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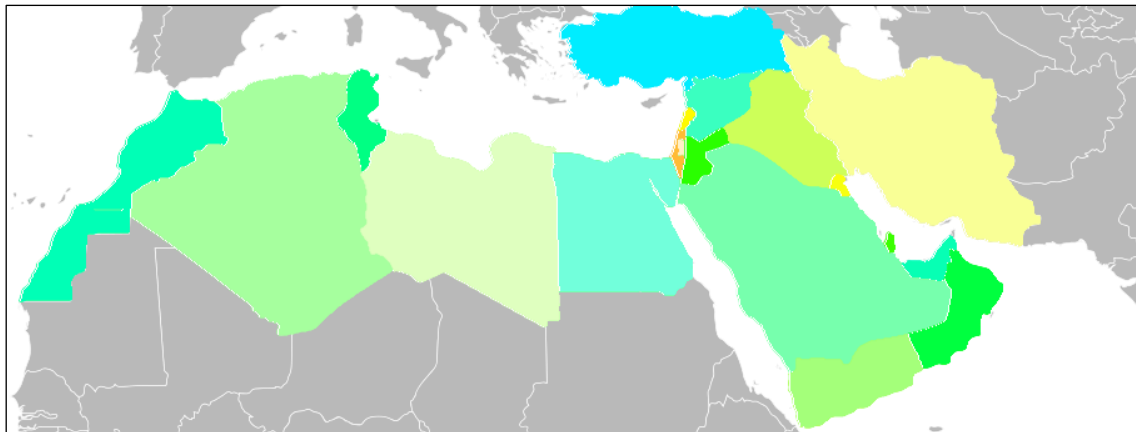
## The MENA Region: Federalisation – Autonomy – Decentralisation <sup>1</sup>

Since the Arab Spring in 2011, there has been increasing public discourse in the countries of the Middle East and North Africa (MENA Region) on decentralizing their political systems and on further forms of self-government such as territorial autonomy. But these initiated developments are today judged rather critically by Western research. Many scientists in Europe and respectively in Germany are drawing a sober balance claiming that hopes of a "political turn" have failed for the time being.<sup>2</sup> Some even speak of an "Arab

winter", because either entire states have been destroyed, such as Libya, Syria and Yemen,<sup>3</sup> or authoritarian power structures have consolidated, as in Tunisia, Egypt and Jordan.<sup>4</sup>

Only a few authors take into account in their analyses the responsibility of external actors for the violent escalation of internal conflicts in the MENA region following the initially peaceful changes. Some Western states, including the USA and France, but also Turkey and Russia, have become conflicting parties themselves through mili-

**Figure 1: Countries of the MENA Region (Middle East & North Africa)**



Source: Own editing of the map from: [Wikimedia](#), 4.7.2010

<sup>1</sup> This article is a translation: Sabine Riedel, *Die MENA-Region: Föderalisierung – Autonomien – Dezentralisierung*, in: *Forschungshorizonte Politik und Kultur (FPK)*, Vol. 4, No. 13 (2020 Nov 15), 14 pages, which is a reprint of the publication under the same title in: *Jahrbuch des Föderalismus 2019*, Europäisches Zentrum für Föderalismus-Forschung Tübingen (Ed.), Baden-Baden 2019, p. 187-201. All internet sources were still available on 15.11.2020.

<sup>2</sup> Richter, Thomas 2019: *Der Arabische Frühling und seine Folgen*, in: Bundeszentrale für politische Bildung (Ed.): *Naher Osten, Informationen zur Politischen Bildung*, 2016, Nr. 331, p. 68–81, p. 68; Gerlach, Julia 2016: *Der verpasste Frühling: Woran die Arabellion gescheitert ist*, Berlin.

<sup>3</sup> Gehlen, Martin 2016: *Der Arabische Winter*, [zeit.de](#), 25.01.2016.

<sup>4</sup> Bank, André, Mirjam Edel 2015: *Authoritarian Regime Learning. Comparative Insights from the Arab Uprisings*, GIGA Working Papers, No. 275.

tary intervention.<sup>5</sup> In addition to local actors, they pursue their own interests in the region, so that the conflict situations have become even more complex. But even before 2011, the international community exerted influence over their political systems. In 2006, the UN High Level Group of the United Nations Alliance of Civilizations (UNAOC) recommended to promote "Political pluralism in Muslim countries". This included "the full participation of non-violent political parties, whether religious or secular in nature".<sup>6</sup> That is why the well-organised Islamist parties were able to win acceptance for the mass protests from 2011 onwards.<sup>7</sup>

Any analysis of reform projects in the MENA region must therefore take the international environment into account. This applies in particular to the topic of decentralisation, because the former European colonial powers were godfathers at the birth of today's Arab states. All political ideas and ideologies emanating from Europe entered their political systems, whether monarchism, republicanism, nationalism, authoritarianism, socialism or democracy. This had a direct impact on their internal constitution or administrative structures. They are comparable to the Member States of the European Union (EU), which are predominantly centralised and have had only limited experience with federal systems. There are, in contrast, major differences when it comes to territorial autonomy. This paper aims to explain the background by comparing concrete country examples. In this regard, it will consider how the reform offers by governments and demands by opposing regional actors for more autonomy are discussed.<sup>8</sup>

## 1 Conceptual background: Nation, minority, autonomy

As in the history of political ideas as a whole, the terminological background plays a central role in the Arabic-speaking and Islamic world. This is because the potential ambiguity of political or political terms carries the danger of misunderstandings or interpretations guided by interests, from which conflicts can arise. Therefore, a definition of the relevant terms should be clarified not only at the beginning of each contractual agree-

ment, it is also a basic condition for the solution of social conflicts. This chapter presents and discusses some terms that are relevant to the topics of federalisation, autonomy and decentralisation.

The territorial self-government of an independent state is called in international law "sovereignty" (ar. سيادة — siyādah) and includes the right to self-determination. But who is the owner of this right of self-determination? According to the international law in force today, these are exclusively "nations" (ar. أمة — ummah) and not any particular group of the population. The interpretation of this term is therefore the subject of many regional conflicts. Representatives of separatist movements start by demanding that their ethnic, cultural or religious minority (ar. أقلية — aqallīyah) be recognised as a "nation". From this they derive the right to self-determination and recognition of their demanded new "nation state". This argumentation can be found in all separatist movements, not only in Europe, but worldwide and thus also in the MENA region.

The central governments of the states concerned usually react with compromises in order to satisfy regional actors with demands for more self-administration. In the hope of resolving local or regional conflicts, they often agree on their terminology and thus on a different concept of nation than modern international law. This is because only on the basis of ethnic, cultural or religious difference they can declare their respective minority as a "nation" that is different from the other nationals. So they are designing a contrast between the "will nation" of the state as a whole, defined by constitutions as a community of political values, and its "cultural nation" in the sense of an ethnic, cultural or religious community.

In both German and English, these different concepts of nationality are hardly distinguished from each other linguistically, although they have different origins: While the concept of the "will nation" is based on the ideas of the French Revolution, the "cultural nation" in the sense of a community of culture, language and descent goes back to the German philosopher Johann Gottfried Herder. In his view, such a cultural community exists independently of a state. But it would also re-

<sup>5</sup> International Crisis Group 2018: Tackling the MENA Region's Intersecting Conflicts, 22.12.2017, p. 32.

<sup>6</sup> UNAOC 2006: Alliance of Civilizations, Report of the High-level Group, 13.11.2006, p. 19, point 5.10, United Nations, New York.

<sup>7</sup> Riedel, Sabine 2015: Interreligiöse Dialog-Initiativen. Zur auswärtigen Kulturpolitik islamischer Staaten, in: Kiesel, Doron, Ronald Lutz (Ed.): *Religion und Politik. Analysen, Kontroversen, Fragen*, Frankfurt/M., p. 331–356, p. 336.

<sup>8</sup> This contribution is intended as a complementary and critical analysis of: Bohn, Miriam, Thomas Demmelhuber, Roland Sturm, Erik Vollmann 2018: *Dezentralisierung in der arabischen Welt: ein konzeptioneller Zugang*, in: *Europäisches Zentrum für Föderalismus-Forschung Tübingen (Ed.): Jahrbuch des Föderalismus 2018. Föderalismus, Subsidiarität und Regionen in Europa*, Baden-Baden, p. 157–171.

quire a nation status in order to establish its own nation state founded on this legal basis. This second concept was adopted by national or nationalist movements in Europe during the 19th century. They used the processes of disintegration of the multiethnic states such as the Habsburg monarchy or the Ottoman Empire to realise their respective culturally determined nation-state.

These different concepts of nationality cannot be clearly distinguished in Arabic as well. Thus, ar. أمة (umma) stands for the will nation as in „United Nations“ – ar. أمم متحدة (umamu muṭaḥidah) as well as for a cultural community as in „Arab Nation“ – ar. أمة عربية (ummat ‘arabīyah). The Arab word قوم (qaum) – “nation, people, ethnic group”, on the other hand, is fixed on the concept of the “cultural nation”. Derived from this are „national, nationalist“ – ar. قومي (qaumī) and “nationalism” Ar. قومية (qaumīyah). Ar. قومية therefore also means “nationality” in an ethnic-cultural sense, while ar. جنسية (jinsīyah) is used for “citizenship”.<sup>9</sup> Finally, “nation(state)” is still used with the word ar. وطن (waṭan) – “fatherland, home”. It is close to the French “patrie” with the meaning “cultural nation”. From ar. وطن (waṭan) drives the word “citizen” – ar. مواطن (muwāṭin), which is based on a political understanding of the nation.

In the history of the Islamic states there was another word for nation, “millet”, which continues to have this meaning in modern Turkish. It goes back to the Ottoman-Turkish administrative language, which used the Arabic loanword ملة (mil-lah) to denote the “religious community”. Since the Ottoman Empire granted non-Muslim, monotheistic religious communities autonomy within the framework of their religious law, the Millets developed into “confessional nations”, as Ottoman variants of the model of the “cultural nation”.

## 2 Experience of the MENA region with autonomies and federations

The Ottoman Empire, from which a large number of states in the MENA region emerged, already knew forms of self-government, even if only within the framework of pre-modern religious law and in the form of personnel autonomy. This Millet system ensured a certain political stability for centuries because it met the desire of religious, non-Muslim minorities for more self-government. In

the end, it was also a quite successful concept for integrating conquered territories. At the height of Ottoman power in the late 17th century, Europe's absolutist monarchs responded with counter-strategies. Through the millets they made themselves patrons of the Christian population in the Ottoman Empire and supported the rise of confessional nations that sought to transform their respective personal self-government into territorial autonomy.

At the beginning of the 19th century, the Ottoman Sultans realised the danger of destabilization, as more and more regions were demanding their independence according to the concept of a confessional or cultural nation. Educated in Europe, they adopted political ideas from there to modernise their empire. But it was not until the sultans Abdulmecid and Abdülaziz implemented them by their Tanzīmāt project (osm. Tanzīmāt – reorganisation). They strove for a secular legal system, in the elaboration of which representatives of all millets, i.e. religious communities, were involved (cf. the administrative structure of the Ottoman Empire around 1900 in Figure 2).<sup>10</sup>

At the heart of the project was the transformation of the empire into a constitutional monarchy with inter-denominational citizenship. The 1876 Reform Constitution of Grand Vizier Midhat Pasha stipulated in Article 8: “All subjects of the empire are called Ottomans, without distinction whatever faith they profess; the status of an Ottoman [Ottoman-Turk. “Osman”, S.R.] is acquired and lost according to conditions specified by law.”<sup>11</sup> The various confessional nations or millets were to become *one* Ottoman nation of will. This new nation concept served to preserve the already decentralized empire with its “present territory and possessions, and semi-dependent province” as an “indivisible whole” (Art. 1). Therefore this reform project went down in history as “Ottomanism”.

At the same time as the reform constitution came into force, an international conference was held in Istanbul on the initiative of Great Britain. London proposed to the Ottoman Sultan to give his European provinces more rights in the form of territorial autonomies. Indeed, Russia and the Austro-Hungarian Empire had already forged plans for a division of “European Turkey”, i.e. they

<sup>9</sup> Cf. the online English-Arabic dictionary. Available at: [www.arabdict.com/de/english-arabic](http://www.arabdict.com/de/english-arabic). For transliteration into Latin script: BGN/PCGN 1956 System (Revised Presentation 2019).

<sup>10</sup> Plagemann, Gottfried 2009: Von Allahs Gesetz zur Modernisierung per Gesetz. Gesetz und Gesetzge-

bung im Osmanischen Reich und der Republik Türkei, p. 86 f. and 103 f., Münster.

<sup>11</sup> Article 8 of the Ottoman Constitution, 23.12.1876. The original text in arabic Letterst; Wajih Kawtharani 2015: The Ottoman Tanzimat and the Constitution, Arab Center for Research & Policy Studies (2013), p. 14.

were striving to occupy what is now Bosnia-Herzegovina and Bulgaria, both of which were still under sultan's rule. The Ottomans rejected these proposals, risking a military confrontation. In order to prepare for a new war with Russia, Sultan Abdülhamid II gave up the reform project and rehabilitated the old absolutist ruling system of rule. Following the example of the Russian tsarist rule, which was based on Pan-Slavism and Orthodoxy, he developed his new ideology of Pan-Islamism. He thus fell back on the pre-modern model of the confessional nation, which was religiously determined.<sup>12</sup>

After the end of the First World War, today's MENA region was given a second opportunity to introduce the modern political concept of nationhood. Such a new beginning was offered by the dissolution of the Ottoman Empire, which resulted in the establishment of new states and the temporary placing of the remaining territories under the mandate of Great Britain or France. A key document for this historical turning point is the 1920 peace treaty of Sèvres. It was one of a se-

ries of five treaties of the Paris Peace Conference in which the victorious powers established a new order which was monitored by the newly founded League of Nations, the predecessor organisation of today's United Nations.<sup>13</sup>

Like the other contracts, the Treaty of Sèvres provided for the establishment of a modern Turkish nation state based on the concept of the nation of will. This was expressed through two criteria: firstly, the option right, which allowed the Ottoman subjects to resettle according to their identity to "Armenia, Azerbaijan, Georgia, Greece, the Hedjaz, Mesopotamia, Syria, Bulgaria or Turkey" (Article 125). Secondly, the new Turkish State "undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion." (Article 141).<sup>14</sup>

Although the last Ottoman government had already signed the Treaty of Sèvres, it never came into force. Turkey was only constituted after a winning resistance struggle under Kemal Atatürk. He forced the allied occupying powers to sign a

Figure 2 : The Ottoman Empire in 1900



Source: Map-of-Ottoman-Empire-1900, [wikipedia](https://www.wikipedia.org/wiki/Map_of_Ottoman_Empire_1900), 19.10.2016; black line ( supplement S.R.): state border of present-day Turkey.

<sup>12</sup> Riedel, Sabine 2015: Die kulturelle Zukunft Europas. Demokratien in Zeiten globaler Umbrüche, Wiesbaden, p. 181 f.

<sup>13</sup> Paris Peace Conference 1919–1920, in: Britannica.

<sup>14</sup> The Treaty of Sèvres, 1920, Articles 1-260.



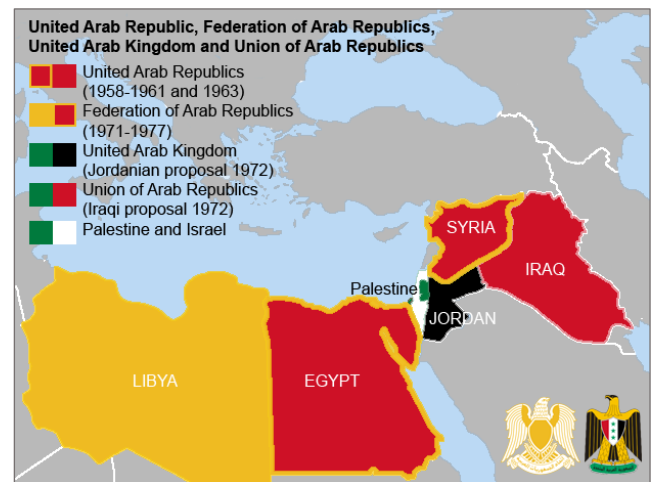
new agreement, the Lausanne Treaty of 1923. In this document the new Turkish state had adopted the political concept of nation of the Paris Suburb Contracts, even though Islam remained the state religion. In fact, the religious minorities retained their self-governing rights from the Ottoman period and the linguistic minorities were given the right to protection of their mother tongues (Article 39).<sup>15</sup> But the transition of the term "millet" in the sense of a confessional nation to a nation of political will was only short-lived. Through constitutional reforms since 1928, the state religion was abolished as a relic of sultan's rule and Turkish nationalism was instead anchored as the new state doctrine. To this purpose, Article 88 of the Constitution (1924) was sacrificed, according to which "The name Turk, as a political term, shall be understood to include all citizens of the Turkish Republic, without distinction of, or reference to, race or religion".<sup>16</sup> The reform in 1937 even anchored nationalism in Article 2: "The Turkish Empire is republican, nationalist, popular, [...]".<sup>17</sup> The Turkish nation of origin and language thus became the bearer of national sovereignty. The term "millet" followed the concept of the cultural nation from then until today.

While modern Turkey consolidated its dominion with its nationalist ideology, the Arabic-speaking areas initially remained attached to the model of the confessional nation. This particularly affected those monarchies that were still under British mandate for a few decades. As long as Islam remained state religion and was a criterion of citizenship, the linguistic and ethnic differences of the population did not play a particularly important role. This did not change until the middle of the 20th century when elites came to power who elevated Arab nationalism to the state doctrine of their new republics.

In 1956, Egypt adopted a new constitution, Article 1 of which defined the country as an Arab Republic and its people as part of the "Arab nation".<sup>18</sup> With this new orientation towards Arab nationalism, Egypt was able to release Sudan as an Arab brother state into independence. Only two years later, Cairo opened up to Syria's proposal to establish a United Arab Republic (U.A.R.),

Figure 3

### Federations of Arab States – Experiences and Proposals (1958 – 1977)



Source: Union of Arab Republics, in: [Wikipedia, Roxana, created: 15.6.2017](#), viewed: 15.11.2020

which was also joined by the Kingdom of (North) Yemen.<sup>19</sup> That same year, Iraq and Jordan launched an alternative project that was to differ from the centralised U.A.R.: Both monarchies joined together to form the Arab Federation. Although this federal state only existed for a few months as a result of the Iraqi revolution, it was not without consequences. After the U.A.R. had also failed within only three years, Egypt and Syria started a new attempt together with Iraq. They now formed a federal state under the same name U.A.R. (1963).

This experiment failed again after only a few months, but it was the beginning of further attempts to unite the Arab states after Israel occupied the Palestinian territories in the Six Day War in 1967. They ranged from a new edition of the U.A.R. as a federal state, the founding of a United Arab Kingdom with Jordan and Palestine, to the Federation of Arab Republics (F.A.R.) from Egypt, Libya and Syria (see Figure 3).<sup>20</sup> After all, the F.A.R. existed for five years before it collapsed due to the self-interest of the member

<sup>15</sup> [Treaty of Lausanne 1923](#), The World War I Document Archive.

<sup>16</sup> [The New Constitution of Turkey, 20.04.1924](#). Obviously the expression "as a political term" has been added to the Ottoman-Turkish original in the English translation, cf. article 88 in: [Teşkilât-ı Esasiye Kanunu](#), 20.4.1924, p. 7.

<sup>17</sup> Cf. Amendment 05.02.1937 in: [Verfassungen der Türkei, Verfassung vom 20.4.1924](#), Article 2; Declaration of the Turkish republic, in: [britannica.com](#).

<sup>18</sup> [The Egyptian constitution of 1956](#) in the Arabic original.

<sup>19</sup> Arabische Union. Zwei Bismarcks, in: [Der Spiegel vom 12.02.1958](#), p. 30–32; in: [britannica.com](#).

<sup>20</sup> The Constitution of the Federation of Arab Republics (FAR), in: [Middle East Journal](#), Vol. 25, Nr. 4, 1971, p. 523–529.

states and their presidents: When Egypt started peace negotiations with Israel, Syria and Libya turned their backs on the F.A.R. In response, Tripoli developed new federation plans, such as the Arab-African Federation with Morocco or the the Arab Maghreb Union (AMU), which was also directed at Algeria and Tunisia. But even these attempts failed to achieve the expected success.

### 3 Successful federations?

#### United Arab Emirates and Comoros

Since the federation projects of the 1970s and 1980s were not realised or were only of short duration, it is no longer possible to clarify clearly whether it was a federal state (federation) or just a union of sovereign states (confederation). However, the F.A.R. constitution clearly spoke of the "establishment of a federal state with the aim of working towards the realisation of the comprehensive Arab unity", which included joint federal bodies and a government.<sup>21</sup> The question remains open what finally caused these projects to fail and what role the international framework conditions played. Despite the numerous failures, two federation plans could nevertheless be realised in the Arab world.

Figure 4

#### States / regions of the United Arab Emirates (UAE)



Source: UAE Regions, [Wikimedia, Ksamah](https://www.wikimedia.org/wiki/File:UAE_Regions_Ksamah.jpg), 24.7.2011

Probably the most economically successful project are the United Arab Emirates (UAE). Their origins also date back to the 1960s and 1970s, when Arab nationalism gained influence. Their exclusively Arab identity is reflected in their constitution, which defines the state as a union of "Arab" Emirates. There are currently seven principalities or emirates, namely Abu Dhabi, Ajman, Dubai, Fujairah, Ras al-Khaimah, Sharjah and Umm al-Quwain.<sup>22</sup> The unequally sized emirates (cf. figure 4) do not form separate territories, but are united by their affiliation to one of the ruling families. In accordance with the ideology of Arab nationalism, Article 1 of the Constitution states: "Any independent Arab country may join the Union".<sup>23</sup>

The current UAE political system dates back to before its foundation in 1971. As British protectorates, they worked together in a Trucial States Council, in which the emirs of Bahrain and Qatar were also represented. After the two above mentioned Emirates opted for independence, this governing body was transformed by a transitional constitution into the Supreme Council of the new state (ar. مجلس أعلى للاتحاد – majlisu a'lā lil itihād).<sup>24</sup> It is the highest federal authority in which the seven emirs are represented equally with one vote each and take legislative and executive decisions (Articles 46–50). They elect a President of the Union and a deputy from among their number for a term of five years with the possibility of re-election (Articles 51–53). The President has a great deal of power because he appoints the Prime Minister of the UAE and his government.

In the National Council (ar. مجلس وطني – majlisu waṭanī) of the Union, the member emirates are represented according to a fixed key between four and eight seats, with the 34 representatives being appointed according to the legal regulations of the respective emirate (Article 68). It thus has the function of a representative body of the citizens, without however having the powers of a parliament. It is interesting to note the use of the expression *وطن عربي* (waṭan 'arabī) with the meaning "Arab nation" in Article 6 of the Constitution. It is defined by an affiliation to "the religion, language, history and common destiny". Furthermore it says: "The people of the Union are one

<sup>21</sup> Fahdawi, Thiab Abboud Hussein 2016: State of United Arab Republics 1971 (Syria, Egypt and Libya), its constitution, foundations and Iraqi position, in: *Iraqi Academic Scientific Journal*, University Anbar, Irak, 2016, Volume 3, Issue 6, p. 261–286, Summary, cf. 269, point 1, in: *Original Arabic text*: دولة اتحاد الجمهوريات العربية المتحدة (سوريا، مصر، ليبيا) 1971، دستورها، مؤسساتها وموقف العراق منها.

<sup>22</sup> This is the common spelling in English.

<sup>23</sup> *Constitution of the United Arab Emirates* (in Arabic only): دستور دولة الإمارات العربية المتحدة

<sup>24</sup> Cf. Art. 45.1 of the Constitution, in Arabic only: دستور الإمارات العربية المتحدة الصادر عام 1971 شاملا تعديلاته لغاية عام 2009 [The Constitution of the United Arab Emirates from 1971 including its amendments until 2009].

people, part of the "Arab nation", but here with the expression *أمة عربية* – (ummah 'arabiya). The constitution thus makes a distinction between UAE citizens and the Arab nation as a fictive entity. However, both expressions are understood in this context as a cultural, religious, and ethnic community.

Clearly, the concept of the cultural nation supported the founding of the federation and thus the political integration of the Emirates. At the same time, it turns out to be a major obstacle to the social integration of immigrants, as it is also an exclusive model for UAE citizenship: Of the approximately 9.5 million people who lived in the UAE at the beginning of 2018, only about 11.5 percent belonged to the native population, i.e. about one million. In contrast, the proportion of immigrants from India, Pakistan, Bangladesh and Southeast Asia is around 60 percent of the resident population.<sup>25</sup> Even immigrants from other Arab states such as Saudi Arabia and Egypt outnumber the nationals. The ratio of men to women alone of 72 to 28 percent indicates the high labour migration.<sup>26</sup>

The Comoros, the federal island state between Mozambique and Madagascar, was released from French protectorate rule in 1975, similar to the UAE with only about 0.8 million inhabitants. As the Union of the Comoros is today one of the poorest countries in the world, the federation project of the three main islands of Grand Comore, Anjouan and Mohéli has no success story to show. The poor socio-economic data gave the president the power to centralise the political system. On July 30, 2018, the referendum on a corresponding constitutional reform took place, which was accepted by 92.74 percent with a turnout of 63.9 percent.<sup>27</sup> This overrode the rule that every five years a different island nominates the president. In this way, the incumbent head of state from the island of Grand Comore secured his re-election after early parliamentary elections at the end of March 2019.<sup>28</sup>

At the moment it cannot be foreseen in which direction the Federation will be rebuilt and whe-

**Figure 5**  
**Union of the Comoros**



Source: [Wikimedia](#), 22.5.2020

ther this will lead to further violations of the balance between the islands. So far, the 33 members of the Federal Assembly (L'Assemblée de l'Union) have been elected as the legislative body for five years.<sup>29</sup> According to the Constitution, each island can send three representatives (see Figure 5), the other 24 seats are awarded through national elections (Article 20).<sup>30</sup> This system has already survived a crisis of secession with a few changes when the two smaller islands wanted to leave the state in 1997. While Mohéli strove for independence, Anjouan sought to join France, as did the fourth island of the archipelago, Mayotte, which at the time remained with France.

As in the case of the UAE, the integrative link for the existence of this union is culture, namely Islam as the largest religious community and Shikomor, a Bantu language in Arabic script, the mother tongue of almost all inhabitants.<sup>31</sup> Nevertheless, following the French model, the Comoros constitution defines the Comoros nation as a

<sup>25</sup> United Arab Emirates Population Statistics 2019: Infographics, in: [Global Media Insight \(GMI\)](#), 30.01.2019; Total population and percentage of nationals and foreign nationals in GCC Countries (national statistics, 2010-2016) (with numbers), in: [Gulf Labour Markets, Migration, and Population \(GLMM\) Programme](#), 20.4.2016.

<sup>26</sup> Redvers, Luise 2018: Is the UAE still a high-paid expat haven?, in: [BBC](#) vom 18.12.2018.

<sup>27</sup> Kuoppamäki, Aarni 2018: Komoren: Präsident will Föderalismus abschaffen, in: [Deutsche Welle](#) vom 31.07.2018; [Comoros's Constitution 2001, 2009](#).

<sup>28</sup> Comoros president named winner in election rejected by opposition, in: [reuters](#), 27.3.2019.

<sup>29</sup> Les institutions de l'Union des Comores, in: [Internet-Archiv](#) [the official government website has now been closed].

<sup>30</sup> [Constitution de l'Union des Comores](#), wiki-source.org, last update: 30.06.2016.

<sup>31</sup> According to Article 1 of the Constitution, Shikomor is the official language, French and Arabic other national languages.

community of political will. Article 5 states: "Comorian nationality is acquired, preserved and lost in accordance with the law." In the preamble, the Union is furthermore committed to "equality of all rights and duties without distinction of sex, origin, race, religion or belief".<sup>32</sup>

However, this non-denominational understanding of the nation is called into question by the constitutional reform. So far, Islam has only been regarded as an "inspiration" for legislation (preamble to the constitution), but now Sunni Islam is to be privileged. This will push a third of the Muslims, the Shiites, into a minority position, which endangers the unity of the federation. For behind this religious rivalry lies the conflict between Saudi Arabia and Iran, both of which have long exercised influence on the Comoros through religion.<sup>33</sup> However, this also means, that federalism in the Comoros, together with its political model of a nation, has so far prevented the island state from being drawn into this confrontation like Yemen.

**Figure 6**

**Settlement area of the Kurdish speaking population in the Middle East region known as "Kurdistan".**



Quelle: CIA World Factbook, [Wikimedia](#), 1.2.2019

#### 4 Disputed models of federation and autonomy for Iraq and Syria

As the two examples of the United Arab Emirates and the Comoros show, the federal state model in itself does not guarantee a well-balanced participation of the population in political decision-making processes and social integration. Obviously, other parameters are important, such as economic prosperity and legal equality of citizens, which the political nation model can best guarantee. As soon as the concept of nationhood privileges a religious or linguistic group or even makes it the sole bearer of sovereignty rights, conflict structures arise that often result in demands for secession and give external actors the opportunity to intervene.

This can be illustrated by the example of Iraq, which has had experience with various nation and administrative models since its state was founded in 1920. This article is mainly interested in the involvement of the Kurdish-speaking population living in the north of the country in the border regions with Turkey, Syria and Iran. This area is the first region of the MENA countries to have a territorial autonomy, which is, however, very controversial. While some see it as a successful model for resolving other regional and minority conflicts, others, especially many Iraqi Kurds, are not satisfied with it and are striving for an independent state (cf. Figure 6).

In order to legitimise the demand for independence, history is used to claim that the Treaty of Sèvres (1920) provided for a separate state for the Kurds, which only failed due to Turkish resistance. But this interpretation ignores a significant precondition. For this, representatives of the League of Nations should first of all establish "a scheme of local autonomy for the predominantly Kurdish areas", including "full safeguards for the protection" of racial and religious minorities, among others in the Ottoman Vilayet Mosul of today's Iraq. Furthermore, the Allies required a majority vote of the population in these areas as a precondition for state independence.<sup>34</sup> This also indicates that a Kurdish state within the framework of the Paris Suburb Contracts would have been enforceable only on the basis of a political concept of nation and not for a single ethnic linguistic and cultural community.

In contrast, today's Kurdish independence movement in Iraq is based on the model of a cul-

<sup>32</sup> Constitution de l'Union des Comores, in: [wikisource.org](#), last update: 30.06.2016.

<sup>33</sup> Parmentier, Audrey 2018: La révision constitutionnelle écarte les Comoriens chiites, in: [La Coix](#), 30.07.2018.

<sup>34</sup> Article 62-64 in: [The Treaty of Sèvres, 1920](#), Section I, Articles 1–260, cf. Fn. 15.



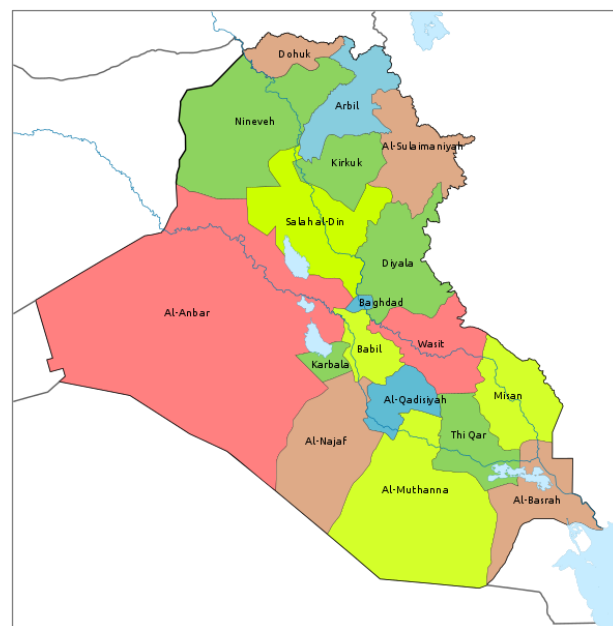
tural nation to distinguish itself from the other population by its linguistic differences (cf. figure 6). Indeed, the first Iraqi Constitution of 1925 followed the principle of equal rights for all Iraqis "whatever differences may exist in language, race or creed" (Article 6).<sup>35</sup> In practice, the Ottoman Millet system continued to exist under British mandate, i.e. the model of a Muslim confessional nation that held together the Arab, Kurdish and Turkish language groups under a king as head of state.<sup>36</sup> The principle of equal rights for all citizens was to continue to exist in the Arab Federation, which had been agreed by the two Hashemite royal houses of Iraq and Jordan in 1958 and existed for only a few months.<sup>37</sup>

There has been a noticeable nationhood from a confessional to a cultural nation after Iraq's independence following the 1958 revolution. The first constitution of the Iraqi Republic left the principle of legal equality for Iraqis untouched, but defined "Iraq as an integral part of the Arab Nation" (Article 2), whereby Article 3 also guaranteed the Kurds the status of their own cultural nation: "Arabs and Kurds are considered partners [...] within the unity of Iraq".<sup>38</sup> But some Kurds rejected the role of a national minority and organised an armed resistance for an independent Kurdistan. A compromise was reached in 1970 and remained in place until the fall of Saddam Hussein in 2003. Article 5 of the new constitution continued to define Iraq as part of the Arab nation while the status of the Kurds was upgraded as a separate nationality: "The nation of Iraq is formed of two principal nationalities, these are the Arab nationality and the Kurdish Nationality. This Constitution shall recognize the national rights of the Kurdish nation and the legitimate rights of all minorities within the Unity of Iraq."<sup>39</sup>

In Article 8 of the constitution (1970) Iraq also adopted the concept of decentralisation, which paved the way for the establishment of Kurdish territorial autonomy (see Figure 7). However, influential Kurdish leaders were dissatisfied with the borders of the autonomous region and continued an armed resistance supported by neighbouring Iran and the USA. In return, Baghdad offered asylum to the later Iranian revolutionary leader Ruhollah Khomeini and thus the opportunity to pre-

**Figure 7**

**The administrative division of Iraq**



Source: [Wikimedia](#), 27.1.2011

pare for the overthrow of the Shah regime. In the Iraq-Iranian Treaty of Algiers (1975), both neighbouring states finally agreed on mutual non-interference in internal affairs. With the Islamic Revolution (1979), the balance of power in the region changed fundamentally, so that the border disputes resurrected together with the controversy over a Kurdish state and Iraq was entangled in two Gulf Wars (1980-88 and 1990-91).

The subsequent military interventions by the international community of states have brought the Kurds no more than the territorial autonomy they have been granted since 1970. However, the new Iraqi constitution (2005) has strengthened Kurdish self-government rights. Regional legislation that has been in place since 1992 is respected (Article 141), provided the laws do not contradict with the Iraqi constitution.<sup>40</sup> In addition, Kurdish was approved as the second official language alongside Arabic (Article 4). However, the Kurds have lost their privileged status as a second "nationality". Because Article 3 states that

<sup>35</sup> Constitution Society: Constitution of the Kingdom of Iraq, 21.03.1925.

<sup>36</sup> Riedel, Sabine 2017: Pluralismus im Islam – ein Schlüssel zum Frieden, Erfahrungen aus dem Irak, Syrien, Türkei, Ägypten und Tunesien im Vergleich, SWP-Studie 2017/S 14, Juli 2017, p. 13 f.

<sup>37</sup> The Constitution of the Arab Union (Unofficial Translation), 14.02.1958.

<sup>38</sup> Interim Constitution of the Republic of Iraq, 14.7.1958, in: The Weekly Gazette of the Republic of Iraq, Bagdad, No. 4, 13.08.1958.

<sup>39</sup> Interim Constitution of the Republic of Iraq, 16.07.1970, in: The Weekly Gazette of the Republic of Iraq, Bagdad, No. 10, 13.03.1971.

<sup>40</sup> Iraq's Constitution of 2005, in: Constitution project, pdf generated: 20.7.2020, cf. the Arabic original: دستور العراق الصادر عام 2005

"Iraq is a country of multiple nationalities", which includes not only Arabs and Kurds, but also the Turkomen, Chaldeans and Assyrians (Article 125). In the Arabic text the word قومية (qaumīyah) stands for "nationality", which goes back to قوم (qaum) in the sense of a culturally defined „nation“. In the English translation, it is therefore reproduced elsewhere with two words, namely "ethnicity, nationality" (cf. Article 14).

In conclusion, the term "Iraqi nation" to designate Iraqi citizens as a political community has not yet been mentioned in any constitution. Even the current version (2005) only refers to a multi-ethnic "Iraqi people" (cf. in the preamble *شعب العراق* – *ša'abu l-'irāq*) and "Iraqi citizenship" (cf. art. 18 *جنسية عراقية* – *jinsīyah l-irāqīyah*). Since the central government rests on such weak fundamentals, the planned federalisation of Iraq has remained a vision. It is promoted by Kurdish poli-

ticians but rejected by the rest of Iraq.<sup>41</sup> Their suspicions that the Kurds see it as a transitional period to an independent Kurdistan should soon be confirmed: In 2006, the Regional Parliament adopted a "Provisional Constitution of the Iraqi Kurdistan Region" (2006) to "to build Kurdistan as a nation".<sup>42</sup> In mid-2014, the regional government finally began preparing an independence referendum,<sup>43</sup> which was held on 25.10.2017 and accepted by 92 percent.

The main criticism of the Iraqi federal model concerns its conceptual weakness. It is not based on administrative borders, as most federal states worldwide are, but on the traditional ethnic, linguistic and religious divisions within the population. It has thus transformed the model of personal autonomy from Ottoman times into the model of territorial autonomy of modern statehood. This, however, aggravates and perpetuates the lines of conflict over borders and political offices. From this perspective, many Iraqis see federalism as a "divisive project" supported by foreign interests, which sets Iraq back in its political, economic and social development as an already modernised state: "In short, it is the real beginning of dividing Iraq into three states", namely a Kurdish, Shiite and Sunni state.<sup>44</sup>

Similarly controversial, Syrian scholars are currently discussing constitutional reforms to pacify the longstanding civil war. Critics of the Assad regime make the democratisation of Syria dependent on a solution to the Kurdish question.<sup>45</sup> They consider the demand for recognition of the Syrian Kurds as their own people to be legitimate, even if they are opposed to the establishment of a state. According to the cultural nation model, this position regards the Kurds as a community of descent and language that should also be given cultural self-government rights in Syria. This would amount to territorial autonomy as practised in Iraq. Following this country-specific example, Kurdish organisations are calling for a federal state model based on ethnic and cultural differences during the ongoing peace negotiations in the Syrian conflict. Although they hope to have support from Russia,<sup>46</sup> a constitutional committee

**Figure 8**  
**The administrative division of Syria**



Source: Map of administrative divisions of Syria, 2007, wikimedia, 3.5.2012

<sup>41</sup> Jawad, Saad 2013: The Iraqi Constitution: Structural Flaws and Political Implications, in: Working Paper, LSE Middle East Centre, London, 16.12.2013, p. 12.

<sup>42</sup> The National Assembly of Iraqi Kurdistan 2008: Draft Constitution of the Iraqi Kurdistan Region, 13–14.10.2008.

<sup>43</sup> Soderberg, Nancy E. 2015: Task Force Report. State-Building in Iraqi Kurdistan, Columbia University, New York, Oktober 2015, p. 15.

<sup>44</sup> Al-Madīni, Tawfiq 2019: الفيدرالية خطوة... العراق [Iraqi Kurds: Federalism is a step towards the division of the country], in: *'Arabi* 21, 04.05.2019.

<sup>45</sup> Arab Reform Initiative 2016: Decentralization and the Future of the Syrian State, 23.12.2016, p. 3 f.

46 Katbeh, Amer 2017: مسودة الدستور الروسية: مرجعياتها [The Russian draft constitution: Its theoretical foundations for dealing with minority issues], in: Al-jumhuriyah, 27.02.2017.

has the final say in this matter, with 50 representatives each from the Syrian government, the opposition and the UN. A privileging of the Kurds through the new constitution is therefore hardly to be expected.

Instead, there are opportunities for real federalisation in the form of a bicameral system with a Committee of the Regions as a counterweight to central government (cf. Figure 8).<sup>47</sup> However, there is a certain risk that representatives of ethnic, religious or cultural groups will prevail in the course of the negotiations, so that the new administrative borders will be drawn along historical lines of conflict. Some Syrian authors see parallels between the present state collapse of Syria under the influence of international actors and the French mandate (1920-1946). In order to break the resistance in the occupied territories, the former colonial power had divided the then Syrian Lebanese mandate area along confessional borders into six individual states.<sup>48</sup> This historical experience is still present in political debates today and favours the central government model.

## 5 Decentralisation instead of federation: Discourses in Turkey and Egypt

Above all, the destabilisation of Iraq since 2003 has given many governments in the MENA region arguments against federal state models. Because the Kurds used it as a maximum demand to negotiate territorial autonomy as a compromise. As a result, self-administration rights are enforced for the Kurdish minority. However, nothing has changed for the other regions, where central government still has full sovereignty. This can currently be observed using the example of Turkey, where Kurdish organisations in the south-east of the country are striving for regional autonomy in competition with separatist parties.<sup>49</sup>

The constitutional reform in 2017, which introduced a new presidential system, provided the occasion for a discussion. Some experts see advantages in this new authority of the Turkish President, but at the same time recommend strengthening the regional level as a control and compensation mechanism. For this purpose, the already existing seven regions, Marmara, Aegean, Black Sea, Mediterranean, Central Anatolia, Eastern Anatolia and Southeast Anatolia should be transformed to partial states (cf. Figure 9): "[...] if these

**Figure 9**

**The administrative division of Turkey**



Source: Turkey Regions, [Wikipedia](https://en.wikipedia.org/wiki/Turkey_Regions), 28.11.2010.

states are strongly tied to the central authority in Ankara, their local parliament will not harm anybody in the country and will not create any anxieties towards secessionism.”<sup>50</sup>

However, such a Turkish federal state would require a political concept of the nation, which, contrary to the current state doctrine of Turkish nationalism (see Article 2 of the Constitution), would have to include all the country's linguistic minorities and religious communities. Otherwise, the Kurds' demands for recognition as a special linguistic or cultural nation will remain, with which the right to statehood is justified. In contrast, a Turkish nation in the sense of a non-confessional and ethnically neutral political community of will would be more a guarantee for neighbouring countries that Ankara does not make territorial claims. The proposals for such a federation so far are based on the concept of a Turkish and Kurdish cultural nation, which could be joined by neighbouring regions along ethnic or linguistic lines, including the Turkish Republic of Northern Cyprus or “parts of Syria and Iraq mostly populated by Kurds and Turcomans”.<sup>51</sup>

Because the term “federalisation” is so politically charged and seen as a threat to the unity of the country, the governments of the MENA region are discussing their administrative reforms in favour of regional and local actors under the heading of “decentralisation”. This applies not only to

<sup>47</sup> Turkmani, Rim 2019: [Devolution of power or decentralisation of oppression in Syria?](#), LSE, 15.03.2019.

<sup>48</sup> Mahmoud, Rustam 2017: المسألة الكردية وراثا: اللامركزية في سوريا والعراق [The Kurdish question and the legacy of decentralisation in Syria and Iraq], in: [Al-jumhuriyah](#), 19.07.2017.

<sup>49</sup> Second pro-Kurdish party announces opposition to Erdogan empowerment, [Kurdistan24](#), 20.02.2017.

<sup>50</sup> Örmeci, Ozan 2017: Turkey towards Presidentialism?, in: [Politika akademisi](#), 12.01.2015.

<sup>51</sup> Ibid.

Turkey,<sup>52</sup> which started such a process years ago, but especially to the Maghreb countries and Egypt (cf. ar. لامركزية – decentralisation). At the beginning of 2019, the Egyptian government introduced a legislative initiative into parliament to give the country's 27 governorates or provinces more self-governing rights to shape their socio-economic development. The Minister for Regional Development, Major General Maḥmūd Sha'arāwī, whose office was established under the overthrown Ḥusnī Mubārak in 1999, specified these plans at conferences with international experts. According to this, the government has declared its objective to complete the institutional restructuring within the next five years.<sup>53</sup>

Among the main foreign participants are representatives of the European Union (EU), which intends to support Egypt's latest decentralisation project with a total nine million euros. This money

will be used specifically to build training centres for workers in Upper Egypt and the Nile Delta. The EU representation is thus continuing its policy of the last two decades to provide the country with funding for its "infrastructure (mostly in water, transport, energy and environment), private sector development, external trade, and human rights, civil society and democracy".<sup>54</sup> In the past years, foreign donors, including the EU, the US and UN agencies, have made their financial support conditional on reforms in favour of good governance and greater decentralisation. But the surprising start of the Arab Spring has shown that all these efforts seem to have produced very few results and only the forced resignation of Mubarak paved the way for relevant constitutional reforms.

In this historic moment, the Shura Council played an important role as the second chamber with legislative powers. However, the new president Mohammed Mursi did not use it for democratisation and decentralisation, for example by converting it into a regional parliament consisting of the 27 governorates (see Figure 10). Instead, he used this body as a countervailing power to challenge and overturn judgments of the Constitutional Court against the reform plans of the Muslim Brotherhood in the course of 2012. Because he was able to appoint around a third of its 264 members himself. After Morsi was initially deposed by General al-Sisi (July 3, 2013) and finally replaced as head of state, the Shura Council fell victim to legal reforms. The new constitution (2014), which is valid today, dispensed with a second chamber and instead expanded the parliament by 100 to 350 elected members.<sup>55</sup> Egypt has thus missed a favourable opportunity to launch a process of regionalisation which would also have met demands from the Nubian minority in the south of the country for a more say. Should the government's current reform plans to further decentralise Egypt fail, a minority conflict over the rights of the Nubians and possibly also a border conflict with Sudan can be expected in the longer term.<sup>56</sup>

**Figure 10**

**The administrative division of Egypt**



Source: Map of Governorates of Egypt, [Wikimedia](#), 10.4.2012.

<sup>52</sup> Cf. Scherzberg, Arno; Can, Osman; Doğan, İlyas (Ed.) 2014: Der Schutz der ethnischen Minderheiten in der Türkei und die Dezentralisierung der Staatsorganisation, Berlin.

<sup>53</sup> Vgl. وزير التنمية المحلية: نسعى لتطبيق اللامركزية في المحافظات خلال 5 سنوات [The Minister for Regional Development: We want to decentralise the governorates within 5 years], *Al-yaum as-sābi'*, 30.7.2018.

<sup>54</sup> For the period 1998-2008 alone, EU financial assistance totals one billion euros, cf. *Evaluation of European Commission's Support with Egypt*. Country

level Evaluation. Final Report, Executive Summary, p. II, December 2010, Belgium.

<sup>55</sup> Cf. in detail in: Hulsman, Cornelis; Seródio, Diana 2016: *Die ägyptische Verfassung von 2014 – eine Einordnung. Innenansichten aus Ägypten*, Aachen: missio, Fachstelle Menschenrechte, 2016, p. 15 f, 34 and 51.

<sup>56</sup> Cf. Amer Katbeh's dissertation project on concepts for conflict transformation in Egypt at the University of Magdeburg, sponsored by the German Academic Scholarship Foundation.



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