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[A Russian Constitution for Syria?](#)



Not only did the failure of the last round of talks significantly weaken local players, but it also had extremely negative effects on foreign actors, Russia and the USA in particular, since they co-chair the International Syria Support Group and have taken on the role of guarantors when it comes to resolving the Syrian conflict.

However, while Barack Obama's administration was regularly criticised mostly for its indecisiveness and excessive caution, Moscow received wide disapproval and condemnation due to the intensity of its actions in Aleppo. The situation back then undoubtedly helped the Russian authorities with a local victory - taking the Northern Syrian capital under control. But, such an outcome has seriously damaged Moscow's credibility in the eyes of the Syrian opposition, casting doubt on its mediating abilities.

By the time Russia entered the Syrian conflict, Russia's relations with the West were already at their worst since the end of the Cold War. The expectation that Hillary Clinton would be the next president left most diplomats in the region assuming there would be limited cooperation between Russia and the US in Syria for the foreseeable future.

Donald Trump's winning the US Presidency has re-opened the possibility for the Kremlin to return to political bargaining on Syria. In this light, Moscow's desire to "relaunch" the Geneva process seems like an attempt to start the negotiations on Syria from scratch, this time not as a side in the conflict, but as an intermediary.

Before initiating new Geneva talks, it was very important to provide them with a new context, the lack of which prevented the conflicting sides from returning to negotiations for ten months. Apparently, Russia's constitutional proposals [presented](#) during the meeting in Astana were meant to make up for this absence. By doing so, Russia desired to give new momentum to the Geneva talks, provoking the emergence of alternative proposals. This is why, in the end, the fate of the Moscow draft itself is not so important. The reaction from the Syrian opposition to the Russian constitutional initiative is much more significant: almost all opposition groups have expressed definite aversion to Moscow's suggestion. Some opposition activists criticised the constitutional project on its merits, pointing out certain provisions stipulated (or not) in the Russian lawmakers' document, but many rejected the Russian proposal on principle, deeming it simply offensive.

Russia obviously still remains a nuisance for Bashar al-Assad's opponents, and all its initiatives are automatically met with mistrust. In this situation, it isn't even about suspicion of Russia, but about wariness of any plans concerning constitutional transformation coming from the outside. Arab observers love to point out how powerless global actors are in resolving local conflicts, underlining the futility of their previous attempts to impose constitutional concepts and systems on the Middle East. In this regard, Syrians increasingly invoke the Iraqi experience, which they consider a failure, as it has remained in a state of permanent instability since 2003. What is more, the rejection of federalist solutions for Syria has paradoxically united Assad's regime with its opponents in the opinion that a similar experiment in Iraq has effectively led to the country's break-up. For example, as soon as he received the Russian version of the future Basic Act, the Syrian opposition representative in Astana, Yahya al-Aridi, accused the Russians of repeating American mistakes in Iraq, [stating](#) that "Paul Bremer's experience makes it quite clear: when a Constitution is written by another country, it doesn't work as a political instrument".

Thinking about this Syrian reaction that unexpectedly brought the authorities and their rivals together, attention should be paid to two different but equally important aspects of the problem. Firstly, the Syrians' lack of enthusiasm for a federation is not directly connected to their assessment of the Iraqi experience: each side in the Syrian conflict has its own questions concerning the federal solution as such, regardless of its failures or successes in neighbouring countries. Secondly, dubbing the Iraqi experience a failure is rather an exaggeration, since this experiment nevertheless turned out well in many ways. Let's list them in reverse order.

What can actually be considered a success of federalisation in a composite society torn by civil unrest or even war? If success means preserving the country within the borders recognised by the international community, then Iraq was very lucky, just like the Republic of Bosnia and Herzegovina, for example, which was forcibly transformed into a federation by the Dayton Peace Agreement at the end of 1990s. Taking into account the fact that Iraq only appeared on the world map after World War I, as an artificial state invented by the British (for the rather prosaic reason of oil interests), and the Arabs and Kurds who populate it have not always got along well with each other (to put it mildly), this political entity had little chances of survival after Saddam Hussein's fall.

Obviously, a logical question arises about the price of this arrangement, formalised by the Iraqi Constitution of 2005. At first glance, the price is quite high: out of the eighteen Iraqi provinces, only three, populated by Kurds, are defined as federal entities. Moreover, the autonomy of Iraqi Kurdistan is truly unlimited - for example, it has the right to have its own armed forces (the *Peshmerga* military force, numbering over 150,000 soldiers) and to pursue independent foreign policy. The fifteen provinces populated by Arabs have nothing like this, which makes them envious. On the other hand, such extensive federalisation has allowed the Kurds, who make up only 20% of the Iraqi population, to strike the question of full independence from the agenda, thus appeasing not only Baghdad, which is regularly shaken by rivalry between Shiites and Sunnis, but also its neighbouring countries with a Kurdish population. Neither Turkey, nor Iran, nor Syria, nor the USA would welcome the full independence of Iraqi Kurdistan: each player has their own arguments "against". But the federation which allows Erbil to be Baghdad's "consubstantial but unmerged" neighbour is somewhat less disturbing, and thus contributes to regional security.

Apart from that, the 2005 Constitution enshrined the distribution of income from oil in a way that completely satisfies the Iraqi government. As a federal entity, Erbil has the right to sign oil contracts by itself, and its *primus inter pares* ("first among equals" - Latin) status allows it to attract investors by introducing lower than federal taxes (by the mid-2010s, the government of Iraqi Kurdistan had signed over 40 large international

contracts, mostly connected to oil production). Baghdad does protest, of course, but only rather superficially: officials from the capital understand that they will not lose out, even if Erbil takes over all the hydrocarbon contracts. After all, Iraqi Kurdistan has no access to the sea, and all the pipelines are controlled by the federation.

As a result, the federalisation of Iraq has allowed: a) the country's territorial integrity to be preserved; b) a forever-discontented minority to be satisfied, making the option of independence less attractive to its elite; c) the income from raw-material sales to be divided in a way which benefits both sides. Such a situation can hardly be called a "failure of federalism". Therefore, references by the Syrian conflict's participants to the burden of Iraq's federal experience are rather insincere. Apparently, it is not the imposition of alien ideas in the Arab world that bothers them, but something else.

All this allows us to go back to the first point in our reasoning. The draft federalisation was unacceptable for Syrians not because such a state structure is alien to the Arab world. Their problem was that federalism requires state power to be divided. Federalism has always been a forced decision for political elites anywhere, only accepted as a last resort. But both sides fighting in Syria have not yet lost hope of totally defeating their enemy. In this case, it doesn't matter how realistic their plans look to external experts: the point is that, to them, it seems that their final victory is at hand. Apart from that, the draft constitution presented in Astana in January contains paragraphs which would guarantee a consensus between al-Assad and the majority of the opposition: for example, to rename the country which is currently at war from the "Syrian Arab Republic" to the "Syrian Republic", and to give the Kurdish language the status of an official language. Critics think that this would lead to Syria losing its Arab identity and the Kurdish minority becoming unacceptably empowered.

It looks as if Russia has acknowledged that the document is flawed. It was no accident that Mikhail Bogdanov, the Russian president's special representative for the Middle East and Africa, [recently referred to it](#) as an invitation for discussion, emphasising that the draft is "not the absolute truth, but an attempt to piece together the sides' similar approaches". In other words, debates about a federal solution for Syria will continue, and there is indeed a lot to argue about. But references to the professed federation's "failure" in neighbouring Iraq are completely irrelevant - it is just a trick in a big constitutional game Russia is inviting the Syrians to play.

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