

SYRIA/IRAQ

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Federalism and Decentralization in Iraq: Practices, Institutions and Constitutional Framework

KAS, ATLANTIC COUNCIL AND IRIS HOLD A WORKSHOP WITH IRAQI GOVERNMENT OFFICIALS, MEMBERS OF PARLIAMENT AND EXPERTS

For years, the imbalanced federal system of Iraq has inhibited the efficient and effective governance of the country. While the Kurdistan Region of Iraq (KRI) has largely functioned as a quasi-independent state within Iraq, the other provinces suffered from the recentralization of power in Baghdad soon after 2005. After the military defeat of the Islamic State (ISIS) and in light of the Kurdish independence referendum, which has brought Iraq to the brink of yet another civil war, Iraqi federalism is in need of reform to ensure the future stability of the country. On 28 and 29 January, the KAS Syria/Iraq office, the Atlantic Council and the Institute for Regional and International Studies (IRIS) of the American University of Sulaymaniyah held a closed-door workshop in Beirut on the existing constitutional and institutional arrangements of Iraq's federalism and potential for reform. Taking place under Chatham-House rules, the workshop was attended by high-level representatives of the Iraqi government, several Iraqi Members of Parliament and researchers from Iraqi, European and American think tanks.

After welcoming words by Dr. Harith Hasan Al-Qarawee, Nonresident Senior Fellow at the Atlantic Council, and Lucas Lamberty, Research Fellow at KAS, the first panel evaluated the challenges of the federal system of Iraq. A Member of Parliament argued

that federalism is deeply rooted in Iraq's history, dating back to the Ottoman period. After the fall of the Saddam regime in 2003, however, the new constitution remained vague and failed to put forward clear principles for a federal system. The panel supported this notion, adding that any Iraqi federal model must take the complex ethno-sectarian situation into account. Iraq can, therefore, not import a federalist model from other parts of the world, but must create its own vision that also respects the Kurdish quest for autonomy and the historical experiences of the different ethno-sectarian groups.

The second panel dealt with the political economy of federalism. Some panelists argued that while the control over oil and gas resources should be with the central government in Baghdad, revenues belong to all Iraqis and should, therefore, be distributed all over the country. Accordingly, the central government should act as an equalizer and further economic development in all provinces. Moreover, it was pointed out that for the economic stability of Iraq, the conflict between Baghdad and the Kurdistan Regional Government (KRG) needs to be solved. To this day, distrust and economic competition strain this relationship and the evolution of a clear economic vision for all of Iraq, from which all parts of the country would profit. The panel debated additional factors that hinder the growth of the Iraqi economy. Besides the ethno-sectarian divisions in economic matters, participants

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highlighted regional and international interference, a spillover of regional crises and the ongoing low-intensity conflicts in various provinces as factors destabilizing the economy.

Discussing the constitutional and legal frameworks of Iraqi federalism in the third panel, one Member of Parliament claimed that Iraq lacks a clear division of power. There is no understanding and definition of which institution holds what responsibilities in the relationship between provinces and the central state. The panel agreed that the fifty articles in the constitution that refer to decentralization are not implemented, and that the legal text is in itself ambiguous. One panelist underlined this point by stating that the Iraqi constitution is formulated so broadly and unclearly, that implementation in matters of federalism and decentralization is very difficult.

The second conference day kicked off with a debate on the relations between Baghdad and the governorates. One member of the Ministerial Committee for Relations with the Provinces outlined this relationship on a functional and institutional level: While the committee takes over more and more authorities, there are still technical problems that hinder the effectiveness of the committee and the delegation of prerogatives from the federal to the local level. One assistant governor stressed that local issues and problems should be addressed and managed on a provincial level, given that enough budget is provided by Baghdad. To this day, the ministries continue to interfere in the provincial administration and, thus, contribute to the structural crisis that negatively affects the governance of the Iraqi state. The panel also stressed how the ethno-sectarian division corrupts the delegation of power from the center to the provinces.

The governance and reconstruction of the territories liberated from ISIS was debated in the next session. Several panelists point-

ed out the obstacles of reconstruction in Ninawa province, which has not received enough financial resources from the central government, with only 22 percent of reconstruction projects dedicated to the province. Moreover, land-ownership disputes and the lack of trust within society obstruct the reconstruction process. One panelist highlighted the politicization of the Iraqi constitution and the legal processes, arguing that in the current environment, no effective governance is possible. One Member of Parliament elaborated on the institutional framework of the reconstruction efforts and explained current reconstruction strategies.

The following panel on Security, Governance and Communal Relations argued that the incapability of the government to provide personal security reinforces the distrust in the Iraqi state and opens the space for non-state actors. It was stated that there is no cross-sectarian party in Iraq that could limit the confessional polarization of certain political and security issues. The panel agreed that Iraq needs a new social contract in which the national interest of the country directs state institutions, and not the interests of particular groups. Aside from this, the future role of the Popular Mobilization Forces within the Iraqi state and society and their role in the upcoming elections were heatedly discussed.

Finally, the workshop debated the future of federalism and decentralization in Iraq. One researcher pointed to lessons from the Kurdish independence referendum and argued that internal Kurdish struggles and the lack of both regional and international support will limit the prospects of the Kurdish project in the future. Moreover, panelists referred to the historical lessons of federalist approaches in Iraq and their meaning for the future. Participants agreed that without a clear vision for a federal Iraq, the deeply-rooted sectarian divide and foreign influence will only further destabilize the country.