
How Western Abandonment of Federalism is Leading to Iraq's Collapse

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Summary : The Kurds live in the Middle East, a region hostile to the West, yet they are committed to their alliance to America and Europe based on shared values

Some might think the title is a largely exaggerated statement, but this could not be further from the truth. Iraq is actually again on the brink of collapse – Erbil and Baghdad are at loggerheads. This is quite a discomfoting development considering the not-too-distant Iraqi victories in the defeat of the so-called caliphate of the Islamic State. Iraq was beginning to turn a new page from a totally failed state to an incrementally growing, secure and emerging entity. Amongst these achievements, diplomatically Iraq led mediation efforts between regional rivals Iran and Saudi Arabia, going on also this January to secure the Gulf Cup football trophy.

Iraqi Kurdistan is a natural ally of the West. This has come at great risk on many occasions, the last being on 5 January 2020 when Kurdish legislatures boycotted a vote in the Iraqi parliament demanding US forces be expelled from Iraq after the US assassination of the notorious Qasem Soleimani, the commander of the Quds Force of Iran's Islamic Revolutionary Guard Corps.

The Kurds live in the Middle East, a region hostile to the West, yet they are committed to their alliance to America and Europe based on shared values. As the late President Kennedy once said about Canada "our alliance is born, not of fear, but of hope." The same goes for the US-Kurdish relationship. It is an alliance that advances what both sides stand for, as well as opposes what both are against. The Kurdistan Region and the West stand for the same ideals, President Obama himself, in 2014, praising "the island of decency the Kurds have built".

But to no avail, since February 2014 to date, leaders from the Kurdistan Region have been urging major international powers to mediate the disputes between Erbil and Baghdad demanding that the Iraqi constitution be respected and implemented in full. Almost no international delegation has been spared the region's request for their pressure on Baghdad for the resolution of this conundrum.

Factual accounts and common belief tell us that one of the major reasons for the 2003 US-led invasion of Iraq was to introduce a new era to the Middle East and North Africa. This came in the aftermath of the tragic events of 9/11. The hope was to create a domino effect for a largely disenchanting and disillusioned population heavily burdened by totalitarian oppressive Arab nationalist regimes. To this end, the new post-Saddam Iraq was established on the understanding of an internationally recognized federal system consolidated in a permanent constitution, ratified by the people in a national referendum in late 2005. This new form of governance introduced, drafted and supported by the US for Iraq to emulate was a mechanism to keep a highly polarized and divided Iraq together - the US itself being historically a shaky but now a successful federal union.

Interestingly, highly baffling and beyond belief, is the fact well-known by all the major powers (US at the forefront) is that the 2017 Kurdistan independence referendum came off the back of this tension with Baghdad. The Kurdistan Region accused Iraq of breaching 55 articles of the Iraqi constitution. Though the referendum was belatedly discouraged by most international powers, and still held, still the West did nothing to settle this dispute in its aftermath.

The crux of the Iraqi federal system is that the component Kurdistan region has some powers that cannot be easily overridden by the federal government in Baghdad. Federalism is often the only way to protect national unity, as well as local and ethnic identity. It is designed to lead to political stability - by removing the national government from some contentious issue areas. Yet influential Western powers are still standing idly by.

Federal systems expand government on national, state, and local levels, giving people more access to leaders and opportunities to get involved in their government. Federalism ensures the separation of powers and prevents tyranny. Even if one person or group took control of all three branches of the federal government, federalism ensures that regional governments would still function independently. Federalism, therefore, fulfills the framers' vision of a governmental structure that ensures liberty. Iraq is failing because Baghdad is not honouring the constitution!

The Kurds of Iraq never accepted their fate in an artificially British-created Iraq in 1921. Early insurrections at the beginning of the twentieth century under Sheikh Mahmood Barzinji in 1919 followed by the two Barzan Revolts of 1931 and 1943 are unequivocal evidence of the Kurdish sentiment – still alive today.

The Kurdish role in toppling Saddam Hussein in 2003 was with the proviso promised to Kurdish leaders by the Americans that they would keep what they already had, in essence full sovereignty over their affairs – a luxury afforded to them after their 1991 uprising under US, UK and French air force protection. The Kurdistan Region strategically aligned itself with the Americans in overthrowing Iraqi strongman Saddam Hussein, knowing full well it would be on the winning side of history, but also with aspirations that were long out of reach.

The recent (binding) international arbitration ruling on March 23 by the Paris-based International Chamber of Commerce on the case filed by Iraq in 2014 against Turkey for facilitating Iraqi Kurdistan's independent oil exports – exports which Kurdistan believes sit firmly within its constitutional remit – has led to public uproar in the Kurdistan Region.

The arbitration court ruled that Ankara had breached a 1973 pipeline agreement between Iraq and Turkey that obliges the Turkish government to abide by instructions issued by Iraq regarding the transport of crude oil exported from Iraq. Arguably, these treaties have an authority superior to laws, but inferior to the constitution. Hence in the case of conflict between these treaties and the constitution, the latter should take precedence. The Iraqi constitution must therefore be upheld recognizing the region's rights to control its natural resources.

Prior to the ruling, the critical Ceyhan port pipeline carried close to 450,000 barrels per day of Kurdistan oil and another 70,000 of Iraqi oil exported to the Mediterranean and other refineries.

Should Western powers truly want a united federal democratic Iraq as they constantly insist, it is imperative that the US and other European players take serious action by pushing Baghdad towards reconciliation with Erbil on the premise of the 2005 permanent constitution, otherwise Iraq is a failed and crumbling entity.