مجلة دراسات دوليّة

اسم المقال: العلاقات البين حكومية في العراق الفدرالي رؤية تقويمية للعلاقة بين بغداد واربيل
اسم الكاتب: أ.م.د. هشام حكمت عبد الستار، أ.م.د. أحمد عدنان كاظم
رابط ثابت: https://political-encyclopedia.org/index.php/library/7095
تاريخ الاسترداد: 2026/11/02 22:55 +03

الموسوعة السياسيّة هي مبادرة أكاديمية غير هادفة للربح، تساعد الباحثين والطلاب على الوصول واستخدام وبناء مجموعات أوسع من المحتوى العلمي العربي في مجال علم السياسة واستخدامها في الأرشيف الرقمي الموثوق به لإغناء المحتوى العربي على الإنترنت.
لمزيد من المعلومات حول الموسوعة السياسيّة - Encyclopedia Political، يرجى التواصل على info@political-encyclopedia.org

استخدامكم لأرشيف مكتبة الموسوعة السياسيّة - Encyclopedia Political يعني موافقتك على شروط وأحكام الاستخدام المتاحة على الموقع https://political-encyclopedia.org/terms-of-use

تم الحصول على هذا المقال من موقع مجلة دراسات دوليّة جامعة بغداد ورفده في مكتبة الموسوعة السياسيّة مستوفياً شروط حقوق الملكية الفكريّة ومتطلبات رخصة المشاع الإبداعي التي ينضوي المقال تحتها.

العلاقات البين حكومية في العراق الفدرالي رؤية تقويمية للعلاقة بين بغداد

أ.م.د. هشام حكمت عبد الستار*
أ.م.د. أحمد عدنان كاظم**
dr.hushamazawy @ gmail.com
Yaserahmed537@gmail.com

ملخص:

تشكل العلاقات البين حكومية العنصر الاساس في استقرار النظام السياسي في الدولة الفدرالية، فهي الركيزة الاساسية التي من خلالها يمكن للدول الفدرالية تجنب الازمات والمشكلات بين المركز والاطراف التي من شأنها تقود الى عدم الاستقرار، ومن ثم الى التفكك.

يختلف نمط العلاقات البين حكومية من نظام فدرالي الى آخر استنادا الى عدد من العوامل، من بينها: طبيعة النظام السياسي، البنية الاجتماعية ـ الثقافية، الاقتصاد الوطني وتوزيع عوائد الثروات الطبيعية، كذلك الخلفية التاريخية ـ السياسية التي صعدت من المطالب الداعية الى تبني الفدرالية.

تتلخص مشكلة البحث بنقطة اساسية مفادها: ان النظام السياسي العراقي يشهد حالة من الارتباك في العلاقة بين حكومة الاتحادية وحكومة اقليم كردستان التي تحتاج الى اعادة تنظيم والتقيد بالالتزامات القانونية التي تؤطر هذه العلاقة لتحقيق الاستقرار السياسي.

ارتكز البحث على فرضية مفادها: ان استقرار النظام السياسي وتطوره في الدولة الفدرالية التي تشهد تنوعا اثنيا ودينيا يعتمد على بناء علاقات ايجابية بين الحكومة الاتحادية وحكومات الاقاليم وتنظيمها في اطار دستوري واضح.

* كلية العلوم السياسية /جامعة النهرين.
** كلية التربية الرياضية /جامعة بغداد.

خلص البحث الى ان حل المشاكل بين حكومتي بغداد واربيل لا يمكن ان يتم من خلال الضغط المفروض على الحكومة الاتحادية او من خلال الاعتماد على العامل الخارجي، بل يكمن في تنمية الهوية الوطنية بوصف الاكراد جزء من الشعب العراقي، كذلك مراعاة المصلحة الوطنية لدولة العراق الفدرالي.

Some scholars who study federalism usually focus on the boundary problem. Federalism's boundaries are not the geographical boundaries drawn between the states. Although they sometimes compose important problems, another is prior: the authority boundaries defining governmental powers and obligations, drawn between the states and the national government.

The Iraqi Constitution of 2005 provided that the political system takes the form of a federal democratic union. The intergovernmental relationship between the federal government and the regional governments constitutes one of the essential points in achieving stability and ensuring national security.

Scope and limitation of the study: this paper attempts to provide a clear vision about the nature of the intergovernmental relationship between Baghdad and Erbil, how it is organized and what are the most important crises and problems afflicting, and how to address the state of the treatment and the implications for the stability and security of the political process in Iraq.

Statement of the Problem: the Iraqi political system is witnessing a state of confusion in the relationship between the federal government and the government of Kurdistan region that needs to be reorganized and abide by the legal commitment framing this relationship to insure political stability.

Hypothesis of the study: The stability of the political system and its development in federal states experiencing ethnic and religion diversity is based on building positive relationships between the federal government and the governments of the regions as well as organizing clear constitutional frameworks.

Method of Research: The Legal approach shall be adopted to examine the intergovernmental relations between the Federal

Government and the Regional Government as stipulated in the Constitution.

I. Federalism: Meaning and Concept

Federalism is clearly one of the most useful methods of power-sharing and conflict management in modern societies. It has been used successfully in twenty-five countries, embracing about 40% of the world's population[1], to contain the tensions that are endemic in non-homogenous societies. Indeed, federalism has offered, so far, the best hope of creating a more stable and harmonious polity, especially in societies that are deeply divided along ethnic lines as well as religion and linguistic.

In the late twentieth century, many efforts emerged to federalize previously centralized, dictatorial regimes by deconstructing the center and deconcentrating powers so as to reconstitute the polity on a federal basis[2]. However, the process is different. Federal systems emerged due to different circumstances. Each one of them was the result of a unique choice taken by the political leaders of that period, either for collecting the entities that were separate from each other and make them merge into one new state. Or to rearrange the countries that were independent of each other, but having common interests and common identity to join together in a state of federal union. Whilst some centralized states reached to adopt a federal option either as a result of their response to political pressure and demands for the achievement of democracy and then give more space for the recognition of the plurality of linguistic, religion and ethnic characterizing the people of a particular state. Or, it could be due to the presence of significant economic differences between the regions.

Regardless of the nature of the factors that influence the emergence of the federal state, the establishment of the Union aims to reconcile the two considerable foundations[3]:

---

[1] Ronald L. Watts, Comparative Federal Systems, 2nd edition, Queen's University, Kingston, Ontario: 2006, p. 1.

[2] Ann L. Griffths, Handbook of Federal Countries, McGill-Queen's University Press, Montreal & Kingston-London-Ithaca: 2005, p. 11.

[3] Ahmed Adnan Aziz, Federation and the Iraqi Experience, Political Issues, Vol. 39-40, College of Political Science, Alnahrain University, Baghdad: 2015, pp. 320-326. (Arabic)

- The notion of participation, which refers to the desire of the member states to unity in a federal union.
- The notion of autonomy, which refers to the desire of the member states to maintain their autonomy as much as possible.

Federalism is a system of government characterized by semi-autonomous states in a regime with a common central government; governmental authority is allocated between levels of government. As a system it is complex; it is comprised of multiple interacting governing units, each with its own preferences and decisions to make. The interaction between these governments produces system-level properties that are not properties of any individual unit on its own. In other words, federalism indicates that bond grouping several states waive outside their jurisdiction, and some of the internal independence to a single state made up of them all is the federal state. Therefore, the federal structure is to regulate the domestic jurisdiction of the state, because their associations between the states waive part of the domestic jurisdiction in favor of the State of the Union. Still federalism in the simplest sense means the organization of the state on the basis of the distribution of powers and authorities between the federal and the regional governments, where the federal government dominates the powers of national in character, and leaving the rest to the regional authorities.

The line drawn between the federal government and the regional governments is critical for generating the claimed benefits of federalism. This boundary of federalism delineates the authorities assigned to the national government and those held by the regional governments[1].

The distribution of powers among the federal authority and the authorities of the regions constituting the federal state have varied relating to the underlying degrees and kinds of common interests and diversity within the particular society in question. Different geographical, historical, economic, ecological, security, linguistic, cultural, intellectual, demographic and international factors and the

---

[1] **Jenna Bednar, The Political Science of Federalism, Department of Political Science, University of Michigan, jebdnar@umich.edu. 2011, p. 6**

interrelation of these have been significant in contributing to the strength of the motives of the union and the regional identity, and therefore have affected the particular distribution of powers in different federations[1]. In the mass, federal constitutions distribute powers in either of the following methods[2]:

1. Federal Constitution defines the limited terms of reference for all of the Federal authority and the authority of regional governments. The disadvantage of this method is that determining the terms of reference limited to both the federal government and the government of the regions will lead to a detailed Constitution in which it is considered to be incompatible with the nature of constitutions which hold the guideline of the public principles and foundations of the state, as well as the complexity of the public life and evolution preclude predict what may develop in the future, and that will raise the issue of the exclusive jurisdiction organized whether is it the federal government or the regional government.
2. Federal Constitution defines the terms of reference of the federal government, limiting its jurisdiction to a cretin point, and leaving the rest to the regional governments. This case is adopted in the Constitutions of the United States of America, the Swiss Confederation, Mexico and Argentina. However, with the developments occurred during practice, most of the federal states have tended to broaden the terms of reference of the federal government due to their fear of secession.
3. The Constitution specifies the powers of the regions and leaves the rest to the federal government and this is what has been adopted in the Constitution of India, Canada, and Venezuela due to their fear of excessive central orientations.

Regardless of the method adopted in the Constitution to determine the inter-governmental relationship, it is agreed upon that in all federal

[1] **Watts, op. cit., pp. 35-41.**

[2] **George Anderson, Federalism: An Introduction, Oxford University Press, Ontario: 2008, pp. 20-28.**

experiences there are aspects of the unitary state of the Union in the internal and foreign spheres[1]:

As for the external level:

a. The Federal State has the sole right to engage in international relations with other countries,
b. The Federal State has the sole right to represent the regions composing the Federal Union at the International Organizations,
c. The Federal State has the sole right to conclude treaties,
d. The right of diplomatic representation,
e. The declaration of war or peace.

While on the internal level, which is the range of our attention because of its association with the determination of the relationship between the Federal government and the Regional governments:

a. Federal Constitution alongside regional Constitutions
b. Federal Legislative Authority which is usually composed of two chambers,
c. Federal Executive Authority, although it differs depending on whether presidential or parliamentary political system.
d. Federal Judicial Authority, whose mission is to solve the problems that arise between the Federal government and the Regional governments.

II. A Glance on the Legacy of Federalism in Iraq

The term ***"federalism"*** was formally used for the first time in a resolution adopted by the Kurdistan elected parliament in October 1992, which stated that the representatives of the Kurdish people in Iraq have chosen federalism as the best formula for the relationship between the Kurdistan region and the central government in Baghdad, and that this resolution was based on the right of the Kurds to self-determination. Since then, the demand for federalism has become the national right which united Kurdish parties behind achieving it[2].

---

[1] Ihssan Hamied Almefreji, Constitutional Law and the Constitutional System in Iraq, 4th ed., Cairo: Alatak, 2010, pp. 104-106. (Arabic).

[2] Daham Mohammed Alazawi, The American Occupation to Iraq and the Dimension of Kurdish Federalism, 1st ed., Beirut: Aldar Alarabia Lil'ulum, 2009, pp. 45-46. (Arabic)

Indeed, this has reflected the will of the Kurdish people in coexistence with the rest of the Iraqi people in the framework of the Iraqi state, with important changes in the nature of the state which required the abandonment of the unitary structure to federally united state.

Prior to the resolution of the Kurdistan parliament, the opposition conference held in June 1992, gave an opportunity for the Kurdish parties to prove their ability to influence other Iraqi opposition factions. In that conference some of those factions, mainly the Iraqi National Congress demanded that terms such as the ***right to self-determination, federalism and autonomy*** to be present in any discussion of Iraq's political future. This case reiterated in Salahuddin conference held in Erbil in October 1992, which formed another station for the Kurdish leaders to mobilize the largest amount of federal support for their demand.

After the end of the armed conflict that broke out between the Kurdish parties, which spanned the period 1994-1998, the Kurdish leaders re-activated the federal goal as an essential political requirement to decide on the case of Kurdistan in the next phase, they presented their project strongly in subsequent opposition conferences, especially in the conferences of London, which was held in November 2002 and Erbil in March 2003, until the law actually passed in the State of Iraq for the transitional period[1].

III. Iraqi Constitutional Provisions Relating to Federalism

The Iraqi State Administration Law for the Transitional Period promulgated in March 8, 2004, stipulated that: "The system of government in Iraq is: republican, federal, democratic, pluralistic and being a power-sharing between the federal government, regional governments, provinces and municipalities, and local administrations. The federal system is based on geographic and historical realities and the separation of powers and not on the origin, race, ethnic or national basis or doctrine. Federalism shall be entitled to a group of provinces (with the exception of Baghdad and Kirkuk) that make up the

[1] For more details see: Hussein Mustafa Ahmed, The Kurdish Issue in Iraq (Present and Future), Political Issues, Vol. 39-40, College of Political Science, Alnahrain University, Baghdad: 2015, pp. 381-398. (Arabic)

territories in accordance with the law to be legislated by the Transitional National Assembly and to be ratified by a referendum of the people of the concerned province[1].

The Iraqi State Administration Law for the Transitional Period also recognized all authorities within the scope of the Federal Iraqi State: the executive authority (Government of Kurdistan Region), the legislative authority (National Council of Kurdistan) and the judicial authority, however, within the territories of the "provide comfort" zone which was imposed by the Security Council No. 688 in April 6, 1991 in the aftermath of Gulf War II[2].

Federalism was one of the most controversial issues when Iraq drafted its constitution, and the Iraqi federalism negotiations fundamentally resolved around balancing the powers between the federal authorities in Baghdad and the Kurdish regional government; which had been the De Facto government in Kurdistan since the end of the Gulf War II in 1991.

This system was enforced and became a constitutional procedure in the year 2005 as a way to face the inherent crisis in modern Iraq's history resulting from the lack of a political system through which powers could be distributed and the peculiarities of different ethno – sectarian communities could be included.

The permanent Constitution which gained the approval of the Iraqi people in the referendum was ratified and promulgated later in October 15, 2005 has recognized eighteen governorates and one region, Kurdistan, which encompassed three of these governorates entirely, as well as limited areas of other governorates. Iraq embraced an asymmetrical form of consociation federalism, and this refers to a power – sharing arrangements based on a group affinity, such as ethnicity, religion, national, etc. Asymmetric refers to the distinct amounts of powers wielded by governments at the federal and regional and governorates may join together to form regions[3].

---

[1] The Iraqi State Administration Law for the Transitional Period, 2004, Article (4).

[2] See The Iraqi State Administration Law for the Transitional Period, 2004, Article (53).

[3] Sharmila L. Murthy, Iraq's Constitutional Mandate to Justly Distribute Water: The Implications of Federalism, Islam, International Law and Human Rights, the Geo, Washington, Intl L. Rev. Vol. 42, 2010, p. 760.

However, federalism has not been clearly defined and there are several concerns about its form, structure, and limits[1]. The permanent Constitution of 2005 has stipulated under the Fundamental Principles mentioned in Section One that: "The Republic of Iraq is a single federal, independent and fully sovereign state in which the system of government is republican, representative, parliamentary, and democratic, and this Constitution is a guarantor of the unity of Iraq"[2]. The Constitution also stated in Chapter One of Section Five concerning the powers of the regions that: "The federal system in the Republic of Iraq is made up of a decentralized capital, regions, and governorates, as well as local administrations"[3]. The Constitution also stipulated that the Kurdistan region shall be recognized along with its existing authorities as a federal region, and that it shall affirm new regions established in accordance with its provisions[4]. In this case, the Constitution has recognized Kurdistan as an autonomous region ruled by its own authoritative institution. The Constitution also recognized the transformation of Kurdistan's status which was applied unilaterally from (*de facto*) to a legal status recognized constitutionally (de jure)[5]. Moreover, the Constitution has recognized the laws and decisions that have been issued by the Kurdish authorities since 1992 by stipulating that: "Legislations enacted in the region of Kurdistan since 1992 shall remain in force, and decisions issued by the government of the region Kurdistan, including court decisions and contracts, shall be considered valid unless they are amended or annulled pursuant to the laws of the region of Kurdistan

[1] Harith Alqarawee, Redefining a Nation: The Conflict of Identity and Federalism in Iraq, Vol. 2, France: Center Studies for Federalism, 2010, p. 33
[2] The Iraqi Constitution of 2005, Article (1).
[3] The Iraqi Constitution of 2005, Article (116).
[4] The Iraqi Constitution of 2005, Article (117) paragraphs (First) and (Second).
[5] Azad Othman, The Problem of the Southern Boundary of the Federal Kurdistan Region, a paper submitted to the conference: "Federalism in Iraq", organized by the College of Law and Political Science, Salahuddin University in cooperation with DePaul University and Kurdistan Office for Federal Studies, Erbil: 28-29 April, 2010.

by the competent entity in the region, provided that they do not contradict with the Constitution"[1].

The Kurdish Deputies demanded for a law to be enacted by the House of Representatives specifying a mechanism concerning the formation of Kurdistan Region and to be passed by a simple majority of the present members of the House. The said Law was initiated by House of Representatives under the Act No. (13) of 2008[2].

IV. Federal and Regional Shared Constitutional Powers

The Federal Constitution of Iraq defines the terms of reference of the federal government, limiting its jurisdiction to a cretin point, and leaving the rest to the regional governments. The aim of this was to prevent the return of tyranny and dictatorship, to the system of government in Iraq. These powers are stipulated under the Powers of the Federal Government in Section Four, that the Federal Authorities shall preserve the unity, integrity, independence, and sovereignty of Iraq and its federal democratic system[3]; and that the federal government shall have exclusive authority in the following matters[4]:

a. Formulating foreign policy and diplomatic representation; negotiation; signing and ratifying international treaties and agreements; negotiation; signing and ratifying dept policies and formulating foreign economic and trade policy.
b. Formulating and executing national security policy, including establishing and managing armed forces to secure the protection and guarantee the security of Iraq's borders and to defend Iraq.
c. Formulating fiscal and customs policy; issuing currency; regulating commercial policy across regional and governorate boundaries in Iraq; drawing up the national budget of the State;

[1] The Iraqi Constitution of 2005, Article (141).
[2] Mohammed S. Ahmed, Iraqi Federalism in the Light of the Constitution and Reality, a paper submitted to the conference: "Federalism in Iraq", organized by the College of Law and Political Science, Salahuddin University in cooperation with DePaul University and Kurdistan Office for Federal Studies, Erbil: 28-29 April, 2010. It is worth mentioning that the author of this paper was a formal MP.
[3] The Iraqi Constitution of 2005, Article (109).
[4] The Iraqi Constitution of 2005, Article (110).

formulating monetary policy; and establishing and administrating a central bank.

d. Regulating standards, weights, and measures.
e. Regulating issues of citizenship, naturalization, residency, and the right to apply for political asylum.
f. Regulating the policies of broadcasting and mail.
g. Drawing up the general and investment budget bill.
h. Planning policies relating to water resources from outside Iraq and guaranteeing the rate of water flow to Iraq and its just distribution inside Iraq in accordance with international laws and conventions.
i. General population statistics and census.

As for the shared powers between the federal authority and the regional authorities, the Constitution made it clear that all powers not stipulated in the exclusive powers of the federal government belong to the authorities of the regions and governorates that are not organized in a region[1].

The Constitution stipulated the shared powers between Baghdad and Erbil, the capital of Kurdistan region, and the regions that may emerge in future. These powers were named as follows:

a. Managing and extracting oil and gas from present fields, and formulating the necessary strategic policies to develop the oil and gas wealth in a way that achieves the benefit to the Iraqi people[2],
b. Antiquities and archaeological sites are under the jurisdiction of the federal government, and shall be managed with the cooperation with the regional and governorate authorities[3].

Moreover, customs, regulation of electric power, formulation of environmental policies, as well as public policies concerning education, health, water resources; are all competencies to be shared between the federal and regional authorities[4].

---

[1] The Iraqi Constitution of 2005, Article (115).
[2] The Iraqi Constitution of 2005, Article (112) paragraphs (First) and (Second).
[3] The Iraqi Constitution of 2005, Article (113), however, this article has not been regulate by laws as stipulated in the text.
[4] The Iraqi Constitution of 2005, Article (114), Paragraphs (First – Seventh)

Despite the identification of the joint powers between Baghdad and Erbil, the Constitution provides for the priority to the laws enacted under the jurisdiction of the regional and governorate authorities in case of a dispute occurs between federal and regional legislations[1].

V. Intergovernmental Relations between Baghdad and Erbil

In most federal countries, a considerable part of the intergovernmental affairs is carried out within the executives be it a Head of State or a Head of Government, Governors, and members of their cabinets, and official in the bureaucracy. This reflects the general tendency towards executive dominance in complex modern governments, but is especially true in the Westminster style federations, where the concentration of power is in the hands of executives is especially marked. This type of rule is labeled "Executive Federalism". Indeed, it is applied to the Canadian model of federation, and similarly adopted in Australia.

In some other federations, the legislative body plays a significant role. They do so in two ways: First, the second chamber in the legislature may represent regional governments and populations in the national parliament and thus provide a forum for representing and advocating regional interests in the national legislature. Second, elected legislatures may play a role in monitoring the executive's performance at the level of intergovernmental relations.

The first of these elements suggests that in federal systems that are made of strong second chamber representing the regions- that is, strong elements of "intra-state federalism". The second chamber will be the primary arena that will shape the intergovernmental relationship. A clear example of this model is the "Bundesrat", the second chamber of the German legislature. It is indeed a powerful body that speaks directly to the interests of the "Lander" in national policy making[2].

As for the case of Iraq, although federalism is said to be a helpful model to unlock changes through progressive decentralization, this

[1] The Iraqi Constitution of 2005, Article (115).

[2]For more details see: J. Peter Meekison (editor), Intergovernmental Relations in Federal Countries: A Series of Essays on Practice of Federal Governance, Gauvin Press, Gatineau, Quebec: 2007.

prospect, however remains distant given the apparent lack of political and popular support within the country[1]. Indeed, it may be said that Iraq is a too young federal system to assess the success and/or failure in federal state building, and it has to be distinguished from federation which refers to the whole structures in which self – rule, shared rule, partnership rule, and participating government. Nevertheless, Iraq has been practicing federalism for the past decade. It is now composed of two regions recognized by the Federal Constitution which was ratified in the year 2005. Iraq's federalism was perceived as a way to reduce centrifugal forces by participating all political and social groups in the regional and national governments. However, comparing with what has been mentioned earlier, the Federal Constitution has stipulated that the legislative body shall be consisted of the Council of Representatives and the Federal Council[2], and that the later shall be established basing on a decision enacted by the House of Representatives by a two-third majority vote[3]. In other words, the purpose of establishing the Federal Council, and its role and functions, as well as its powers has been completely dropped from the Constitution. The framers have left this case for the elected members of House of Representatives to shoulder this task which is somehow considered strange.

The House of Representatives has been performing its duties with the absence of the Federal Council. There is no doubt that the presence of this chamber would give greater importance to the legislative authority in the field of legislation and speaking for the federal regions.

The Iraqi Constitution has also left unaddressed and ill defined significant aspects of the division of competences between federal government and sub-federal entities, which have been the focus of intense disputes between Baghdad and the government of Kurdistan

[1] Barah Mikail, Avoiding Iraq's Fragmentation, Norway University, www.fride.org, 2004, p.4
[2] The Iraqi Constitution of 2005, Article (48).
[3] The Iraqi Constitution of 2005, Article (137).

region[1]. The natural resources issue is deeply intertwined with territorial disputes between the federal government and the Kurdish regional government or over adjacent – mixed areas such as Kirkuk, Mosul, Salahuddin, and Diyala provinces. These territories are ethnically mixed and rich in natural resources including Kirkuk; its super – giant oil field[2].

Indeed, the disputes over control of Iraq's natural resources have tugged at these centrifugal forces; thereby fueling tensions that the federal structure was designed to accommodate in order to solve it eventually[3].

[1] Massimo Moreli and Costantino, Oil, Federalism and Third-Party Intervention: An Assessment of Conflict Risk in Iraqi Kurdistan, Colombia University, 2014, p. 5.
[2] Ibid., p. 7
[3] Murthy, op. cit., p. 761.

VI. Assessment of Baghdad-Erbil Intergovernmental Relations

The Constitution has defined the shape of the relationship between the Federal Government and the Regional Government of Kurdistan in the form that determines the powers of the Federal Government and leaves the rest to the Kurdistan Regional Government. Moreover, the Federal Constitution has asserted that "priority shall be given to the law of the region.."[1] The Constitution has gone further in asserting that in case of a contradiction between regional and federal legislation in respect to a matter beyond the scope of the exclusive authority of the federal government, the regional power shall have the right to amend the application of the national legislation within that region, as well as determining the powers of the executive, legislative and judicial; the establishment of offices for the regions within the Iraqi embassies and diplomatic missions to follow cultural, social and developmental affairs. The Constitution also authorized the regional governments to take responsibility in all the administrative requirements, particularly the establishment and organization of the internal security forces for the region such as police, security forces, and guards of the region[2].

Indeed, the federal Constitution has circled the powers of the federal government to the degree that made it incapable of practicing full jurisdiction over the entire Iraqi soil. Although there were times where the two governments were able to come to partial solutions regarding the oil and gas problems, and postponing the issue of the disputed areas, still the question connected to the guards of the region (Peshmerga) composes a big problem that raises the concern of the Federal Government. This case came to surface when the Peshmerga forces deployed in Kirkuk due to the popular demonstrations and mass sit-ins that took place in the Sunni provinces to protest the federal government's policies without the knowledge of the Prime Minister of Iraq, the General Commander of the Armed Forces, which has no authority over these forces; moreover, the Iraqi Army was not able to secure the boarders between Kurdistan and Syria (which are the limits of the federal state) from the terrorist intruders.

---

[1] The Iraqi Constitution of 2005, Article (115).
[2] The Iraqi Constitution of 2005, Article (121).

The Kurdistan Government on its part has been on a quest to link its Region with the neighboring and other European and Asian countries through large investment projects and encouraging these countries to have diplomatic missions in Erbil, as well as sponsoring international exhibitions in different fields. The government of Kurdistan keens to participate in international conferences, all of which gives the impression that the Kurdistan Regional Government is preparing to stand on the Confederate threshold.

Conclusion

The Kurdish question in Iraq could to be an input for communication and cooperation as well as it may form integration with the federal government. It may also be a model for the rest of the Iraqi provinces looking forward to forming federal regions, instead of being a problematic political issue reflecting factors of instability.

It is of an error to conceive that the solution of the Kurd nationals, at the long range, be solved through pressure imposed on the Federal Government, or by depending on foreign factors. Indeed, it may be achieved through promoting national identity as part of the Iraqi people, as well as taking into account the national interest of the Federal State of Iraq. This requires an objective political participation that preserves its unity and keeps it away from the fear of fragmentation.

In order to reach into symmetrical relations between the Federal Government and that of Kurdistan, some important recommendations must be taken into account, such as:

1. Coordinating the power sharing between the federal government and the regions or provinces according to the provisions of the constitution and related legislatures in a manner that preserves mutual interests.
2. Reconsidering the provisions of the Federal Constitution concerning the Articles regulating the intergovernmental relations in a manner that eliminates the ambiguity and lack of clarity in the form of this relationship.
3. Reconsidering the provisions of the Federal Constitution concerning the relationship between the Federal and the Regional authorities in a manner that insures the priority of the

federal legislation, particularly in the common terms of reference.

4. The need for mutual understanding and consensus and alienating political disagreements through real participation in decision-making according to the Constitution.
5. Establishing the Federal Council as an upper chamber, enacting the law of oil and gas to resolve inter-fiscal problems, and implementing Article (140) concerning the disputed territories and historical claims.
6. Representing Iraq in the foreign sphere is an exclusive responsibility of the Federal Government.

The Intergovernmental Relations in Federative Iraq (An Assessment Vision to the Relationship between Baghdad and Erbil)

DR. Husham Hikmat Abdulsattar[•] DR. Ahmed Adnan Kadhim[••]

[•] **Assistant Professor, Faculty of Political Science, Alnahrain University.**
[••] **Assistant Professor, Faculty of Physical Education, Baghdad University.**

Introduction:

The intergovernmental relationship constitutes a fundamental element in the stability of the federal political system. Indeed, it is the essential foundation in which states avoid crises and problems that could lead to instability and to the possibility of secession. However, the pattern of this relationship is different from one federal system to another basing on a number of factors, amongst of which are: the nature of the political system, the social-cultural structures, national economy and the distribution of natural recourses, as well as the historical-political background that escalated the demands to adopt federalism.