be decided federal model." Opponents to any form of federalism were the GPC party, while two-state federalism was opposed by the Islah and the Nasserite Parties while being supported by the Southern Movement (Al-Deen 2019). Houthi delegates expressed "openness to a multi-territory federation" if their group would be granted sea and port access within the new federation (*Ibid.*). The NDC ended on January 25, 2014, with no consensus solution.

5.6. The Current Crisis and Prospects for Federal Resolution

Between 2014 and 2015, Hadi attempted to approve the six-region federal design codified in the CDC's final draft constitution by a committee vote on January 17, 2015. In February 2014, President Hadi overrode the NDC by appointing a special committee to approve the six-region federation, language which the CDC included in the 2015 draft Constitution (Ghafarzade 2016, 1001). The "working group" that created the proposal included eight from the north and eight from the south, but only had one Houthi representative. Houthis, the YSP, and some independents withdrew their delegations from the NDC before the final agreement

could even be signed (Al-Deen 2019). As for the Houthi's opposition, the Azal region lacked resources and access to seaports and denied Houthi control of al-Jawf and Hajja despite historical ties (think of the Kirkuk debate in Iraq, if Arabs wrote the Kurds out of it; see Chapter 3).

The "Agreement on a Just Solution," offered up by the "8+8 Committee" charged by a NDC to find a solution to Yemen's troubles, proposed a federal solution by which Yemen's unitary state of 21 governorates, would be compiled into six federal entities: Aden (including Abyan province with Aden), Azal (incorporating Sa'da, Amran, Sana'a, and Dharmar), Al-Janad (consisting of Ta'izz and Ibb provinces), Tihama (consisting of the provinces of Hajja, Al-Mahwit, Rayma, and Al-Hudayda), Saba (consisting of the provinces of Al-Jawf, Ma'rib, and Al-Bayda), and Hadramawt (consisting of Al-Mahra on the eastern border with Oman, Shabwa, and Hadramawt itself). The proposed map — which created four federal regions in the north, and two in the south — "appeased neither Hadi's political opponents nor the public at large, who were already skeptical of his intentions" (Al-Deen 2019). Al-Deen (2019) argues that "a primary failing of President Hadi's proposal for a federated Yemen was that it lacked a mechanism by which the country's natural resource revenues would be distributed," leaving regions with seeming autonomy over the natural resources and resulting revenue. Under this proposal, almost all the country's known oil and gas resources were concentrated in two areas with 13% of the population (Al-Deen 2019).

The Houthis refused to approve, then abducted the president's advisor, and laid siege to the PM's residence, forcing a January 20 ceasefire agreement that Hadi and the leadership resign. On February 6, 2015, the Houthi issued a constitutional declaration establishing a Revolutionary Committee empowered to replace Parliament with a transitional council and delaying ratification until 2017. Hadi retracted his resignation and escaped house arrest, retreated to Aden, and declared it the seat of legitimate government with help from the GDD and US. When the Houthi reached Aden, Hadi fled to Saudi Arabia (Ghafarzade 2016: 972–73).

According to Al-Deen (2019), Hadi was acting outside his legal mandate in declaring a federation. Attempting a drastic restructuring of the Yemeni state was outside the scope of the transition plan and would have required a national referendum to have legitimacy. The state apparatus under Hadi was incapable of successfully transitioning Yemen from a centralized state model into a federation. At the same time that the plan

216 *Federal Solutions for Fragile States in the Middle East*

provoked controversy and criticism, the transitional authority also lacked proper coercive tools to enforce control. A weak state by design and circumstance, centralized power lacked as much as Hadi's legitimacy. As Al-Deen (2019) assesses, Hadi's attempts to replace the previous regime officers angered army units, who remained loyal to Saleh and reliant financially on the former president's patronage networks.

The Southern Movement's response was also overwhelming opposition. The presidential committee's division of the south into two regions, "went over poorly in Al Mahrah Governorate" partly due to the lumping of it into a broader region dominated by Hadramawt, and partly because of sense of cultural and historical difference as Mehri-speaking people (Lewis 2015). A poll in April–May of 2015 in Al-Mahra indicated 99% of the 34,000 respondents opposed the idea of a merger with Hadramawt (Lewis 2015). Note, then, this is not a rejection of federalism but only of the kind that made Mahra subservient to Hadramawt. The proposal may have instead "rekindled demands in places like Mahra and Socotra to have their own region within any federal system."

5.7. Civil War

From 2014, then, we speak of Yemen in the midst of a civil war. This multifaceted complex conflagration can be separated into two meaningful parts: the original Houthi–Saleh gambit to oust the Hadi regime, and the later offshoot battle for southern secession pitting Hadi's regime against the Southern Movement ascendant. Al-Deen (2019) argues two major causes or precursors to the run-up to the Houthi offensive: the proposed federal map, as just discussed, which the Houthis opposed due to their isolation from natural resource-rich areas and ports, and second, Hadi's decision to cut fuel subsidies by 90% in August 2014 in response to World Bank and International Monetary Fund pressure.

The Saleh and the Houthi movement were allies of convenience against the new system. With Saleh's support, the Houthi forces' military expansion continued across north Yemen, leading to their takeover of the capital Sana'a in September 2014. On September 21, Houthi forces stormed Sana'a and seized control of the city against common enemies President Hadi, the Sunni Islah Party, and General Ali Mohsen al-Ahmar (who led the six wars against the Houthis in the 2000s). Ahmar fled to the Kingdom of Saudi Arabia (KSA), and Islah leaders were arrested. Under duress at the point of a gun, Hadi signed a "Peace and Partnership Accord"

under the conquest of Sana'a by the Houthi force, Ansar Allah, the result of which gave the Houthi a stronger position in ruling the country but called for them to withdraw fighters from Sana'a. However, the deal was supposed to lead to Ansar Allah leaving Sana'a, which they did not.

Not interested in having Houthi influence in neighboring Yemen, largely due to Iran's alleged role in the Shi'a-based movement, a Saudi-led military coalition campaign, Operation Decisive Storm, began in March 2015, based on a coalition of forces originally supported by more than 10 countries. A second phase, right on the heels of the controversial intervention, was "Operation Restoring Hope," which added a humanitarian dimension to the unfinished strategic objectives of stopping the Houthi and returning Hadi to power (Browning and Hashem 2015). Saudi Arabia and the UAE armed and trained pro-Hadi forces, while the US assisted with intelligence, humanitarian aid, and the aerial refueling of coalition fighter jets (Shaheen 2020).

Perhaps he had nothing to lose, but Saleh's new alliance with the Houthi sealed his fate, creating not just new enemies in the land but inviting his demise at the hands of the Houthi themselves. Gasim (2018) recounts that "a large segment of the tribesmen who joined the Houthis had been neglected for years by both the government and their own tribal leaders." Despite belonging to different tribes, the Houthi forged an alliance of old Saleh allies bent on regaining power from President Hadi, the Islah Party, and other allied families (Gasim 2018). Saleh's patronage system weakened after the presidency; when he finally called on political allies to turn on the Houthis, the Houthis surrounded his residence and killed him with nobody coming to his defense (Gasim 2018).

Amidst the conflict, then, we also see rival governments with rival claims of authority (as in Syria Chapter 4 and in Libya Chapter 6). Hadi's Cabinet of Yemen, dating to the 2012 election, remains the UN- and US-recognized government of Yemen, despite its agile mobility of locale from Sana'a to Aden to Saudi Arabia. Add to this the Houthi-based Supreme Political Council was formed from the Supreme Revolutionary Committee created when they took Sana'a in 2014. A later National Salvation Government was created in 2016 between "remnants of the General People's Congress" and elements of the Yemen military in alliance with the Houthi and Ansar Allah movement (Ahmed 2019). The NSG does not have international recognition, with only Iran, Cuba, and North Korean in support, but they have taken meetings with the EU representative for Yemeni Affairs (*Iran Press*, May 8, 2020).

5.7.1. *The South Stakes its Claims*

Add to this a third power center in Yemen: the southern secessionists for whom the civil war vacuum “hardened southern independence aspirations” (Al-Deen 2019). Southerners joined forces with other Yemenis for a short period but, after the GCC Agreement was signed, the separatists grew stronger and other elements of the reform movement weakened. With the Houthi moving on to Sana’a, Hadi’s IRG attempted to reestablish itself in Aden but southern separatists opposed the IRG presence because there were many northerners in his government. There is a clear fragmentation in the positions of southern governorates, though the STC accuses the Hadi government of creating entities to rival the STC. As such, the STC has used the popular demand for salaries and improved services in the southern region, which has long been suffering from mismanagement, to demand self-rule.

According to Fraihat (2016: 43), southerners disagree on two issues: what is a fair solution and who should rightfully represent southerners in reconciliation. Separatist movements were organized under the banner of the Supreme Council for the Peaceful Struggle to Liberate and Restore the South. The former PDRY President Ali Nasser Mohammed is a supporter of federalism rather than secession, but Lackner and Hamadi (2011) conclude that “narrow-minded, self-serving objectives ... disregard the needs of the wider population, including their supporters, all of whom are suffering from instability and deep economic problems.”

After deploying troops to Aden in July 2015 and playing a major role in expelling Houthi–Saleh forces from the city, the UAE led coalition operations in southern governorates. Prior to the Riyadh Agreement, Saudi Arabia only participated in these activities as a mediator between UAE-backed forces and the IRG. The UAE established several “Security Belts” or “Elite Forces” designed to provide security in southern governorates. Like Iraq’s Popular Mobilization Forces, these groups are nominally tied to the IRG but are aided by an outside power — the UAE — and do not directly answer to the Ministries of Defense or Interior. The rivalry between the STC and the IRG intensified, culminating in the IRG’s expulsion from Aden in August 2019. The event coincided with the UAE’s formal withdrawal from Aden, which left Saudi Arabia to reconcile the STC with the IRG.

In April 2017, Hadi removed the popular secessionist leader, Aiderous al-Zubaidi, as governor of Aden, as well as pro-secession Salafi leader

Hani bin Braik as Minister of State (Al-Deen 2019). These two moves “galvanized the Southern Movement and conversely reduced Hadi’s already low level of popularity in both Aden and in south Yemen more broadly,” culminating in the formation of the STC in May (Al-Deen 2019) headed by Al-Zubaidi with bin Braik as his deputy. Hadi also dismissed the governors of Hadramawt, Shabwa, and Socotra governorates following their appointment as members of the STC.

Aspirations for greater regional autonomy and increased authority in the South led to the 2017 Hadramawt Inclusive Conference (HIC). Al-Deen (2019: 21) argues the convention reached a consensus over potential frameworks for obtaining regional autonomy: (1) as part of the six-region federal model Hadi proposed; (2) as a federal region in an independent southern state; or (3) as a fully independent entity. Tensions between the STC and the IRG grew in 2019, leading to the formation of the Southern Salvation Council based on the Youth of Al-Mahrah and elements of the southern Hirak (Lackner and al-Hamdani 2020). The Southern Salvation Council opposes Saudi Arabia’s military presence and policy of controlling the governorate through development projects, opposes Emirati involvement in the governorate, and supports Yemeni unity (*Ibid.*).

Facing opposition and UAE meddling in a weak country on their southern border being overrun by an Iran-supported Shiite movement, Saudi Arabia set to mediate and patch up the southern question. The resulting Riyadh Agreement in November 2019 between the STC and the IRG “claims to represent the south as a whole but it has limited control over parts of western governorates” (*Ibid.*). While not big enough to win or assert control, it is big enough to be “the most serious threat to the anti-Houthi coalition” (Lackner and al-Hamdani 2020) and thus grabbed the attention of the Hadi government and their Saudi sponsors.³ It formalized the transfer of the coalition’s military presence in southern Yemen from the UAE to Saudi Arabia and called for a new, Aden-based government made up of 12 southern and 12 northern ministers. Both sides’

³To get a sense of the rhythm in Yemen’s conflicts and identities, Lackner and Hamdani (2020) note that “the signatories to the Riyadh Agreement are divided into the same two factions that fought each other in 1986: the STC is the successor to the group that went on to rule the PDRY for the remaining four years of its existence, and Hadi and many of his ministers have roots in the defeated faction whose members originated mainly from Abyan and Shabwa governorates – and who took refuge in Sana’a after their defeat in 1986.”

220 *Federal Solutions for Fragile States in the Middle East*

military and security personnel were to be withdrawn from Yemen's cities, alongside their heavy military equipment. Emirati-backed militias are to be integrated into the Yemeni armed forces.

Still, well into 2020 the implementation is not complete nor are the southern issues resolved. On April 25, 2020, the STC declared self-rule in Aden (Al-Duba'i 2020), breaking from the Hadi government. The UN Special Envoy for Yemen, Martin Griffiths, expressed concern and called for the implementation of the Riyadh Agreement signed in November 2019 between the Saudi-backed government and the UAE-supported separatist STC, after the latter captured Aden in August of that year. Griffiths emphasized that the implementation of the agreement would provide "for the participation of the STC in consultations on the final political solution to end the conflict in Yemen." In May 2020, Yemeni government forces retook Abyan Governorate from those of the STC. This was a victory for the Saudi-backed efforts over UAE-backed STC forces that had unilaterally declared "self-rule" in southern Yemen the previous month (*Middle East Monitor*, May 13, 2020). The STC's move toward self-rule led the Saudis to emphasize that the "the responsibility rests with the signatories to the Agreement to undertake national steps toward implementing its provisions."⁴

Three governing centers, one north, one south, and one official, suggests a problem of legitimacy but also a possible solution in plain sight. We next consider how to accommodate the fissures of Yemeni politics while salvaging a unified Yemeni state, and how federalism may provide the answer.

5.8. Prospects for Peace and Prospects for Federalism

Following years of failed efforts, the UN managed to bring the main warring parties to the negotiating table in December 2018. However, negotiations mainly were limited to discussing the precarious economic situation in the city and de-escalation measures (Al-Deen 2019). But what sort of Yemen do Yemenis themselves and the conflicting parties actually want?

⁴"Saudi-led coalition calls for end to escalation in Yemen, immediate return to Riyadh agreement." *Coastal Digest*, April 27, 2020 <http://www.coastaldigest.com/saudi-led-coalition-calls-end-escalation-yemen-immediate-return-riyadh-agreement>

Prior to the Arab Spring, a survey of Yemenis from November to December 2007 indicated the mood of the Yemeni people on matters of governance. On democracy, 72% called it the most preferred system of government, with 63% of respondents called democracy “better than any other form of governance,” despite its “problems” (Arab Barometer 2007: 1). An almost identical 71.6% opposed authoritarianism for Yemen, with 8.1% supporting it (Arab Barometer 2007: 2). On the matter of the compatibility of democracy and Islam, a majority of Yemeni Muslims believe they are compatible (57.3%).

Democracy, though, is abstract. The mood in country about their actual institutions in 2007 reveal great distrust and disgruntlement. Fewer than 6% had “a great deal of trust” in parliament and in political parties (Arab Barometer 2007: 4). According to Arab Barometer (2007: 4), substantial majorities did not think government “creates conditions which allows individuals to prosper through their own efforts (59.1%) nor took the opinions of citizens seriously (59.1%) nor “care about the needs of the people” (62.4%).

How did the Arab Spring uprisings, the GCC deal to remove Saleh, and the subsequent reform process and civil war, affect Yemeni perceptions of government and society? The Arab Barometer in December 2018 surveyed 2,400 Yemeni (Arab Barometer V 2019). Houthi-controlled areas are discussed separately, allowing us to explore broadly Sunni–Shi’a differences of opinion, if any. Regarding government performance, a country divided and in disarray without a new constitution would not surprisingly be lacking in the people’s trust and confidence. However, trust in government was at 80% in government-controlled areas, compared to 44% outside those regions (Arab Barometer 2019: 14). In government-controlled regions, 47% give government performance good marks, compared to 23% in Houthi areas. Trust in Parliament and parties, however, remains low in all regions (Arab Barometer 2019: 15–16).

As we consider post-conflict institutions in Yemen, the Arab Barometer (2019: 16) survey is telling, with 52% responding that “democracy is always preferable to any other kind of government.” Interestingly, asked if the “current governance” is “closer to a democracy than a dictatorship,” two-thirds say democracy in the government-controlled areas compared to 35% in the Houthi regions. Trust in religious leaders has declined from 61% to 46% from 2013 to 2018, despite Yemen’s religious self-identification level at 94% (Arab Barometer 2019: 21). Fewer than half of respondents think religious clerics should

222 *Federal Solutions for Fragile States in the Middle East*

influence government (43%), with Houthi region residents more supportive of such influence (47%) compared to outside those areas (34%) (Arab Barometer 2019: 23–24).

Rulers and ruling parties of a unified Yemen compete against advocates of secession, partly because a weak central government “cannot afford to lose the oil revenues flowing from the southern provinces” — making unity the “cornerstone of the regime’s survival” (Corstange 2016a: 102–103).

One way to frame the options is: Unity, Secession, or Federalism? Fraihat (2016: 43) lays them out as such: (1) complete separation; (2) unity under federal system, with referendum to maintain or secede after a few years; and (3) unified prior structure with no expanded autonomy. This is not an academic exercise but one that must get fighting parties to agree. Shaheen (2020) muses on outcomes ranging between war and peace and between a unified Yemen, on the one hand, or dividing the territory into two separate entities on the other. “Integration” marks the preservation of the country’s existing borders, regardless of its level(s) of decentralization (e.g. federation), where the opposite extreme reflects the endemic lack of national cohesion and thus represents the possibility of dividing the country in two separate states/territories. By this formulation, the status quo in Yemen is a country that “remains undivided as a political unit, but the war is unceasing and offensive operations are continuously being launched” (Shaheen 2020).

The unity option is fraught. Fraihat (2016: 41) states the fairly obvious if not tautological “three challenges to reconciliation”: (1) demand for secession in the south; (2) Houthi rebellion in the north; and (3) the 2015 Civil War. In other words, fighting and secessionist sentiments are preventing peaceful unity. Shaheen (2020) contemplates “a permanent ceasefire and a deal that will preserve the unity of Yemen, either as the result of an effective and creative diplomacy, or because of the success of Operation Restoring Hope to keep President Hadi in charge of Yemen and the surrender of the Houthi movement.” A unitary state, though potentially palatable for the more populous north, is a non-starter for the Southern Movement, some of whose members continue to push for secession (Ghafarzade 2016: 998).

Given the trouble keeping Yemen together under a unitary state of questionable legitimacy in leaders and institutions since unification, and given the pull for autonomous power in different corners, the second option is partition. Shaheen (2020) contemplates the possibility to “divide

Yemen,” saying it “has significant support in the county, especially in the south.” By this account, the Popular Committees in the south and Hadi’s army “neither belong to a single tribe nor share a common strategic objective — just a common enemy” (Shaheen 2020).

If not a unitary state, then what? Repartitioning Yemen would risk ceding control of the southeastern regions to non-state actors like AQAP or IS, which neither the Arab states nor the US wants (Ghafarzade 2016: 998). Can federalism stop the fighting and appease secessionist demands? Given the identity profile of Yemen, combined with the historical and contemporary context for power and relations among these and other politically mobilized groups, what are the prospects for a federal solution to Yemen’s political problems? A federal system has support in Marib, al-Jawf, and some of Hadramawt governorates, but also opponents in both hardline southern secessionists and pro-unity advocates of the north (Al-Deen 2019).

Shaheen (2020) advocates a “rebirth of the Peace and National Partnership Agreement,” which “would mean that post conflict institutions would have to be agreed upon, and integration of different demographic groups would be expected to take place at various levels in the government.” Ghafarzade (2016: 998) argues that “the NDC itself concluded in 2014 that federalism presents the only solution to the problem of adequately representing all Yemenis. Abandoning federalism would likely be seen as illegitimate and would destroy any prospects for continuing the project of a unified Yemen.” The Houthis were committed in principle to the NDC Outcomes and a federal system (*Ibid.*), therefore, although they rejected Hadi’s six-region map, a different federal option is viable especially now that the Houthi have been chastened and no longer are bargaining from a position of strength. The failure of *previous* federal models does not mean the impossibility of *any* federal model. The Houthi and the former South Yemen president Ali Salim Al-Beidh sought a two-region federal state, a Houthi–Beidh alliance that would see the Shi’a militia keep control of Northern Yemen, with a Southern federal state being headed by Beidh (Madabish 2014). This of course is a non-starter for the Sunni Arab “middle” backed by Saudis, fearful of Iranian encroachment onto the peninsula. However, the point is that proposals can accommodate different numbers of regions and governorates and can be done more openly with fair rather than partial outside facilitation. We can propose some here, as well as stipulate the conditions in which proposals would be more or less acceptable to many or all sides.

224 *Federal Solutions for Fragile States in the Middle East*

Political dialogue remains the basic principle in addressing the flaws in the Riyadh Agreement. The root cause for the armed conflict in Yemen is the fight over power and wealth. Therefore, focusing on establishing a federal system is the best path forward to providing a strong entry point towards efficient implementation of the Riyadh Agreement (al Duba'i 2020).

Federal accommodation can couple with adjustments in representation along geographic or ethnic lines. Ghafarzade (2016: 994–996) points to the rejected constitutional proposal's "uneven population distribution" that gave rural provinces "disproportionate representation in the upper chamber of Parliament, though the lower chamber would be proportional by design." He recommends that "in order to check the growth of large regional parties, which likely contribute to ethnic conflict, future election law could set an apportionment formula that advantages smaller parties" in the lower house.

There are obstacles to a federal solution. Williams *et al.* (2017) argue that "transitioning to federalism is an arduous, expensive and technically complicated process," and can "renew conflict if ... there is a lack of consensus on how to address" outstanding issues. The latter point speaks to a procedural need for inclusivity as well as a willingness to compromise, both difficult asks that are far from inevitable. However, arguments of cost and complications do not bear much weight against the backdrop of years of failure, instability, and death and could be offset by international supporters willing to provide aid in the name of providing a peaceful, just and stable outcome.

Politically, which perhaps matters more than academic and think tank arguments, there are those seeking to preserve a unitary and unified state in Yemen. Outside of Yemen, both KSA and US rejected a separate political framework for the south and thus the idea of resurrecting a southern state, no doubt partly for fear that secession would allow enemies to gain influence (Phillips 2016: 48–49). Those positions could change, but buy-in from those with financial, political, and military clout cannot be ignored. Domestically, how much support there is for federalism is hard to read. However, as this chapter hopefully has made clear, one does not simply poll "Yemeni opinion" but see where regional elites stand on their own region or tribal views of local autonomy.

Yemen has seen the results of a power monopoly in Saleh and the GPC; it has seen attempts at decentralization within a unitary system in the early 1990s; and it has seen civil war numerous times, including

on the heels of the 1993 accord proposing administrative and financial decentralization (Al-Mekhlafi 2018). What it has not tried is federalism. In 2014, consensus federalism did not materialize by an anointed deadline, and imposed federalism was outright rejected. However, as with Libya (see Chapter 6), the demise of previous federal plans does not mean that no federal plan can work. If anything, the possibility of federalism in general survives, with cautionary tales about procedural deadlines and inclusivity and respect for the complexity of federal solutions (Mujais 2017) and institution-building in a post-conflict environment.

5.9. Prognosis and Conclusion

When we speak of the prospects of unity and the numerous groups seeking control or autonomy in Yemen, it is important to realize that it is Yemen that is new, not the groups. As Gasim (2018) explains, “some tribes have enjoyed autonomous political and military power” for decades preceding a unified Yemen. Civil wars in parts of Yemen have taken place in the north in 1962, in the south in 1986, in unified Yemen in 1994 and today.

Add to the existing identities the hard lines drawn in war since 2014, and the process of “othering” can be said to be “obliterating memories of coexistence” and making any reconciliation unforeseeable (Shaheen 2020). The “previously absent Shiite-Sunni narrative is creeping into how Yemenis describe their fight,” making a real possibility of becoming a self-fulfilling prophecy (Shaheen 2020). Would federalism reward and entrench these identities or help forestall a worse creep into full secessionism and the prospect of an Iran-backed independent Shiite state at their doorstep?

Gasim (2018) is pessimistic, suggesting it will require “a strong political will and a lot more effort for Yemen to one day fit into the Weberian definition of a modern state.” Yet if nothing is done, not only will a humanitarian crisis spiral indefinitely but prospects of Balkanization increase. Even in governorates trapped in the middle, such as Taiz, it is reported that there is “a rising contempt toward the competing political authorities in the country,” including “limited support the Hadi government and the Saudi-led coalition provided Taiz to break the Houthi siege.” As factions fight and the wars go on, “the end result has been a growth in Taizis demanding their own regional autonomy in a post-conflict setting” (Al-Deen 2019).

226 *Federal Solutions for Fragile States in the Middle East*

As with other cases presented in this volume, it is unlikely the solution to Yemen will be determined only by Yemeni leaders at the national, regional, and local levels. Phillips (2016: 59–61) notes that, in Yemen, “access to external sources of revenue and political support for domestic political elites” led to a “steady stream of international loans, credit” and strategic rents from the GCC and the West, payments she argues “reinforce a political economy predicated on weak institutions” and a lack of elite capacity to provide services to citizens is a resource for extracting more external revenue.

Even before the Arab Spring and the start of the 2014 Houthi campaign, both Iran and Saudi Arabia were insinuating into insurgency and counterinsurgency in the north, with evidence of Iran and Hezbollah support for the SAM insurgency and the Saudis waging a “silent intervention” on behalf of Saleh (Freeman 2009: 1016). International intervention in Yemen seems to have always been the case. The Gulf Arab states and the US have counterterrorist and anti-Iran interests at stake in Yemen.

As for today’s conflict and prospects for outside help on an inclusive peace process, “inclusivity” has not been a priority for the outside players Iran, Saudi Arabia, or the US, each fearing the influence of the other if their faction were to get a permanent “seat at the table.” The international community — including EU countries and the members of the GCC that form the Saudi-led military coalition intervening in Yemen — officially recognizes the Republic of Yemen as representative of all Yemen, including the south. It has supported the IRG since 2015, when Hadi relocated its capital to Aden (Lackner and al-Hamdani 2020). Phillips (2016: 59–61) notes that “regional geopolitical conflict shapes questions of how to resolve southern demands,” with vulnerable states like Yemen having “access to external sources of revenue and political support, including a “steady stream of international loans, credit, strategic rents from GCC/Iran/West.” (Phillips 2016: 61).

The US has moved in and out of concern for Yemen. Fighting a counterterror war since before 9/11 (the USS Cole was attacked in 2000), the US sided with Saleh as it did other regional “moderate” autocrats fighting radical Salafi jihadists. Saleh’s departure was acceptable so long as the framework the GCC enabled permitted continued operations against AQAP. The Yemeni Ambassador to the US, Ahmad Awad bin Mubarak, acknowledged intelligence cooperation and security coordination between the two was behind the assassination of Qasim al-Rimi, a founder and leader of AQAP. Mubarak said the assassination not only restored stability

Yemen: In Search of Stability 227

and security to Yemen but also empowered Yemeni institutions (Yemeni Ambassador 2020). Mubarak also expressed his appreciation for the great clarity in the US position in determining the Iranian role in the conflict in Yemen. The other draw to Yemen for the US was the Iranian support for the Houthi as they made inroads in rapid succession in 2014, akin to the IS rampage through Mosul toward Baghdad the same year. The US and the Hadi regime share the view of “the danger behind Iran’s expansionist agenda” (Yemeni Ambassador 2020), though the US has started to “downplay Iran’s involvement” and distancing from Yemen (Ahmed 2019). A sign of this new reality sinking in is the start of talks between the Saudis and Houthi in mediated discussions (*Middle East Monitor* 2019). Outside powers may dictate the political feasibility of any plan, in Yemen as in other states. Tipping the scales toward compromise, with threats or promises, outside third-party actors can help make unimaginable things imaginable.



Chapter 6

Libya: Back to the Future?

6.1. Introduction

Since independence, Libya has had a 70-year history, with the classic arc, from a colonial construct to an imperially supported, nominally independent monarchy, to truly independent but radical Arab nationalist, socialist regime, to the promises and peril of the democracy movements of the Arab Spring. The fleeting optimism behind democratic transition gave way to civil war by 2014–2015, making it a candidate case for analysis of post-conflict institutional governance. Unlike the previous three cases, Libya's demographics and conflict fissures lack a significant ethnoreligious component. Unlike Iraq, Syria, and Yemen, Libya is sparsely populated and less ethnically diverse. This does not mean it is homogenous, but rather the ethnic minorities of Libya are smaller and less politically concentrated.

In a discussion of the prospects for post-conflict federalism in the Middle East, Libya seems like our least likely candidate. Overwhelmingly Sunni Arab, there are few of the classic conditions for consideration, and the ethnic minorities that do exist are not substantial in number or in political dynamics undergirding the violence since 2011. Yet ethnic minorities do exist, are taking sides in the chaos, and can be part of a federal solution that can smooth out a transition to a truly new Libya. And, like Yemen, the status quo since 2014 (if not 2011) has certainly been unsustainable and offers little prospect of success as unitary states.

This chapter proceeds with a review of Libya's identity profile, examining religious, ethnic, tribal, and geographic identities for their size,

230 *Federal Solutions for Fragile States in the Middle East*

concentration, and politicization. We then turn to Libya's enduring problem of "contested sovereignty," and how identities have played into its previous iterations of federalism and unitarism, and the current problem of conflict in the post-Gaddafi¹ anarchy that has beset Libya since 2011. With that context established, we assess the "goodness of fit" of federalism(s) for getting and keeping Libya out of conflict and failure, relative to alternative possibilities.

6.2. Libya's Political Identities

How many ethnic, religious, and tribal groups does Libya possess of sufficient critical mass and geographic concentration to affect Libyan politics and make ethnofederalism a viable option for peace and stability? Though Libya is heavily Arab-speaking and Sunni Muslim, the idea of a unified Libyan population is a myth of Colonel Muammar Gaddafi's own making during his 40-year rule, portraying Libya "as a homogenous Arab nation with Arabic as the only official language" (Minority Rights Group International (MRGI), "Imazighen"). In addition to ethnicity and religion, salient tribal and regional political identities come into play in Libya as they did in the case of Yemen. We explore all these in this section for their implications for Libya's conflict and for potential federal solutions.

Libya's population is estimated at 6.871 million in 2020.² Libya is a heavily Arab and Sunni Muslim country. Upwards of 97% of Libya's 6.87 million people are Muslim, and an estimated 97% of them are Sunni, with a small number of Ibadi Muslims making up most of the difference. Religious minorities, Christian (2.7%), Buddhist (.3%), Hindu, and Jewish represent tiny communities without the critical mass, geographic concentration, or political salience to factor into considerations of ethnofederal institutions (indexmundi.com).³

Estimates of the Arab population vary from 78% to 97%, especially if an "Arab-Berber mix" is considered. Less than 1% of Libya are from

¹This is *Al Jazeera* English's spelling, but there are 112 ways to write it, so long as we are consistent. See Alexiou (2011) for a discussion.

²2020 UN data <https://worldpopulationreview.com/countries/libya-population>

³2010 estimates, see IndexMundi, https://www.indexmundi.com/libya/demographics_profile.html

small communities of Greek, Maltese, Italian, Egyptian, Pakistani, Turk, Indian, and Other.⁴ Of the ethnic minorities in Libya, three are of enough number, geographic concentration, and political salience to warrant attention, though not nearly to the scale of Yemen's Zaydi or Iraq and Syria's Kurds: The Imazighen (or Berber) in the West, Tuareg in the west and southwest, and Toubou along the south and southeast frontiers of the land.

6.2.1. *Amazigh*

The Amazigh, the largest non-Arab minority in Libya, is estimated to number anywhere between 236,000 and 590,000, or 5%–10% of the total population (Siggillino 2015; Sawani and Pack 2013: 537; Wehrey 2016: 102). Referred to as Berbers especially by the Arab and Western populations, this label actually is indicative of the politics of Libya and the politics surrounding this population in North Africa. Berber is ultimately an imposed label by Arab and other regional peoples upon the Imazighen, with negative connotations rooted in the Greek term for barbarian or foreigner (Errihani 2008). This itself is a fascinating clue into ethnic politics in Libya and beyond. Amazigh, or Imazighen, is a self-designation (meaning “Free and noble”) and we use these terms to respect the self-identification of groups under our analysis.

Amazigh are descended from North African indigenous populations prior to the Arab migration (Siggillino 2015). Significant populations in Libya are concentrated in Djebel Nafusa region, Zuwara, Ghadames, Sokna, Awgila, Al-Fogaha, and Jalu (MRGI, “Imazighen”). There is no single “Berber people” or language, even without the assimilation and Arabization of the Gaddafi era. The predominant language of the Amazigh is Tamazight, but other languages and dialects include Awjilah, Ghadames, Sawknah, Tamahaq/Hoggar, and Zuara (*Encyclopedia of the Orient* 1997).

Regionally across North Africa, Imazighen have played a role in minority politics. The French were argued to have “instrumentalized” the separation of Arabs and Berbers in their North African colonies and began to be associated with non-Arab characteristics (United World 2020). Activists promoted Berber social movements in Algeria and across the

⁴https://www.indexmundi.com/libya/demographics_profile.html

232 *Federal Solutions for Fragile States in the Middle East*

region. The Amazigh World Assembly and a World Amazigh Congress represent organizations for Amazigh rights and the autonomy of Berber regions throughout North Africa (United World 2020). To some, they were considered “white” and “therefore, more prone to assimilation into European culture,” while in other areas, Berbers were considered negatively as their enclaves were less developed than Arab urban areas (United World 2020; *Encyclopedia of the Orient* 1997).

In Libya, Gaddafi championed the country’s Arab heritage and began a campaign of Arabism. Under Gaddafi rule, Berbers were merely a particular Muslim Arab tribe and the term “Berber” was only an invention produced by colonialism; speaking Tamazight in public was forbidden, and national authorities provided each Berber with a new Arab name (Siggillino 2015). Repression of Amazigh activists occurred through arrests based on banned writing in Tamazight as well as even owning books in that language (Siggillino 2015; United World 2020).

Movements associated with the Arab Spring in Libya and other parts of the Maghreb are misnomers in that the uprisings included other ethnicities, including the Amazigh, as had previous protests that Algeria in 1980 called “the Berber Spring” (Fromherz 2014). United World (2020) goes so far as to describe a “Berber Spring 2.0,” both for the participation in the general uprising as well as a resurgence of Amazigh rights, identity, and politics. Berber social movements across North Africa in 2011 led to reforms in Morocco and Algeria’s recognition of the Amazigh language (United World 2020).

Unsurprisingly, then, Imazighen were largely glad to see Gaddafi’s regime fall and were “among the first to come out in opposition to Gaddafi when popular protests began in February 2011” (MRGI, “Imazighen”). Amazighs became “some of the fiercest fighters in Libya’s revolt against Gaddafi’s rule,” with brigades from the Amazigh-heavy Nafusa mountains helping to lead the final assault on Tripoli in August (Topol 2011).

With victory came an expectation of reward and recognition. Like others in the revolution, the Amazigh demanded rights for the sacrifices made. When new enshrined rights and power were not granted, Amazigh returned to vocal protests. Amazigh participation in the Arab Spring protests had created motivation and experience that “left them well-placed to fight for their rights in any post-conflict constitution” (Maddy-Weitzman 2015). However, Libya’s descent into anarchy has left the future status of the community and its demands with respect to official recognition

of linguistic and cultural identity in legal and constitutional limbo (see Baldinetti 2018 for more details).

6.2.2. Toubou

The Toubou⁵ are historically nomadic peoples from the areas of Chad, Sudan, and Niger. Some estimates place their number at 12,000–15,000 in southern Libya, though others more recently place the number at 50,000 (Issaev and Zakharov 2020: 61). While most are Muslim, some “retain many of their earlier religious beliefs and practices”; while most speak Arabic, many “speak a language belonging to the Nilo-Saharan family” (Siggillino 2015). This community in Libya lives in the south and southeastern regions.

Assessing the Toubou’s real numbers in Libya is difficult, argues Siggillino (2015), as during Gaddafi’s regime they were considered illegal immigrants, and national authorities denied them Libyan citizenship. Adding to the difficulty is that, under a 1954 citizenship law, individuals needed to prove to have parents or grandparents born in Libya in order to obtain Libyan citizenship, yet the Toubou were a semi-nomadic population who often lacked birth certificates or documents to demonstrate their Libyan origins (Siggillino 2015). Under Gaddafi’s Arabization, the Toubou were expelled from their lands and had citizenship revoked. African Toubou were “deprived of citizenships and employment, medical care, condemned by Gaddafi to serf-like status” (Wehrey 2016: 102). Residents of neighboring Chad’s Aouzou strip, invaded by Libya in the 1970s, were registered as Libyan citizens. Libyan Toubou were forced to re-register and a 1996 decree left all Aouzou registrants as foreigners, leading to a campaign to relabel the Toubou as “Chadians” and revoke their citizenship (Siggillino 2015).

The Toubou have been largely discriminated against by the Arab majority in Libya. Because of their darker skin, many Libyans considered themselves “white” and the Toubou, at times, were disparagingly called “Black Africans” (Siggillino 2015). The UN High Commissioner for Human Rights reported an ethnic cleansing against the Toubou carried out in Libya:

In 2007 the government definitively deprived Toubous of citizenship, claiming they were not Libyans but immigrants arriving from Chad.

⁵Also known as Tebu, Tubu, Tabu, among others.

234 *Federal Solutions for Fragile States in the Middle East*

Consequently, Toubou lost access to education and health services. Toubous were progressively expelled from cities and the possibility to renew documents was often denied to them. Sometimes birth certificates were not released and births not registered if the infants had Toubou origins (Siggillino 2015).

Like the Amazigh, the Toubou have been explicitly suppressed culturally and politically under Gaddafi's programs of Arabization (Issaev and Zakharov 2020: 61). Not surprisingly, then, the Toubou were at the forefront of the rebellion against Gaddafi in 2011 (Minority Rights, "Tebu"). Like the Amazigh, after Gaddafi, the Toubou made similar claims for participation and recognition in the future of the country. However, they, like the Amazigh and Tuareg, secured only two seats in the Constitutional Drafting Committee, leading them to be "inconsistent participants, at times boycotting" the committee (Minority Rights, "Tebu"). Representatives of the Amazigh Supreme Council, Tuareg Supreme Council, and Toubou National Assembly in 2013 rejected the law establishing the commission which would have drafted the new Libyan Constitution, arguing that "two chairs would have not guaranteed the important political role they wanted to fulfill in Libya after Gaddafi" (Siggillino 2015).

Inter-ethnic troubles mark Toubou relations with the Tuareg, including 2014–2015 militia clashes that ended under a Qatari-brokered peace agreement that had both militias exit the town of Awbari in May 2017 (Minority Rights, "Toubou"). Months of "fierce fighting between" the Tuareg and Toubou tribes in Ubari, close to Libya's lucrative southern oil fields and vast frontier with Algeria, Niger, and Chad, displaced thousands (Murray 2015). Fighting between the Toubou and Tuareg forces killed dozens until an eventual peace agreement brokered by Qatar was implemented in 2017 (MRGI 2018). The Toubou also fought in 2018 with the so-called Sixth Division of the Awlad Suleiman tribe aligned with the Libya National Army of the east, putting the ethnic Toubou in a precarious position depending on the ultimate outcome of clashes between the East and the recognized government in Tripoli (MRGI 2018).

6.2.3. Tuareg

The third substantial Libyan ethnic minority are the Tuareg, a nomadic, pastoralist set of tribes found across North African Sahara regions of not

only Libya but also Algeria, Mali, Niger, and Burkina Faso (MRGI 2018; Biagetti *et al.* 2016). The Tuareg language is Tamasheq, in the same linguistic branch as the Amazigh's Tamazight. Based largely in the south and southwest of Libya, the numbers of Libyan Tuareg estimate approximately 12,000–15,000, while others cite wildly different numbers as low as 17,000 to as high as 560,000.⁶ The problem of documented citizenship that plagued the Toubou also affects the Tuareg. Libya's 1954 citizenship law required applicants to prove that their mother, father, grandmother, or grandfather was born in Libya, which meant that the largely semi-nomadic Tuareg could not apply for citizenship due to their frequent movement across the borders between Libya, Algeria, Niger, and Chad and lack of documents proving their origin (Minority Rights, "Tuareg"). An estimated 14,000 members do not have nationality or residence permits in Libya; under Gaddafi, those willing to join the official army obtained citizenship and documents but others only achieved a partial nationality "with papers certifying their Tuareg identity or with entrance permits allowing them to move within Libyan soil" (Siggillino 2015).

Yet, unlike the Amazigh and Toubou, under Gaddafi's rule, the Tuareg were often praised and glorified by the state and were permitted to speak Tamasheq, which Gaddafi considered to be a dialect of Arabic (MRGI 2018). A sign of "ingroup" identification, the Gaddafi regime called the Tuareg "southern Arabs" or "desert fighters," and regional Tuareg were actively welcomed in the 1980s, "provoking a wave of Tuareg immigrants mainly from Niger and Mali" and immediately "could easily obtain citizenship," jobs and resources (Siggillino 2015).

Unlike the Toubou and Amazigh, the Tuareg cultivated generally good relations with the Gaddafi regime. When the Arab Spring uprisings occurred, many Tuareg sided with Gaddafi. Not surprisingly, then, after Gaddafi's fall, the Tuareg communities were treated poorly "despite the fact that many Tuareg opposed Gaddafi and his treatment of minorities, both before and during the revolution" (MRGI 2018). Some sought refuge in Algerian borderlands in September 2011, and with no support from regime or opposition, have allied with Muslim Brotherhood and other Islamist factions (Siggillino 2015).

⁶For various estimates of Tuareg see <https://fanack.com/libya/population/#ethnic> and <https://minorityrights.org/minorities/tuareg-3/#:~:targetText=Within%20Libya%2C%20estimates%20of%20their,of%20Ghat%2C%20Awbari%20and%20Ghadames>

Together with other minorities in Libya, the Tuareg are seeking a greater degree of participation in the political future of the country and guarantees that their cultural and linguistic rights will be respected. Like the Imazighen, the Tuareg were granted only two seats on the Constitutional Drafting Committee and joined the Imazighen in their boycott of the process. Draft versions of the Constitution released since 2015 have recognized the Tuareg culture and language as important parts of Libya's heritage, but have fallen short in offering true protections to the community from discrimination and other abuses of their rights. UNESCO has classified the language of the Tuareg as "definitely endangered."

Individually, the three Libyan ethnic minorities are marginal in terms of power and leverage. Collectively, they could be a veto or thorn in the side of any peaceful, stable solution. In January 2016, the Supreme Amazigh Council declared, "We will not recognize any Constitution that is not agreed upon by all of Libya's sons — the Toubou, Tuareg, Amazigh and Arabs" (MRGI, "Imazighen"). Siggillino (2015) argues that "the stabilization of Libya has to cope with the issue of ethnic minorities" and that whoever will govern Libyan institutions "will be interested in collaborating with Toubous, Tuaregs and tribes settled in the South, as cooperation with them would undermine some destabilizing factors affecting the country." The Arab Spring and subsequent civil war have permitted these relatively small factions of Libya to secure what Siggillino (2015) calls "permanent military structures committed to control, or to struggle for the control, of the territories they are respectively settled in." While none of the groups are large enough to dictate terms of a post-conflict Libya, they are among the numerous armed factions in a lawless, fragile state, capable of asserting themselves into discussion on post-war institutions and rights.

6.3. Religion

Ethnicity is not the only source of political identification and mobilization in fractured states; religion often is another. In the case of Yemen (see Chapter 5), the tribal-religious nature of Houthi rebellion adds a dimension to the conflict. In Libya's case, sectarian differences matter far less. Libya's Arab population is overwhelmingly Sunni Muslim from the Maliki school. The Berbers are a "mix mostly Maliki school Sunni Islam

with pre-Islamic beliefs” and some from the Ibadi sect of Islam (MRGI, “Imazighen”), but their numbers are few and their motives are not religiously based.

The Idris constitutional monarchy had a religious aspect to it to the extent that Idris hailed from the “Senussi” family’s Sufi religious order dating to the eighteenth-century Cyrenaica (“Libya’s Forgotten King” 2015). Under Gaddafi, a secular Arab nationalist, Islam was recognized as the “state religion” but was controlled through a state apparatus known as the Islamic Call Society (ICS); anything outside ICS control was banned (Fox 2008: 235). However, as a secular Arab nationalist, Gaddafi’s regime distanced state identity from religion, seeking to control or manage it but not embrace radical Sunni politics. Post-Gaddafi Libya seems intent on remaining on that path. The interim constitution preserves Islamic law as the “principal source of legislation” (Wehrey 2016: 105), while guaranteeing rights for minorities and offering full electoral participation for women.

The only significant religious factor relevant to the stability of Libya, then, is the presence of extremist radical Salafi or Wahhabist groups within the Sunni world. Most of these are not vying for autonomy or normal politics, though IS sought to incorporate the area into the broader caliphate vision for a time.

Chief among the early Islamist movements were Muslim Brotherhood and the Salafi Libyan Islamic Fighting Group (LIFG). The Muslim Brotherhood’s presence in Libya had been quashed by a ban by Gaddafi, following other Arab nationalists in the region in the face of Islamist challenges. However, Qatari funding and support kept the organization afloat. The LIFG emerged in the 1980s, some coming back from experience in Afghanistan to take aim at Gaddafi (Wehrey 2016: 106). After a failed insurrection in the mid-1990s, part of the LIFG fled Libya for Sudan or Istanbul, while some members went to Afghanistan and consorted with bin Laden and Al-Qaeda in Afghanistan in the 1990s, earning the group a designation as a terrorist organization by the US State Department. In 1998 the LIFG Shura Council adopted a non-violent posture, ceasing hostilities inside Libya and dropping the word “fighting” from its name and call itself the Islamic Movement of Libya (Hussein 2019). LIFG’s leader, Belhaj, emerged from prison to become a senior rebel commander during the uprising that toppled the Libyan leader in 2011 and has “reinvented himself as a businessman and a politician, dividing his time

between Turkey and his homeland as a representative of the democratic Watan Party” (Hussein 2019).

Other groups like the Militant Islamic Group and Islamic Martyr’s Movement harassed the Gaddafi regime, including 1996 skirmishes in Benghazi and a failed assassination attempt on Gaddafi in 1998 that left him injured (Brownlee 2005: 57). Poljarevic (2018: 94) cites other local jihadist groups that have emerged since the fall of Gaddafi, including Islamic Youth Shura Council (IYSC), an offshoot of Islamist Abu Salim Martyrs Brigade (ASMB) that pledged allegiance to IS in November 2014. IYSC challenged ASMB in April 2014 to be the sole representatives of the Caliphate province of Tarablous. ASMB responded forming the Mujahideen Shura Council (MSC) in alliance with other Al-Qaeda-affiliated groups, fighting in and around Derna until MSC took over it in May 2016.

A new generation under the banners of Al-Qaeda or Islamic State (IS) found root in the vacuum of Gaddafi’s departure and the mayhem that followed in Derna, Sirte, and Benghazi. Wehrey (2016: 106) calls Derna the “active hub of Islamism in the east” where Afghan war vets, LIFG splitters, and other anti-colonial sentiments mix. Abd al-Hakim Bilhaj, LIFG’s former emir and ex-commander of the Tripoli Military Council, formed the Al-Watan party, while “more joined Umma al-Wasat,” led by Sami al-Saadi, a longtime LIFG member (Wehrey 2016: 107). A younger, radical faction, Ansar al-Shari’a, was part of the attack on the US consulate at Benghazi in September 2012.

The IS group established a presence under the name Tandhim ad-Dawla (Organization of the State) in the central coastal areas, and members of the “Tripoli Province” of IS infamously beheaded 21 Egyptian Coptic Christians in a public display in 2015 (Dearden 2015; Toaldo 2016). IS received fealty from the Islamic Youth Shura Council in the fall of 2014 and engaged in suicide bombings in Barqa province while fighting both Haftar’s forces and other Islamist groups like Al-Qaeda’s Derna MSC (“ISIL Tightens Grip” 2015).

As we show below, an Eastern alliance would attack these Islamists under the banner of Operation Dignity, merging militias in an alliance aimed in 2014 at purging Benghazi and Derna from IS influence, which eventually they did a few years later. Libya Dawn was a militia alliance formed in response to Operation Dignity, combining the Islamists discussed above with non-Islamists (including Amazigh) to fight in Misrata,

Tripoli, and Zintan before it “fractured even before the UN-brokered deal aimed at establishing a unity government” in 2015 (Toaldo 2016). IS and other Islamists were ultimately booted from Benghazi in December 2016, Sirte in July 2017, and Derna in July 2018 (*BBC* 2019). Islamists are in retreat in Libya but are ready to play spoiler in an opportunistic environment.

6.4. Tribe

The importance of tribes in Libyan politics is debated, with Elbabour (2011) suggesting “one of the least valid” assertions “is that tribalism is pervasive in the Libyan society and its politics” and Schnelzer (2016: 43) charging that Elbabour is “wrong when he refers to tribal structures as” a “thing of the past.” Either way, Libya displays “a huge number of tribes” (Siggillino 2015), though their relevance to a federal, stable Libya remains in question.

Wehrey (2016: 101) argues that the interplay of institutional fragility and societal fissures have been intensified by the dearth of political institutions, functioning ministries, competent parliament, municipal government, constitution, and formal security entities. Lacher (2011) argues two factors explain the rapid disintegration of state institutions: first, the importance of tribal loyalties and second, the weakness of the institutions themselves. Gaddafi’s centralized rule through family and tribal networks (the Gaddafi and allied Warfalla and Magarha) kept formal institutions weak and undeveloped. The regular army was distrusted and kept weak “to minimize the possibility of a coup d’état,” instead relying on loyalist security and paramilitary institutions to protect the leader, much in line with the regional reliance on the coup-proofing coercive apparatus (Lacher 2011; Quinlivan 1999; Bellin 2004).

As we turn to Libya’s recurring problems of legitimacy, we will remember that ethnic, tribal, and religious forces are present to either strengthen or weaken the state. Leaders can co-opt, repress, or ignore different identity groups at their peril, but hardly ever consider accommodations to bring broad-based legitimacy across the state. From imperial monarchy flirting with federal structures, to Gaddafi’s despotic and quirky unitary state, leaders failed to consolidate enduring rule.

6.5. Context: Libya's Problem of Recurring "Contested Sovereignty"

Libya, like much of the MENA region, is a construct of centuries of conflict, competition, and occupation, with a history of political divisions of more or less success. St. John (2015: 5) recounts the ways in which "Libya has been subjected to a long history of invasion and occupation." Early Libya included Nomadic herdsman and hunters, local Berber populations, and tribal confederations of the Saharan Garmantes in Fezzan from 500 B.C. to 500 C.E. Carthage and Tripoli gave way to Romans in the Punic Wars, and Greek cities like modern Benghazi fell to Persians and Romans each in their time. St. John (2015: 3) cites 300 C.E. Diocletian (300s C.E.) with the separation of Cyrenaica from Crete and the formation of Upper and Lower Libya Provinces, followed by the 324 C.E. Roman partition by which Cyrenaica went to the Byzantines and Tripolitania stayed in Western Roman Empire.

The area of modern Libya saw Arab migration to Cyrenaica and Tripolitania starting 644–646 C.E., with Sunni Islamization that continued through the Ottoman era beginning 1517 until 1911, with a century of interruption by the Karamanli Dynasty from 1711–1835 (St. John 2015). Shi'a Fatimids ruled in Tripolitania in the tenth through twelfth centuries, while the Berber Zirid dynasty ruled other areas under "Sunni orthodoxy," having "rejected Shiite Islam" (St. John 2015: 6). Arab Bedouin Hilalians migrated to Cyrenaica and Tripolitania and "initiated a prolonged Arab occupation of Libya that endured to the present," while Berber dynastic Almohads and Hafsid continued to rule parts of Tunisia and Tripolitania while ceding the "hinterland to tribes" (St. John 2015: 7). The Ottomans' control of Libya (like that of North Africa in general) was recurrently tenuous and subject to compromises and challenges of local rule from Ottoman control of Tripoli in 1551 through the start of the twentieth century (Kologlu 2008).

Libya, like the other three cases, does not hail from natural or organic boundaries but was a product of regional dynamics and the whims of European colonialism. Italy took control in 1911 until World War II, when the British assumed control through independence under King Idris al-Sanusi in 1951. The monarchy lasted until the Free Unionist Officers' overthrow in 1969, which Gaddafi turned into an Arab Socialist Union in 1971. In each of these post-Ottoman phases — 1911–1922, 1943–1951, and post-independence — Anderson (2017) argues Libya has faced

“periods of contested sovereignty.” Italy and Britain were most recently responsible for shaping the geography of what would be Libya out of three provinces, Tripolitania in the northwest, Fezzan in the southwest, and Cyrenaica in the east. How to bind these disparate areas becomes the problem of post-imperial rulers facing the dilemmas of tribal and ethnic division of predecessors as well as the taint of colonialism on anyone associated with outside influences. In this section, we investigate the problem of contested sovereignty under the failed federalism of the Idris constitutional monarchy, under the failed authoritarian unitarism of the Gaddafi era, and in the early post-Gaddafi era of 2011–2020 that is groping for a successful model between anarchy and autocracy.

6.6. Failed Federalism: Imperialism and Monarchy Under Early Independence

Libya has a federal past. This both suggests federalism has potential in a place that has seen it before, and cautions that early failure speaks to an inhospitable climate for the idea. In 1951, Libya gained independence as a federal monarchy and was headed by King Idris as head of state (“Libya and Federalism” 2012). Idris benefited from backing the British against Italy (and Germany) in World War II, securing British support for a United Libyan Kingdom. Poljarevic (2018: 79) notes that elites under the rule of King Idris “attempted to establish a federally organized constitutional monarchy that recognized the particularities of traditional and internally disparate political cultures.” An upper house consisting of eight representatives from each of the three provinces of Tripolitania, Cyrenaica, and Fezzan, and provincial governments and legislatures, guaranteed a degree of local autonomy (“Libya and Federalism” 2012).

All was not well in this first federal system, not the least of which being it remained more monarchy than constitutional. After the 1952 elections, political parties were abolished and the National Congress Party — the very advocates of federalism — were defeated (“Libya and Federalism” 2012). In the federal system of governance, federal and provincial governments were constantly in dispute over their respective spheres of authority. Such problems could be overcome through clear and unambiguous definition and outlining of the powers for both national and provincial governments and safeguarded by the constitutions and also by

242 *Federal Solutions for Fragile States in the Middle East*

having and independent and effective supreme constitutional court to act as an arbitrary as and when required (“Libya and Federalism” 2012).

Federalism in Libya was abolished in April 1963, when the then Prime Minister Mohieddin Fikini secured adoption by parliament of a bill that abolished the federal form of government, establishing in its place a unitary, monarchical state with a dominant central government; the real reasons behind such arrangement vary from one account to another. Prime Minister Mohieddin Fikini’s constitutional amendment went through both the House and Senate of the national government, as well as the legislatures of each of Libya’s three states of Cyrenaica, Fezzan, and Tripolitania. In April 1963, King Idris announced “the end of the federalist government and the start of comprehensive unity” as the “new national goal” and “gratifying fruit of jihad” (*Al Jazeera*, 05/15/2012).

One account suggests that the reasons behind such a bill were purely economic and lobbied for by oil companies to avoid paying taxes twice to provincial and national governments, while another account suggests the reasons behind such legislation were to reduce inefficiencies and tackle corruption; however, corrupt practices and inefficiencies continued to exist beyond the abolition of the federal system and never improved during the unitary system era. By legislation, the historical divisions of Cyrenaica, Tripolitania, and Fezzan were to be eliminated and the country divided into 10 new provinces, each headed by an appointed governor. The legislature revised the constitution in 1963 to reflect the change from a federal to a unitary state. All these significant changes happened without proper consultation with the people of Libya and no referendum took place, and thus the legitimacy of such changes as well as the real reasons behind them remain questionable (“Libya and Federalism” 2012).

However, there are important lessons from this system, about and beyond federalism. The constitution enshrined that both Benghazi and Tripoli serve alternately as the national capital, a nod to the East–West power rivalry still on display (“Libya and Federalism” 2012). Yet there was a basis for federalism in prior concerns about power-sharing. The Al-Rajma Agreement of 1920 called for power-sharing in Cyrenaica, but Italy canceled the agreement in 1929.

The United Kingdom of Libya was tied to British and foreign interests, so was the failure of the Idris system a sign that federalism was the problem or was it the legitimacy of the system and its ruler itself? The Senussi Army of King Idris had ties to the British, returning to Libya in 1944 and becoming Emir of Cyrenaica. So it was that the federal system

was tied to British and foreign interests and intrigue. Joseph (2018) is generous in the assessment of the federal system, from applauding “British police on-hand to assist with security” and misleadingly stating that the “constitution served Libya well until the 1969 coup by then-Colonel Gaddafi” (when the federal system he advocates for was abolished for unitarism six years prior). Calling it a “balanced, regional construct,” Joseph (2018) argues “a strong legal argument can be made that ... it is the 1963 constitution that Gaddafi inactivated that is still in force,” admitting one challenge today being how to supplant “the role of the king with a modern, interim variant,” such as the “Sovereign Council” designed to replace the king under emergency conditions.

Kings and foreign influence aside, federalism rooted in the historical precedent of the 1950s–1960s still has potential in some eyes. Joseph (2018) looks to this system when addressing the current crisis in Libya, suggesting that “instead of trying to cobble together an agreement on a new draft, the way forward is to go back to Libya’s original successful constitution” of 1951. The notion that a “new draft” is inferior to the original is questionable. Of course, the new draft need not be “cobbled together” but thoughtfully and inclusively constructed. Also, the notion that the original 1951 document was “successful” is questionable, given it was abandoned even long before the 1969 revolution. If Joseph (2018) and others (Ahmen and Martin 2012) argue federalism to be the only solution “in fitting with Libyan history,” Pack (2012) argues that “the reverse is true:” federalism from 1951–1963 facilitated dysfunctional governance, widespread corruption, and redundant offices at the national and provincial levels enacting conflicting policies. For Pack (2012), “federalism needed to be abandoned when the inefficiencies it fostered impeded the rapid development ... that otherwise would have been possible.” Gaddafi’s unitarism offers such a comparison.

6.7. Failed Unitary Authoritarianism: The Gaddafi Era

Assessing federalism in Libya is not just against past federal attempts but the track record of unitary authoritarianism. In the Gaddafi era, power was transferred from Cyrenaica and Benghazi, the “historic seat of Sanussi monarchy, purged from power ... to Tripoli and Sirte” (Wehrey 2016: 103). Bent on unifying Libya under a centralized state, Gaddafi proposed

244 *Federal Solutions for Fragile States in the Middle East*

unique systems and institutions under the “Third Universal Theory” (Brownlee 2005: 56). Gaddafi (Fraihat 2016: 21) used his philosophy of *Jamahiriya* (state of the masses), premised on his own philosophy of governance “to ensure that state institutions were built to serve his regime.”

Regarding identity and institutions, during his 42-year rule, Gaddafi tried to underline and reinforce Libyan identity, attempting to weaken tribal, religious, regional, or ethnic bonds (Siggillino 2015). He promoted the idea of a homogeneous Arab Muslim Libya, coining the slogan *nahna kull libiyun* (we are all Libyans) and launched the Arabization policy and defined Berbers, the Toubou, and the Tuareg to be “national ethnic minorities ... whose nationalism has been destroyed” (*Ibid.*). This “Arabo-centrism” was part of an attempt at state- and nation-building that aspired to wash away strong, local identity (Baldinetti 2018: 418–419). Gaddafi’s “cultural revolution” sought to impose a united vision and repress differences based on a combination of Arabism and his own fantastical Green Book notions. For the Imazighen, publishing and speaking in Tamazight became prohibited and children were forced to adopt Arab names. Amazigh activists were imprisoned and tortured. (MRGI, “Imazighen”).

For all its quirky intricacies, Gaddafi’s system was not an effective form of governance and is not how he maintained legitimacy and power. Not unlike other Middle Eastern despots, Gaddafi relied much on oil wealth for patronage, combined with a coercive apparatus (Anderson 1995; Brownlee 2005: 56). The national army was marginalized, empowering security apparatuses loyal to him such as the 32nd Reinforced Brigade of the Armed People. He banned political parties and imprisoned, exiled, and executed opposition leaders without trials (Fraihat 2016: 21). Wehrey (2016: 110) diagnoses Libya as possessing deliberately “weak, contested political institutions” by which Gaddafi “maintained tight control of state affairs with his cadre of Free Officers.” Too late, perhaps, Gaddafi made efforts to at least appear to share power, as in the 2000 devolution of power in 26 municipal councils (the General People’s Congress).

Since the outbreak of the 2011 Revolution, Lacher (2011) argues that Libya’s political map has changed beyond recognition: “Where before, few players and institutions seemed to matter outside the opaque informal networks and security apparatus centered around Muammar al-Gaddafi and his extended family, a multitude of actors has emerged to

lead the revolution. With the regime's collapse, power struggles among the heterogeneous coalition of revolutionary forces have intensified — including within the political leadership, the National Transitional Council (NTC).” Fraihat (2016: 24–25) calls the post-Gaddafi power vacuum a “culture of the victor”: classifying entire towns and tribes as *azlam* (regime loyalists of Sirte, Tripoli, and some from Bani Walid and the Warfalla tribe even if they “played no part in supporting Gaddafi”). Siggillino (2015) argues that “After Gaddafi’s death, some ethnic minorities and tribes rose up, either demanding a more important role in the future institutional framework or trying to impose their territorial autonomy.” A transitional government was formed within one month of the “liberation” declared on October 23, 2011, after Sirte and Bani Walid had fallen and Gaddafi had been killed. The 31-member NTC was formed in Benghazi as early as February 2011, achieving international recognition for a democratic transition that blossomed into promises of elections to a 200-member General National Congress (GNC) election in 2012 (Wehrey 2016: 111).

However, in the wake of the liberation of other areas from the Gaddafi grip, control was lost and decentralized forces rose. Wehrey (2016: 108) notes an explosion of civil society — activists, tribes, religious figures, and non-governmental organizations (NGOs). A total of 140 NGOs emerged in Derna alone. Local transitional councils were formed to organize their towns security and politics. One or more revolutionary brigades formed in each liberated town, with the larger cities hosting up to a dozen different forces or more. Led and financed by army officers, businessmen, or tribal notables, these brigades were generally recruited among the civilian population of a particular town or tribal community. Several brigades were even recruited among people close to the old Libyan Islamic Fighting Group.

Early on, ex-regimists dominated the NTC: defectors from the former regime elite, including senior officers and diplomats such as Interior Minister Abdelfattah Younes; his successor as chief of staff, Suleiman Mahmoud; and UN Ambassador Abderrahmane Shalgam. Senior officers, ministers, and diplomats rallied to the uprising, and in the northeast, entire army units defected. By defecting, senior officials protested against the regime's repression and began organizing their communities' protection against regime forces. Also included were members of the Free Officers, who led Gaddafi's coup in 1969 but were later arrested or exiled. There were also reformists and technocrats who had briefly held senior positions

246 *Federal Solutions for Fragile States in the Middle East*

under Gaddafi, such as NTC head, Mustafa Abdeljelil, and the NTC's former prime minister, Mahmoud Jibril.

However, in the power vacuum of fallen autocracy and weak institutions, armed local brigades staked out their own spheres of influence in Libya. Attempts to bring the brigades in Tripoli under the NTC's control failed, as did attempts to disarm them. In early October, relations between the rival militias became increasingly tense as a Tripoli Revolutionaries' Council emerged to rival the group headed by Belhadj, while the NTC appointed a Supreme Military Committee to oversee the brigades and compel them to disarm (Lacher 2011). Some of the brigades linked submission to the NTC's authority and disarmament to representation in the transitional government. Brigade leaders from Misrata called for Mahmoud Jibril to resign and backed the candidacy of a prominent Misrata figure, Abdelrahman al-Suweihli, for the post of prime minister.

Polarization of opinion and the public's decreasing patience defined the 2013–2015 period, when liberal transition gave way to anarchy and civil war. The 2013 Political Isolation Law has had the effect of de-Ba'athification in Iraq, preventing members of the Gaddafi regime from holding public office (Osmandzikovic 2020). Like post-Saddam Iraq, various militias run free or are paid by rival factions, "despite failed attempts to incorporate them in the budding, but still weak, national security forces." The northeast of the country was heavily represented in the NTC and its executive committee until the formation of a transitional government in late November 2011. The early liberation of northeastern Libya and the isolation of other revolutionary strongholds meant that former elites of the northeast had held much more influence during the Sanusi monarchy and were severely persecuted by Gaddafi also played a role.

While some have described the Libyan Civil War in exclusively tribal terms and others dismissed the idea, Lacher (2011) argues that both views oversimplify matters. On the one hand, support for the revolution cut across most regions and cities, excluding strongholds of the three tribes whose members formed the backbone of the Gaddafi regime. On the other hand, tribal loyalties were "highly significant in shaping the course of the uprising and subsequent war" (Lacher 2011). Of the country's leading tribes, some of the most important were split in their positions toward the revolution — for example, the Warfalla, one of the three tribes that was central to Gaddafi's security apparatus. The tie between recruitment into

the regime's security apparatus and tribe contributed to its resistance against revolutionary forces even after the fall of Tripoli, in the final stands at Warfalla (Bani Walid), Magarha (Fezzan), and Qadhadfa (Sirte). Defections of senior officers and politicians in the first weeks of the uprising reflected their tribes' decision to turn against Gaddafi. The first to do so were the tribes of the northeast, where regime repression started. Amazigh tribes of the Western Mountains were quick to join the uprising. The Toubou minority in the south, as discussed above, suffered from cultural and political discrimination under Gaddafi and joined the revolution from its outset. Confrontations between revolutionary forces and the Tuareg in Ghadames, as well as small Arab tribes such as the Mesheshiya in the Western Mountains, reflected their positions on opposite sides of the conflict but were also rooted in longer-standing tensions between these communities.

Osmandzikovic (2020) cites, "as one of the key markers" of the current civil war post-2011, the unaddressed problem of "tribal violence," which she calls "crucial to tackling the country's peaceful power-sharing." Post-2011, the deep-seated tribal divisions that had been utilized by the Gaddafi regime have been left untouched, which has raised difficulties for consolidating any power-sharing mechanisms and establishing peace. Tribal involvement in security provision is selective, "reproducing politics of co-optation and exclusion at local level" (Osmandzikovic 2020). Depending on the views of supporting tribes on issues such as federalism, the prospects for institutional change may depend on the victors of struggle, if not consensual negotiation. Pusztai (2016) suggests that General Haftar, the appointed head of the Libyan National Army by the House of Representatives (HoR), "relies on the support of eastern tribal leaders" and has been said to revise appointments of senior officers "due to pressures from tribal leaders," suggesting he could get behind "a federalist solution or an autonomy."

To characterize the conflict as a power struggle between tribes alone, Lacher (2011) argues, would be misleading, given that "mobilization for the revolutionary militias largely occurred on the basis of towns and cities" rather than tribes and "support for the revolution cut across most regions and cities, excluding strongholds of the three tribes whose members formed the backbone of the Gaddafi regime." Regarding the various identities at play in conflict-prone Libya, we can conclude a clear lack of successful unification in the previous iterations of federal and unitary authoritarianism. Rather, "the patterns of mobilization during the current

civil war” suggest that local and tribal rivalries are coming to the foreground more so than between the regions of Tripolitania, Cyrenaica, and Fezzan (Lacher 2011). If the three historic regions are not vital markers, nor the ethnic groups discussed above clear viable contestants, can they nonetheless be parts of the solution for a stable new Libya?

6.8. The Current Crisis and Prospects for Federal Resolution

The “Second Libyan Civil War” (*TRT* July 2, 2019) is the period starting in 2014 (the Gaddafi overthrow being the first in 2011), in which attempts at democratic transition gave way to a violent free-for-all involving various factions and militias. Despite the efforts by external forces like the UN and internal efforts of the NTC, by 2014, there was open warfare among factions in the power vacuum (Fraihat 2016: 23) and continues to rage in 2020. Two governments compete for national supremacy with the support of armed groups and local tribes. Every province has its own organization and is governed by the faction retaining military control and, in this context, institutional competition has to deal with the demands of ethnic minorities settled in crucial areas.

However, the battle lines are not drawn, strictly speaking, on ethnic terms. City-based territorial, tribal loyalties, which were the glue of anti-Gaddafi militias in the fighting, served as the basis for intergroup comparisons of the sense of injustice and entitlement. The complex situation in post-Gaddafi Libya involves two broad major factions: (1) the Tripoli-based, UN- and Turkey-supported GNA under Prime Minister Fayeza Serra and (2) the Eastern-based LNA backed by Russia, Egypt, and UAE and supported by the forces of General Haftar. This section assesses prospects of federalism and other possibilities for solution to the problem of political instability in Libya.

The federalist movement has had periods utilizing violence and non-violent tactics (Eljarh 2014), but the Cyrenaica Transitional Council did not resort to violence in its calls for a federal governing structure in Libya. On March 6, 2012, the Council gathered together thousands of tribal, military, and political figures in Benghazi and called for a federal government in Libya based on the country’s 1951 constitution, dividing Libya into the three federal states of Cyrenaica (East), Fezzan (South), and Tripolitania (West). Renamed the Council of Cyrenaica in Libya (CCL), its leader

Ahmed al-Senussi, the grandnephew of King Idris I, issued demands that included the creation of a regional parliament, local control over security and domestic policy, and a newly established judicial system. The NTC head Mustafa Abdel Jalil rejected the demands, comparing federalism to partition and disintegration, and pledged to fight for the unity of the country (Pusztai 2016). In Benghazi, armed anti-federalists fired on protesters at pro-federalism rallies on multiple occasions. In response, the federalists boycotted the political process in the country and unilaterally withdrew their recognition of the country's central government. The CCL chose to boycott the elections to the GNC in protest of the distribution of seats by population, rather than equally between Libya's three historic regions (Atlantic Council). As mentioned previously, ethnic Amazigh, Toubou, and Tuareg boycotted these elections as well after getting a mere 2 seats each in a body of 60.

Thus, the well-intentioned NTC and its plans for elections faced a legitimacy crisis early, with opponents among Eastern federalists, joined by Islamists and ethnic minority communities as well before a vote even took place (Sawani and Pack 2013). Despite the role of tribal and ethnic politics, there was widespread distrust of the emerging system after Gaddafi. An Arab Barometer survey in 2014 found "low levels of trust in political institutions, including just 13% who trusted the GNC (Ali and Robbins 2014: 2). A majority (54%) of Libyans in that poll felt their personal security was not ensured (Ali and Robbins 2014: 5).

Yet lack of participation, like the Sunni in Iraq after Saddam Hussein, meant political marginalization. Realizing the cost of not participating in the 2012 election, Federalists ran in the 2014 HoR elections and won nearly half of the 60 seats granted to Cyrenaica. The success at these polls calmed Federalist passions and led to an agreement to end a blockade on oil terminals that has cost Libya an estimated US\$30 billion (Atlantic Council). Fraihat (2016: 33) recounts that the popularly elected HoR assumed power from the GNC in August 2014, charged with overseeing the writing of a constitution and transitional justice law. However, in November 2014, Libya's Supreme Court declared the body unconstitutional in a ruling rejected by the HoR, setting the stage for two rival governments, one in Tripoli (GNC) and the other in eastern Tobruk. Former GNC members failing to win seats in HoR set up a rival government in Tripoli with support of an alliance called Libya Dawn.

Khalifa Haftar entered the scene in February 2014 as an ex-regime tapping in to Eastern grievances and outlining on TV "his plan to save the

250 *Federal Solutions for Fragile States in the Middle East*

nation,” which included a call to “rise up against the elected parliament, the General National Congress” (*BBC* 2019). Khalifa Haftar was also a military man, launching Operation Dignity in May 2014 to eliminate all Islamist and pro-Islamist militias in Libya, including Ansar al-Shari’a (Fraihat 2016: 31). In response, these jihadi militia and other opposing groups formed the Shura Council of Benghazi Revolutionaries to fight back (Fraihat 2016: 31). In March 2015 the elected HoR appointed Haftar as the commander of the so-called Libyan National Army (“Khalifa Haftar,” *BBC* 2019). From February to April 2016, Haftar’s forces dislodged Islamists from Benghazi and Derna and secured Oil Crescent (“Khalifa Haftar,” *BBC* 2019).

As if two governments were not enough, the UN led a “dialogue” out of country in October 2015 that led to the creation of a third, known as the Government of National Accord (GNA). Meant of course to be the one true government of Libya, it received international blessing to settle in Tripoli under a Prime Minister Faiz Sarraj (“Libya Under Three Governments,” April 12, 2016). GNA, which was established by the UN-brokered Libyan Political Agreement (LPA), moved to Tripoli in March 2016, leading Cyrenaicans representatives to reject the GNA over worry over the influence of Tripolitanian militias and Islamists on the government. If you throw in IS, which had established itself in Sirte mid-2015, there were at this point ultimately four entities claiming authority, if not control, over some or all of Libya.

Assessing Libya through Zartman’s (2001) criteria for resolving conflict, it could be said Libya hit the hurting stalemate by 2020. Haftar launched “Operation Flood of Dignity” on April 4, 2019, in an effort to take the capitol of Tripoli (“Patchy Walk” 2019). However, Haftar’s advance and calls for unity was met with opposition or fell on many deaf ears and, by year’s end, was stalled outside Tripoli (“Frontline Clashes” 2019). The Warfalla Tribe of Bani Walid, constituting an estimated upwards of 1.5 million and from Gaddafi’s original powerbase, pledged neutrality, rebuking one faction’s (the 52nd Battalion) attempt to join Haftar. An umbrella group of powerful Tripoli militias affiliated with GNA counter-attacked, and Haftar’s Libyan National Army lost at Gharyan, its “command center” for the Tripoli siege, in June 2019.

The question is whether Zartman’s (2001) second criterion for conflict resolution exists: a “sense of a way out.” If so, the time is ripe for considering different options for lasting peace, including federal solutions. Libya’s National Forces Alliance (NFA) announced an initiative to

end fighting in the outskirts of capital Tripoli. The NFA, which is an alliance of 58 liberal political parties and several NGOs, has proposed cessation of hostilities and setting up of humanitarian corridors around the capital to pave way for a political dialogue (“Libya’s Liberal Alliance” 2019). The international community has promoted ceasefires and negotiations through a “3+3 Forum” (Italy, France, Britain, US, Egypt, and UAE) or the UN Security Council (“UN Calls for ...” 2019).

Conferences from Moscow to Berlin in 2020 failed to produce fruitful, credible solutions beyond ceasefires (Daily Interlake 2020). Haftar and Fayeze al-Sarraj, the head of Libya’s UN-recognized Tripoli government, went to Moscow for talks that led to a truce brokered by Russia and Turkey (Maier 2020). Gathered at a long-planned Summit in Berlin, world leaders agreed to a 55-point communique in which they pledged to end foreign interference, respect the arms embargo, and work toward a permanent ceasefire in Libya. The conference featured a limited Libyan presence, with only the GNA’s Prime Minister Fayeze al-Sarraj and the head of Libya’s Arab Armed Forces, Khalifa Haftar formally invited as attendees, but not partaking in the talks (Badi 2020). Shortly after, the UN decried “continued blatant violations” of an arms embargo on Libya, which “fly in the face of recent pledges to respect the embargo made by world powers at an international conference in Berlin” (Magdy 2020). Under the agreement reached in Berlin, all signatories committed to not interfere in Libya’s civil war, support a ceasefire, honor the arms embargo, and support the UN-facilitated political process (“GNA Pulls,” *Daily Sabah* 2020).

One of the results of the Berlin conference was the creation of the 5+5 Libyan Joint Military Commission under the auspices of the United Nations (Zaptia 2020). Consisting of five senior officers appointed by the internationally recognized government, the GNA, led by Fayeze al-Sarraj, and officers appointed by the LNA, led by Khalifa Haftar, the group was moderated by Ghassan Salamé, Special Representative of the UN Secretary-General and Head of the UN Support Mission in Libya (*Ibid.*). The rival factions in Libya have agreed to transform their truce into a permanent ceasefire, following the first meeting of the 5+5 Libyan Joint Military Commission in Geneva (ANSAméd, Feb 4, 2020). In Geneva, in March 2020, both the Tripoli-based advisory High Council of State and representatives of the Tobruk-based HoR demanded that talks be suspended until “concrete progress is made” in ongoing military negotiations (Debre 2020; “GNA Pulls,” *Daily Sabah* 2020).

There are costs to the continued fighting in lives, in refugees, and in economics. The shutdown of vital oil facilities in the country has led to a drop in daily oil production to 122,424 barrels a day from about 1.2 million (Ebel 2020). The closures came about when powerful tribal groups loyal to the Libyan military commander Khalifa Haftar in January seized southern oil fields and eastern export terminals. The shutdown has caused losses of more than US\$1.85 billion. “These resources are protected by our government, and by its army,” Abdelhadi Lahouij, Foreign Minister of the Eastern government said (Ebel 2020). Lahouij accused the Tripoli-based government of using oil resources to pay for “mercenaries and foreign pilots” who fight on its side against Haftar forces. However, fighting often continues even if it hurts, either because one side will win (Haftar until early 2020), or because — despite a hurting stalemate — there is no sense of a way out agreeable to all sides (Zartman 2001).

6.9. Prospects for Peace and Federalism

Haftar’s attempt at “authoritarian conflict management” with imposed solutions has stalled and seemingly has failed altogether, while the UN’s liberal peace template may not be currently suited to the realities on the ground (Constantini 2019: 152). If peace is to come, through outright victory or hurting stalemate, the post-war peace remains an open question. Should there be a return to autocracy or monarchy, or an embrace of some form of democracy and, if so, of what kind? Federal or unitary?

The status quo is not popular, no doubt partly because it seems not to work or function after years of civil war. In 2019, trust in government hovered at 10% and trust in the parliament dropped to 9% (Arab Barometer V 2019: 4–5). The army and police were popular in 2014 and still swayed 59% support (Army) and 46% support (Police) in 2019, despite (or because of?) being largely absent and represent aspirations of the Libyan people for legitimate order and security (Ali and Robbins 2014; Arab Barometer V 2019: 5).

A return to secular authoritarianism was not popular in 2014, with only 15% support, nor was a religious authoritarianism desired (only 25% support). While Shari’a is a popular source of law in 2014 (87% agreeing laws should be made in accordance with it), 76% thought religious leaders should not influence voters and only 26% thought religious leaders should hold public office (Ali and Robbins 2014: 9). In 2019, only 25% thought laws should be “entirely” based on Shari’a, and only 11% based

“entirely” on the “Will of the people”; a broad plurality were comfortable with some mix.

A full 69% of respondents in 2014 agreed “Democracy in the best,” though a majority worried “citizens are unprepared” (Ali and Robbins 2014: 7). Only 27% of respondents said “a system where parties of all ideologies run for office” is appropriate, which was 40% behind neighboring Tunisia and fellow case country Yemen (Ali and Robbins 2014: 9). In 2019, 58% said democracy is “always preferable,” with minorities of respondents worried about democracy’s effects on stability and economic performance (Arab Barometer V 2019: 7).

Federalism is not the only option, but its prospects must be considered alongside others. For example, “there is no significant support for reestablishing the monarchy among members of families who formed part of the former tribal notability, aristocracy, business elite and religious establishment” (Lacher 2011). What about Dialogue and Reconciliation? A 2014 alliance of political and community leaders, the Libyan National Group for Civil Democracy, came together with the goal of National Dialogue and reconciliation based on three measures: (1) National Dialogue to agree on a common framework to cooperate with and strengthen the Libyan Army, police, and judiciary; (2) a framework for implementation of transitional justice to achieve reconciliation; and (3) “human right fairness and justice” to inspire a “culture of forgiveness ... to rebuild a sustainable future together” (Fraihat 2016: 90).

Fraihat (2016: 37) is skeptical of reconciliation, both for the “displacement and the conflicts driving it.” Fraihat (2016: 88) also points out that Sheikh Ali Salabi was widely criticized for meeting with Ahmed Qaddafi al-Dam (Gaddafi’s cousin) seven months after the leader’s death. National Dialogue offers a means for various elements to redefine their relationships and make decisions collaboratively on divisive issues, which “could help move beyond the current dilemmas” but “must involve all those who participated in the revolution to discuss and debate their visions for how to move forwards” (Fraihat 2016: 87).

However, there is a peace process. A UN initiative begun September 2014 promoting talks between the HoR/Haftar/Dignity faction and the GNC/Libya Dawn met for a year in Geneva, Ghadames, Morocco, Algeria, Belgium, and Tunisia with only “intermediate measures” of temporary “ceasefire” and confidence-building (Fraihat 2016: 91). After a first constitutional draft received feedback and criticism, the CDA’s second draft was released in 2016 that sought to salvage the country and

254 *Federal Solutions for Fragile States in the Middle East*

resolve all issues. While it did not propose a federal model, it “provides for multiple capitals and spreads key institutions throughout the country” in order to mollify “a vocal minority in the eastern and southern parts of the country” (St. John 2016). Tripoli was designated the political capital (executive branch and higher judicial council), Benghazi as the economic capital, and Sabha as the cultural capital (St. John 2016). The second draft called not for federalism but political, administrative, and fiscal *decentralization*, dividing different responsibilities among governorates and municipalities. The second draft guaranteed women no less than 25% total seats in elected councils for three consecutive electoral cycles. In a nod to ethnic grievances, the second draft declared Arabic as the official language but considers languages spoken by a part of the Libya people to be national languages protected in Article 65. Article 8 declared “Islamic sharia shall be the source of legislation” in accordance with widespread public opinion at the time. Article 22 sought to “negate the May 2013 Political Isolation Law” by declaring “public posts shall be open to all Libyans.” Seeing parties as a potential threat (rather than a symptom of problems), Article 204 banned parties for four years, partly to defang the Muslim Brotherhood and other organized destabilizing forces. All of this would require passing a referendum, which never came to pass amidst the spiraling violence — itself reflecting the lack of consensus on both the substance and procedure of the CDA’s work.

6.10. Federalism Demands and Prospects

Various institutional arrangements are possible for Libya, but are ethnic federal options necessary or helpful? Some observers have entertained the idea of federalism as a “leap toward peace” (Osmandzikovic 2020). The reasons behind calls for federalism in eastern Libya were founded on fear of marginalization and domination of the political landscape. The movement for federalism that emerged before and at Benghazi in 2012 announced the formation of the Barqa Regional Council and included the establishment of the Barqa Guard Force, and a satellite channel to promote the federalist cause (“Libya and Federalism” 2012). These forces, while entering normal politics in 2014, remain unsettled in the subsequent civil war.

At the heart of the issue for the Constitutional Drafting Assembly (CDA) in 2014, and here today, “is whether Libya should retain its unitary

structure or go back to a federal system” (Ibrahim 2014). “The reason behind the debate for federalism in Libya is about whether the political influence and representation in Libya should be based on geographic or population basis,” which were “the same reasons that led to the independence of Libya,” according to Eljarh (2012). The concern that federalism equals partition and autonomy is one issue. To give a flavor of the potentially heated politics over something seemingly small, consider this discussion of the federal borders:

There are many pitfalls to consider on the path to self-determination — particularly a possible dispute over the border between Tripolitania and Cyrenaica. Would it be at the location of the historic site Marble Arch, the border between ancient cities Carthage and Cyrene, which Gaddafi used to delineate the borders of the regions? Or does Cyrenaica extend “from the central coastal city of Sirte to the Egyptian border” as claimed by the CCL? The latter would have severe consequences. Almost the entire oilfields in the Sirte Basin and all the oil terminals on the coast — significantly more than two-thirds of the hydrocarbon resources — would belong to Cyrenaica. The border at the Marble Arch does not take current tribal areas into account. This would make things more complicated. It is unlikely that these tribes would accept a split-up easily. If the border is drawn at the Red Valley, the vast majority of the tribal areas would remain cohesive (Pusztai 2016).

Much as Kirkuk and oil hold up potential progress on redrawing internal borders in Iraq (see Chapter 3), the lines of a new federal Libya take on historical and economic dimensions.

If federalism were to be seriously considered, what would it look like to best accomplish legitimacy and stability? The “reimplementation of the adapted federalist 1951 constitution (or a similar one)” is one option (Atlantic Council). Pusztai (2016) argues that “History and current developments strongly indicate that federalism will be high on the agenda in Cyrenaica” but that “it cannot be expected that the outcome would be accepted by all the groups in favor of a centralized state” and that “Federalism will not come by force.” This seems to echo the condition discussed by Anderson (2013) in which one group cannot impose its will but is strong enough to make demands and threaten stability if unheeded. The group in this case is not purely ethnic then but regional/territorial.

Eljarh (2014) argues that the economy of Cyrenaica would benefit from autonomy, as oil companies would find some kind of arrangement with the Cyrenaica administration. However, the declaration of Cyrenaica's autonomy would also not go unchallenged: Eljarh (2014) surmises that the GNA and many western militias would reject it, with Misratans possibly reoccupying oilfields and oil terminals in the eastern Sirte Basin as they did in 2015. Even in Cyrenaica, several groups oppose to federalism or autonomy, including Islamist groups bent on creating a conservative Islamist state in Libya. Eljarh (2014) warns that the federalist movement "will have to become more cohesive and better organized to play an effective role on the Libyan political scene."

Joseph (2018) argues that, "without a framework for power-sharing and power-wielding, spoilers will remain outside the process, setting the stage for more chaos and instability." For Joseph (2018), "History offers a better solution" in the return to the original federalist constitution, which he calls a "balanced, regional construct" that "served Libya well until the 1969 coup by then-Colonel Gaddafi." He also makes a legal point that "it is the 1963 constitution that Gaddafi inactivated that is still in force" (Joseph 2018). He seems to ignore the abandonment of federalism by that very system, not to mention the awkwardly glorified role of a king and British support thereof, but federalism has precedent and provides the foundation for a new system that moves forward while being rooted in the past. Joseph (2018) raises interesting points: there is indeed a "massive legitimacy deficit" with the institutions and elites of Libya, and currently "national institutions are essentially defunct." Dovetailing with the institutional and legitimacy crises is an array of identities politicized at the level of ethnicity, religion, region, and tribe — what Joseph (2018) calls "a mass of divisions" in Libya's politics that must be addressed, not ignored.

Mihalakas (2012) argues that the "focus should be on creating subnational unities on the basis of current administrative boundaries" and "embrace federalism as a power-sharing mechanism between east and west *and* between central and regional government." Like Nigeria, he suggests a new city other than Tripoli or Benghazi could be more acceptable as a new capital (such as Sabha in Fezzan), with some form of federalism, with a bicameral legislature and a substantive role for tribes in the legislative and administrative process, could produce governing by consensus (Mihalakas 2012).

Anti-federalists argue that Libya needs to move forward and not be stuck in the past. The University of Benghazi surveys show that the

average support for federalism was 8% in favor and 62% against (Ibrahim 2014). Wehrey (2016: 103–104) argues that the Federalist movement and the Barqa Council's 2012 election boycott and hostile shutdown of national oil production were "drowned out by the cry of "No to Fitna [sedition], No to Secession, Yes to National Unity," concluding that "many ... even in the east, still believe in the idea of Libya as a unitary state" somewhere between Gaddafi's "hyper-centralization" and "the breakup of the state." Religious figures labeled "their actions as haram," such as Al-Sadiq al-Gherani, Grand Mufti of Libya, and Omar Moloud, Head of the Association of Libya's Scholars (Ibrahim 2014). Critics decry the gridlock potential of ceding power to "local actors." *The Guardian UK* (2012) declared that "militias and local activist groups constitute the primary barrier to stability, reconstruction, and a democratic transition" and that "aloof technocrats of the NTC are Libya's only real hope." Pack (2012) warns that "if Libya is to become a functioning state that derives its legitimacy and stability from resource extraction, wealth distribution and empowering its citizens, the interim government of the NTC must become king." Pack (2012) also argues that the early federalism from 1951–1963 "facilitated dysfunctional governance, widespread corruption, and redundant offices at the national and provincial levels enacting conflicting policies."

While federalism does not carry the majority view, it is also arguable that "in a country where the central government is weak, trying to force a constitution that ignores [minority's view] will only lead to more instability" (Ibrahim 2014). If Libya's problems are at the "interplay of institutional fragility and societal fissures: how tensions between the center and periphery and the rise of Islamism have been intensified by the dearth of political institutions, functioning ministries, competent parliament, municipal government, constitution, and formal security entities," then among the problems are the enduring matter of "eastern grievance," with the possibility that "mobilization ... may yet rear its head again if political and economic power is not equitably distributed" (Wehrey 2016: 101, 104). Pack (2012) rightly predicts peripheral actors will "continuously rebel if they do not feel they have a say in their own governance" but is rather cocksure that "Federalism is not the only way to give them that say."

If federalism is a serious option for lasting institutionalize peace, is ethnic federalism a necessary or desired part of the solution? The NTC's interim constitutional declaration of August 2011 only vaguely alluded to Amazigh culture and rights, and Tamazight was not recognized as an



258 *Federal Solutions for Fragile States in the Middle East*

official language (ecoi.net). The cabinet appointed in November 2011 did not include Amazigh ministers, angering the community and leading activists to protest their exclusion from the new political arrangement (Topol 2011). In 2013, Imazighen announced their intention to boycott elections for the Constitutional Drafting Committee (CDC), the body tasked with creating a new Constitution for Libya, which reserved only 2 of the 60 total seats, “which Amazigh leaders saw as insufficiently representative” (MRGI, “Imazighen”). The grievances of three communities remain unresolved even as their resolve hardens under an ethnic security dilemma in Libya’s weak-state environment.

Not all issues for ethnic minorities relate to autonomy, but matters of enshrining rights and cultural status are central. A law passed in 2013 recognized the Tamazight, Tuareg, and Toubou languages and upheld the right of minorities to receive education in their mother tongue as a voluntary option. “The first and second draft Constitutions released in 2015 and 2016 recognized the Tamazight, Tuareg and Toubou languages as being part of Libya’s cultural and linguistic heritage, but maintained Arabic as the only official language” (MRGI, “Imazighen”). The Amazigh are trying to reclaim their long-suppressed heritage. Cultural organizations worked to “spark a cultural revival,” and Topol (2011) reports the creation of the first-ever Berber newspaper, *Tilelli* (meaning Freedom), publishing in English, Arabic, and Tamazight. Women’s groups, arts societies, and education centers are teaching the Tamazight script and trying to preserve Amazigh cultural sites (Topol 2011). Reviving education in the Tamazight language has included creating textbooks and other materials to teach Tamazight in schools (MRGI, “Imazighen”). The Freedom Mountain group restores old Amazigh houses in Yafran’s historic quarter to preserve their way of life. The Poet’s Society seeks to get young people writing Amazigh poetry and songs, and the National Amazigh Libyan Conference is behind a “public campaign to get Amazigh rights and language enshrined in Libya’s new constitution” (Topol 2011).

A more ambitious goal is a national campaign by some activist Amazigh “to convince their countrymen that they — Arab, black African — are actually Berber too” (Topol 2011). One force behind the movement, the Tira Association for Tamazight Culture and Language, sends “blanket text messages to Libya cell phone networks with Tamazight phrases” (Topol 2011). The Tamazight Project was announced in 2011 as “a Confederation of Federal States of North Africa,” based on Berber identity. Another organization claiming to represent the interests of the



Berbers is the Amazigh World Congress (AWC), which calls for “an end to foreign interference and the putting of civilian populations under international protection” in Libya. The Amazigh Supreme Council (ASC) is led by Fathi Ben Khalifa, a former dissident who has long lived in Morocco and the Netherlands and is the former head (2011–2014) of the AWC. In August 2015, the first democratic elections for the ASC were held, and a body formed equally of men and women was created (MRGI, “Imazighen”).

Assuming Gaddafi’s unitary authoritarianism is undesirable, we are left pondering the prospects of federalism and how to do it best. Pack (2012) calls the Benghazi declaration “toxic” for unleashing anti-federalism protests, while ignoring the toxicity of both authoritarian unitarism and the current anarchic lawlessness of Libya. Pack (2012) warns that “appeasement of local actors via regional autonomy is a recipe for disaster”; however (1) it remains to be seen and (2) the status quo in Libya clearly is a disaster. Previous failures in federalism either excluded major factions with major grievances, were imposed rather than negotiated, and/or were products of outside powers, not local powers. Outsiders coopting and favoring one over the other in an imposed settlement certainly seems to be ineffective to creating peace and stability. However, these are variables that can be changed, not the inevitable way things must be done. Neo-conservative American think tank dreamers should not think their regime-change, new-order fantasies can be thrust on foreign societies with willing acquiescence just because they put someone in charge that “looks like” the locals (as in Iraq 2003 with Ahmed Chalabi, not to mention the imposition of Sherif Hussein’s offspring in Syria and Iraq after World War I).

Ultimately, whatever form and by whatever process, an agreeable vision may help parties see a “way out” of a “hurting stalemate” that seems to have settled upon the country with Haftar’s stalled offensive mid-2020. And, as Joseph (2018) warns, a call for new elections “without an agreed and viable constitutional mechanism ... could reignite conflict.”

6.11. Prognosis and Conclusion

As with the other cases in this book, we seek to analyze solutions between the anarchy of failed states and the brutality of unitarian authoritarianism. Functional and just democracies are one aspired model, though not the only option. However, if one aspires for functional democracy, unitary and federal options are the subject of assessment, and partial

ethnofederalism is a specific type in which a majority ethnic or sectarian group is divided and diffused while minority identities are given coherent subnational territorial and political control.

As Wehrey (2016: 118) cautions, “the powerful pull of [Gaddafi’s] 42-year ... personalized, hyper-centralized style of rule” will be hard to escape, as the leader “left the country bereft of many of the basic bureaucratic structures needed for government ... citizen political participation ... distrust of outside parties as predatory.” Wehrey (2016: 118) also warned that “The longer the institutional vacuum continues, the greater the likelihood” that Libya “will succumb to Gaddafi-era practices and processes, spurring greater fragmentation and dimming the hopes for a truly functioning democracy.” In 2020, it is easy to assume this fate has come to pass in Libya and we write it off as another failed state with “ancient grievances” too tough to handle. However, our cases show there is a pattern in these conditions, that no future is inevitable, and that there are ethics and interests in helping shape a different future in these societies. From refugee crises to terrorism, both ethics and interests should compel local and international calls to action.

Inclusive, negotiated internal talks, of course, may not work or even reach a conclusion. They could drag out indefinitely or trample on various local, regional, and global interests and thus get sabotaged from the start. With such a process, the outcome of federal or unitary may matter less. St. John (2016) suggests other forms of “decentralization,” noting that support for decentralization “is wider spread than support for federalism” according to public opinion polls (see also Issaev and Zakharov [2020] on decentralization).

As with all of our other cases, any solution federal or otherwise must be filtered through the role and interests of outside regional and Great Powers. While none of our four cases in this book are *merely* proxy wars, each has become a battleground for regional and outside actors: in Syria, Russian and Iranian interests clash with Saudi and Western; in Iraq, the US invasion created the new dynamic and the US remains invested in the future against Iranian encroachment, and vice versa; in Yemen, Iranian support for the Houthi adds to Saudi and Western distrust of solutions that grant the Houthi power or autonomy.

In the Libyan case, the post-Gaddafi battle pits regional patron Turkey in a neo-Ottoman bid against Arab regional competitors like Egypt and the UAE bent on stemming the influence of Turkey and sympathetic Islamists like the Muslim Brotherhood. Turkey has supported the UN-recognized

GNA in Tripoli and has highlighted that a democratic process is the only solution for the crisis and emphasizes Libya's territorial integrity and sovereignty (TRT 2019). The Libyan government managed to halt Haftar's militia from taking Tripoli with the help of Turkey. Ankara has made it clear that it will not allow the internationally recognized government of Libya to fall victim to Haftar. The Turkish President Recep Tayyip Erdogan said, "The critical point here is that Haftar should stop his aggressive stance. Since April, Haftar's has been the side which violated all deals and attacked the legitimate government" (*TRT World*).

Haftar's militias receive a significant amount of aircraft, military vehicles, and supplies from the UAE. The Gulf monarchies see Haftar as a "bulwark against extremist movements in North Africa," including those tied to Muslim Brotherhood, in line with its attempt to counter-revolution and democratic movements (TRT 2019). Other regional actors are taking sides, such as Sudanese armed groups from the Darfur region that recently joined the fighting on both sides (Ebel 2020). Members of the Eastern government travelled to Syria in February 2020 to meet with the Assad regime, proving the complexity of regional politics as it rang true to both sides' opposition to Turkish intervention and was in line with its Russian support, though incongruent with its Gulf support ("Haftar's Team," *Hurriyet*, March 2, 2020). The Syrian Deputy Foreign Minister Faisal Mekdad received the Libyan committee and signed a memorandum of understanding to reopen diplomatic missions.

Beyond the regional dynamic, the Russian and European powers play their parts. The Libya Quartet of the UN, African Union, Arab League, and EU continues to meet "to continue working to reconcile Libya's warring factions" (Ahelbarra 2019). Russia's relationship with the Gaddafi family and former regime members such as Haftar goes back several decades. In the post-Soviet period, deals worth between US\$5–10 billion were signed, as was debt forgiveness amounting to US\$4.5 billion (*TRT World*). Tripoli authorities and US officials have also accused Haftar of relying on hundreds of Russian mercenaries. Sudanese armed groups from the Darfur region recently joined the fighting on both sides (Ebel 2020). Badi (2020) blames the increasing meddling of Russia, Turkey, and the UAE on "the failure of Europe to devise a common policy to engage them in Berlin's preparatory process." The "symptoms of external actors' interventionism had become increasingly more blatant" in 2019, with "heavy weaponry, drones and mercenaries challenging the integrity of the UN's arms embargo on Libya" (*Ibid.*). German and European attempts to

262 *Federal Solutions for Fragile States in the Middle East*

(1) taper foreign interventionism; (2) reinforce the UN's arms embargo; and (3) "ripen local actors towards peace" yielded a "non-binding 55 point-long communiqué, the subject of multiple deliberations and amendments over the course of half a dozen preparatory meetings attended by representatives of foreign states" since September 2019 (*Ibid.*). Turkey and Russia have brokered ceasefires (in Moscow in January 2020) but to no avail (*Ibid.*).

The US' new populist retreat from global interventionism provides a hedge against the superpower's traditional role in regional politics and conflict. Libya's interior minister, Fathi Bashagha, urged the US to set up a base in the war-torn country to offset increasing Russian influence in the country. The suggestions by Libya's security chief to entice the US military presence as a key bulwark against Russian expansionism may be tempting for policy-makers in Washington. It would also help to shore up the UN-backed government of Libya giving it political cover. The Libyan security chief believes that Libya could be a beneficiary of US troop movements recently saying, "If the US asks for a base, as the Libyan government we wouldn't mind — for fighting terrorism, organised crime and keeping foreign countries that intervene at a distance. An American base would lead to stability" (*TRT World*).

If federalism comes, it would not be along ethnic lines, as the three salient minority groups are not concentrated in large enough numbers to justify this. However, federalism incorporating ethnicity into the classic geographic regions would allow for the Tuareg and Toubou power in the South, and the Amazigh power in the West, in ways that could purchase legitimacy through local rights to cultural expression and political power.

Joseph (2018) advocates for federalism, but reminds us that "of course, it is up to Libyans — not outsiders — to decide on whether and how to revive their historical constitution." This is perhaps wishful thinking, but it is hoped Libyans and the international community see the virtue of supporting just and stable institutions that can endure not out of coercion but a sense of legitimacy. Federalism is as viable a form of legitimate governance as any other and could capitalize on the legacy of failed unitary government and colonially contrived early forms of federalism. In 2020, the "hurting stalemate" has arrived; all that remains is the "Sense of the way out" (Zartman 2001).

Chapter 7

Conclusion

7.1. Introduction

This book is an exercise in applying what might be called “post-conflict Federalism Theory” or “peace-promoting federalism” (Ghafarzade 2016: 980–981) to ponder the past, present, and future governance structures of fragile states with divided societies struggling with recurring conflict. It examines whether and how institutions can be designed “to avoid future conflict by mitigating intergroup conflict and secessionism by accommodating powerful minority groups with provincial autonomy (Ghafarzade 2016: 984). Saideman (2002: 193) reminds us that institutions “determine which audiences are most important to various actors — who are the constituents” — as well as reflect “the products of — past political battles” and “embody the policy implications of past identity conflicts.” To revise or reform such institutions, new leaders “battle self-interested partisans — those who directly benefit from the institutions — but also those who find their identities challenged” (Saideman 2002:193). Civil wars helped undo past institutions in Libya and Yemen, but interests tied to those states remain in the mix alongside various new players wanting credit for the blood and sweat of years of war. In Iraq, institutions were thrown out in the US invasion; various militias in the “Sunni triangle” reflected those who found “their identities challenged.” In Syria, a pitched battle between the status quo and radical institutional change continues to play out into the 2020s, increasingly tilting toward the retention of the Assad Ba’athist regime. Yet in none of these states are things well or legitimacy secure. Alongside placating aggrieved and self-interested “winners,” there must

exist some semblance of larger interest in stable, sustainable governance. The victors in power will merely face incessant challenges until tenable consensual institutional reforms create legitimacy where there is none. We conclude by assessing lessons from our cases in the context of frameworks and theoretical debates pertaining to not just order but legitimacy.

7.2. Lessons on Fragile States

The premise of the “failed states” literature is that they “obstruct development, breed poverty and resentment, and provide havens for terrorist groups” (Jacobson and Deckard 2012: 6). Jacobson and Deckard (2012: 6) argue that the failed states paradigm obscures the role of tribalism in the stability of states, in that “tribes resent the impingement of the state on their autonomy and resist it, unless a particular tribe can seize the powers of the state for its own benefit.” Saddam’s Tikriti network, Yemen’s Saleh, Libya’s Gaddafi, and Syria’s Assad all made use of their own kinship structures for reliable patronage and security and coopted allied tribal leaders to cement their power. Yemen tops the rank of the Fragile States Index, and ranked in the top 10 of the Tribalism Index (Jacobson and Deckard 2012: 7). Powerful families can still remain powerful, but they must be brought in to the process of a system where positions are institutionalized in a legitimate and constitutional structure for long-term viability. All the attention on the problems of “weak states” should not blind us to the many problems of strong state violence. In “cases of tribal societies with strong governments” (*Ibid.*) some sponsor extremist groups and “export that violence abroad,” again citing Syria’s Assad and Libya’s Gaddafi as examples.

Stability and order are important, but they are not everything. Phillips (2016) warns of Western academics and political actors prioritizing security and stability over other values, essentially playing into Western security agendas over the rights of the local population. We ask outside powers to entertain enlightened self-interest, backing and trusting a process that incentivizes inclusive processes that produce peace and stability but also fairness and justice at the end. Fair and just institutions are not the antithesis of stable peace but their guarantor.

7.3. Lessons for Identity

All of our cases reaffirm the constructed and strategic nature of identity and the fluid nature of ethnicity and sectarianism. No identity category is

monolithic or fixed in time and space. Rather, ethnic and other identities can be manipulated by elites, their history and traditions invoked, and their supporters courted one day and dropped the next under changing political circumstances. This does not mean anything is equally possible: culture and social facts can be “sticky” and not readily jettisoned, and some identities contain more or less legitimacy culturally as viable alternatives (Shannon 2016: 210–211).

Corstange (2016: 12–13) explains intra-ethnic competition between patrons as a situation in which there are “multiple vote buyers,” leading politicians to “reward their coethnic clients not out of deep-seated affinity but because ethnic social networks reduce transaction costs and make it more efficient to cultivate coethnics than members of other communities.” When they “eliminate intraethnic competition by pushing the importance of an identity to ‘unite,’” Corstange (2016:15) continues, they can “get away with modest payouts to clients.” He applied this to Yemen, but we see shifting political alliances in our other cases as well.

One area of potentially useful future research when grappling with elite and public insecurities in fragile state politics is the notion of ontological security. When an identity group feels culturally denied, humiliated, or ignored under the majority cultural frame, “collective actors become ontologically insecure when situations rupture their routines, thus bringing fundamental questions of existence and auto-biography to public discourse” (Ejdus 2018:884). Ontological security as a threat to Self and self-conception can occur with ethnic and religious minorities as well as the majority if it is perceived to be threatened or shifting in demographics.

7.4. Assessing Outcomes

As previously discussed with case selection, we chose cases sharing the fundamental problems of instability and legitimacy by degree (three in actual civil war, one in tenuous “negative peace”) and shared a current commitment to centralized integrity (three unitary states, one federal). Shaheen (2020) lays out four scenarios that represent the four possible outcomes of any possible conflict in Yemen, but which can guide our discussion in general and comparative terms. The *X*-axis represents the stability of Yemen, with outcomes ranging between its two extremes: war and peace. The war scenario examines the presence of protracted conflict. At the other end of the spectrum is a peaceful solution, which assumes a current absence of conflict. The *Y*-axis represents what Shaheen (2020)

266 *Federal Solutions for Fragile States in the Middle East*

calls “integrity” and assumes possibilities from a unified state to dividing the territory into two separate entities. “Integration” marks the preservation of the country’s existing borders, but is open to different levels of decentralization, including federation. The opposite extreme, “disintegration,” reflects the lack of national cohesion and the possibility of dividing the country in two separate states or territories. Such a scenario includes the possibility of reverting back to the pre-1990 borders, or even an alternative redrawing of the map. For Shaheen (2020), stability is an overarching quality that is vital “for enabling further discussion on political, economic, and social issues.” Integration becomes a consideration of more variable quality, which has been much of the exercise of this book to investigate.

If we map our four cases into Shaheen’s typology as they are at the time of writing (2020), they may be represented as in Table 7.1.

In three of the four cases, conflict is ongoing as of summer 2020, barely interrupted all decade since the Arab Spring and despite attempts to grapple with their respective aftermaths. Only Iraq is not in open warfare, instead suffering sporadic and irregular violence in an unstable state. In three of our four cases, we have unitary state either representing, or trying to emerge from, authoritarianism. Syria, Libya, and Yemen each have a legacy of unitary authoritarian governments that are the basis of much of the turmoil confronting them. Only Iraq, since 2005, has made some movement from centralized authoritarianism to a version of decentralized, federalized parliamentary democracy.

All of our cases may endure in the status quo position, but we can draw from our cases the comparative value and probability of different forms of governance to both end conflict and promote integration. Total victory by one side could affirm or alter the status quo of countries in conflict. Assad’s chances of staying in power have increased over the past few years, and he may conclude that the “authoritarian conflict

Table 7.1: Stability and Integrity in Four Case Countries, Summer 2020

Stability & Integrity	Unified	Federalized	Partitioned
Positive Peace & Reconciliation	—	—	—
Negative Peace & Sporadic	—	Iraq Status Quo	—
Continued or Increased War & Violence	Yemen, Libya, Syria Status Quo	—	—

management” model applied by him and his father before him is perfectly suitable. But even in victory, the victors may wish to consider alternatives for long-term survival.

A more likely situation in Libya and Yemen at the time of writing is not lopsided victory but war fatigue and the hurting stalemate. In Yemen, quick victories by the Houthi, overrunning Sana’a and forcing Hadi to abdicate, gave way to Saudi intervention and the loss of advantage by the decade’s end. Iraq’s IS similarly delivered rapid victories in 2014, only to stall out and face a combination of domestic and international reprisals that put them on their heels. In Libya, Haftar’s attempt to run the table on Islamists and Tripoli has petered out as well in early 2020.

But “war-weariness may not be enough for the warring parties to conclude a peace process” but may “simply entrench parties in their positions and focus each on defending areas under their control” (Shaheen 2020). A sense of the way out must accompany a hurting stalemate, according to Zartman’s (2001) famous model. By threat, opportunity, or outside goading, parties must agree to sit at the table. How that table is set, and how inclusive and mutually accommodating it is of all parties, may determine the outcome and success.

We have considered federal outcomes against alternatives in a variety of cases that share some factors and differ on others. Ethnofederalism in Iraq and Yemen may be a viable option, given the large concentrated and politically mobilized nature of the Kurds and Houthi, respectively. Iraq already has experimented with it, though haltingly in practice. In Syria, prospects for an ethnofederation hinge on the survival of the Assad regime. At present, Alawis have no need for ethnic autonomy because they control the institutions of state. The collapse of the Assad regime changes this calculation dramatically. Even in Libya, where ethnic and religious politics are comparatively minor, federalism has a past and could have a future. The Amazigh of the West could help legitimate a federal system in which they get cultural rights and a seat at the table of Tripolitanian regional politics. Toubou and Tuareg, though coming from different trajectories out of the Gaddafi era, both could benefit from social and cultural freedoms and political power in the decentralized possibilities of federalism in the Fezzan province, where their numbers would be concentrated.

Federal and ethnofederal prospects must be judged against the alternatives, which the Shaheen (2020) typology helps clarify and which our chapters have laid out: war, authoritarianism, partition, or unitary democracy. To indulge full secession and partition — to divide and redraw

Table 7.2: Previous Positions of Case Countries

	Democratic	Authoritarian
Unitary		Gaddafi's Libya, 1969–2011 Saddam's Iraq, 1979–2003 Saleh's Yemen, 1990–2011
Federal	Iraq 2003–2021	Idris's Libya, 1951–1963

borders — would be a dramatic change within and regionally, setting precedents for Balkanization dreams of nationalism everywhere. Though Yemen's Southern Transitional Council are for it, and Libya's Cyrenaica groups may indulge the idea, and Kurds of Iraq and Syria threaten it more or less seriously, full independence is not likely partly because these secessionists are not strong and committed enough to pull it off against domestic rivals and international interests in opposition. For Yemen, for example, an independent Houthi state would mean Saudi Arabia “having in what would become Northern Yemen, a neighbor that is no friend of theirs, and another, Southern Yemen, which will inherit the AQAP problem” (Shaheen 2020). Turkey has made clear their feelings (and actions) related to Kurdish steps toward autonomy on their border, whether in Iraq or Syria.

More importantly, true secession or partition advocates are relatively few. How to organize, share, and arrange power in existing borders, that is much of the fight in all four countries. If not the undesirable alternatives of brutal authoritarianism or the anarchy of perpetual war, we are left with democratic institutions and the best way to construct them. Harkening to Chapter 1, Table 7.2 shows past positions of our cases on matters of regime type and level of centralization.

Our cases show that federal solutions are viable in each case, if more palatable and practical in some over others. More work on the process of inclusion and creative forms of federal structures can help move beyond categorical arguments for or against “federalism” to nuanced analyses of what forms are best for whom. We hope this book's consideration of ethnofederalism helps advance such nuanced thinking.

7.5. Conclusion

In terms of theory and practice, this book is not just about comparative politics but international politics. Alongside lengthy discussions of regime

type and institutionalism, we saw repeated strands about the role of outside powers and regional and global powers whose interests impinge on domestic politics. Otherwise “civil wars” bleed into proxy wars so that Iran’s support of Assad in Syria or the Houthi in Yemen are matched by Saudi support for the Yemeni government and Syrian opposition. The US and Russia are present in Syria, while Turkey, Egypt, and the UAE have a hand in the cases of Yemen and Libya. Outside powers can prove helpful in fostering negotiations about governance and aid to assist in and incentivize implementation. However, given the shadow of colonial and outside interference, such foreign assistance must come from a place of multi-lateral transparency, not brazenly self-interested world-making and king-making.

So, we end with a call for continued cross-pollination in political science across the “siloes” fields of comparative and international relations, so that institutionalists consider the practical sides of designs not just in terms of domestic interests but external actors as well. Remaining cognizant of both areas, we see that the domestic sources of legitimacy within countries are not just seen as a domestic problem but one with consequences for regional instability and global justice.



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272 *Federal Solutions for Fragile States in the Middle East*

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Index

A

- Abd al-Malik al-Saadi, 186
- Abdo Rabbu Mansour Hadi, 210, 213
- Abdrabbuh Mansur Hadi, 201
- Abdul Aziz al-Hakim, 183
- Abdul Karim Qasim, 144
- Abdul Khaddam, 106
- Abdul Rahman Arif, xiii
- Abu Bakr al-Baghdadi, xiv
- Aden, 219
- Adhamiya, 161
- Africa, 57
- Afrin, 99
- agro-city, 118
- Ahmad ibn Tamyyiya, 101
- Ahmed al-Alwani, 186
- Ahmed Chalabi, 259
- Akram al-Hourani, 103
- Aland Islands, 81
- al-Askari Mosque, 160
- Alawis, 99, 267
- al-Dawa, 147
- Aleppo, 100
- Alevis, 32
- Algeria, 234–235
- Algiers Accord, 154
- al-Haqq, 203
- al-Hirak, 207, 213
- al-Houthi, 204
- Ali Abdullah Saleh, 204, 208, 210
- Ali Hassan al-Majid, 155
- Ali Nasser Mohammed, 218
- Ali Salem al-Beidh, 210, 223
- Al-Islah, 201
- Al-Malikiyah, 99
- Al-Qaeda, 4, 7, 202, 237–238
- Al-Qaeda in Iraq, xiv
- Al-Qaeda of the Arabia Peninsula (AQAP), 202, 204, 223, 226, 268
- Al-Watan, 238
- Amazigh, 231, 234–235, 247, 249, 258, 262, 267
- Amazigh movement, 36
- Amazigh Supreme Council (ASC), 259
- Amazigh World Assembly, 232
- Amazigh World Congress (AWC), 259
- Anbar, 160, 164
- Anbar Awakening, 161
- Andalusia, 76
- Anfal, 150

308 *Federal Solutions for Fragile States in the Middle East*

- Anglo–Iraq Treaty of 1931, 151
 Ansar al-Shari'a, 202, 238, 250
 Anwar Sadat, 106
 Arabization, 155
 Arab Socialist Party, 103
 Arab Spring, xiv, 4, 6, 9, 13, 213, 226, 232, 235, 266
 Argentina, 57, 70
 Armenians, 99
 Article 140, 165
 Articles of Confederation, 64
 Asia, 57
 Assad, 6, 9, 12, 263–264, 266–267
 Assembly of the Sons of the Basra Region, 193
 Assyrians, 141
 Atheel al-Nujaiifi, 186
 Austria, xxv
 Autonomous Territory of the Alawis, 102
- B**
- 1917 Balfour Declaration, 20
 Baathist, 4, 263
 Ba'ath Party, xiii
 Badr Brigades, 147
 Badr Eddin al-Houthi, 204
 Baghdad, xxvi
 Baha'i, 201
 Bahrain, xiv
 Baltic States, 73
 Barqa Council, 257
 Barqa Regional Council, 254
 Barzani, 152
 Bashar al-Assad, xiv
 Basque County, 73
 Basra, 140
 Bayn Jabr, 160
 Belgium, 57
 Benghazi, 238–240, 242–243, 245, 249, 254
 Berber, 7, 15, 35, 231–232, 236, 240, 258
 Berber Spring, 35, 232
 Biden Plan, 179
 Bosnia, xxiii
 Bosnian Civil War, xxiii
 Brazil, 57, 70
 Bremer, 157
 Breton, xx
 Britain, 241
 British, 3–4, 11, 199, 209, 242–243, 256
 Burundi, 92
- C**
- Caesar Syria Civilian Protection Act, 125
 California, 69
 Canada, 57
 Catalan identity, xxii
 Catalonia, 87
 CDC, 214
 Ceyhan, 167
 Chad, 233–235
 Christians, 141
 Circassian, xx
 Coalition Provisional Authority (CPA), 158
 coercive apparatus, 12
 Colonel John Garang, 39
 consociational, 50
 Constitutional Drafting Assembly, 254
 Corsica, 57
 Council of Representatives, 174
 Council of Sovereignty, 144
 coup-proofing, 4
 Crimea, 82

Croatian, 28
 Cyprus, 25
 Cyrenaica, 240–243, 249, 256, 268
 Cyrenaica Transitional Council, 248
 Czechoslovakia, 76

D

Damascus, 100
 Damascus Spring, 113
 Darfur, 28
 Dayton Peace Accord, 46
 de-Ba'athification, 199, 246
 declaration of the Shi'a, 171
 Deir ez-Zor, 100
 Democratic Party of Kurds in Syria
 (DKPS), 111
 Democratic Unionist Party (PYD), 113
 democratization, 10
 Denmark, 56
 Dhi Qar, 192
 Diwanayah, 144
 Diyala, 153
 Druze, 99
 Duhok, xxvi

E

Egypt, xiii, 4, 6, 11, 13
 Erbil, xxvi, 156, 175
 Erbil Agreement, 185
 Eritrea, 76
 Ethiopia, 76
 ethnic federacies, 81, 179
 Ethnofederalism, 267
 ethnofederation, xxiv, 81
 ExxonMobil, 167

F

Faeroe Islands, 74
 Fahd Sha'ir, 109

failed states, 264
 Faili Kurds, 155
 faith campaign, 148
 Fallujah, 189
 Fatah Alliance, 163
 Fayez al-Sarraj, 251
 federalism, xxiv, 5
 Federation of Arab Republics, 58
 Fertile Crescent Unity, 58
 Fezzan, 240–242, 247, 267
 fighting vanguard, 106
 Finland, 57
 Fiqh Council, 186
 Fragile State Index, xxii, 8–9, 51, 264
 France, xx
 Free Syrian Army (FSA), 115
 French, xx
 full ethnofederations, 81

G

Gaddafi, 6–7, 232–235, 237–241,
 243–247, 256, 261, 264, 267
 Gagauzia, 81
 Galicia, 76
 Gamal Abdel Nasser, 22
 GCC Agreement, 218, 221, 226
 General Adib Shishakli, 109
 General Haftar, 247
 General National Congress (GNC),
 245, 249–250, 253
 General People's Congress (GPC),
 209–214, 217
 German, 261
 Germany, xxv
 Ghassan Salamé, Special Representative
 of the UN Secretary-General and
 Head of the UN Support Mission in
 Libya, 251
Gorran (Change), 182

310 *Federal Solutions for Fragile States in the Middle East*

- Government of National Accord (GNA), 248, 250–251, 256
- Great al-Nouri mosque, xiv
- Greater Syria, 58
- Great Syrian Revolt of 1925–1927, 102
- Greenland, 74
- Gulf Cooperation Council, 213
- H**
- Hadi, 216–220, 225–227
- Hadramawt, 215–216, 219
- Hadramawt Inclusive Conference (HIC), 219
- Hafez al-Assad, 104
- Haftar, 250–251, 253, 261, 267
- Haider al-Abadi, 193
- Halabja, 155
- Hama, 99
- Hama massacre, 106
- Hasakah governorate, 100
- Hashd al-Shaabi*, 163
- Hashid, 206
- Hassan al-Banna, 22
- Higher Coordination Committee of Provinces (HCCP), 173
- Ḥizb al-Ḥaqq, 211
- Homs, 99
- Hosni Mubarak, xiii, xvi
- House of Representatives (HoR), 247, 249–251, 253
- Houthi, 203–204, 206–207, 213–217, 221–223, 225–227, 267–269
- Husni al-Zaim, 111
- Hussein Badraddin, 204
- I**
- Ibrahim Ahmed, 154
- ICP's Central Committees, 145
- Idlib, 118
- Idris, 237, 241
- Imazighen, 244
- India, 57
- Indonesia, 57
- Iran, xv, 4, 217, 226–227
- Iranian, 223
- Iranian Revolution, 147
- Iran–Iraq War, 146
- Iraq, 4, 6–7, 9, 11–12, 14
- Iraqi Communist Party (ICP), 145
- Iraqi Governing Council, 157
- Iraqi Islamic Party, 186
- Iraqi National List (INL), 162
- IRG, 218, 226
- Islah, 204, 214
- Islah Party, 211–213, 216
- Islamic Call Society (ICS), 237
- Islamic Movement of Libya, 237
- Islamic State (IS), xiv, 4, 7, 9, 202, 223, 227, 238, 250, 267
- Ismailis, 99
- Israel, 154
- Italy, 240–242
- Iyad Allawi, 162
- J**
- Jabal al-Druze, 109
- Jabat al-Nusra (JN), 114
- Jableh, 104
- Jacobin, 57
- Jaladet and Kamuran Bedirkhan, 110
- Jalal Talabani, 154
- Jamahiriya*, 244
- Jarablus, 110
- Jazira, 110
- Jews, 34
- JMP, 205, 211
- Jordan, xiv

K

Karbala, 142
 Khalifa Haftar, 249, 252
 Khamis al-Khanjar, 187
 Khanaqin, 168
Khoybun League, 110
 Khuzestan, 18
 King Abdullah of Jordan, 109
 King Faisal of Iraq, 22
 King Idris, 242
 King Idris al-Sanusi, 240
 King Idris I, 249
 Kirkuk, 153, 215, 255
 Kobani, 110
 KSA, 224
 Kurd Dagh, 110
 Kurdish, xv
 Kurdish National Council (KNC), 116
 Kurdish Supreme Council (KSC), 116
 Kurdish veto, 165
 Kurdish Worker's Party (PKK), 112
 Kurdistan, xvi
 Kurdistan Democratic Party (KDP),
 xxvi
 Kurdistan Region (KR), 139
 Kurds, xv, 267–268
 Kurmanji, xxi
 Kuwait, xviii

L

2008 “Law on Governorates not
 Incorporated into a Region”
 (Law 21), 173
 La Rioja, 87
 Latakia, 100
 Latin America, 57
 Law on the Special Legal Status
 of Gagauzia, 85
 Lebanon, 58

Libya, 4, 6–7, 9, 12–13
 Libya Dawn, 238, 249, 253
 Libya (Muammar Gaddafi), Tunisia
 (Zine El Abidine Ben Ali), Algeria
 (Abdelaziz Bouteflika), and Yemen
 (Ali Abdullah Saleh), xiii
 Libya National Army, 234
 Libyan Islamic Fighting Group
 (LIFG), 237
 Libyan National Army, 247, 250
 Libyan National Group for Civil
 Democracy, 253
 Libyan Political Agreement (LPA),
 250
 Libya's National Forces Alliance
 (NFA), 250
 LIFG, 238
 LNA, 248

M

Macedonia, 47
 Mahabad Republic, 19
 Mahdi Army, 161
 Mahmoud Jibril, 246
 March Manifesto, 153
 Masoud Barzani, 153
 Maysan, 192
 millet system, 31
 Moldova, 81
 Morocco, xiv, 34
 Mosul, xiv
 Movement for the Self-Determination
 of Kabylia (MAK), 36
 Muammar Gaddafi, 230
 Muhammad al-Halbousi, 187
 Muhammed Umran, 104
muhasasa, 157
Mukhabarat, 12, 114
 Muqtada al-Sadr, 161

312 *Federal Solutions for Fragile States in the Middle East*

Muslim Brotherhood, 105, 201, 204,
235, 237, 254, 260
Mustafa Adbel Jalil, 249
Mustafa Tlass, 106
Mutahhidun, 190
Myanmar, 28

N

Najaf, 148, 164
National Amazigh Libyan
Conference, 258
National Axis Alliance, 190
National Dialogue, 253
National Dialogue Conference
(NDC), 201, 213–215, 223
nationalism, 3
National Liberation Front for South
Yemen (NLF), 209
National Movement for Development
and Reform (al-Hal), 190
National Transitional Council (NTC),
245–246, 248–249, 257
Nebraska, 67
New York, 67
NFA, 251
Nicaragua, 57
Nigeria, 57, 87
Ninevah, 153
Ninevah Guard, 186
Nuri al-Maliki, 162
Nuri al-Sai'd, 58

O

Oman, xviii
Ontological security, 265
Operation Decisive Storm, 217
Operation Dignity, 238, 250
Operation Peace Spring, 121
Operation Provide Comfort, 156

Operation Restoring Hope, 217, 222
Orientalist, 10–11
Osama al-Nujayfi, 185
Ottoman Empire, 142

P

1935 People's Pact, 143
Pakistan, 76
Palestine, 58
Pan-Arabism, 4
Papua New Guinea, 57
partial, 81
partial ethnofederalism, 5
partial ethnofederation, xxviii
party, 186
Patriotic Union of Kurdistan (PUK),
xxvi
Paul Bremer, 170
peace-promoting federalism, 263
People's Democratic Republic of
Yemen (PDRY), 208–210, 210
People's Protection Units (YPG), 116
persistent authoritarianism, 5
peshmerga, 165
political Islam, 11
popular mobilization forces, 218
post-conflict Federalism Theory, 263
President Ali Abdullah Saleh, 199
President al-Numeiri, 39
President Hadi, 222
President Saleh, 208
Prime Minister Faiz Sarraj, 250
Prime Minister Mohieddin Fikini, 242
Puntland, 39

Q

Qamishli, 110
Qubecqois, 65
Qunaytara, 118

R

1920 Revolution, 150
 Raffi al-Issawi, 163
 Ramadi, 190
 Raqqa, 100
 Rashad Union, 201
 Recep Tayyip Erdogan, 261
 referendum on Kurdish independence,
 xvi
 Republican Guard, xiv
 Revolutionary Command Council
 (RCC), 145
 Rifat, 106
 Riyadh Agreement, 218, 224
 Rohingya, 28
 Rojava, 100
 Russia, 43, 262
 Russian, 261
 Rwanda, 92

S

Saddam Hussein, xiii, 6, 12, 264
 Safavid Empires, 142
 Said Qutb, 22
 Salafi, 11, 226, 237
 Salafist, 201
 Saleh, 205, 207, 211–213, 216–217,
 221, 224, 226, 264
 Salih Jadid, 104
 Salim Hatum, 109
 Salvation and Development Front, 187
 SAM, 226
 Samarra, 160
 Sana, 217
 Sana'a, 202
 Sanjak of Alexandretta, 19
 Sanussi, 243
 Saudi Arabia, xiv, 5, 200, 208,
 217–219, 225–226, 267–268

Saudis, 12, 213, 223, 227
 Scotland, 77
 Scots, xxi
 Senussi, 237
 Serbia-Montenegro, 76
Shabiha, 114
 Shafi'i School, 201
 Shaykh Yusuf al-Qaradawi, 114
 Sheikh Adnan al-Arour, 114
 Sheykh Mahmud Barzanji, 150
 Shura Council of Benghazi
 Revolutionaries, 250
 Sirte, 243, 245, 247, 250
 Somaliland, 39
 Sorani, xxi
 South Africa, 57
 Southern Movement, 207, 214, 216,
 219, 222
 Southern Transitional Council, 207,
 268
 South Sudan, 82
 Soviet Union, 57
 Spain, 57
 Sri Lankan, 28
 SSNP, 128
Staatsvolk, 78
 state fragility, 5
 State of Law (SoL), 162
 STC, 218–220
 Sudan, 56, 261
 Sudanese People's Liberation Army/
 Movement (SPLA/M), 39
 Sufis, 16
 Sulayman al-Murshid, 102
 Sulaymaniyah, xxvi
 Sultan Selim 1, 32
 Sunni, 201
 Sunni triangle, 263
 Supreme Amazigh Council, 236

314 *Federal Solutions for Fragile States in the Middle East*

- Supreme Council for the Islamic Revolution in Iraq (SCIRI), 147
- Suwayda, 99
- Switzerland, xxiv
- Sykes–Picot, xiv, 3–4
- Syria, xiii, 4, 6–7, 9, 11–12, 14
- Syrian Communist Party, 111
- Syrian Democratic Forces (SDF), 117
- Syrian National Council (SNC), 116
- T**
- Talabani, 151
- Tal Afar, 161
- Tamazight*, 35
- Tamil Nadu, 73
- Tanzania, 57
- Tariq al-Hashimi, 163
- Tartus, 100
- Texas, 69
- Third Universal Theory, 244
- Tiebout sorting, 61
- Tikrit, 191
- Tikriti, 264
- Tira Association for Tamazight Culture and Language, 258
- Toubou, 233–235, 247, 249, 258, 262, 267
- Transitional Administrative Law, 160
- Tribalism Index, 264
- Tripoli, 240, 242–243, 245, 247, 249–250, 254
- Tripolitania, 240–242
- Troupes Speciales du Levant*, 102
- Tuareg, 234, 236, 244, 247, 249, 258, 262, 267
- Tunisia, xiv, xviii
- Turkey, xv, 238, 248, 260–262, 268–269
- Turkmens, 140
- tyranny–anarchy loop, 4
- U**
- UAE, 7, 57, 217–220, 261, 269
- UK, 156
- Ukraine, 82
- UN, 220, 261–262
- UN High Commissioner for Human Rights, 233
- Union of Arab Republics, 58
- United Arab Emirates, xxiii, 56
- United Arab Republic, 4, 56
- United Kingdom of Libya, 242
- UN Security Council passed Resolution 688, 156
- UN Special Envoy for Yemen, Martin Griffiths, 220
- US, xv, 9, 14, 217, 224, 226–227, 262, 269
- USS Cole, 202, 226
- V**
- Venezuela, xxv
- W**
- Wahhabi, 201
- Wahhabist, 237
- Warfalla, 239, 245, 247, 250
- Wasit, 164
- Wataniya, 190
- World Amazigh Congress, 232
- Y**
- Yazidis, 24
- Yemen, 4, 9, 13–14

Yemen Arab Republic (YAR),
208–210
Yemeni Socialist Party (YSP), 210,
212–214
Yugoslavia, 57

Z

Zaidis, 16
Zakho, 156
Zaydi, 204–208, 211
Zaydi Shi'a, 200–201, 203

