



STATE BUILDING IN IRAQ AND SYRIA BETWEEN CIVIL CONFLICT AND FOREIGN INFLUENCE: IS FEDERALISM THE ONLY WAY?

This paper aims to underline two critical cases of Constitution-making and State building in the making in the Middle East. These countries have been crossed by civil wars and ethnic conflicts; as a consequence, it is somewhat complicated labelling Iraq and Syria with the term “State”. The two cases are compared for several reasons, even though differences are taken into account. First and foremost, ethnic composition, alongside with decades of cruel dictatorship led by a minority; foreign involvement, US in Iraq and many-sided in Syria; civil wars interwoven and interconnected; the presence of the Kurds and their aspiration to autonomy and self-determination. Precisely, the thorny issue stands on ethnic accommodation together with peacebuilding. Federalism might be considered the best option as peace-making device in divided societies. The purpose of federalism, with its institutional arrangements, is accommodating cultural and economic differences, keeping or “holding together” different groups in conflict. The first case, Iraq, has shown the US hegemony in the course of the Constitution making process, as well as in the adoption of the Constitution. The result has not been successful and the country is divided; its Constitution failed to “integrate” diverse communities and its key dispositions are not completely enacted. The Iraqi Federation, remains “on paper” and it is crossed by, among others, the struggle over oil and gas revenue sharing. Nevertheless, this paper attempts to demonstrate that the path toward a true federalism is the only viable option. Instead, in Syria the civil war is still ongoing and it is clear that Assad’s will play a key role in the Syrian future. However, the raise of Kurds in the North East and the self-autonomous Rojava requests new institutional arrangements. Although Assad, and in order to avoid a new conflict, Syria, similarly to Iraq, at the end of the war has to face another *de facto* Kurdish State; hence, federalism is likely to be the best option for Syria due to its multi-ethnic society.