“Whiteboard” Discussion of Federalism as the Future of Iraq:
Unity within Diversity
UU House, 15 March 2009

On 15 March 2009, from 3.30 to 5.30 pm, Chibli Mallat, Jim Holbrook, Andrew Allen, and Jaye Sitton of GJPI met with April Powell-Willingham of CLA, and Sven Spengemann and Nono Dihemo of UNAMI.

Introductory discussion

Having met with Sven, Nono, Ndusisi Obiorah and Andrew Gilmour from UNAMI on 10 March 2009 and attended an international donors round table on Federalism on 11 March 2009 at which Chibli set out his plan for a public debate on federalism, and memorably said that Kirkuk was unsolvable – like Jerusalem, we met on 15 March with Sven and Nono from UNAMI and April from CLA in order to brainstorm about the way forward for the Federalism Campaign.

Sven set out his proposal that we aim for November as the peak of the campaign in order that it might feed into the general election campaign leading to the January 2010 vote.

He suggested that we needed a logo, a name for the campaign, and an Iraqi person or collection of people to be leading the campaign.

Chibli suggested simply starting the debate and then waiting to see what emerged. Sven felt that some in Iraq might welcome an elite dialogue

We discussed the importance of reaching the considerable portion of the population who were functionally illiterate and Andrew suggested involving IREX.

Chibli reported on his trip to Najaf and the commitment by Bahr al-Ulm (junior) to write about federalism from the point of view of the shari’a.

We discussed as we had before the meaning of federalism in Arabic as unionism. Sven suggested that a different starting point might be to find out what Hadba (the Nineveh party with a certain amount of success on an anti-federalism platform) actually meant by their “anti-federalism.”

April stressed the need for us to be outcome-focused and that we do not have time to engage in an academic exercise.

Possible Deliverable Outcomes

The following possible deliverable outcomes were raised by GJPI and CLA:¹

- Referendum on the Constitution prior to 30 January 2010
- Resolution of the Article 140 (Kirkuk) process
- Reconciliation of the Federal Judiciary Structure

¹It is very important to understand that UNAMI would not support or consider a constitutional referendum prior to the next election as a “possible deliverable,” nor the “implementation of the Kurdistan Constitution” or the implementation of Article 140 (on the validity of which UNAMI deliberately has not taken any position, in light of the process under Article 58 of the TAL). These are not possible UN deliverables.
• Resolution of revenue sharing  
• Minority electoral provision  
• Women’s electoral provision  
• Successfully implementing the draft Kurdistan Constitution in a form acceptable to Baghdad

Timeline

We discussed various potential points for a referendum (see footnote 1 hereto for UNAMI’s more limited position on the date of a referendum):

• July 2009 (possibly with the district elections)  
• January 2010 (with the national elections)  
• Mid-2010 (after the newly elected Parliament is established)

Important dates coming up are:

• The USIP conferences 28 to 31 March in Erbil (which Andrew and Jaye will attend)  
• COR resuming for the next session mid April to end July 2009  
• End of April / beginning of May for a Campaign meeting at the Al-Rashid Hotel  
• Autumn (or earlier) for conferences on federalism organized by GJPI, and on hydrocarbons organized by UNAMI (maybe in June)

Advisory Board

We discussed the importance of forming an Iraqi group – involving Baghdad University, Najaf (perhaps through Shiekh Fatah), and others.

Players

The Kurds, Da’wa, “Supremes”, Sadrists, Sunnis all should be involved.

We spoke about the chances of a public debate placing a soft constraint on the national and regional executives and legislators. We spoke about the media and the role that civil society might play in the debate, e.g., focusing on questions like “5 or 6 years on, where are our services? How safe will we be?”

Ideally we wish to encourage Iraqi political parties and candidates who stand for election this year to have federalism as part of their election platforms.

White Paper

Chibli undertook to write a white paper about federalism as the future of Iraq by 29 March 2009.

Bassiouni materials

April undertook to send out the 2005 Bassiouni materials on federalism

Constitutional Revision Commission

The CRC’s mandate has recently been validated by the Council of Representatives until 31 August 2009.
However, the more relevant question is whether the Committee has revived *politically*, particularly in light of the fact that it punted the divisive issues to the senior Iraqi leadership last July.

**Funding**

Sven suggested that the EU and EU states would not get into the debate but could be sources of funding. He said that we needed to have input from somewhere other than the US.

April suggested Forum of Federations as a possible partner, their funding having been recently cut by the Canadians. She suggested UNDP, USAID, and DRL and emphasized the need to have goals to attract funders.

**Informing Key GOI individuals**

This was discussed and considered important.

**Useful Links**

Jeff Weintraub’s Thinking seriously about "centralism" and "federalism" in Iraq

Forum of Federations