

HAIDER ALA HAMOUDI



NEGOTIATING IN CIVIL CONFLICT



CONSTITUTIONAL CONSTRUCTION AND
IMPERFECT BARGAINING IN IRAQ



Negotiating In Civil Conflict Constitutional Construction And Imperfect Bargaining In Iraq

**Marianna Charountaki, James R.
Moore, Liam Anderson**



Negotiating In Civil Conflict Constitutional Construction And Imperfect Bargaining In Iraq:

Negotiating in Civil Conflict Haider Ala Hamoudi, 2024-05-31 In 2005 Iraq drafted its first constitution and held the country's first democratic election in more than fifty years. Even under ideal conditions drafting a constitution can be a prolonged process marked by contentious debate and conditions in Iraq are far from ideal. Iraq has long been racked by ethnic and sectarian conflict which intensified following the American invasion and continues today. This severe division which often erupted into violence would not seem to bode well for the fate of democracy. So how is it that Iraq was able to surmount its sectarianism to draft a constitution that speaks to the conflicting and largely incompatible ideological view of the Sunnis, Shi'ah and Kurds? Haider Ala Hamoudi served in 2009 as an adviser to Iraq's Constitutional Review Committee and he argues here that the terms of the Iraqi Constitution are sufficiently capacious to be interpreted in a variety of ways allowing it to appeal to the country's three main sects despite their deep disagreements. While some say that this ambiguity avoids the challenging compromises that ultimately must be made if the state is to survive, Hamoudi maintains that to force these compromises on issues of central importance to ethnic and sectarian identity would almost certainly result in the imposition of one group's views on the others. Drawing on the original negotiating documents he shows that this feature of the Constitution was not an act of evasion as is sometimes thought but a mark of its drafters' awareness in recognizing the need to permit the groups the time necessary to develop their own methods of working with one another over time.

Reconstructing the Middle East Abdulwahab Alkebsi, Nathan J Brown, Charlotta Sparre, 2017-02-24 It is clear by now that the label Arab Spring has proven too simplistic to describe the uprisings that upended the political order of the Arab world in late 2010. Brutal crackdowns and civil conflict in Syria, Libya and Yemen dashed the hopes that peaceful democratic revolutions would sweep the region. In other countries the departure of authoritarian leaders led to many false starts without producing democratic conclusions. Societies that had appeared united in opposition suddenly seemed fractious. Youth were once again banished to the political margins. *Reconstructing the Middle East* examines the changes that happened within the region from 2010 and the long-term challenges and opportunities they present. Featuring the work of authors with a diversity of perspectives, most of whom hail from the region, it addresses key issues of political, economic and societal changes, the role of young people and of the international community. In addition, the book deals with the questions of both political and economic reform and the intertwined nature of the two. Political reform that allows greater participation will fail to quell frustration if Arabs continue to feel that their job prospects are bleak. Similarly, Arabs will not accept economic reform that restores growth but continues to fence off the political sphere. This book offers a unique perspective on the uprisings by focusing on specific issue areas where change is needed and offering a roadmap for the long road towards state building and new social contracts based on political inclusion, respect for pluralism and sustained economic growth. As such, it will be a valuable resource for students and scholars of Middle East Politics as well as those with an interest in the Arab Spring.

Territory and Power in Constitutional Transitions George Anderson, Sujit Choudhry, 2019-03-07 This collection of essays surveys the full range of challenges that territorial conflicts pose for constitution making processes and constitutional design. It provides seventeen in depth case studies of countries going through periods of intense constitutional engagement in a variety of contexts: small distinct territories, bi-communal countries, highly diverse countries with many politically salient regions, and countries where territorial politics is important but secondary to other bases for political mobilization. Specific examples are drawn from Iraq, Kenya, Cyprus, Nigeria, South Africa, Sri Lanka, the UK, Scotland, Ukraine, Bolivia, India, Spain, Yemen, Nepal, Ethiopia, Indonesia, Aceh, the Philippines, Mindanao, and Bosnia Herzegovina. While the volume draws significant normative conclusions, it is based on a realist view of the complexity of territorial and other political cleavages, the country's political geometry, and the power configurations that lead into periods of constitutional engagement. Thematic chapters on constitution making processes and constitutional design draw original conclusions from the comparative analysis of the case studies and relate these to the existing literature both in political science and comparative constitutional law. This volume is essential reading for scholars of federalism, consociational power sharing arrangements, asymmetrical devolution, and devolution more generally. The combination of in depth case studies and broad thematic analysis allows for analytical and normative conclusions that will be of major relevance to practitioners and advisors engaged in constitutional design. **Iraq**

Gareth Stansfield, 2016-09-22 Few countries can claim to have endured such a difficult and tortuous history as that of Iraq. Its varied peoples have had to contend with externally imposed state building at the end of the First World War through to the rise of authoritarian military regimes, to the all encompassing power of Saddam Hussein's dictatorship. They have endured destructive wars, internationally imposed sanctions, and a further bout of destabilizing regime change and subsequent state building from 2003. The recent rise of the Islamic State, the consolidation of the Kurdistan Region, and the response of the Shi'i populace have brought the country to a de facto partition that may bring about Iraq's final demise. The second edition of *Iraq: People, History, Politics* provides a comprehensive analysis of the political, societal, and economic dynamics that have governed Iraq's modern development. Situating recent events within a longer historical timeframe, this book is a must read for anyone wanting to understand the deep histories that underpin the contemporary politics of this war-torn and troubled state.

A Century of State-Making in Iraq Marianna Charountaki, James R. Moore, Liam Anderson, 2025-03-20 As an interdisciplinary publication, this book will have a strong international appeal to those across the Middle East who are interested in the complex issues of state building, democratic transitions, and federalism. It will also appeal to the many scholars in North America and Europe engaged in the study of these questions. The search for just and stable constitutional arrangements has been a central feature of political debates in the region, and since the Arab Uprisings, political scientists around the world have focused their attention on changes in the region. Iraq is a fascinating case study of a state that emerged from the mandate system with political institutions derived from Western political ideas, but one where the

application of those ideas reflected the historical circumstances and social realities of fragmented community life Iraq's political and constitutional problems have been fiercely debated since the Iraq war of 2003 with stuttering attempts to create a new constitutional settlement for Iraq This book seeks to place these debates in their wider historical and socio political context and demonstrate how contemporary problems are rooted in Iraq's political system state building processes and unique constitutional past The volume examines different aspects of Iraq's struggle to create a coherent state identity through political institutions that can accommodate diversity This is a topical work with extensive primary source based empirical research alongside the conceptual and theoretical insights offered Its different approach will be valuable to a variety of audiences ranging from scholars and students of international politics relations and law diplomatic history and the Middle East to policymakers and indeed beyond to a broader audience of informed non specialist readers

Security Sector Reform in Constitutional Transitions Zoltan Barany, Sumit Bisarya, Sujit Choudhry, Richard Stacey, 2019 The proposed collection will examine the central role of security sector reform in constitutional transitions focusing on emerging democracies Neglected as a topic in the constitutional law literature the volume will be the first to offer a sustained analysis of the legal aspects of security reform

Founding Moments in Constitutionalism Richard Albert, Menaka Guruswamy, Nishchal Basnyat, 2019-10-17 Founding moments are landmark events that break ties with the ancien régime and lay the foundation for the establishment of a new constitutional order They are often radically disruptive episodes in the life of a state They reshape national law reset political relationships establish future power structures and influence happenings in neighbouring countries This edited collection brings together leading and emerging scholars to theorise the phenomenon of a founding moment What is a founding moment When does the founding process begin and when does it end Is a founding moment possible without yielding a new constitution Can a founding moment lead to a partial or incomplete transformation And should the state be guided by the intentions of those who orchestrated these momentous breaks from the past Drawing from constitutions around the world the authors ask these and other fundamental questions about making and remaking constitutions

Kurdish Awakening Ofra Bengio, 2014-11-15 Kurdish Awakening examines key questions related to Kurdish nationalism and identity formation in Syria Iraq Iran and Turkey The world's largest stateless ethnic group Kurds have steadily grown in importance as a political power in the Middle East particularly in light of the Arab Spring As a result Kurdish issues political cultural and historical alike have emerged as the subject of intense scholarly interest This book provides fresh ways of understanding the historical and sociopolitical underpinnings of the ongoing Kurdish awakening and its already significant impact on the region Rather than focusing on one state or angle this anthology fills a gap in the literature on the Kurds by providing a panoramic view of the Kurdish homeland's various parts The volume focuses on aspects of Kurdish nationalism and identity formation not addressed elsewhere including perspectives on literature gender and constitution making Further broad thematic essays include a discussion of the historical experiences of the Kurds from

the time of their Islamization more than a millennium ago up until the modern era a comparison of the Kurdish experience with other ethno national movements and a treatment of the role of tribalism in modern nation building This collection is unique in its use of original sources in various languages The result is an analytically rich portrayal that sheds light on the Kurds prospects and the challenges they confront in a region undergoing sweeping upheavals Buddhism, Politics and the Limits of Law Benjamin Schonthal,2016-11-17 Examining Sri Lanka s religious and legal pasts this is the first extended study of Buddhism and constitutional law *State and Society in Iraq* Benjamin Isakhan,Shamiran Mako,Fadi Dawood,2017-03-17 The activities of ISIS since 2014 have brought back to centre stage a series of very old and very troubling questions about the integrity and viability of the Iraqi state However most analysts have framed recent events in terms of their immediate past and without the contextual background to explain their evolution *State and Society in Iraq* moves beyond a short sighted analysis to place the complex and contested nature of Iraqi politics within a broader and deeper historical examination In doing so the chapters demonstrate that beyond the overwhelming emphasis on failed occupations cruel tyrants ethnic separatists and violent religious fanatics is an Iraqi people who have routinely agitated against the state advocated for legitimate and accountable government and called for inter communal harmony When the authors maintain the Iraqi people are given agency in the complex process of consent negotiation and resistance that underpin successful state society relations the nation can move beyond patterns of oppression and cruelty of dangerous rhetoric and divisive politics and towards a cohesive peaceful and prosperous future despite the many difficulties and the steep challenges that lie ahead

Democratic Peace Across the Middle East Yakub Halabi,2016-05-24 From Tunisia to Egypt and from Israel to Iran the debates surrounding the concept of democracy in the Middle East are never straightforward This has been particularly evident since the events of 2009 in Iran and the uprisings across the Arab world in late 2010 and 2011 Against this backdrop *Democratic Peace across the Middle East* critically analyses the prospects for democracy throughout the region specifically asking whether political and social modernisation are absolute preconditions for democratic peace to take hold in the region or whether democracy without modernisation might be enough It explores the dynamics between neo patriarchy and Islam on the one hand and democratisation and modernisation on the other and also considers the prospect of the political accommodation of opposition groups Incorporating an analysis of a variety of key dynamics which affect each Middle Eastern country in turn such as tribal and sectarian identity Islamism and the structure of political party systems this book will appeal to those researching the Middle East and its patterns of rule **Arguing Islam After the Revival of Arab Politics** Nathan J. Brown,2017 *Arguing Islam after the Revival of Arab Politics* analyzes the politics of religion in the Arab world after the emergence of new public spheres over the past few decades The book examines those spheres as they really are not measuring them against any ideal of democratic deliberation **Constitutionalism, Human Rights, and Islam after the Arab Spring** Rainer Grote,Tilman J. Röder,2016-07-25 *Constitutionalism Human Rights and Islam after the Arab Spring*

offers a comprehensive analysis of the impact that new and draft constitutions and amendments such as those in Jordan Morocco Syria Egypt and Tunisia have had on the transformative processes that drive constitutionalism in Arab countries This collection of essays written by an expert team of constitutional and comparative law scholars and practitioners provides an overview of the recent constitutional experience of Arab countries explores the potential and actual impact of Islam and Sharia on the notion of modern constitutionalism and offers insight into the ways in which Western ideals may be reconciled with the Islamic tradition

The Adventures of the Constituent Power Andrew Arato,2017-11-30 This book explores the democratic methods by which political communities make their basic law and the dangers associated with constitution making

Shia Islam and Politics Jon Armajani,2020-05-20 This book argues that ever since Iran s Islamic Revolution in 1979 which established a Shia Islamic government in Iran that country s religious and political leaders have used Shia Islam as a crucial way of expanding Iran s objectives in the Middle East and beyond Since 1979 Iran s religious and political leaders have been concerned about Iran s security in the face of the hostility and expansionism of the United States and other western countries and the threats from powerful neighboring Sunni leaders and countries While Iran s government has attempted to align itself with Shia Muslims in various countries such as Iraq and Lebanon against American and Sunni expansionism the Iranian government has attempted to religiously nourish and politically mobilize those Shias as a matter of principle not only because of the Iranian government s desires to protect Iran from external threats The book analyzes Shia Islam and politics in Iran Iraq and Lebanon which have among the largest proportional Shia populations in the Middle East and are vibrant centers of Shia intellectual life The book s clear and jargon free approach make it especially accessible for students and general readers who would like an introduction to the book s topics

Europe and the MENA Region Moosa Elayah,2022-04-25 This book provides an overview of the National Dialogue design process in fragile settings at the national regional and international levels in the MENA region It provides a comparative analysis at the international level by examining the Yemeni NDC 2013 with those of Afghanistan and Ethiopia and at the regional level focusing on Iraq and Tunisia It also goes beyond the traditional exploration of political and social conflicts by adding a rich theoretical layer of analysis of Humanitarian Aid and its contribution to war economies in the Arab region Finally it examines the news frames used in the coverage of the conflicts in the Middle East and North Africa and takes one step further to integrate a media lens by analysing the extent of the media coverage devoted to the Yemeni and Syrian wars by four prestigious European online news platforms This incisive book presents a radical contrast between the on ground reality of the conflicts in the region distinguished by various social political economic geographic and humanitarian challenges and its discordant abstract portrayal in European online media

The Kurdish Question Revisited Gareth Stansfield,Mohammed Shareef,2017-08-15 The Kurds once marginal in the study of the Middle East and secondary in its international relations have moved to centre stage in recent years The contributors to *The Kurdish Question Revisited* offer insights into how this once seemingly

intractable immutable phenomenon is being transformed amid the new political realities of the Middle East Regulating Religion in Asia Jaclyn L. Neo, Arif A. Jamal, Daniel P. S. Goh, 2019-03-28 Examines how law regulates religion and explores the influence of world religions on the legal systems in Asia including how religion responds to such regulations It looks at underlying norms influencing state regulation of religion and the challenges emerging from such regulation

Constitutions, Religion and Politics in Asia Dian A. H. Shah, 2017-10-26 As religious polarisation in society deepens political actors and policy makers have begun to struggle with questions on the role of the dominant religion and how religion influences constitutional commitments and development By focusing on Indonesia Malaysia and Sri Lanka Constitutions Religion and Politics in Asia demonstrates how constitution making and the operation of constitutional arrangements involving religion cannot be separated from the broader political dynamics of society Although constitutions establish legal and political structures of government institutions and provide tools for rights protection they do not operate in a vacuum divorced from the games of power and the political realities surrounding them Here Shah sets out how constitutions operate and evolve and demonstrates how constitutional provisions can produce unintended consequences over time A vital new source of scholarship for students and scholars of law and religion and comparative constitutional law and those interested in issues of constitutionalism and legal and political history in Asia **Arab Constitutionalism** Zaid Al-Ali, 2021-08-19 An insider s account and analysis of the largest concentration of constitutional reform since the end of the cold war

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