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# Democratic Federalism

## An Intensive Workshop Offered to Iraqi University Faculty by the Forum of Federations

Amman, August 6 – 19, 2007

### *Course Syllabus*

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## Course Materials

Material currently available in English and Arabic, or in English, Arabic and Kurdish

- *Iraq Constitution*
- *Challenge of Diversity*, trilingual DVD of 42 minutes comparing 5 federations – India, Switzerland, Belgium, Spain, Canada - in Arabic, Sorani Kurdish, English.
- *Exploring Federalism, the Kingston Sessions*, 10 modules, bilingual DVDs of ~ 22 minutes each, highlighting various federal themes, in English and Arabic.
  - 1) Distribution of responsibilities in a federal state
  - 2) Sharing power at the centre
  - 3) Building the regions in a federation
  - 4) Securing a federal state
  - 5) Federal institutions and unity from diversity
  - 6) Round-table “Iraqi constitution making”
  - 7) Intergovernmental relations: managing the business of a federation
  - 8) Intergovernmental relations: resolution of disputes in a federation
  - 9) Fiscal federalism: managing natural resources
  - 10) Fiscal federalism: coping with fiscal imbalance
- *Comparing Federal Systems*, book by Dr. Ronald L. Watts, 140 pages in English, Arabic (170 pp) and Kurdish. (due in May)
- *Federations magazine – What’s new in federalism worldwide* (2006) 24 pages (Arabic, English)
- *Making Federalism Work in Iraq*, Dr David Cameron paper (2006), 24 pages (Arabic, English)
- *Primer on Federalism*, Forum of Federations production, 120 pages in English, Arabic
- *Global Dialogue* booklet series, about 50 pages each, Arabic, to be printed in region:
  - 1) Dialogues on Constitutional Origins, Structure and Change in Federal Countries,
  - 2) Dialogues on Distribution of Powers and Responsibilities in Federal Countries,
  - 3) Dialogues on Legislative, Executive and Judicial Governance in Federal Countries,
  - 4) Dialogues on the Practice of Fiscal Federalism : Comparative Perspectives,
  - 5) Dialogues on Foreign Relations in Federal Countries

- 6) Dialogues on Local Governance and Metropolitan Regions in Federal Countries (due late Summer 2007).

Material currently available only in English

- *The Handbook of Federal Countries*, (2005) 462 pages
- *Fiscal Relations in Federal Countries, Four Essays*,(2003) 68 pages
- *Inter-Governmental Relations in Federal Countries*, (2002) 125 pages

For more information, visit the Forum Iraq project webpage at <http://www.forumfed.org/en/governance/middleeast.php>

Visit our online library of federalism materials in various languages, [www.forumfed.org](http://www.forumfed.org) , click 'Publications', then 'Arabic'; or click 'Library', insert topic. <http://www.forumfed.org/en/products/books.php#arabicpubs>

## Course Syllabus

### Monday, August 6

#### Morning - Opening Session

- Introductions
- Description of the overall project (e.g., general goals, multiple offerings of the course, the introduction of curriculum changes into the programs of Iraqi universities, the creation of an Iraqi association of federal studies, evaluation, etc.)
- Forum of Federations website and organization of internet training sessions
- The objectives and design of the course
- Course organization
- Teaching approach
- The role of participant working groups – towards the design of courses or course elements for use in Iraqi universities
- Goals and expectations of the Iraqi participants.
- Current status of the federalism debate in Iraq

Readings: None assigned

#### Afternoon – What is Federalism and Why Do Countries Choose It?

- Presentation of the video, *The Challenge of Diversity: The Federal Experience*

- What is federalism? Shared and self rule
- The difference between federal and non-federal states – unitary and confederal systems
- Federalism and multi-governance: distinguishing federalism, devolution, decentralization and other forms of power sharing
- The ‘Why’ (different objectives), ‘Where’ (west vs. east) and ‘How’ (coming together, coming apart) of federalism
- The goals of federalism: promoting democracy, managing conflict, providing stability, effective government
- Why federalism for Iraq? Federalism as an ideal; federalism as a ‘second best’

Readings:

DVD *Exploring Federalism*, Module 5, “Federal Institutions: Unity from Diversity”  
 Ronald L. Watts, *Comparing Federal Systems*, Chapter 1, Chapter 8

## **Tuesday, August 7**

### Morning – The World of Federalism

- The Cultural, institutional and contextual underpinnings of federalism
  - A commitment to democracy
  - A commitment to constitutionalism and the rule of law
  - Respect for minorities
  - Trust and reciprocity
  - Federal states and federal societies
  - Shared and divided sovereignty
  - The co-existence of regional and national identities
  - Common interests: economic and social interdependence
  - A supportive and consistent institutional architecture: electoral and party systems; legislatures and executives; constitutional courts
  - A supportive international environment
  - Is federalism possible without these pre-conditions? Can the introduction of federalism help create them?
- Federalism and the management of conflict in divided societies
- Federalism and political stability; the formation and collapse of federal systems

Readings:

Booklet: *Dialogues on Constitutional Origins, Structure and Change in Federal Countries*

Afternoon – Guest presentation on Iraq’s Constitutional review process by UNAMI Office for Constitutional Support (OCS) : Jason Gluck, legal officer, and Sean Kane, political officer

For discussion : Federalism in Iraq :

- Context, prerequisites, rationale
- Is Iraq a federal society? Identities, interests, and public opinion
- The federal Constitution of Iraq: description, assessment, issues to resolve
- Mapping the terrain: reconciling different views about how to develop federalism
- Future federal scenarios for Iraq

Readings:

*Iraq Constitution*

*The Constitutional Review Committee Report*

*The UNAMI OCS Commentary*

Cameron, *Making Federalism Work in Iraq*

No Peace Without Justice, *Conference on Practical Federalism in Iraq*, Erbil, July 2007. *Recommendations and Cooperation Protocol*

### **Wednesday, August 8**

#### *Morning – Regions and Governorates in a Federal System*

- Types of regional governments
- Number of regional governments
- Defining their territory and character
- Differences in the size, population and wealth of regions and governorates
- Building capacity in regions and governorates
- Regions and governorates in Iraq: How many? With what borders? Established by what processes?

Break-out sessions of workshop participants to discuss these questions

Readings:

*Iraq Constitution*, Articles 105, 116-25

DVD, *Exploring Federalism*, Module 3, “Building Regions in a Federation”

Other: TBA

#### *Afternoon – Conflict Management and Mismanagement in Federal Systems*

- Authoritarian centralized states and plural societies
  - Civil-military relations in federal states
  - The allocation of power between the Center and the regions
- The breakdown of these states and the conflicts that ensue
  - Federalism in the USSR and the Former Yugoslavia: the gap between theory and practice
- Territorial federalism as a means of overcoming mutual fears and enticing cooperation

- Centripetal and centrifugal tendencies – how to simultaneously achieve unity and diversity?
- Citizenship and group membership: constitutional provisions for rights and responsibilities
- Neighbourhood effects: fragile post-conflict states and troubled regional environments
- Brief case studies for comparative consideration: Bosnia and the Sudan
- Issues for Iraq

Break-out sessions of workshop participants to discuss these questions

Reading:

DVD, Module 4, *Exploring Federalism*, “Civil-Military Relations”

## **Thursday, August 9**

### Morning – The Federal Government: Sharing Power at the Centre

- The central functions of the federal government: Representation, inclusion, effectiveness and legitimacy
- Sharing of power at the centre: electoral democracy and political parties
- Sharing of power at the centre: second chambers
- Representative federal institutions – courts, bureaucracies, other agencies
- The importance of the existence of accountable institutions and national political leadership
- Issues for Iraq

Readings:

*Iraq Constitution*, Articles 49-64

DVD, *Exploring Federalism*, Module 2, “Sharing Power at the Centre”

Watts, Chapter 9

Booklet: *Dialogues on Legislative, Executive and Judicial Governance in Federal Countries*

### Afternoon – Case Study of a Critical Policy Field – Managing Water in the Iraqi Federation - UNDP Iraq Team Leader Ali’a Al-Dalli

- The Issue: water as a scarce resource, rivers cross boundaries
- Constitutional provisions
- What role for national and regional governments?
- Maximizing the benefits for all Iraqis

Reading: TBA

## Friday, August 10

*Rest Day: No Classes*

## Saturday, August 11

### Morning - Distribution of Powers Between the Two Orders of Government

- Distribution between the federal government and the governments of the regions
- Assigning roles and responsibilities: economic, efficiency and democratic criteria
- Dualist vs. integrated models
- Techniques and constitutional options
- Watertight compartments; exclusive powers; shared, concurrent and overlapping powers
- Symmetry and asymmetry
- Legislative, executive and judicial authorities
- Change over time; how federal systems evolve
- The role of local governments in a federation
- Issues for Iraq

Break-out session of workshop participants to consider what responsibilities should be national, regional, or shared.

#### Readings:

*Iraq Constitution*, Articles 22-36, 109-125, 141

*CRC Report*

UNAMI Assessment

DVD *Exploring Federalism*, Module One, "The Distribution of Powers in a Federal State"

Watts, Chapter 3 and Appendix A, Chapter 6

Booklet: *Dialogues on Distribution of Powers and Responsibilities in Federal Countries*

### Afternoon – Comparative Arab Experiences

- The viability of federal experiments: the UAE experience
  - Prior commitments
  - Common interests: economic and social interdependence
  - An appropriate institutional architecture
- Failed experiences: the UAR in retrospect
  - Trust and reciprocity
  - The role of regional and national identities
- Federalism as post-conflict peace building: Why not Lebanon but maybe the Sudan?

- Size, societal organization, and resources
- Institutional legacies

Break-out session of workshop participants to discuss lessons from these cases for Iraq

## **Sunday, August 12**

### Morning – Iraqi Only Session – Iraqi Participants

- Discussion of Iraqi course design
- Discussion of the formation of an Iraqi association to study federalism
- Discussion of opportunities and support requirements in Iraq after the course

### Afternoon – Free Time: No Classes: or a Visitor: or a Separate Topic

## **Monday, August 13**

### Morning – Intergovernmental Relations

- Why intergovernmental relations?
- Making federalism work: managing interdependence; coordinating policies, resolving disputes
- Accountability, transparency, responsiveness
- Institutions
- Processes
- Politics: executive vs. legislative federalism
- A judicial umpire?
- Issues for Iraq

Readings:

DVD, *Exploring Federalism*, Module 7, “Intergovernmental Relations: Managing the Business of a Federation,” Module 8, “Intergovernmental Relations: Resolution of Debates in a Federation”  
 Watts, Chapter 5  
*Intergovernmental Relations in Federal Countries* (English only)

### Afternoon – Spain’s Federal Experience

Readings:

Watts, Chapter 2, section on Spain

## **Tuesday, August 14**



### Morning – Fiscal Federalism

- Inter-regional equity and equalization: vertical and horizontal fiscal imbalance.
- Matching revenues and expenditures in a federation: overview
- Spending power and the distribution of powers
- Types of revenues and their role:
  - Taxation powers
  - Borrowing powers
  - Revenues from natural resources
- Management of the economy; the question of policy coordination

#### Readings:

*Iraq Constitution*, Articles 22-36, 106-25

DVD, *Exploring Federalism*, Module 10, “Fiscal Federalism: Coping with Fiscal Imbalance”

Watts, Chapter 4

Booklet: *Dialogues on the Practice of Fiscal Federalism: Comparative Perspectives*

### Afternoon – Embassy quest, Belgium Charge d’Affaire to Iraq Mr. Jeroen Vergeylen

Explanation of evolution, structure and challenges of Belgian federal model

## **Wednesday, August 15**

### Morning – Case Study of a Critical Policy Field: the Pre-eminent Place of Oil and Gas in the Iraqi Federation

- The impact of concentrated natural-resource wealth on federations
- Management of these natural resources in other federal countries
- The situation in Iraq
  - The Issue
  - Constitutional provisions
  - Jurisdictional matters
  - Maximizing the benefits

#### Readings:

*Iraq Constitution*, Articles 111-12

DVD, *Exploring Federalism*, Module 9, “Fiscal Federalism: Managing Natural Resources

*Iraqi Draft Law on Oil and Gas Revenues*

### Afternoon – Canada’s Federal Experience

#### Readings:

Watts, Chapter 2, section on ‘Canada’, Chapter 12

## **Thursday, August 16**

Morning – Nigeria’s Federal Experience

Afternoon – Free Time: No Classes

## **Friday, August 17**

*Rest Day: No Classes*

## **Saturday, August 18**

Morning – South Africa’s Federal Experience

Afternoon – Iraqi Only Session

- Designing an Iraqi curriculum to teach federalism
- Planning the creation of an *Iraqi Association of Federal Studies*
- Other ideas

## **Sunday, August 19**

Morning – Other Issues – E.g., Secession, Autonomous Regions, Language Policy, Political Parties, Public Policy Making, the Judiciary, Independent Commissions, US model, Use of Emergency Powers

- Items for discussion to be determined on the basis of the interests and needs of the participants.

Afternoon – Discussing Curriculum and Association Issues – All Participants

- Review with instructors of curriculum proposals
- Review with instructors of proposals to create an *Iraqi Association of Federal Studies*
- Consideration of on-going support required; translation of materials, conference support, support for the creation of an academic journal, etc.
- Course evaluations and advice about improving the course for next time
- Other ideas and possibilities
- The awarding of the diplomas

**End of course**