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Leonid Issaev · Andrey Zakharov

Federalism in the Middle East

State Reconstruction Projects and the Arab
Spring

 Springer

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Foreword

For their study of the developments in the Arab World since the beginning of the revolutionary movements in 2011, Leonid Issaev and Andrey Zakharov have chosen an original, often disregarded point of view: the attitude of political actors toward federalism, and the potential of federalism for a peaceful resolution of conflicts, in particular the conflicts which have resulted from the Arab Spring. According to the title of a new book by the American scholar Noah Feldman, the Arab Spring has turned into the “Arab Winter”.¹ In stark contrast to Feldman, however, Issaev and Zakharov refrain from declaring the failure or end of the transitory processes started in 2011. Their point of view is not to look back, but to look forward, and to think about the best way to build a better future.

This approach seems all the more daring as federalism is not the most fashionable political idea of our times. It is under constant attack from two sides: On the one hand from centralist tendencies of the national state; on the other hand from separatist tendencies which often have their own nationalist agendas. Examples for these anti-federalist tendencies are easy to find, even in countries and communities which only ten years ago had reliable, well working federal arrangements, like Spain with Catalonia, the UK with Scotland, the European Union with the UK.

Let me try to elaborate further on the contemporary context of Issaev’s and Zakharov’s project. Though it concentrates on the Arab World, this book appears at a moment in history when the COVID-19 pandemic has exacerbated conflicts at the center of which the federalist-centralist binary is clearly discernible. From a practical perspective, the federalist approach to the pandemic has been more logical and appropriate: the pandemic evolved in the form of regional hotspots, disregarding national borders. At the same time, even in highly federalized countries like the USA and Germany, the final responsibility was usually attributed to the central state and its government, at least in the eyes of the media and citizens.

In Germany, for example, the federal, central state authorities have struggled to get the upper hand against centrifugal, federalist approaches to the pandemic. As a result, the central state did not perform well and did not appear competent enough in the course of the pandemic. However, as the “imaginary” and public presence of

¹ Feldman, N. (2020). *The Arab Winter: A Tragedy*. Princeton, N.J.: Princeton University Press.

the nation state has always been more imposing than the presence of regional and local authorities, these were stripped of much of their legal power. Nonetheless, they confronted the pandemic directly and had to deal with it firsthand. It would have been much better if states had empowered their federalist structures—a lesson which is as true for the post-revolutionary Arab World as it is for the pandemic-ridden countries in the West.

If we look at the federalist-centralist binary outside of Europe, it is remarkable that regions with a Muslim majority are often regarded as separatist by actors of national states with a non-Muslim majority. An obvious example is the Rohingya refugee crises provoked by the military of Myanmar. Another example is the situation of the Uighurs in China who have become objects of a re-education policy by force. The underlying assumption in these conflicts is that no national state can be sure of the loyalty of its Muslim subjects. To my mind, that is nothing but an obvious, and potentially racist prejudice which we also encounter in central Europe, including in Germany.

In history and praxis, if not in theory, Islam can boast a long-standing experience with federal models. The subject of this book is the situation and possible future of federalism in the Arab World. After reading it, however, I feel tempted—if not to say inspired and animated—to claim that federalism might have been an “*avant la lettre*” constituent of Muslim empires since their first appearance in the seventh century. Although not theorized as such, at least not to my knowledge, we can detect traces and elements of federalism on many levels, also in Islamic law. Religious scholars often tried to accommodate local customs and to align them within the general frame of the Sharia without trying to uproot them.

The same is true for Muslim rulers’ dealings with religious diversity and the integration of unorthodox Muslim religious practice from Morocco to Indonesia. Other traditions, such as Sufism, also tried to accommodate local customs. This phenomenon has led some observers to talk of Islams in the plural, instead of Islam as one monolithic religion in the essentialist meaning of the term. Adding to this a long history of administration within the frame of multicultural, multireligious, and multilingual empires in the precolonial Muslim world, we realize that federalism has always been a part of Muslim political identity.

All this changed with the rise of Wahhabi and Salafi missionary activities in the last fifty years. Their agenda was and is to eradicate local traditions and to introduce a centralized Islam in a fundamentalist outfit. With the help of satellite TV and social media, they have to a large degree—managed to mainstream Islam and create a transnational Muslim public space, a development unthinkable only half a century ago.

Federalist ideas in the modern sense have become popular with the redrawing of the Middle Eastern maps by Britain and France after the First World War. The climax of federal ideas was reached with Gamal Abdel Nasser’s Panarabist projects in the 1950s and 1960s. These projects we learn from this book failed blatantly. Nasser never was a convinced federalist anyways.

But this book is more than just an inspiring piece of scholarship. It is a discursive—and thus by definition peaceful, if not to say: peacemaking—intervention.

Federalism, the authors stress, is not meant to turn a political entity into a paradise but to keep it from becoming hell. In this sense, federalism is always a compromise. As a compromise, it is a deeply political act. It eschews millenarian or utopian political expectations and the according maneuverings and propaganda by political actors. To put it paradoxically and tautologically: There is no real politics beyond Realpolitik.

As Realpolitik, federalism is the art of managing ambiguities, of living with the ambivalent, that which is beyond dogmatic political phantasies. Sometimes, therefore, federalism is difficult to grasp, to teach, to communicate—although Leonid Issaev and Andrey Zakharov certainly prove the opposite in this book. For all these reasons, federalism might be called unpopular. In reality, though, it is just un-populist. At the same time, it is deeply democratic because it disperses and decentralizes power, and because it promotes and necessitates collaboration and participation of different and potentially inimical actors. If it works well, the former ambivalence of centralist and federalist power becomes a system of checks and balances which manages to keep destructive ambitions and ideas in check.

Writing this preface, I realize what a thought propelling book I have in front of me. I simply cannot help to think of future candidates for the successful implantation of federalism in the Middle East and to apply Leonid Issaev's and Andrey Zakharov's vision to other contexts. Does not federalism recommend itself as a future conflict resolution strategy for the Israeli-Palestinian conflict? Most prominent in this context is the idea of a binational state, which is propagated by a group of researchers and analysts around Bashir Bashir at the Van Leer Jerusalem Institute.²

In the context of Israel and Palestine, though, Leonid Issaev's and Andrey Zakharov's research has an important lesson to teach us: As is stated in the analysis of the situation in Yemen, a federal system which consists only of two parts is prone to fail, especially if both parts retain separate military capabilities. However, as I write this preface in the midst of a new military escalation between Israel and Hamas in May 2021, I cannot help but to start dreaming and applying some of the lessons of the present book to this ongoing, seemingly unsolvable conflict: Could we not count Gaza as a possible third entity in a future federal Israeli-Palestinian state?

All this, of course, is "music of the future," as we in Germany like to say. For the time being we happily content ourselves with the privilege to read this inspiring book and to contemplate its far-reaching lessons.

Cologne, Germany
May 2021

Stefan Weidner

² <https://www.vanleer.org.il/en/members/prof-bashir-bashir/>.

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About This Book

The book analyzes the projects of administrative and territorial reconstruction of the Arab countries, the statehood of which was destroyed or shaken during the Arab Spring. Political upheavals in the Middle East and North Africa—especially in those countries where civil conflicts erupted in 2011–2012—led to an active rethinking of the former (and quite typical for the Arab World) unitary model, linked by its critics with dictatorship and oppression. In recent years, decentralization or even federalization has been a major topic of sociopolitical debate in Libya, Syria, and Yemen. The federalist receipts and projects proposed in each of these cases are specific and unlike to each other, and the struggle for their implementation has a pronounced national variation. In addition, in each case, the reference case, evaluated by the actors positively or negatively, is the experience of another federation, one of the youngest in the Arab World—namely, Iraq. The book proposes to analyze and generalize the background and prerequisites of the federalist experiments of the Arab Spring, describe their evolution and current state, as well as assess the prospects for the future.

Introduction: Federalist Revival after the Arab Spring: Causes and Effects

For a long time, researchers who specialize in comparative federalism have been fully convinced that federation is a very useful device. However, there is a question about this estimation: how exactly can it be used and what makes it sought-after? Donald Horowitz, an outstanding specialist in ethnic conflicts (Horowitz 2007), gives several arguments for the usefulness of federalism for non-homogenous communities, among which, as it is well known, are several Arab countries.

Firstly, the levels of power which are below the central government allow minor ethnic groups of the country, which are at the same time major groups in some parts of its territory, to realize their political importance. They receive the right to feel major in territorial enclaves established just for that. This would not be possible if a country was not differentiated politically; the degree of inter-ethnic tension in it would be much higher (see also Anderson 2008: 70–79).

Secondly, federalism has the ability to bring peace to highly passionate regions by including asymmetrical conditions for those which are particularly problematic or have an outstanding identity. Sometimes, asymmetry of this kind can be quite considerable but agreeing with this artificial inequality and being ready to put up with it are the price to be paid for keeping the country united (see also Bakke 2016). In other words, treating all the territorial segments of the country the same way can turn out to be fatal, and federalism helps to avoid this danger.

Thirdly, in ethnically heterogeneous states, regional governments act as special sites in which representatives of various ethnic, religious, and cultural groups can work out mutual agreements, learn about the needs of their neighboring groups, even before representing them on the national level, and prevent those enquiries (see also Watts 1999: 57–61). The art of compromise is especially important for divided communities, and the function of political socialization, which federalism performs in multinational contexts, is hard to underestimate. Federalist models help to overcome the costs of majoritarian democracy; they give voice to those who are in the minority and who lose to the majority if the rule “one person, one vote” is realized dogmatically.

Fourthly, dividing a non-homogenous country into subnational parts pushes political actors to consider at least some conflicts in the perspective of competition between federal entities but not between ethnic or cultural-confessional groups. If the structure

is federative, the potential of conflict which in a unified political space would infect all the community is localized in certain territorial units of the federation (see also Burgess 2012). Thus, inter-ethnic conflicts are pushed to the periphery of political life and turn from national agenda items into regional problems, and this, in turn, leads to society stabilization.

The aforementioned would be enough to recommend federalist prescriptions to several states of the Middle East and North Africa, especially those which survived the fundamental turmoil of the Arab Spring and are still recovering. However, the list of the “advantages” of federalism introduced by Horowitz and researchers who share his views can be continued and complemented with something else which is also very important. This is what we are going to do. Fifthly, the atmosphere of never-ending and mostly formalized bargaining which is typical for any federation teaches politicians of all levels to negotiate and agree with partners instead of pressing and forcing them. When elites stop seeing politics as a “zero-sum game,” a country becomes healthier and more civilized in the highest meaning of the word. Consistently implementing the principle which combines self-rule and shared rule, and also giving to parts that provides the country a bit of sovereignty, a federal structure establishes sites for vital bargaining and also lowers enquiry for violence which is considerable in split societies (see, e.g., Filippov et al. 2004: 42–74).

Sixth, not only does federalism reform power structures, but in society, it also develops a special type of culture oriented at dialog, compromise, and mutual assignments. Federalist culture encourages civil society and citizenship as a whole. According to Daniel Elazar, “the essence of federalism is not to be found in a particular set of institutions but in the institutionalization of particular relationships among the participants in political life” (Elazar 1987: 12). Therefore, in any federation, one can see the mechanism of interaction not only between the parts of the state but also between its citizens. In fact, federalism states that there is no majority without a minority, thus protecting the rights of minorities and, more importantly, individual citizens.

Seventh, the last and the most important is that federalism restricts the arbitrariness of the central power by counterbalancing it with other power centers and social structures. It purposely splits powers so as not to allow human vices and weaknesses typical of every leader, even the most outstanding one, to make the life of a great number of their fellow citizens miserable. Actually, modern federalism was invented to “spread” power to many simultaneously functioning power sites, not allowing one person to hold it all. This is what makes it an instrument of freedom. It is hard not to agree with specialists in constitutional law who say: “Local majorities have a considerable potential to turn dangerous and tyrannical. But this is exactly the advantage of federalism as a form of checks and balances; that one government entity may stand up where another turns against liberty” (Sajó & Uitz 2017: 215).

The twentieth century had generated an increased demand for federalism, and there are explanations for this. The recognition of the right of nations to self-determination, under which the political reorganization of the world took place after the First World War, brought about a genuine revolution in international law. But the consequences of this restructuring turned out to be ambiguous since it was unfolding

in a context in which nation-states already dominated—those of them that managed to assert their right to self-determination even before the right to do so was officially recognized by the international community. These old sovereign states were opposed to anyone asserting their political subjectivity within their borders. The result was an inevitable collision, now paradoxically enshrined in the fundamental documents of the UN: on the one hand, they recognize the nations' right to independent statehood, but, on the other hand, they protect the principle of the inviolability of the existing state borders. In today's world, which has long been divided between young and old states, it is difficult to implement self-determination without breaking down border posts. In other words, self-determination is always welcomed as a declarative idea. This fundamental ambiguity drove the "federal revolution" in the second half of the last century.

Federalization, representing a wide range of countries, mainly from the developing world, offers an effective solution to this paradox. It has become popular because it can resolve both problems at once: the problems of the consistent right of nations to self-determination and ensuring the inviolability of the internationally recognized political entities. The principles of federation extinguish the destructive potential, which are to one degree or another, always present in any movement for self-determination, they admit the presence of one political agency within the framework of another political agency, they insist on the divisibility of sovereignty within a sovereign state, and they suggest options for political self-realization without gaining political independence. In some cases, this interesting political and legal model turns out to be not only useful but also uncontested—features of the ethnic, linguistic, and religious minorities who were late to the table, for which the world map was being redrawn in the past century.

Thus, for a system of international law struggling to reconcile the self-determination of small nations and the sovereignty of large nations, federalization appears to be a welcome and salutary recipe. Everyone is among its beneficiaries: the international community, and complex national states that have not received minority statehood, and minorities themselves. When applied, worldwide structures such as the UN retain their face; the international system remains viable, despite the internal contradictions lurking in it. Nation states, once raised by former colonialists and pacifying their own minorities for many years and sometimes very harshly, get a chance to overcome their "artificiality," minimize practice, and not fall apart. Minorities, on the other hand, view the transition to a federal order as the only alternative to the armed one and a guarantee of survival in an unfriendly environment.

The Arab Spring brought discussions about federalism and decentralization in some of the countries disturbed by it back to life. This is not surprising at all since despotic and even tyrannical models of governance which dominated in this region for many decades exhausted themselves, and tough power centralization which is typical for them lost its potential too. Also, the aforementioned "advantages" of federative approaches realized in split societies could not help but attract the attention of reformers from political elites and civil society. As a result, in the first two decades of the twenty-first century, federation as a mode of political being turned out to be much sought-after in such Arab countries as Iraq, Libya, Yemen, and Syria. In all

the contexts, we mentioned plans of federative reforming became a subject of more or less intensive public dialog, and in Iraq, one of these countries which eliminated Saddam Hussein's dictatorship, federalism is already not an idea but a practice, which made the neighboring debates even more intense. When estimating all these events, it is important to remember one fact which is not always emphasized; the Arab World does not have allergy to federalism which is sometimes ascribed to it. On the contrary, in all the countries where this idea became relevant after Arab Spring, federative experiments had their own prehistory, which were sometimes quite intense and rich. In other words, post-revolutionary federations are not created from scratch. There is something behind them that can be rightly called "the Arab tradition of federalism."

In fact, this tradition became the semantic basis for this book. There are five chapters in it. In the first one, we take an overview of the history of federalism in the Arab World after the First World War, in the second, we analyze the federalist "success story" which has been unfolding in Iraq for more than fifteen years, and finally in the following three, we discuss the perspectives for federalization in Libya, Yemen, and Syria, the countries of the Middle East and Central Africa which have been torn apart by civil wars after the Arab Spring.

In Chap. 1 ("Integration, Federalization, and the Arab National Idea"), we demonstrate that the Arab political idea, together with the indisputable predilection for monocentric models of political space organization, ironically has various federalist components. Back in the times of the decline of the Ottoman Empire, Arab political activists started considering a federation of Arabs and Turks which would counter-balance the rights of two groups forming the system of the empire state. After 1918, both colonial powers and national political regimes created by them actively experimented with federalism, and these experiments were usually based on "The Fertile Crescent." The success of these initiatives was at best nominal, but they established the basis for numerous integrative initiatives of pan-Arabism which took place after decolonization, when Arab nationalism was on the rise, and affected a wide range of countries. And even though almost all these projects led to no results, they left "institutional memory," sought-after on the wave of the spontaneous decentralization brought about by recent revolutionary shocks.

In Chap. 2 ("Imposed Federalism: Iraq"), we emphasize the key role of minorities for launching federative models in the Arab World. The federalization of Iraq, sponsored by the American occupation authorities, was the first federal project in the Arab World of the twenty-first century. The harmonization of relations between the Arab majority and the Kurdish minority in the framework of the Iraqi Constitution of 2005 was basically successful and accompanied by all the attributes of federal bargaining. With the experience of one and a half decades passed by, federal Iraq's story turned out to be very rich, and Arab Spring gave it universal significance. For example, Iraqi federalism is appealed to today by both supporters and opponents of the federalization of Syria, Yemen, and Libya. Moreover, despite the diametrically opposed estimation, one conclusion is indisputable: it was federalization that allowed the country of Iraq, which suffered from its "artificialness" throughout its short history, not to fall apart after dictatorship and stay united.

Chapter 3 (“Oil Federalism: Libya”) is devoted to the discussion of the fact that, unlike countries that, after the Arab Spring turn to federalism for the first time, Libya was already a federation in the middle of the twentieth century. Although the institutional memory of this brief period appeared after the overthrow of Qadhafi’s dictatorship, nevertheless, the anarchy that this country fell into exceeded all conceivable limits. However, in a paradoxical way, despite the current “war of all against all,” fragmented and warring Libya is predisposed to federalism, dictated by the purely pragmatic interests of local military and political actors. In a situation where some groups own oil wells, others usurp pipelines, and others control oil terminals, the warring parties have no choice but to make quasi-federalist agreements. It is they, most likely, who will form the basis of the future Libyan Federation; not being able to form a federative or confederative alliance, Libyans do not allow their country to stay a subject of international law, with all its consequences.

In Chap. 4 (“Chaotic Federalism: Yemen”), we analyze the perspectives for using federalization to stop the civil war in Yemen. The Yemen Arab Republic, the current borders of which were carved in 1990, was the embodiment of the aspiration of two formerly existing Yemeni states in the north and the south, for political unity, with the preservation of regional specificity. Nevertheless, the political turmoil that struck Yemen in the 1990s did not allow the country to introduce federal approaches; the North steamrolled the South. After the overthrow of the regime of Ali Abdullah Saleh provoked by the Arab Spring, the transition to a “fair” territorial and administrative state model came to the fore. The General People’s Dialogue which concluded in 2014 envisaged the transformation of Yemen from a unitary state into a federal one. Moreover, the discussion on this issue revealed a fairly large variety of federal projects that were brought up for discussion by various political actors. External intervention in the Yemeni civil war temporarily drowned the discussion, but by the end of the 2010s, it became clear that the local parties to the conflict were ready again for talks about federalism—and, possibly, even for the practical implementation of a federal project.

In Chap. 5 (“Elusive Federalism: Syria”), we estimate the perspective for the implementation of federalist prescriptions for bringing peace to the country which suffered from the Arab Spring the most. Projects for the federalization of Syria started being discussed soon after the bloody civil war broke out there. Especially active supporters of this idea were the Syrian Kurds for whom a federation would become the most reliable way to reserve their political autonomy. The Syrian situation is specific due to the fact that in this country, like in Iraq, federalism is actively supported by outside powers. In the Syrian case, it was Russia that took on that role, and in 2017, presented its own project of the future Syrian Constitution. At the same time, unlike Iraq in the early 2000s, Syria is not an occupied country, which allows the Bashar al-Assad regime, depending on the political situation, to either ignore federalization projects or, on the contrary, turn to them again. At the same time, the Syrian opposition, which has still not decided whether such plans are beneficial or harmful to it, is quite ambiguous. This is one of the paradoxes of the Syrian situation because the opposition enclave Idlib can be saved from imminent defeat if

it receives the status in a federative state. Still, presently the perspectives for Syrian federalization are more than vague.

However, this is not just about Syria, which can be called an extreme case. The implementation of a federalist scenario is not predetermined for any case described in this book. Nevertheless, the constellations of political, military, economic, and cultural factors which have been formed by the beginning of the 2020s make it possible for us to state that the Arab Spring launched a local, but deep “federalist revolution,” in the Middle East and North Africa, which, in fact, is just starting.

As it was emphasized in the very beginning of this research, federalism is a universal instrument for social harmonization, and there are no serious arguments to prove that it is unfit for the Arab World. And this means that researchers of comparative federalism who study the consequences of the Arab Spring are going to come across a lot of interesting findings in the future.

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