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## Book Review

### *Federalism and Decentralization in the Contemporary*

### *Middle East and North Africa*

Aslı Ü. Bâli and Omar M. Dajani (eds.), Cambridge,  
Cambridge University Press, 2023. ISBN 978-1-108-83123-9

by

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### Abstract

This work critically analyses the *Federalism and Decentralization in the Contemporary Middle East and North Africa*, edited by Asli Ü. Bâli and Omar M. Dajani, Cambridge University Press, 2023. This book makes a groundbreaking and compelling contribution to the law and politics of decentralization in the Middle Eastern and North African (MENA) states.

### Keywords

Federalism, Middle East, North Africa, Decentralization, Comparative Law



## 1. Federalism Beyond the Usual Suspects

The literature on comparative federalism rarely goes beyond the “usual suspects” (Hirschl 2013) and just analyses a few constitutional systems that generally belong to western cultures. In this review, I will take a critical and detailed look at a recent book that goes beyond the common ideas found in the literature. In doing so, I will first present the structure of the book and then raise some questions that come from reading it.

*Federalism and Decentralization in the Contemporary Middle East and North Africa*, edited by Aslı Ü. Bâli and Omar M. Dajani, Cambridge University Press, 2023, makes a groundbreaking and compelling contribution to the law and politics of decentralization in the Middle Eastern and North African (MENA) states and is engaging and provocative. The chapters of this edited volume are written by various scholars and experts who illuminate the hits and misses of federalism and decentralization, weaving an argument through case studies in the twelve selected countries, all of which have experimented with federalism and decentralization and whose experiences have been missing from the literature. The editors of the volume, Aslı Ü. Bâli and Omar M. Dajani, shine a light on whether it is feasible for federalism and decentralization to tame the region’s conflicts and governance challenges that stem from overly centralized authority. The volume explores the following issues: the decentralization objectives of different states, how interests have evolved, the pursuit of decentralization by different institutions and processes, the forms decentralization has taken and the gridlocks it has encountered, and the decentralization trajectory within the MENA region. The volume illustrates this in eighteen chapters which are clustered into five sections.

## 2. Theoretical and Comparative Context

Chapter 1 is the introduction to the book and explains the rationale behind the project. In Chapter 2, “Decentralization to Manage Identity Conflicts”, Philip G. Roeder views decentralization as a way of keeping a state intact against threats of secession, enhancing democracy, securing peace, and fostering an enabling environment for economic growth and equity. The author points out the lack of a single appropriate institutional solution for all MENA states, illustrating that each state needs to identify and take into account its unique



characterization to situate itself within the decentralization dynamics. The author emphasizes the importance of designing institutions that can accommodate both common-state identity and separate community identities. However, he quickly points out how efforts to foster the development of common-state identity and separate community identities often pull in different directions.

Will Kymlicka's Chapter 3, "Devolution and the Promotion (or Evasion) of Minority Rights", underscores the importance of creating room to allow minority groups to express their reasons for advancing claims to autonomy and of viewing minority aspirations for self-government as normal within contemporary politics, thus expunging minority autonomy from the "taboo" category. The author points out that decentralization can be a double-edged sword: when decentralization is tethered to efforts of "nation-building" through "nation-destroying", it will disempower communities, but it empowers communities when it recognizes and appreciates the nations within.

In Chapter 4, "Constitutional Design Options for Territorial Cleavages in the Middle East", Tom Ginsburg argues that no nation-state is homogenous and that constitutions must therefore accommodate internal diversity. The author illustrates how federalism, rights to secession, decentralization, special autonomy, differentiating rights, redistribution, and representation from the centre could act as constitutional designs to accommodate internal diversity within the MENA region. The author affirms that to consolidate decentralization in the MENA region, there has to be a deliberate effort to ensure full fiscal autonomy within the decentralized local units.

Chapter 5, "How Decentralization Efforts Have Recentralized Authority in the Arab Region" by Mona Harb and Sami Atallah, assesses decentralization policies and initiatives in five countries – Jordan, Lebanon, Morocco, Tunisia, and Yemen. Within these case studies, the authors highlight how the colonial characterization of shifting the accountability of local actors from local communities to the central government has continued to undermine effective decentralization. The authors illuminate how the MENA region is encumbered by donor funding which comes with conditions for decentralization. The different operating environments between the donors and the local communities precipitate deficiencies in the proper situating and implementation of decentralization, and therefore fail to benefit the intended communities.



### 3. Decentralization and Governance Reform

In Chapter 6, “Decentralization, Ideology, and Law in the Islamic Republic of Iran”, Kian Tajbakhsh illustrates how the Islamic Republic of Iran (IRI) decentralized the state to establish an elected local government system within its cities and villages. The author of the chapter endeavours to explore the dynamics of political decentralization within a regime that is authoritarian and non-democratic. Notably, the establishment of elected local governments within the country was not accompanied by increased democratization. In a similar vein, the author explains how decentralization, as an avenue to allow the sharing of power between the central government and the subnational units, was seen as a vehicle to weaken and constrain the despotic power of the state. However, it allowed the state to maintain a tight grip on the subnational units by decentralizing its internal administrative architecture. The central state has constantly controlled participation in local and national politics through the disqualification of candidates.

Ali Al-Mawlawi’s Chapter 7, “Salvaging State Legitimacy in Iraq through Decentralization”, sketches the contours of the argument by highlighting two of the objectives of the Iraqi constitution that was ratified in the 2005 referendum. The first of these was to create a path through which reconciliation could take place, and the second was to preclude the re-emergence of authoritarianism. The author illuminates two drivers of territorial decentralization: “coming together” and “holding together”. Since Iraq is a society with deep-seated societal divisions, the main impetus was “coming together”. The author emphasizes the need to improve service delivery within local government and to encourage local authorities to take full charge of their sub-units to enhance decentralization.

In Chapter 8, “Decentralization Reforms in Post-Revolution Tunisia: The Struggle between Political and Bureaucratic Elites”, Intissar Kherigi first elaborates on the Tunisian uprising, which culminated in the adoption of a new constitution providing for decentralization. Decentralization within the new constitution was viewed as a panacea to undo decades of regional inequality and prevent the return of authoritarianism. The author shines a light on how the political parties, both in government and in opposition, were highly fragmented, with weak local structures within the devolved sub-units, and therefore lacked the impetus to advocate for decentralization. The author points out how the dominance of



technical experts, who hammer home specific details of decentralization without the participation of those who are affected or are part of the implementation, could stall the process.

#### 4. Decentralization and Self-Determination

In Chapter 9, “Autonomy beyond the State”, Joost Jongerden outlines the discussion by first highlighting the two different conceptualizations of self-determination of the Kurdish community: an independent state, and strengthened self-organization. In the same continuum, the author illuminates how the drafting of the Iraq constitution in 2005 paid special attention to the design of institutional solutions that would facilitate different groups achieving self-determination while maintaining the territorial borders of the country, although this draft constitution was rejected. The authors define democratic autonomy as the principle of self-constitution; in this characterization, people’s direct engagement and collaboration with one another are allowed to flourish. This catalyses the strengthening of local administrative capacities, which could be termed democratic confederalism.

Peter Bartu and Aidan MacEachern, in Chapter 10 “The Devil Is in the Details: Iraqi Kurdistan’s Evolving Autonomy”, ground their argument on how Iraq’s decentralization has encountered challenges with Kurdish regional autonomy, especially in the areas of governance and natural resources. The authors elucidate the reasons that have hindered the realization of Kurdish autonomy: Kurdish disunity, central government dominance, and the implications of Kurdish self-government for the Kurdish minority populations in Iran and Turkey. A result of the coup of 15 July 1958 was a push for reforms, and this led to the introduction of a temporary constitution that provided for equality between the Arabs and the Kurds, devolution, and reinforced budgetary provisions. However, as the authors illustrate, the failure of the reforms after two years led to a revolt by the Kurds. The authors contend that the invasion of Iraq in 2003 and the drafting of the 2005 constitution curtailed the central government’s power, balancing it with that of the sub-units.

In Chapter 11, “Turkish Kurdistan: Decentralization Reimagined”, Ash Ü. Bâli examines the Kurdish proposal for confederalism but no interference with territorial boundaries. The author illustrates how the sustained push for the resolution of the Kurdish question has



precipitated the government's accommodation of deliberations on decentralization within the central state. The author points out how the government's position on the Kurdish question has metamorphosed from a denial of the existence of the Kurds to advocacy for a political solution. Aslı Ü. Bâli points out how the Turkish Constitutional Court (TCC) has played a key role in closing down pro-Kurdish political parties formed since 1990, thereby limiting their political participation. Having taken into account the inherent risk that armed insurgence will not bring forth the desired outcome, the Kurdish leadership, led by Öcalan, changed its strategy to that of advancing decentralization instead of secession to facilitate a political solution within the borders of Turkey.

Sari Bashi's Chapter 12, "Control, Responsibility, and the Israeli–Palestinian Decentralization Debacle", examines the delegation of authority within the framework of the belligerent military occupation by Israel of the Palestinian territory (the Gaza Strip, the West Bank, and East Jerusalem). The author illustrates how Israel transferred responsibility to Palestinian authorities without ceding them the requisite authority, thus creating accountability gaps. The author points out the special status, as "protected persons" under the international rules on belligerent occupation, of Palestinians in the occupied territories. Their status requires the Israeli authorities to strike a balance between using violence for control and exercising their duty of care for residents within the occupied territory. The author points to the need for donor countries to focus not only on strengthening local government so that it can provide services to people effectively, but also on ending the occupation.

In Chapter 13, "Stuck Together: Can a Two-State Confederation End the Israeli–Palestinian Conflict?", Omar M. Dajani and Dahlia Scheindlin point to the concession made within the international community to divide Israel and Palestine into two states as an avenue for stemming persistent conflicts. However, the two-state solution (2SS) has evoked mixed reactions among the Jews and the Palestinians. The authors illuminate several alternatives to the 2SS: maintaining Israeli government control over Israeli–Palestinian territory, the annexing by Israel of part or all of the West Bank, and creating one democratic state across all of Israel–Palestine. Finally, others have put their weight behind the 2SS as being still the best alternative. The authors contend that if the current one-state system is to pave the way to a two-state government, there has to be a great shift of tectonic plates. This approach



would tilt the playing field in favour of the Palestinians, filling the implementation path with landmines.

In Chapter 14, “Dans ses Frontières Authentiques? Morocco’s Advanced Regionalization and the Question of Western Sahara”, Omar Yousef Shehabi illuminates the French bureaucratic legacy inherited by Morocco, which establishes dichotomies between local leaders owing their allegiance to the central government and locally elected officials answerable to communities within the local administrative units. The author shines a light on how the Consultative Committee on Regionalization (CCR) received several proposals, from political parties and others, for the assimilation of asymmetrical autonomy, given the cultural diversity and pluralism of Morocco. However, the 2011 constitutional order in Morocco promotes national unity and territorial integrity, therefore denying a Sahrawi national identity. Omar Yousef Shehabi underscores the role of international actors in advancing constitutional reforms, promoting regionalization, and creating a platform to define the Sahrawi as a linguistic-cultural minority.

## 5. Decentralization, Conflict, and State Fragmentation

The book changes gear in Chapter 15, “Devolution and Federalism in Collapsed States: Constitutional Process and Design” by George R. M. Anderson and Sujit Choudhry. These authors discuss state collapse and its implications for constitution-making and design in Lebanon, Libya, Somalia, and Yemen. The authors characterize a collapsed state as a state with a non-functional government. From the case studies, the authors demonstrate the difficulty of the constitution-making process, especially if there are deep divisions amongst different ethnic and religious factions within a state. The authors advance devolution or federalism as a constitutional design option for such collapsed states, but they are quick to point out the challenge of further disintegration in this approach. Further, they elaborate on the ingredients of a sustainable peace: agreements on governance arrangements, a constitution-making process, transitional security arrangements, and guiding principles for reconstruction.

Karim Mezran and Elissa Miller, in Chapter 16, “The Promise – and Limits – of Stabilization through Local Governance in Libya”, describe how elusive the realization of





good governance and stability has been in Libya despite efforts by numerous players. The authors, further, point to the conflicting roles played by foreign actors, as both spoilers and advocates of peace, and show how this has perpetuated rifts amongst the different factions. The authors demonstrate how the power struggle after 2014 created localized and fragmented authority, cementing reliance on local sub-units. Despite this development, the transfer of power and responsibility from the centre to the regions remained ad hoc and underdeveloped, and a dysfunctional central state further compounded the problem.

If we shift our attention to Chapter 17, “Decentralization in State Disintegration: An Examination of Governance Experiments in Syria”, we see how Samer Araabi and Leila Hilal underpin their discussion by tracing the footsteps of administrative decentralization and governance from its inception in Syria. The authors highlight how decentralization became a signpost for Bashar al-Assad’s reforms. They illustrate how the government was left fragmented, with different non-state actors and paramilitary groups assuming control in different parts of Syria when Gulf-backed opposition forces took up arms against Bashar al-Assad’s regime following mass protests in the streets.

In Chapter 18, “Decentralization in Yemen: The Case of the Federalist Draft Constitution of 2015”, Benoît Challand illuminates the fact that, for a long time, Yemen has agitated for decentralization and the creation of a strong society that would be in a position to formulate and push for the implementation of reforms by the central authority. However, turning these proposals into legal provisions has been slow because of insufficient resources and other barriers. The author contends that regional grievances with calls for dignity and social justice paved the way for the mass protests in Yemen in 2011 that culminated in the resignation of President Salih. As a consequence, an inclusive National Dialogue Conference (NDC) was formed, which called for the establishment of a federal state and other institutions. However, Benoît Challand emphasizes the lack of clarity in reallocating financial, administrative, and human resource functions within the decentralized units.



## 6. Recommendations and Conclusion

Although the authors of the volume underline authoritarianism as one of the drivers for federalism and decentralization, federalism and decentralization can still function within an authoritarian environment. Nigeria's federalism has operated under both civilian and military rule, and in Ethiopia federalism has functioned under a one-party system which has had little regard for liberal democracy (Gebeye 2021: 48-150). Additionally, across the different chapters, the volume articulates some key ingredients of a working decentralized system, but the consolidation of these important pointers would be extremely useful to readers. In this continuum the following significant components would be packaged together: the importance of shifting functions or responsibility together with authority and defining and specifying shared functions between the different levels; an explanation of how a decentralized unit can manage competing interests, especially when there are heterogeneous communities within its borders; the design of an asymmetric relationship that does not further exacerbate differences within the sub-units; decisions on unicameral or bicameral parliaments and what legislative power each will possess; the number of decentralized units that should be created and whether this has a correlation with the costs of managing the units and representation; balancing the transfer of functions and authority with the building of local capacities (p.114); the separation of taxation regimes between decentralized units and the central authority to avoid duplication; what formula should be used to inform any sharing of revenue to the sub-units; how conflicts between the sub-regions and the central government should be handled (p. 141); what should inform the election of local representatives or their appointment, and what this means for decentralization; and what role decentralized units play in creating legislation that affects them. These are important ingredients that need to be assembled for ease of reference and possible application.

The use of twelve countries characterized by the existence of minority groups and experiences of federalism and decentralization makes them perfect cases for a comparative study. Chapters 3 and 4 underline the importance of removing minority autonomy from the "taboo" category and creating constitutional designs for decentralization which fit perfectly not only within the MENA region but even beyond. Additionally, although the Kurdish community traverses Iran (Eastern Kurdistan), Syria (Western Kurdistan), Turkey (Northern



Kurdistan), and Iraq (Southern Kurdistan), (Radpey 2022) the authors of Chapters 9 and 11 converge on the creation of autonomy without interfering with territorial borders as they discuss the decentralization question among the Kurdish communities in Iraq and Turkey. In sum, this book is a prized resource for constitutional designers, policymakers, scholars, students of decentralization and federalism, and any other person or institution interested in a deeply researched and excellently put-together volume on the subject.

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