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Federal versus Unitary States: Ethnic Accommodation of Tamils and Kurds

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ABSTRACT

This article contributes to the debate on whether federalism leads to ethnic accommodation and is peace-preserving through comparing the methods of ethnic accommodation in federal and unitary states. Rather than focusing on a large dataset, this article offers an in-depth picture of the role the two systems play in ethnic accommodation, offering a more nuanced understanding. The Kurds (Iraq and Turkey) and Tamils (India and Sri Lanka) have been chosen as they form territorial minorities in both federal and unitary states. The article suggests that federalist states offer a degree of acceptance toward political, cultural and economic equality with ethnic minorities. However, federalism may not be the cause of ethnic accommodation; it may be on the one hand the expression of a state willing to concede cultural, political and economic equality to an ethnic minority, or on the other hand induce such behavior. Thus, federalism without recognition of such equality does not guarantee ethnic accommodation.

Introduction

The majority of the literature that addresses both territorial autonomy and unitary states either has the purpose of detracting from territorial autonomy by arguing that it encourages secession,[1] or argues for the validity of territorial autonomy and that political institutions or arrangements, not federalism, are responsible for secessionist actions.[2] The debate is very similar in different contexts and cases: while proponents of federalism, or to a lesser degree, devolution and decentralization argue that such forms of division of power would soothe ethnic tensions or conflict, opponents argue that federalism would one way or another lead to secessionist claims.

Federalism is not a straightforward term to define due to the different types of federations it can encompass.[3] Without examining the many options that federalism holds, this article will borrow Elazar's often cited definition of federalism as incorporating "self-rule plus shared rule."[4] However, due to this study focusing on territorial minorities the self-rule is territorially defined on the ethnic groups' region, whilst shared rule is more operationalized in the central government.[5] In opposition, a unitary state is traditionally defined by a single government unit concentrated at the center under one constitution. However, there are variations to the traditional unitary state, such as a

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decentralized unitary state where "the state is not identified with the national government, but national, provincial and local governments are interpreted as compound, internally complex organic parts of the entire state."[6] Under this system the decentralized unit works under a framework set by the center, within this framework it is allowed to make its own decisions, however these can be vetoed by the central power. Additionally, unlike in a federation the autonomy granted through decentralization is not protected in the constitution and therefore can be revoked. Federations also usually, but not always, offer more autonomy than a decentralized or regionalized unitary state. In addition, where territorially based ethnic minorities are concerned decentralization is often seen as a step toward federalism, thus closely linking the two. Moreover, decentralization in a unitary state with territorial ethnic minorities is rarer than the system of a traditional unitary state.[7]

Ethnic accommodation refers to a diverse set of institutional arrangements and policies that reflect mutually agreed forms of recognition and interaction among political elites and groups divided across ethnic lines. There has been very little comparative analysis of how federal and unitary states favor (or not) ethnic accommodation and instead the focus has been on whether they are conflict-resolving and secession-preventing. Bermeo does however study ethnic accommodation across 112 territorial minorities between 1945 and 1989 using the dataset from Gurr's *Minorities at Risk*.[8] In Bermeo's analysis, federal states scored better than unitary states under all six markers—armed rebellion, political discrimination, economic discrimination, political grievances, economic grievances, and cultural grievances.[9] Thus, according to their findings, federal states better accommodate territorial ethnic minorities than unitary states. Moreover, Bakke, in her comparative analysis of Punjab, Chechnya and Quebec, argues that federalism can indeed be a cure for ethnic conflicts, while warning that there is no one-size-fits-all decentralized fix to divided societies.[10] According to Bakke, successful decentralization in ethnically divided societies is conditional on the region's ethnic make-up and wealth. For instance, rich minority regions are more likely to demand fiscal autonomy in addition to cultural autonomy since their resources make them able to provide public goods. If this institutional mechanism is not established, self-determination incentives would be more likely such as in the case of Catalonia.

This article contributes to this on-going debate on whether federalism leads to ethnic accommodation and is peace-preserving, by providing a more detailed comparison of the actual methods of ethnic accommodation in federal and unitary states through an analysis of case studies rather than a dataset. As a consequence, the article is based on the examination of far fewer territorial minorities, with a focus on offering an in-depth picture of the role the two systems play in ethnic accommodation. The Kurds and Tamils have been chosen as they form territorial minorities in both federal and unitary states, thus enabling a direct comparison of the two systems. The Tamils will be examined in the federal state of India and the unitary state of Sri Lanka. Whereas, the Kurds will be analyzed in the unitary state of Turkey and under their federal arrangement within Iraq. Although the Kurds also form a territorial minority under de facto territorial autonomy in Syria, this case study has been discounted due to the fact that it is not a formal federal arrangement, the dynamics of Syria limit the central government's capacity to enact its non-accommodating policies on Kurds, and finally because the

territorial arrangement is too recent to adequately analyze accommodation.[11] Correspondingly, the Kurdish territorial minority in the unitary state of Iran has been omitted due to the peculiar political structure of the Islamic Republic.

This article will use three markers to gauge the level of ethnic accommodation in the chosen case studies—namely political, economic and cultural inequality amongst the territorial minorities, what Stewart refers to as "horizontal inequalities."[12] Political inequality will examine the level to which the territorial minorities are denied political means to negotiate their grievances. Economic inequality will be used to examine the level of economic disparity between the territorial minorities and majority groups. Cultural inequality will analyze the level of repression cultural aspects of the territorial minority face and to what extent the majority group's culture is privileged over that of the minority. The level of armed conflict and secessionist behavior will also be analyzed in order to understand whether there is a correlation between their presence and lower levels of ethnic accommodation, and whether the elements are more present in federal or unitary state systems.

Through using comparative case studies rather than a dataset and through focusing on the cases rather than the systems, the article adds to the debate in a far more nuanced way. As a result, the article argues that ethnic accommodation is indeed more successful in federal states but more particularly we argue that ethnic accommodation is not necessarily an outcome of federalism but rather accommodative and reconciliatory approaches by the majority political elite pave the way toward federal institutional mechanisms in order to consolidate ethnic accommodation. As the cases of the Tamils in India and the Kurds in Iraq demonstrate, when the minority group does not challenge the state's nationalism as defined by the majority, or the state's nationalism is weakly articulated, federal arrangements become a method to manage ethnic conflict. On the contrary, when the position of the minority group is incompatible with the definition of state's nationalism, federalism or decentralization is not a policy option and demands for autonomy continue to feed conflict dynamics, as the cases of Sri Lanka and Turkey demonstrate. Moreover, the federal solution does not mean that ethnic minorities accept the full integration and renounce their identity claims, but rather federalist arrangements can account for channeling such identity claims into institutional politics rather than armed struggle, thus acting as a conflict-preventing mechanism.

This article will begin by examining the Tamils in Sri Lanka and then India, before going on to examining the Kurds in Turkey and Iraq. Following the case studies a discussion on the level of accommodation across the three markers in both federal and unitary states and similarities and differences will be drawn out in order to address Bermeos's original argument and complement it in light of a micro level analysis of the phenomenon.

Tamils in Sri Lanka

During British rule no pan ethnic movement with sustained activities that extended beyond elites and managed to mobilize the population was created. As a result, Tamils and Sinhalese formed nationalisms that were incompatible with one another.[13] Sinhalese nationalism in particular, focused on past glories of Sinhalese civilizations and of

Buddhism and created an exclusive national identity that placed them in opposition to Christians, Muslims and Tamils.[14] In this vein, when Sri Lanka (named Ceylon at the time) gained its independence from the British in 1948, the first-past-the-post electoral system paired with the lack of minority protection created a political system of ethnic outbidding.[15] In this system the two main Sinhalese parties' strategy was to outbid each other on what they could deliver to the Sinhalese population, which occurred at the expense of the Tamil population. Such competition, within an already existing framework of Sinhalese ethnic nationalism, has been responsible for a number of unaccommodating policies. The outbidding process began with language policies and the 1956 elections ended up being fought on a Sinhala only platform. Thus, following the elections an act was passed making Sinhala the only official language of Sri Lanka. With no ethnic protection, majoritarian principles were used to deny Tamils official language recognition, and thus denying the Tamils a political means of confronting the issue.

In light of the growing ethnic divisions an agreement was reached in 1957 for Tamil to become a recognized minority language and to be used for administrative purposes in the Tamil-majority provinces, however this was repealed in 1958.[16] The promise of small gains with regards to Tamil autonomy, only to be later repealed and harsher policies implemented due to ethnic outbidding was a growing pattern in Sri Lankan politics.[17] Tamil autonomy was seen as a direct threat to Sinhalese national identity.[18] The privileging of Sinhala over Tamil did not just harm Tamils culturally, but also had a huge economic impact as the percentage of Tamil workers employed by the government drastically decreased. Policies such as making the language of the courts Sinhala only and limiting the number of Tamils allowed entry into universities further exacerbated the problem. Moreover, the new constitution passed in 1972 made Buddhism the religion of the state, thus discriminating against the mainly Hindu Tamils. This also institutionalized the already articulated idea of national identity being exclusively Sinhalese and Buddhist.[19]

At the same time, successive governments also developed policies of settling Sinhalese in the Tamil-majority Eastern Province. As a result, ethnic tensions and conflict rose sharply in these areas due to the fact Tamils feared they were losing their majority. The government's reaction involved increasing the presence of the, largely Sinhalese, armed forces, which only acted to embolden Sinhalese settlers to act against Tamils. The violence, displacement and settling of Sinhalese changed the demographics of the region from a Tamil to Sinhalese majority.[20] The polarization of Tamils led to the creation of many militant armed youth groups in the 1970s—one being the Liberation Tigers of Tamil Eelam (LTTE). The main Tamil political party, the Federal Party, alongside other parties, formed the Tamil United Liberation Front (TULF), previously the Tamil United Front, in order to unite the various Tamil factions and in their first national convention TULF called for the establishment of a separate Tamil state. Thus, Tamils went from accepting the unitary state, to calling for federalism, to demanding a separate state, all due to the continued policies that denied ethnic accommodation.[21] As a direct result of the privileging of the Sinhalese and the oppression and political sidelining of the Tamils, Tamil secessionism grew.

The lack of political means for Tamils to negotiate their grievances only got worse in 1978 when Sri Lanka introduced an Executive Presidency system giving President

Jayawardene immense power in an authoritarian system where any form of dissent was punished. In 1979 Jayawardene passed the Prevention of Terrorism Act, which allowed for suspects to be held for 18 months without trial, and under this law many Tamils were imprisoned and tortured, thus further radicalizing the population.[22] Jayawardene completely controlled the parliament and limited any political means of opposing his policies. Moreover, in 1982, instead of holding another election he called for a referendum, which was not conducted fairly, to give him another term. The economic liberalization policies introduced by Jayawardene retracted many of the state systems that Tamils relied upon as rural, agricultural-based, dwellers. Moreover, the foreign aid received by Sri Lanka in its drive toward capitalism was directed largely in favor of Sinhalese. These policies privileged Sinhalese over Tamils and widened the economic disparity between the two, particularly as the economic growth and development was largely concentrated in Sinhalese-majority areas.[23]

Following the ambush of an army patrol by the LTTE, in which 13 soldiers were killed, in July 1983 anti-Tamil protests and pogroms happened across the island. Not only did this exacerbate ethnic tensions, but the government also did nothing to ease the situation. A significant moment in the conflict was when Jayawardene enacted the Sixth Amendment, which required an oath of allegiance to the unitary state of Sri Lanka. The TULF MPs quit parliament, thus giving Tamils no political representation. As a direct result the LTTE came to the fore as the main representatives of Tamils and political means of struggle no longer became an option.[24] Moreover, the continuous oppression of Tamils and the lack of opportunities for the youth led a large body of disgruntled Tamils willing to take up arms against the state. The LTTE attacked rival groups and either incorporated them into their forces or obliterated them and thus the LTTE were able to form a de facto Tamil state.[25] Under their rule Tamils were further oppressed, as not only did they face the state's economic drain, but also that of the LTTE.

Additionally, the civil war between the state and LTTE meant the Tamil population was living in a warzone and suffered further consequences and many left the Tamil provinces and Sri Lanka. The previous broken promises from the state on autonomy, paired with the LTTE's lack of will for a political settlement led to conflict with no end in sight. The army increased their actions against the Tamils, with no regard to loss of innocent lives or human rights. In 2006 the army gained control of the Eastern Province and in 2009 the army's increased actions led to the LTTE retreat with 100,000 civilians being used as a human shield. However, this did not stop the army and they bombed indiscriminately leading to the death of over 20,000 civilians. Following the LTTE's military defeat, the army continued to obliterate them completely and Sri Lanka has been accused of numerous war crimes.[26]

Following the defeat of the LTTE, it was business as usual for the Sri Lankan state's oppression of the Tamils and the military occupation of the Northern Province continued. During the war the army took over large swathes of land and declared it high risk zones, a pattern that continued after the war. Moreover, land was seized for the creation of military bases, training camps, power plants and various business interests—including the development of holiday resorts—where there were no gains for the population. Additionally, despite the end of the war, the disappearing of people continued. There

has also been the creation of many statues and monuments in the north, with descriptions in Sinhalese and English only, celebrating the Sinhalese victory over the Tamils, alongside the erection of Buddhist temples and statues, thus completely ignoring Tamil culture, language, and religion. Politically, although various promises have been made with the new government, Tamils still are extremely disadvantaged politically and do not have the ability to adequately address their grievances.[27]

As this brief overview illustrates, the case of Tamils in Sri Lanka shows the prevailing of non-accommodating policies on behalf of the state toward the ethnic minority. Institutional arrangements toward granting degrees of autonomy to the Tamils were repeled throughout history and left the minority to confront a growing discrimination in the country. Non-accomodation toward the Tamils can be explained by referring to both Sinhalese nationalism and the relations between Sinhalese and Tamil political projects. Sinhalese political actors saw the state as an instrument through which to guarantee Sinhala Buddhist identity and interests. It is on this principle of non-accomodation that a unitary state was formed and through which the institutions of the state were utilized to further Sinhalese interests and limit Tamil interests.[28] In turn, Tamil political demands have been perceived as a threat to the (Sinhalese) state, resulting in the rejection of forms of territorial autonomy or federalism.

The perceived irreconcilability between the majority and minority political projects is responsible for the non-accommodating policies in Sri Lanka rather than the institutional arrangements implemented (or not) in the country. The Tamils in Sri Lanka have constantly been denied political, cultural and economic equality with the Sinhalese. As a result, Tamils have gone from accepting one state to demanding the creation of a Tamil state, and thus the lack of ethnic accommodation of Tamils in Sri Lanka has created the conditions for secessionist ideologies to come to the fore. Moreover, the lack of ethnic accommodation and the political means to address this has resulted in an armed struggle, which has claimed many lives. In Sri Lanka the unitary state system has exacerbated ethnic nationalism, conflict, and has led to the radicalization of the political demands on behalf of the Tamils. Despite successive promises to address the political system, land loss, and the continued acts by the army against Tamils, it still remains an extreme disadvantage to be a Tamil in Sri Lanka, marking the failure of ethnic accommodation in the country.

Tamils in India

Historically the Tamil identity was incorporated into the wider Indian nationalist project—an important point that separates India from the Sri Lankan case. Even during British colonial times the Indian National Congress (INC) party used Tamil language and culture for mobilization with the aim of creating support for Indian nationalism and in turn, Tamil interests and issues also became part of Indian nationalism.[29] This created the roots whereby Tamil identity, despite being distinct from the wider Indian identity, is perceived as compatible with it and, most importantly, not a threat to it and the Indian political project.[30] As we shall see, this opens the possibility for accommodating policies toward the Tamil minority, which culminated in the creation of a federalist system.

Tamil nationalism in India emerge and began as an anti-Brahmin[31] movement in response to the political dominance of the Brahmin, who were seen as outsiders. In 1937 when Hindi was introduced as a mandatory subject in schools the Justice Party rallied Tamils to protest and managed to reverse the decision to make Hindi an optional subject. This success led to the Justice Party's leader, Ramaswamy Naicker, to begin calling for a separate Tamil state. In 1944 the Justice Party was renamed Dravida Kazagham (DK) and began to seek a separate independent Dravidian Republic.[32] DK revitalized Tamil culture by reviving old writings, encouraging new Tamil literature and by attempting to take the Hindu religion and the Sanskrit out of Tamil language and literature. However, some members split from the party in 1949 and formed a new party, Dravida Munnetra Kazagham (DMK), which soon overtook DK in popularity largely due to its support by many famous Tamil actors.[33]

In 1956 India's federal system was reorganized along linguistic lines, largely to deal with the growing ethnic separatist movements, thus giving Tamils a federal state.[34] However, as already noted, this was compatible with the established idea of pan Indian nationalism, and the INC had already adopted linguistic units.[35] Correspondingly, in the 1957 and 1962 elections the call for a Dravidian Republic was not a central issue in the DMK's campaign, but rather there was a focus on socioeconomic issues. Partly due to the success of the DMK in the 1962 elections the Sixteenth Amendment to the Indian Constitution was adopted in 1963, which aimed to quell secessionist demands by making members of public office pledge to uphold the constitution and the sovereignty of the Union. Following this amendment, the DMK denounced their former aim of a separate republic, voicing the already practiced reality that they had seized to be secessionist and instead aimed for regional power and targeted socio-economic issues of the Tamils. The change in DMK's vision of Tamil nationalism made it compatible with INC's vision of pan Indian nationalism and connected to the historical development of identity both in Tamil Nadu and wider India.[36]

Nonetheless, the Tamils never renounced their identity claims. For instance, in 1965, the central government announced that on Republic Day, Hindi would become the official language of India and as a result there were protests across the country, with the most violent happening in Tamil Nadu. Even so, the protests were not secessionist in nature, but rather anti-Hindi. As a result of the growing tensions the government made regional languages equal to the national languages of Hindi and English. The DMK managed to capitalize on the anti-Hindi sentiments and won the 1967 elections making them the leading party in Tamil Nadu, although the secessionist principles that they were founded on had long receded and the DMK very much represented Tamil nationalism in the federal sense.[37] The DMK and the All India DMK, which was formed from a split from the DMK, thus used populist politics in order to win votes after they could no longer rely on a secessionist platform. Their policies relied on either an upward mobility platform or one reliant on social welfare, whilst still strengthening Tamil cultural aspects. These parties, both based on Tamil ethnic identity have represented Tamils since 1967, thus firmly giving Tamils the political means to tackle any grievances, which they have done mainly focusing on issues of caste, language, and religion.[38] Economically, the state of Tamil Nadu has vastly improved with a GDP performing in

the top three Indian states in recent years, whilst Tamil culture is in a strong position due to the various regional policies enacted by the Tamil political parties.[39]

In the case of Tamils in India the granting of territorial autonomy through the creation of Tamil Nadu and the devolution of some powers from the center eroded the secessionist desires. As Kohli states "Once national leaders made important concessions (though within firm limits) and the DMK achieved its major goal of securing increased power, realpolitik concerns took over and mobilizing ideologies slowly lost their relevance for guiding governmental actions."[40] Ethnic accommodation, through the creation of a federal region of Tamil Nadu rid Tamil politics of secessionist tendencies and armed rebellion. The Minority Rights Group argues that the autonomy granted in Tamil Nadu is responsible for the success of the ethnic accommodation, which in turn has led to the socioeconomic gains made and Tamil Nadu can be seen as a beacon of success for ethnic accommodation in India.[41] However, the granting of a federal arrangement for Tamils is also the result of a historical process whereby a separate Tamil identity was never seen as a threat to the INC, indeed it was something they highlighted through their own policies and actions.

In short, the implementation of federalism and the political institutions that are paired with this arrangement have given the political actors in Tamil Nadu the ability to ensure ethnic accommodation. Although secessionist policies are what Tamil politics was based and formed on, the granting of federalism to Tamils as a territorial based ethnic minority paired with ethnic accommodation killed off these aims and Tamil political parties had to turn to populist politics in order to win votes. Moreover, when the Indian federal government tried to take away the autonomy gains made by Tamils and used coercive means to answer protests, violence flared.[42] However, although federalism has guaranteed a political means to ensure ethnic accommodation, ethnic accommodation of Tamils has been a central pillar in the establishment of a pan Indian identity from colonial times right through to independence. As argued by Rasaratnam, accommodative politics produced accommodative institutions and national unity was created on the basis of ethnic accommodation.[43]

Kurds in Turkey

The creation of modern Turkey was based on the ideology of Kemalism, which, similar to the case of Sinhalese nationalism in Sri Lanka, is built on the premise of establishing the primacy of Turkish identity and thus the eradication of non-Turkish identities in the country.[44] Since the fall of the Ottoman Empire was believed to be the result of its multi-ethnic and multi-religious character, the founders of modern Turkey considered any multi-ethnic and multi-religious social fabric as a threat to the unity of the state and nation. Thus, the survival of the new Republic, founded on the ruins of the Ottoman Empire, depended on a centralized and unitary state with a single nationhood.[45] In the constitution of Turkey there is no recognition of, or reference to, ethnic minorities.[46] Officially, the Turkish state only recognizes non-Muslim communities such as Armenians and Jews as the minorities of Turkey. Since the majority of Turks and Kurds share the same religion, Islam, Kurds were not given any official minority status. Yet, despite Islam being the unifying factor, the Turkish identity and language became

the defining feature of the state.[47] After the creation of modern Turkey, all Kurdish schools, organizations and publications were banned in 1924.[48] Although Kurds were accepted as citizens of Turkey, they were considered Turks without recognition of Kurdish language, culture, and history.[49]

In the initial years of the Republic, there were a few anti-state rebellions by various Kurdish tribes and communities such as the Sheikh Said rebellion in 1925 and the Dersim rebellion in 1937–1938.[50] These mobilizations were mostly against the administrative centralization under the unitary state and assimilationist policies of the new nation-building process based on "the Turk."[51] As part of the assimilation policies, Law No. 2510 was introduced in 1934 with the aim of eradicating the Kurdish identity and language. It divided Turkey into three zones of classification—Turkish majority areas, into which Kurds could be assimilated; areas with a non-Turkish majority, which could be settled with Turks; and those areas to be completely evacuated, the mountainous Kurdish region.[52] Illustrating the incompatibility of incorporating Kurdish identity claims in the state's nationalism, the infamous motto of this new nation-building process was "Happy is the one who calls himself a Turk."[53]

Although the Republic was able to suppress the anti-state rebellions in the first half of the 20th century, Kurdish political activism and mobilization continued in the second half of the century, which finally led to the foundation of an insurgent group, the Kurdistan Workers' Party (known as the PKK) in the late 1970s. The PKK, led by Abdullah Ocalan, began a brutal low-intensity conflict with the Turkish military in the early 1980s with the aim of establishing an independent socialist Kurdish state.[54] Since the early 1980s, the conflict between the PKK and the Turkish state has claimed the lives of more than 40,000 people. The PKK began its insurgency based on the Marxist-Leninist ideals of statehood but it later changed its political agenda from independence to democratic autonomy, which seeks to empower local governance and rejects altogether the idea of a centralist nation-state.[55] This change was the result of both external factors such as the fall of the Soviet Union and the lack of international support and internal factors such as the ideological evolution of Abdullah Ocalan and the internal debates within the PKK.[56]

In parallel to suppressing the Kurdish insurgency and fully in line with the objective of depriving the Kurds of any ground for recognition, Turkey left the Kurds little institutional and economic space. The Turkish electoral system was restricted to the pro-Kurdish legal political parties since the 1980 military coup, when a 10% election threshold was introduced. Any political party unable to pass this threshold could not—and still cannot—be represented in the parliament. To circumvent such a constraint, in the 1990s many Kurdish activists and candidates for parliament tried to enter parliament as independent candidates rather than as candidates of the pro-Kurdish political parties. This electoral restriction on the pro-Kurdish politicians was overthrown with a historic win in the 7 June 2015 general elections when the pro-Kurdish Peoples' Democracy Party (HDP) received around 13% of the total votes—a success mostly due to the popularity of Selahattin Demirtas, then the co-chair of HDP, who boldly and moderately called for meaningful peace and democracy in Turkey.[57] Yet, the 10% election threshold remains a significant political restriction on pro-Kurdish representation in the Turkish parliament in particular and Turkish politics in general. Following the

narrow victory of the "yes" vote in the referendum held on 16 April 2017 transforming Turkey in a presidential system, the political space for Kurdish representation in Turkish politics has further shrunk. In addition to political marginalization, the economic peripheralization of Kurdish majority areas added a further dimension to the process of assimilation and oppression.[58]

The Kurds of Turkey continue to live under and oppose a highly centralized Turkish state. Kurdish nationalism feeds on Turkish exclusionary policies and rests on a social construction of the (Kurdish) nation that has historical depth and regional breadth. The presence of Kurdish minority groups in neighboring Syria, Iraq and Iran has also represented an external threat to the territorial integrity of Turkey, determining decades of maneuvering and interference in the regional chessboard. Both these aspects provide Kurdish nationalism with a thickness that can hardly be perceived as compatible with Turkish nationalism. Even when the Kurdish political agenda moved from secessionist to federalist/decentralized claims, the Kurdish and Turkish political projects remained antagonistic.

Assimilation, cultural oppression and linguistic exclusion have been the main social engineering mechanisms of the Turkish state throughout the 20th century, preventing any ethnic accommodation. In this context, federal institutional arrangements have not been an option for channeling accommodating policies. The absence of political intent toward this end has even excluded decentralization as a workable option for peace enhancement. Decentralization is referred to in the European charter of local self-government. Although Turkey signed (1988) and ratified (1992) the charter, it refrained from some of its significant clauses with regards to financial and administrative autonomy from the central state. As a result of this, the Kurdish question in Turkey remains as a conflict generating factor in a unitary state advancing ethnic assimilation rather than ethnic accommodation. Despite the intermittent conflict resolution attempts between the Turkish state and the PKK such as the recent unsuccessful peace process (2013–2015) under the ruling government of Justice and Development Party of President Recep Tayyip Erdogan, the conflict still continues and the peaceful resolution of Turkey's "Kurdish Question" remains the most fundamental challenge of contemporary Turkey.[59] Political, cultural and economic discrimination on behalf of the Turkish state lays down the conditions for the continuation of the Kurdish armed rebellion. Concurrently, the failure of each peace talks round increased the irreconcilable stance of both Kurdish and Turkish political projects that institutional arrangements such as federalism and decentralization cannot mitigate.

Kurds in Iraq

In the post-Ottoman political setting, Iraq was governed under the monarchical rule of the Arab Hashemite dynasty (1921–1958), which was also a British mandate until 1932. In this and the following period, the state and nation-building process in Iraq was primarily based on an Arab identity, culture, and history. Pan-Arab unity with other Arab states in the Middle East was also an aspiration and a political agenda pursued, at least nominally, by the Arab elites. Within this political environment, Iraqi nationhood struggled to find a compromise between the concept of *wataniya,* emphasizing an

overarching Iraqi citizenship which was tolerant to cultural diversity in the new state and reference to *qawmiyya,* the primacy of Arabness over other identity traits––both used at times to instrumentally serve power-seeking post-colonial elites.[60] Iraq is no exception to a broader trend that, according to Roger Owen, sees the Middle Eastern state having "a special and problematic relationship with another constructed entity, the nation."[61]

Kurdish uprisings against the monarchical Hashemite dynasty in the first half of the 20th century such as the Sheikh Mahmud Barzanji rebellion in the 1920s and Mullah Mustafa Barzani uprising in 1943 challenged Baghdad's exclusionist policies toward the Kurdish culture and identity in northern Iraq. Clashes over the identity texture of northern Iraq intensified as the country gained independence from the United Kingdom and moved from being a monarchy to a Republic. In the post-monarchical era, the Kurdistan Democratic Party (KDP) in the leadership of Mullah Mustafa Barzani was able to gain partial recognition from Baghdad especially under the rule of General Abd al-Karim Qasim (1958–1963). But further demands for Kurdish autonomy were rejected and the Kurdish-Arab relations turned more conflictual and violent under the rule of Saddam Hussein who took over the Ba'ath Party in 1979. The apex of these deteriorating Arab-Kurdish relations was Saddam's use of chemical weapons against Kurdish civilians in the town of Halabja in 1988 in the midst of the Iran-Iraq War.[62]

Kurds were only able to establish their cultural and physical security from Baghdad after the Gulf War (1990–1991), when the United Nations established a safe no-fly zone north of the 36th parallel in northern Iraq. In the shadow of US protection, Kurds became de facto autonomous from the Baghdad government. Kurdish de facto autonomy turned into an institutionalized federal region––the Kurdistan region of Iraq––following the toppling of the Saddam regime in 2003. The US invasion and occupation of Iraq led to a new social contract translated into the 2005 Constitution of Iraq where Kurds were officially recognized and given the authority to rule themselves in northern Iraq (the three provinces of Erbil, Duhok and Sulaymaniyah) in a federal system, whilst the rest of the country remained largely under *de facto* central rule, despite the introduction of decentralization measures, such as law 21 of 2008.[63]

The position of the Kurdish minority in Iraq is in many ways similar to that of their counterpart in Turkey until 1991. The post-1991 arrangements and the federal formula adopted in the 2005 constitution broke a pattern of suppression and discrimination and opened the way for the Kurdish process of region-building (often referred to as nation-building by its promoters). The federal arrangement following the invasion and occupation of Iraq in 2003 benefited from path-dependence (more than a decade of de-facto self-rule), but above all, it was rendered possible by a weak Iraqi nationalism that following the end of the regime of Saddam Hussein found itself incapable of articulating a powerful political project encompassing the whole country and population. Framed in a Shia-centric process of statebuilding, a weak Iraqi nationalism was compounded by the capacity of the Kurdish leadership to use their economic, political, and cultural strength to project its power vis-à-vis the center and obtain even more than what the federal arrangement established. From a political perspective Kurds have been instrumental in the formation of all governments at the central level, often acting as kingmakers in the formation of the new cabinet. Moreover, the Kurds have held the presidency in Iraq

since 2005 and have enough power to generally prevent legislation that goes against their interests, as well as a de facto veto over constitutional change.[64]Additionally, Kurdish language and cultural references have been fully accommodated at the national level and they have prevailed regionally. Similarly, Kurdish economic interests have had the opportunity to strive unchallenged in the KRI during the economic boom of 2008–2013 while the oil price crisis of 2014 hit the region drastically also due to Baghdad's budget withdrawal, which impaired the possibility of the KRI to continue financing its enormous public sector.

Despite division along party lines,[65] the Kurdish political elite has striven to form a state within a state[66] After 2003, developments in the political, security and economic spheres have transformed the Kurdistan Region of Iraq into a quasi-state, with specific arrangements regarding its security forces (the Peshmerga), its borders, and internal administration. The memories of Anfal (Halabja) and of the oppression under an extremely authoritarian system within the unitary state of Iraq pre-2003 remained fresh in the post-2003 era. Kurds joined the new federal Iraq under international pressure but remained reluctant to tie their long-term future to the Iraqi state. Thus, the Kurdish desire for independent statehood remained strong. The Nouri al-Maliki era (2006–2014)—typified by its authoritarian and centralized tendencies—did little to tame this desire or prove to the Kurds that their future lay within the borders of Iraq.[67] The post-Maliki era of Haider al-Abadi (2014–2018), despite being less confrontational, remained nonetheless tainted by unresolved disputes between the federal and regional government.

Most importantly, the near collapse of the Iraqi state at the hands of the Islamic State in 2014 gave further leverage to a growing elite-led Kurdish independence movement: the near failure of the Iraqi state was seen in Erbil as an additional justification for a Kurdish state. Tension heightened around the referendum on Kurdish independence on 25 September 2017 where 92 percent of the population voted in favor of separation from Iraq. With no international support, the reaction of the federal government to the referendum did not alter the federal structure, but rather eliminated all those prerogatives that the KRI obtained from 2003 onwards.[68] Although secessionist tendencies remain strong amongst the Kurds of Iraq, this cannot be blamed on federalism, but rather the history of Iraq, the lack of an inclusive Iraqi nationalism (unlike the Indian case), and the reluctance of the Kurds to join the new Iraq in the first place (with federalism being a plaster on an already open wound). At the same time, although federalism has helped facilitate ethnic accommodation, it cannot be seen as entirely responsible for it and the post 2003, anti-Baathist, dynamics from which it emerged have to be taken into account.

Despite the transgressions of Maliki, the ethnic accommodation of Kurds in post-2003 Iraq largely remained intact within and beyond the federalist system. This occurred as the Iraqi Arab Sunni population faced growing exclusion at both the political, social, and economic levels. The ethnic accommodation of the Kurds in Iraq can thus be seen as instrumental at a time when the articulation of a new state project in Iraq was facing most pressing challenges both in its ability to guarantee territorial integrity and effective state capacity. In this context, the Kurdistan region has deepened its own source of legitimacy in a nationalist form that continues to stand in opposition to

the Iraqi state as a unitary one. However, the federalist arrangement and the significant political, cultural, and economic privileges which it grants channeled Kurdish claims in Iraq into institutional demands and appeased the armed (secessionist) struggle.

Federal vs. unitary states: discussion and concluding remarks

In all four cases, ethnic minorities, being Tamils or Kurds, share a troubled relationship with their respective states, which developed throughout a history of competing forms of nationalism. In Sri Lanka, Tamil nationalism was born out of political, cultural and economic exclusion and in opposition to Sinhalese nationalism which was exclusive even in colonial times. The lack of ethnic accommodation of Tamils in Sri Lanka has created the conditions for secessionist ideologies expressed through armed struggle. A similar fate is shared by Kurds in Turkey, who despite having moved from a secessionist to a federalist/decentralized political agenda have cyclically resorted to armed struggle to deal with state discrimination. On the contrary, the creation of Tamil Nadu, a federal state for the Tamils in India eroded the secessionist desire of the population who without renouncing their identity claims transformed Tamil nationalism in a federal sense in an overall environment granting political and economic opportunities. However, the history of an inclusive broader Indian nationalism is an important factor that has to be taken into account. Without this broader inclusive nationalism, the Kurds joined the post-2003 federal Iraq, making the most out of such institutional architecture while still aspiring to an independent statehood.

Accommodation of territorially-defined ethnic minorities—Tamils and Kurds— has been more successful in India and Iraq, compared to Sri Lanka and Turkey, thus, on the surface at least, leaning toward the argument that federal institutions are more likely to compromise with the presence of ethnic minorities. In line with Bermeo's argument, however, this article also argues that "Federalization is not a panacea and federalism is no guarantee of peace—or of anything else."[69] Indeed, the comparative case studies analysis highlights a number of factors that need to be kept in consideration when evaluating which system is less prone to the negative effects of an ethnically-based civil conflict.

First, the unitary states under analysis—Sri Lanka and Turkey—show two tendencies: a single strong nationhood accompanied by a majoritarian rule and strong presidentialism (in Turkey only since 2017). Both these factors have heightened the demands of ethnic minorities, Tamils and Kurds, who confronted uncompromising forms of government with a tendency toward authoritarianism. Both the referendum called by Jayawardene in 1982 and the one called by Erdogan in 2017 epitomize the uneasy bond between the respective leaders and the presidency of the respective political system. A qualifier then can be added to Bermeo's argument: unitary states with a tendency toward authoritarianism are less likely to introduce ethnic accommodation mechanisms. Their reliance on an exclusive form of nationhood serves then as a justification for harsh repression, which is not expected to shake the foundation of the state.

Second, the federal states under analysis—India and post-2003 Iraq—scored better in terms of ethnic accommodation and ethnic minorities there, Tamils and Kurds, have suffered less in terms of political, economic and cultural inequality. India and Iraq

confirm Bermeo's argument that federalist states tend to better accommodate ethnic minorities, sometimes because once a degree of autonomy is granted it is difficult to withdraw it. Whilst we stand by this argument, the comparative analysis presented in this article points to a further element worth considering. Ethnic accommodation mechanisms in federal states do not lead to ethnic minorities fully accepting the integration as a federal unit and renouncing their identity claims, there are other factors at play. The holding in 2017 of an independence referendum for Iraqi Kurdistan is evidence of still strong claims for a Kurdish state. However, federalist arrangements may account for channeling such identity claims into institutional politics rather than armed struggle. Indeed, "Successful accommodation involves not the elimination of all conflict but rather the elimination of violent conflict and the lessening of the conditions that might spark violence in the future."[70] Whereas, in India, federalism was paired with a historical pan nationalism that was inclusive, and indeed celebrated, the Tamil identity.

Overall, our analysis shows that federalism provides better ethnic accommodation mechanisms. Tamils in India and Kurds in Iraq largely benefited from the political, economic, and cultural opportunities under federal institutions. Yet, instead of embracing an either/or approach in the debate on whether federalism soothes ethnic tensions or leads one way or the other to secession, we argue that federalism tends to be a result of accommodative approaches to begin with rather than ethnic accommodation being a result of federalism per se. In India, Indian nationalism was not necessarily structured with an antagonistic content against Tamil identity. In Iraq, the protracted one-man rule surrounding Saddam and the fear his Baath regime embedded in the Iraqi population led to a more accommodative and reconciliatory approach among Kurds, Shias, Sunnis and others in the post-2003 order. The adoption of federalism was a result of this accommodative and reconciliatory environment after the fall of Saddam. In the post-Saddam order, there was no adoption of an exclusionary Arab nationalism within which the Kurds have benefited and which led to the adoption of the federal constitution in 2005.

Overall, while we confirm that federalism tends to accommodate ethnic tensions (particularly soothing violence and civil war) better than unitary states (Turkey and Sri Lanka in our cases), we further argue that federalism can be seen as an outcome of accommodative mechanisms (particularly more inclusive and less antagonistic nationalisms) in the first place. In the unitary states of Turkey and Sri Lanka, Kurdish and Tamil identities respectively have been seen as "a threat" to the majority nation and the state, thus a window of opportunity for federalism has always been dim. If the way Turkish and Sri Lankan nationalisms were constructed would be less antagonistic toward Kurdish and Tamil identities, federalism would be more likely to be an option for ethnic accommodation.

This nuanced view on federalism has important repercussions on the policy debate concerning post-conflict contexts. Over the last two decades, at least, the debate on post-conflict reconstruction has been significantly informed by institutional approaches, emphasizing the importance of institutions as a guarantor of a peaceful transition. Without neglecting their importance, the article contends that institutions alone do not count for either conflict-inducing or peace-enhancing behaviors. Although in India and Iraq there is a better political, cultural and economic position of Tamils and Kurds

compared to Sri Lanka and Turkey, federalism may not be the cause of ethnic accommodation. It may be on the one hand the expression of a state willing to concede cultural, political and economic equality to an ethnic minority, or on the other hand induce such behavior. Thus, federalism without recognition of such equality does not guarantee ethnic accommodation. In short, the type of state that offers minorities territorial autonomy, is more than likely also willing to accommodate their cultural, political and economic equality.

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