

Introduction

From Revolution to Devolution?

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The Arab uprisings gave voice to long, simmering demands to end corruption, hold government officials accountable, and improve service delivery. The chants of protesters that echoed from Tunisia to Egypt and from Syria to Yemen revealed widely shared frustration with a style of governance so ubiquitous in the Middle East and North Africa (MENA) region that it had come to distinguish the region: authoritarian, deeply centralized regimes holding together divided polities through patronage and coercion, rather than through democratic engagement.¹ Like the Green Movement in Iran in 2009, the uprisings failed in most instances to deliver meaningful political, fiscal, or administrative reform, in some cases resulting in even more acute governance failures and stirring identity conflicts along ethnic, sectarian, and regional lines.² The Gezi protests of 2013, likewise, failed to mount an effective challenge to deepening authoritarianism in Turkey.³ But these waves of protests did enliven debates about the structure of the state in the countries of the region that continue today even as revolutionary fervor – and optimism – have subsided. Across them all, a recurring controversy has been the extent to which overly centralized authority is a source of the region’s conflicts and governance problems – and, conversely, whether federalism and decentralization in their myriad forms offer a way forward.

This book examines the law and politics of decentralization in the MENA states. Unless otherwise indicated, we use the terms “decentralization” and “decentralizing reforms” in a generic sense to refer to a variety of arrangements involving the shift of responsibility and/or authority from central governments to other levels (such as provincial, state, or municipal governments). This broad category includes a range of models sometimes labeled “territorial pluralism” or “territorially based autonomy,”

¹ See generally, J. L. Gelvin, *The Arab Uprisings* (New York: Oxford University Press, 2012).

² See generally, M. Lynch, *The New Arab Wars: Uprisings and Anarchy in the Middle East* (Philadelphia: Perseus Books, 2016).

³ See generally, K. Genç, *Under the Shadow: Rage and Revolution in Modern Turkey* (London: I.B. Tauris, 2016).

including federal and confederal systems, as well as arrangements involving less robust shifts of political, administrative, and fiscal authority away from the central government, such as devolution, delegation, and deconcentration.

Widely advocated by donor agencies, intergovernmental institutions, and scholars of comparative politics and law, decentralization has been urged as a means of advancing two distinct but related goals. First, as a framework for self-determination, it may enable identity groups – typically, ethnic, linguistic, or religious minorities – to exercise a measure of autonomy without challenging the territorial integrity of the state.⁴ Second, as a vehicle for improving governance, it may bolster accountability by bringing government closer to the people it serves.⁵ Decentralization may also improve the efficiency of service delivery by enabling local authorities to tailor services to the specific needs and conditions of their constituents and multiply opportunities for experimentation and innovation in generating policy solutions to persistent problems on the ground.⁶

While these two sets of goals are distinct, the line separating them is often unclear in practice. On the one hand, demands for self-determination are sometimes driven in part by poor governance at the center. On the other, decentralizing reforms often face resistance precisely because they are understood to be motivated by a group's desire for greater self-determination, opponents fearing that even modest devolutionary steps may strengthen secessionist or irredentist tendencies. Indeed, while most studies focus on one or the other of these two goals, it tends to be the link between them that makes decentralization an incendiary item on states' reform agendas.

The benefits of decentralization continue, moreover, to be hotly contested.⁷ Experts disagree about the extent to which it contributes to the political stability

⁴ See, e.g., K. M. Bakke, *Decentralization and Intrastate Struggles: Chechnya, Punjab and Québec* (Cambridge: Cambridge University Press, 2015); D. Brancati, *Peace by Design: Managing Intrastate Conflict through Decentralization* (New York: Oxford University Press, 2009); L. Anderson, "Ethnofederalism and the Management of Ethnic Conflict: Assessing the Alternatives," *Publius*, 46(1) (2016), 1–24; N. Bermeo, "A New Look at Federalism: The Import of Institutions," *Journal of Democracy*, 13(2) (2002), 96–110; J. McGarry and B. O'Leary, "Federation as a Method of Ethnic Conflict Regulation," in Sid Noel (ed.), *From Power Sharing to Democracy: Post-conflict Institutions in Ethnically Divided Societies* (Kingston, ON: McGill-Queen's University Press, 2005), 263–96; and S. Choudhury and N. Hume, "Federalism, Devolution and Secession: From Classical to Post-Conflict Federalism," in T. Ginsburg and R. Dixon (eds.), *Research Handbook on Comparative Constitutional Law* (Cheltenham: Edward Elgar, 2010), 356–85.

⁵ See, e.g., J. Faguet and C. Pöschl (eds.), *Is Decentralization Good for Development? Perspectives from Academia and Policy-Makers* (Oxford: Oxford University Press, 2015); R. C. Schragger, "Decentralization and Development," *Virginia Law Review*, 96(8) (2010), 1837–1910.

⁶ E. Ahmad and G. Brosio, eds., *Does Decentralization Enhance Service Delivery and Poverty Reduction?* (Cheltenham: Edward Elgar, 2009).

⁷ For an overview of the debate, see D. Treisman, *The Architecture of Government: Rethinking Political Decentralization* (New York: Cambridge University Press, 2008), 11–15; P. Smoke, "Rethinking Decentralization: Assessing Challenges to a Popular Public Sector Reform," *Public Administration and Development*, 35 (2015), 97–112; R. Prud'homme, "The Dangers of Decentralization," *The World Bank Research Observer*, 10(2) (August 1995), 201–20.

and territorial integrity of states.⁸ Skeptics cite evidence that decentralization also tends to exacerbate inequality between regions and produce increased opportunities for corruption.⁹ In addition, they raise concerns about its feasibility in the diverse settings where it has been urged, pointing out that devolving power to provincial and local governments is an expensive undertaking that requires greater macroeconomic stability and local capacity than many developing countries possess. Despite these continuing controversies, decentralization has been a major global trend for several decades.¹⁰

Until recently, however, the states of the MENA region seemed largely immune to decentralization. In a 2007 report, the World Bank highlighted what it characterized as “a different pattern of decentralization” in the MENA region – one in which authority (political and fiscal) remained largely concentrated in central governments, even as limited responsibility for policy implementation had begun to be devolved to municipal and/or provincial governments.¹¹ At the time, two notable exceptions to this regional pattern were Iraqi Kurdistan and the West Bank and Gaza Strip, where more far-reaching (if in many ways problematic) autonomy arrangements had been in place, *de facto* or *de jure*, for more than a decade. Since the start of the Arab uprisings in 2010, however, decentralization in one form or another has emerged as a focus of discourse and debate in virtually every part of the region.

Decentralization is the framework within which the self-determination claims of identity groups – ethnic, religious, linguistic, tribal, and/or regional – are being conceptualized, contested, and negotiated.¹² That remains the case in Iraqi Kurdistan, where, following an abortive 2017 referendum on independence, Erbil now finds itself obliged to renegotiate its federal compact with Baghdad through which the region had secured more sweeping autonomy than any other subnational unit on the planet. At the same time, Kurdish leaders in Turkey and Syria have begun to rethink nationalist separatism altogether, instead embracing (and, in Rojava, experimenting with) self-determination through a form of radically decentralized governance they call democratic confederalism. In Israel-Palestine, the failure of the Oslo process to deliver independence to Palestinians has produced a search for alternatives – not only to the oppressive quasi-decentralized governance introduced by the arrangements defined in the Israeli-Palestinian Interim Agreement for a so-called “transitional” period, but also to the vision of partition based on ethnic separation that

⁸ For contrasting views, see P. G. Roeder, “Ethnofederalism and the Mismanagement of Conflicting Nationalisms,” *Regional & Federal Studies*, 19(2) (2009), 203–19; and J. McGarry and B. O’Leary, “Must Pluri-national Federations Fail?” *Ethnopolitics*, 8(1) (2009), 5–25.

⁹ D. Horowitz, “The Many Uses of Federalism,” *Drake Law Review*, 55 (2007), 953–69, at 963.

¹⁰ Regarding the phases of global engagement with decentralization, see G. S. Cheema and D. A. Rondinelli, *Decentralizing Governance: Emerging Concepts and Practices* (Washington, DC: Brookings, 2007), 7–8.

¹¹ World Bank, *Decentralization and Local Governance in MENA: A Survey of Policies, Institutions and Practices* (Washington, DC: World Bank, 2007).

¹² See P. G. Roeder, “Decentralization to Manage Identity Conflicts,” Chapter 2 in this volume.

dominated peace talks for two decades. Among these alternatives, confederal models are garnering increasing attention, if not yet political traction. Confederalism is also being contemplated in Yemen as a framework for reimagining the country's battered political system in a post-conflict future, the federal arrangements defined in the 2015 draft constitution having failed to mollify secessionist movements in southern Yemen. In Libya, by contrast, concern about secessionist ambitions in Benghazi has pushed debates about the future structure of the state in the opposite direction, undermining support for federalism in favor of a limited program of administrative decentralization. Similarly, in Morocco, the regime has seized upon administrative decentralization and regionalization as a formula for restricting Western Sahara's longstanding claim to self-determination to the confines of Moroccan sovereignty.

Decentralization has also served as a framework for addressing – and, in some cases, containing – a broader governance agenda. In a few contexts – Tunisia, Yemen, Iraq, and initially Egypt – reformers urged decentralization as a democratizing measure; a means of shifting authority away from an overbearing central government toward peripheral regions and/or a long-disempowered citizenry. Just as often, however, initiatives styled as decentralizing reforms have originated within central governments themselves as a means of consolidating their authority over the periphery. An early example in this vein is the local government law passed by Iran's parliament in the mid-1990s following riots by slum dwellers in a number of cities. A generation later, the governments of Jordan, Syria, and Morocco adopted a similar strategy in the shadow of Arab Spring protests, launching decentralization initiatives with considerable fanfare but ultimately relinquishing minimal authority.

This diversity is explored in rich detail in this volume, which presents a series of twelve case studies examining the experience across the region, along with a collection of chapters placing that experience in comparative and theoretical perspective and a synthetic conclusion by the co-editors. The case studies, which focus respectively on Iran, Kurdistan (as a whole), Iraq, Iraqi Kurdistan, Libya, Morocco and Western Sahara, Palestine/Israel, Syria, Tunisia, Turkey, and Yemen, offer a textured portrait of the law and politics of decentralization during a period of sweeping transition in a region the comparative decentralization literature has largely neglected. With a view toward facilitating comparative analysis, each case study examines a common set of variables: the aims that have animated support for decentralization as they have evolved over time; the processes and institutions through which it has been pursued; the forms it has taken; the obstacles it has encountered; the controversies it has engendered; and its likely future trajectory. In addition, the case studies illuminate dynamics and questions distinctive to each context. Both retrospective and forward-looking in orientation, the book promises to be a valuable resource not only for scholars of comparative politics, constitutional design, and Middle East studies, but also for policymakers evaluating the feasibility and efficacy of decentralization as a vehicle for improving governance and responding to identity conflict in any part of the world.

DEFINING DECENTRALIZATION

We began by noting that the broad category of decentralization encompasses a wide array of strategies ranging from the least ambitious – deconcentration – to the most robust approaches – like federalism – that transfer substantial power over resources, decision-making, and implementation to local actors.¹³ Defining the range of policies encompassed under the catch-all of decentralization is an important first step to understanding the relationship between various approaches to the design of decentralizing reforms and objectives ranging from good governance to conflict resolution.

At the most general level, decentralization refers to the transfer of legal and political authority from the central government and its agencies to lower levels of government. The authority in question may include policy formulation, resource allocation, and management of public functions.¹⁴ The lower levels of government to which such powers are delegated may be subordinate units of central government, appointed regional or municipal authorities, or semi-autonomous elected local officials governing over territory- or identity-based communities. The definition also encompasses broad variation in the degree of restructuring of authority required by decentralization, the degree of shared responsibility over transferred authorities among different levels of government, and the relationship among various subnational units of government (i.e., how regional and local/municipal branches interact).

In defining the spectrum of decentralization policies, the comparative law and comparative politics literatures typically distinguish at least three approaches – deconcentration, delegation, and devolution – the last of which may include forms of federalism and confederalism if sufficiently robust.¹⁵

Deconcentration is the most modest form of decentralization, essentially shifting authority between offices or units of the central government.¹⁶ To the extent that one purpose of decentralizing reforms is to bring the implementation of policies to

¹³ In addition, there are several subsets of federalism that have been explored in the academic literature including asymmetric federalism and multiethnic or pluri-national federalism. On the former, see Horowitz, “The Many Uses of Federalism”; Bakke, *Decentralization and Intrastate Struggles*, 193, 209–10, 239 (discussing the case of Québec); and Brancati, *Peace by Design*, 95–96 (discussing asymmetry in the Spanish model of decentralization). On multiethnic or pluri-national federalism, see L. D. Anderson, *Federal Solutions to Ethnic Problems: Accommodating Diversity* (London: Routledge 2013) (see especially ch. 3).

¹⁴ For discussions of the different authorities that may be decentralized, see J. M. Cohen and S. B. Peterson, *Administrative Decentralization: Strategies for Developing Countries* (West Hartford, CT: Kumarian Press, 1999).

¹⁵ International IDEA, *Decentralization in Unitary States: Constitutional Frameworks for the Middle East and North Africa* (n.p.: Center for Constitutional Transitions, International Idea, & UNDP, 2014).

¹⁶ See, e.g., J. Regulska, “Decentralization or Deconcentration: Struggle for Political Power in Poland,” *International Journal of Public Administration*, 20(3) (1997), 643–80.

the most local level to adapt them to the exigencies of local communities, this goal may be served by deconcentration where authority is transferred from offices in the capital to regional and local subordinate offices of the central government. But such lower-level units are typically staffed with officials who are appointed by and accountable to the central government rather than the local constituencies with which they interact. Thus deconcentration does not directly serve goals of local empowerment, capacity-building, subsidiarity, or improving transparency. The dispersal of authority from the capital to more peripheral parts of the country generally shifts the territorial locus of implementation with few other decentralizing entailments.

An intermediate form of decentralization is delegation, which involves the transfer of authorities and resources for the implementation of central government-defined policies to subunits of the government. Delegation may also transfer to the local-level powers of decision-making concerning clearly specified functions.¹⁷ This is distinct from deconcentration because the officials, offices, or units to which authority is transferred are either locally/regionally controlled or at least semi-autonomous from the central government. Thus, while policies themselves continue to be set at the central government level, the power to implement, administer, and manage such policies – and make decisions concerning some functions related to them – is delegated to regional and/or local subunits that are not under the direct control of the government. Here the lower levels of government receiving the transfer of power may be either appointed or elected, but in either case they are at least partly accountable to the local constituencies to which they are more proximate. Such decentralization serves a number of goals beyond ensuring local adaptation of policies at the implementation level, which may also occur with deconcentration. Specifically, delegation is expected to produce greater transparency about central government policies (which have to be clearly defined in the course of delegation), enhanced accountability to local actors for the ways such policies are implemented (with administration under the control of locally selected officials), and even some resource transfers (and efforts at capacity-building to enable relevant subunits to execute policies) that enhance local empowerment.

In the tripartite scheme of decentralization, devolution entails the most extensive and robust transfer of authorities from the central government to local and regional levels.¹⁸ With devolution, in contrast to delegation, the local and/or regional subunits

¹⁷ See, e.g., United Nations Development Program, *Decentralization: A Sampling of Definitions* (October 1999), http://web.undp.org/evaluation/documents/decentralization_working_report.pdf.

¹⁸ Devolution also encompasses or overlaps with the categories of federalism and confederalism. For discussions of these various forms of devolution, see N. Aroney, “Types of Federalism,” in *Max Planck Encyclopedia of Comparative Constitutional Law* (Oxford: Oxford University Press, 2016), <https://oxcon.oupplaw.com/view/10.1093/law-mpeccol/law-mpeccol-e294?prd=MPECCOL>; McGarry and O’Leary, “Federation as a Method of Ethnic Conflict Regulation”; and D. Halberstam, “Federalism: Theory, Policy, Law,” in M. Rosenfeld and A. Sajo (eds.), *The Oxford Handbook of Comparative Constitutional Law* (Oxford: Oxford University Press, 2012), 576–608.

of government are separate from the central government and autonomous, which means that they are typically composed of elected officials whose legal authority derives from the provincial or local elections through which they gained office. By devolving certain authorities to these autonomous subunits of government, the central government formally relinquishes its direct control over policy-making, implementation, and accountability in those domains. Often, devolution will also entail the transfer of certain fiscal authorities to lower levels of government, which will be tasked with raising revenues to be allocated for the provincial or local-level policies that they design and implement. The extent of the transfer of authority to the provincial or local level generally requires the existence of a parallel structure of government at these lower levels, a characteristic commonly identified with federal or confederal arrangements. Devolution will require a legal definition of the cooperative relationship to be established between the formally autonomous levels of government, setting forth which authorities reside exclusively with the central government and which are transferred to local government as well as arrangements for areas of concurrent jurisdiction.¹⁹ As with the constitutional system of the United States, a federal system will typically have territorially defined subunits with legally recognized boundaries endowed with the authority to perform public functions, secure fiscal resources, and exercise local control over policies relating to an array of domains such as education, culture, public order, and municipal services ranging from utilities to sanitation. There will also remain domains – such as those having to do with national security – that are exclusively within the authority of the central government.

Beyond variation in the extent of authorities transferred under different forms of decentralization, there is also considerable variation in the functional domains that may be the subject of decentralizing reforms. Here, too, the scholarly and policy literatures have identified a tripartite typology, with the principal domains defined as administrative, policy, and fiscal decentralization.²⁰ These categories, familiar from constitutional law, define the range of responsibilities and powers that may be subject to transfer through decentralizing reforms. Administrative decentralization involves the transfer of responsibility for the planning and implementation of policies from central government to subordinate levels and is the most common domain in which decentralization – from deconcentration to devolution – occurs. Policy (or political) decentralization involves transferring authority for decision-making to local-level authorities, which may happen through delegation or devolution. For policy decentralization to be deemed legitimate as a governance reform, there is an expectation

¹⁹ On the need for formal allocation of authorities, see W. H. Riker, *Federalism: Origin, Operation, Significance* (New York: Little Brown, 1964); see also J. McGarry and B. O'Leary, "Territorial Pluralism: Taxonomizing Its Forms, Virtues, and Flaws," in K. Basta, J. McGarry, and R. Simeon (eds.), *Territorial Pluralism: Managing Difference in Multinational States* (Vancouver: University of British Columbia Press, 2015), 13–53.

²⁰ See, e.g., International IDEA, *Decentralization in Unitary States*, 12–13.

that the lower level of government exercising policy authority be accountable to its local constituency, typically through elections. Finally, fiscal decentralization refers to the transfer of responsibility for collecting taxes and allocating resources. Like policy decentralization, transfers of authority for taxation entail accountability and are only likely in contexts with extensive delegation or, more likely, devolution of powers. A government can be decentralized to varying degrees along each of these dimensions, and recent scholarship has suggested that underlying societal traits are essential to understanding the optimal design of decentralization for each axis.²¹

The design of decentralization policies will, of course, be a function of the objectives being pursued. This volume engages with a wide spectrum of theoretical perspectives from which the advantages and disadvantages of decentralization are addressed for multiple and sometimes overlapping objectives, from conflict resolution to minority rights protections to improved economic service provision and hopes for greater accountability. If the goal is improving governance performance, then the emphasis will be on those reforms that enhance government accountability and transparency, improve service delivery by building local government capacity, and permit greater local input and participation. If, on the other hand, the goal of decentralization is to address self-determination demands while maintaining territorial integrity, the emphasis will be on reforms that enhance local autonomy, particularly over those policy domains that are implicated in identity conflicts, such as education and cultural policies. In the Middle East, there is tremendous overlap between these objectives because a record of poor governance has generated calls for political liberalization and anti-corruption reforms while also amplifying minority groups' demands for self-determination. The interlinkages and entanglements of demands for self-determination on the one hand and improved governance on the other are evident across many of the cases engaged in this volume, including Kurdistan, Libya, Morocco, Palestine, and Yemen.

LIMITATIONS OF DECENTRALIZATION

The definitions of the forms of decentralization in the abstract are, of course, quite detached from the actual practice of decentralizing reforms. The neat divisions between deconcentration, delegation, and devolution, as well as the discrete policy domains to which these modalities might be applied, bleed together on the ground, mitigating the degree to which they may be tied back to expectations modeled by the literature. Policies that appear to contemplate robust devolutionary transfers of power on paper are often realized through modest deconcentration measures in practice. Functions are transferred without the necessary resources being made available to local officials, or overlapping authorities are multiplied in ways that obscure accountability instead of enhancing transparency. In short, beyond

²¹ Bakke, *Decentralization and Intrastate Struggles*, ch. 6.

the formal spectrum of policies and practices described in the literature there is enormous variation in implementation that means that decentralization rarely achieves the ambitious goals in terms of governance or self-determination set out by policymakers.

Beyond these general observations, it is also worth noting that the MENA governments may be especially inhospitable to decentralizing reforms.²² Almost all the country cases surveyed in this volume, with the possible exceptions of Tunisia and Turkey, are nondemocratic regimes where efforts at political liberalization have largely foundered. In many instances, from the Arab world to Iran to Turkey, decentralizing reforms are being debated against a backdrop of recent mass protest movements pursuing radical reforms that they were unable to secure. As a consequence, in many instances frustrated reformists may invest hopes in devolution to accomplish the goals of incomplete revolutions across the region, raising unrealistic expectations and setting the groundwork for popular disaffection with the incrementalism of experiments in decentralization. The region is also characterized by a number of cases of ongoing conflict or immediate post-conflict reconstruction, contexts that pose particularly daunting challenges for any reform efforts. Moreover, in countries where long-term denial of self-determination claims has been one of the sources of conflict – as in the Palestinian, Kurdish, and Yemeni cases – decentralization will be fraught with anxieties over territorial integrity and secessionist demands that are more acute than in other settings. Finally, while many regimes in the region have publicly embraced some measure of decentralization, there is little concomitant commitment to political liberalization. In such cases, decentralization may be a necessary but insufficient condition for improving governance, service delivery, and the performance of public functions. In short, experiments in decentralization across the region often take place under challenging circumstances, to put it mildly.

Because decentralization has in the past been treated in the region as a backdoor to territorial partition, there has been reluctance to pursue decentralizing reforms. Yet at present there is widespread interest in policy experimentation with decentralization across the region. The bottom line is that these efforts offer the modest promise of incremental improvements in governance, participation, and local accountability at a time when most other reform initiatives have failed. The transfer of power to subordinate levels of government has the potential to generate virtuous cycles or positive feedback loops, with local experiences of improved services or increased participation generating opportunities to chip away at the impasse of civil strife and authoritarian governance at the national level.

This volume explores this potential through context-specific, realistic, and empirically grounded studies of experiences with and prospects for decentralization in the twelve country cases presented herein. The trajectories of decentralizing reforms

²² M. S. Tosun and S. Yilmaz, “Centralization, Decentralization and Conflict in the Middle East and North Africa,” *World Bank Policy Research Paper* 4774 (Washington, DC: World Bank, 2008).

are a consequence of many factors, to be sure, but exploring whether and to what extent decentralization might yield such (perhaps modest) benefits in the Middle East is a question worth engaging with. Beginning from the premise that decentralization is neither a scourge nor a panacea for the governance and conflict resolution challenges in the region, the case studies provide both thick description and normative and policy insights that form the basis for the generalizable lessons we discuss in our synthetic conclusion.

STRUCTURE OF THE VOLUME

We believe an edited volume is the best (and perhaps the only) way to address the region's diverse and complex recent experience at this juncture. No single author would have a command of both the range of cases explored here and the theoretical and comparative dimensions of current debates about decentralization necessary to provide the seminal contribution that we believe our collection offers.

The book builds upon discussions during a pair of symposia at McGeorge School of Law, University of the Pacific, in May 2017, and at the University of California, Los Angeles, in June 2018. These meetings were designed to take stock of the scholarly literature in the fields of comparative law and comparative politics on decentralization and to address the lacunae of studies on this topic in the Middle East. We set out to bring academic and policy experts on decentralization into conversation with regional experts studying the law and politics of the countries of the region that have experimented with decentralizing reforms. The first of our meetings enabled regional experts to engage with literature review presentations that covered the main debates in the study of decentralization and theoretical contributions about the goals served by decentralization and the lessons of policy experimentation in other regional contexts. We then asked invited authors to undertake studies of decentralization in the countries of their expertise, selected on the basis of their recent experiences, with strategies ranging from limited deconcentration to federal and confederal arrangements. We met again one year later for the presentation of the case studies.

The volume is structured to tease out themes running across these cases, as well as their broader comparative and theoretical implications. Following our Introduction, the book begins with Part I: a collection of essays by leading scholars framing the region's recent experience in light of insights from the theoretical literature and experience elsewhere. Philip G. Roeder considers the challenges presented by designing decentralized institutions for the different kinds of plural societies in the MENA region. Tom Ginsburg explores issues of constitutional design in circumstances where states grapple with territorial cleavages. Will Kymlicka considers whether decentralization presents a credible alternative to group rights as a framework for minority protection. Mona Harb and Sami Atallah examine the dominant practice in the Middle East of deconcentration and examine the ways in which such

measures serve to strengthen central control rather than devolving authority to local government despite claims that deconcentration is part of a broader decentralization agenda.

The case studies that follow are organized into three parts. Part II explores three cases – Iran (by Kian Tajbakhsh), Iraq (by Ali Al-Mawlawi), and Tunisia (by Intissar Kherigi) – in which decentralization initiatives have been undertaken primarily as a vehicle for governance reform, albeit in sharply differing political contexts. Part III focuses on contexts where decentralization is being pursued or contemplated as a framework for self-determination, addressing Kurdistan in general (Joost Jongerden), Iraqi Kurdistan (Peter Bartu and Aidan MacEachern), Turkey/Turkish Kurdistan (by Aslı Ü. Bâli), Palestine/Israel (by Sari Bashi – on Oslo as decentralization under occupation – and Omar M. Dajani and Dahlia Scheindlin – on confederal models for resolving the conflict), and Morocco/Western Sahara (by Omar Yousef Shehabi). The final set of case studies in Part IV examines decentralization initiatives pursued in the shadow of territorial fragmentation and identity conflict (Sujit Choudhry and George R. M. Anderson), addressing the cases of Libya (by Karim Mezran and Elissa Miller), Syria (by Samer Araabi and Leila Hilal), and Yemen (by Benoît Challand).

Finally, in a synthetic conclusion, we draw out and reflect upon the themes running across the volume and the lessons that may be learned from it, offering a new typology of the drivers of decentralization and plotting its trajectory in the countries of the region.

CONTRIBUTION

The scope of this volume makes it innovative in several distinct ways.

First and foremost, this volume is the first scholarly work entirely in the English language to address decentralization in the greater Middle East. Other than in individual country studies, scholars of Middle East law and politics have given decentralization little systematic attention, and the region has been largely absent from comparative scholarship about decentralization.²³ Filling this gap provides an important corrective to two bodies of literature. While decentralization, federalism, and their variants have long been topics of study in comparative politics and comparative constitutional law, scholarship in those fields has focused on a set of standard cases in developed democracies and parts of Latin America, South and Southeast Asia,

²³ Quite nearly the sole significant exception to this trend is a volume (with a mix of contributions in English and French) edited by Mona Harb and Sami Atallah and published by the Lebanese Center for Policy Studies addressing decentralization policy initiatives in five Arab countries. M. Harb and S. Atallah (eds.), *Local Governments and Public Goods: Assessing Decentralization in the Arab World* (Beirut: Lebanese Center for Policy Studies, 2015). Our volume adds to this important contribution by covering an additional six country cases, expanding the lens beyond decentralized service delivery to address decentralization in the state-building and post-conflict contexts, and including contributions that draw on relevant experiences in other regions by leading comparative politics and comparative law theorists in the English-language literatures on decentralization.

and Africa. Extrapolating from these cases, it has elaborated a series of lessons to be applied and risks to be avoided that form the basis for subsequent comparative analysis of the potential for decentralizing reforms to effect governance improvements or address identity-based conflicts in other parts of the world. Because many of the presumptive characteristics of successful decentralization based on these models are absent in the MENA region, the literature tends to treat it as either pathological or exceptional, or simply fails to address it at all.

We fill this gap by providing in-depth empirical studies of the principal experiences with decentralization in the region and a set of theoretical engagements that situate these cases in the broader literature. We seek to identify some alternative lessons to those offered by the standard set of cases from which the literature currently draws. We are explicitly interested in depathologizing the region and situating the experiences with decentralization in the MENA region within the broader context of worldwide trends in decentralization. In certain cases – such as that of Kurdistan and Israel-Palestine – we believe that creative ideas currently being engaged by civil society actors may offer new ways of thinking about the potential of decentralizing reforms to address longstanding identity-based conflicts. Elsewhere, we believe a region much in need of redistribution of executive power but loathe to embrace standard decentralizing prescriptions may be innovating alternative pathways to a measure of decentralization, as in Tunisia. The potential for new directions in decentralizing reforms that we see percolating in the MENA region – from service delivery experiments in contexts of *de facto* decentralization to theories of non-territorial self-determination through democratic confederalism – are all the more interesting for emerging from what has long been treated as inhospitable terrain.

Second, the volume bridges two bodies of literature that are too infrequently in conversation with each other: studies that examine federalism and other forms of territorial pluralism as a framework for managing diversity in divided societies and those focused on decentralization as a device for improving public sector performance. As the region's recent experience makes clear, citizens and governments modulate nimbly between these models and agendas in debates about the structure of the state – a demand for political autonomy met with an offer of administrative decentralization, a proposal for limited devolution arousing controversy because it appears to benefit a particular identity group. Addressing them in a single volume enables the development of a fuller account of the politics of decentralization and of transitions – and a richer menu of options for policymakers. Moreover, the volume provides an important contribution in addressing the interaction effects between the different goals of governance reform, self-determination, and conflict management. In some cases, efforts to improve service delivery through decentralization are undermined because of the imputed territorial anxieties triggered by such measures notwithstanding the governance goals of proponents. In other cases, *de facto* decentralization as a consequence of conflict-driven territorial partition creates a context in which experimentation with forms of previously foreclosed decentralized service

delivery suddenly becomes possible. Because the MENA region is characterized by societies that oscillate between the two registers of decentralization, such interaction effects are evident in several of the case studies, inviting comparative reflection on how frustrated demands for self-determination and governance reform may be mutually reinforcing, requiring a more integrated approach to designing strategies of decentralization. Theorizing about the implications of such interaction effects through the study of cases in the MENA region, our synthetic conclusion provides an original and agenda-setting contribution to the literature.

Third, the volume's territorial scope not only breaks new ground by addressing a region infrequently studied in this context, it also reaches cases like Iran, Israel, and Turkey that tend to be excluded from studies focused on the Arab world. This territorial scope allows for deeper comparative analysis – permitting, for example, an examination of how three different states have responded to Kurdish demands for self-determination and how their responses relate to broader debates about democracy, governance, and identity within their polities. It also facilitates analysis of the region as a unit. Despite its lack of political cohesion and supranational organization, MENA in many ways has operated as a region over the last decade, waves of revolution and counter-revolution spreading rapidly across borders despite efforts to limit contagion. The scope of the volume permits the excavation of common strands of political history that continue to shape attitudes across the region and identification of patterns that distinguish MENA from other parts of the world.

Another distinctive feature of the volume is the interdisciplinarity of the contributors, including scholars and policy analysts with expertise in a diverse array of fields – constitutional law, conflict resolution, comparative politics, comparative law, political theory, sociology, and urban planning – and diverse perspectives regarding the merits and risks of decentralization. The breadth of the background of those we have invited to contribute to our study reflects the nature of the audience we hope will find this volume to be of interest. The volume targets not only academic social scientists and legal scholars, but also policy circles, legal practitioners, and civil society actors interested in thinking carefully about the potential of decentralizing reforms to meet goals ranging from service delivery to self-determination and from economic development to political liberalization. The empirical case studies contained herein map the potential for decentralization in the MENA region in ways designed to be of interest to specialists on the comparative law and politics of the Middle East as well as to those studying the broader question of decentralization and governance reform in authoritarian settings on the one hand, and those studying the potential for territorial pluralism to regulate identity-based conflict on the other. Because the volume draws on comparative lessons from experiences with decentralization in other regions, scholars who focus on similar challenges in the African, Asian, and South American contexts should also find much of interest in our study. With generalizable empirical findings, the case studies collected here offer insights into process design questions concerning the form and framing of

decentralizing reforms that are relevant in a wide array of regional contexts. The volume makes an important contribution to the comparative study of territorial pluralism and comparative research on decentralization and governance that engages head-on with the growing backlash against policy prescriptions tied to models of decentralization and the relative resilience of authoritarianism and identity-based conflict in the MENA. These are issues of increasing concern for advocates of rule of law and governance as well as those involved in conflict resolution. The lessons in this volume offer insights into how these challenges might be met by advocates and policy analysts, including those at international financial institutions, intergovernmental organizations, and agencies involved in development assistance where targets of programs include goals tied to governance improvement or conflict resolution.