Federalism (Federation) as a Method of Ethnic Conflict Regulation¹

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Definition

Federalism is a normative political philosophy that recommends the use of federal principles, i.e. combining joint action and self-government (King 1982). ‘Federal political systems’ is a descriptive catchall term for all political organizations that combine what Daniel Elazar calls ‘shared rule and self-rule’. Federal political systems, thus broadly construed, include federations, confederations, unions, federacies, associated states, condominiums, leagues, and cross-border functional authorities (Elazar 1987). Federations, with which this chapter is concerned, are very distinct federal political systems (Watts 1998; Watts 1987), and are best understood in their authentic, i.e. representative, governmental forms. In a genuinely democratic federation there is a compound sovereign state, in which at least two governmental units, the federal and the regional, enjoy constitutionally separate competencies - although they may also have concurrent powers. Both the federal and the regional governments are each empowered to deal directly with the citizens, and the relevant citizens directly elect (at least some components of) the federal and regional governments. In a federation the federal government usually cannot unilaterally alter the horizontal division of powers - constitutional change affecting competencies requires the consent of both levels of government. Therefore federation automatically implies a codified and written constitution, and normally is accompanied at the federal level by a supreme court, charged with umpiring differences between the governmental tiers, and by a bicameral legislature – in which the federal as opposed to the popular chamber may disproportionately represent, i.e. over-represent, the smallest regions. Elazar emphasises the ‘covenantal’ character of federations, i.e. the authority of each government is derived from the constitution rather than from another government.

Federations put at least some political power beyond the control of state-wide majorities - they constrain the state’s demos - but the degree to which this is done varies (Stepan 2001: 340-57). The United States, Australia and Brazil allow equal representation to each of their regions in the federal chamber, which means massive over-representation for the smaller ones. Other federations also over-represent less populous units, but not to this maximalist extent. Federations also differ in the policy scope of the federal chamber, with some, such as the US Senate being extremely powerful, while others, including those in Canada, India, Belgium and Spain, are much weaker (Watts 1999: 93-4). Constitutional change can be blocked by individual regions in some instances, although normally this requires a coalition of regions. The federal principle of separate competencies says nothing about how much power each level should enjoy, and federations in practice are more or less decentralized. Regions in some federations may enjoy less power than those in decentralized unitary states. The constitutional division of powers (even as interpreted by the courts) is not an accurate guide to the degree of decentralization. Some powers may have fallen into abeyance, or the superior financial and political resources of one level (usually the federal) may allow it to interfere in the other’s jurisdiction. A better indicator of the degree of decentralization is the proportion of public spending that is under the control of the respective levels. ²

A key distinction for our purposes is that federations can be multi-national/multi-ethnic or national in character. In the former, the boundaries of the internal units are drawn in such a way that at least some of them are controlled by national or ethnic minorities. The first such federation was Switzerland, established in 1848, and the second, Canada, established in 1867. The Indian subcontinent was divided after decolonisation into the two multi-ethnic federations of India and Pakistan. Africa has three federations: Nigeria, Ethiopia, and South Africa (although the last is an unofficial federation). The three communist states of the Soviet Union, Yugoslavia and Czechoslovakia were organised as federations, and the Russian Republic (RSFSR), one of the constituent units of the Soviet Union, was itself organized along federal lines. These communist federations were not authentically representative, that is, they did not bestow genuine democratic self-government on their minorities. More recently, Belgium has evolved into a federation. So has Spain, although, like South Africa, it is not officially designated as a federation.³ While the three communist federations of Eastern Europe fell apart in the early 1990s, Yugoslavia still hangs

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together (barely) as a dyadic federation incorporating Serbia and Montenegro, and Bosnia became a federation under the internationally enforced Dayton Agreement of 1995. Russia has been transforming itself into a democratic federation since 1991, although the quality of its democracy remains open to question. Both Euro-optimists and pessimists think that the European Union (EU) is developing into a multi-national federation. Multi-national federations have been proposed for a significant number of other divided societies, including Afghanistan, Burma, China, Cyprus, Georgia and Indonesia.

National federations are either nationally homogeneous (or virtually so) or organised, often consciously, in such a way that the state’s national minorities are also minorities within each of the constituent units. The intention behind national federalism is nation-building, the elimination of internal national (and perhaps also ethnic) differences. The paradigmatic example of a national federation is the United States. Its model was adopted by the Latin American federations of Mexico, Argentina, Brazil and Venezuela. Germany, Austria, Australia, Malaysia and the United Arab Emirates are also national federations. American intellectuals often suggest national federalism as a way to deal with ethnic heterogeneity in post-colonial societies.

Table: National and Multinational Federations

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<th>National federations</th>
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<th>Multinational Federations</th>
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* Pakistan (prior to the secession of Bangladesh)

Federations should be distinguished from confederations, although the two are sometimes confused. The former is a compound state with citizenship and a single international personality while the latter is a union or alliance of (independent) states, established usually for a limited set of purposes such as defence or economic cooperation. Federal governments have a direct role in the lives of their citizens, while confederations normally interact with the citizens of their member-states indirectly through the
governments and bureaucracies of these states. As confederations are much looser unions than federations, they are more likely to have decision-making rules based on unanimity. It is also (formally) easier to leave a confederation than a federation. The distinction between federation and confederation, however, is not as clear as it once was. Some federations allow their constituent units a role in international relations. Both Canada and Belgium permit constituent units with French-speaking populations to sit in La Francophonie, the league of French-speaking states.7 As a result of a recent ruling by Canada’s Supreme Court, each of its provinces now has a constitutional right to secede, providing certain procedures are followed.8 From the other direction, the European Union, which originated as a confederation, has been developing federal characteristics. Since the Maastricht Treaty, there has been EU citizenship, and the Brussels bureaucracy is increasingly having an impact on the lives of these citizens. The EU’s dominant decision-making rule is shifting from unanimity to majority rule, a process that will be hastened if the recent Treaty of Nice is ratified.9

Here, we are concerned with multi-national and multi-ethnic federations. We begin by presenting the debate on the value and feasibility of such federations. We then examine their track-record in mitigating conflict. The chapter ends with an analysis of the factors that contribute to their success and failure, and with an explanation of the circumstance in which federations occur.

The Debate: Nationalism and Federalism in Practical Political Design and Argument
There are four important positions on the value of federation as a method of accommodating national and ethnic minorities, all of which have had an important effect on the policy of particular states.

i) Jacobinism/Unitarism: Federalism as Nation-Destroying
In the French revolutionary tradition, associated with the Jacobins, federalism was part of the counter-revolution, thoroughly hostile to the necessity of linguistic homogenisation, a road-block in the path of authentic, indivisible, monistic popular sovereignty. In his report to the Committee of Public Safety of January 1794 Barère declared that ‘Federalism and superstition speak low Breton; emigration and hatred of the Republic speak German; the counterrevolution speaks Italian, and fanaticism speaks Basque’ (de Certaus et al. 1975: 295, cited in Brubaker (1992: 7)). Rather than accommodating minorities through self-government, the Jacobins sought cultural assimilation; they were determined to make peasants into Frenchmen; and therefore they were deeply hostile to all forms of accommodation that inhibited this goal, including federalism. The Jacobin response to diversity was a strong unitary state and a single French people.

This tradition survives in contemporary France, where it is central to the myth of the French Republic. Federalism, with its multiple governments, is seen as incompatible with equal citizenship and a single sovereign people. This is not simply a concern about regional governments creating uneven (‘patchwork quilt’) public policy provisions. Many French also cannot understand or accept the federal principle whereby citizens who live in regions with small populations are over-represented at the expense of those in more populous regions, and they have difficulty with the federal idea of a judicial umpire who can over-rule the people’s elected representatives. Both facts explain the French astonishment at George Bush Jr. being elected U.S. president in 2000 with fewer votes than his opponent (a result in part of the disproportionalism inherent in the Electoral College), and the election being effectively decided by the U.S. Supreme Court. (Ferenczi 2001).10

French republicans think that the accommodation of minorities and ethnocentrism go together.11 It will lead to regressive government and discrimination against internal minorities, and it will institutionalise and reinforce divisions, endangering national/state unity. These views are voiced by the left and right. Communists claim that the French government’s proposals to give self-government to Corsica will undermine ‘solidarity between Corsican and French workers, who can only defend their interests by working together’, and will lead to discriminatory measures against those on the island who are not of Corsican descent.12 The French interior minister, Pierre Chevenement, resigned in reaction to the proposals, protesting that they would lead to an ‘island ruled by an underworld that spends three-quarters of its energy settling accounts and internal battles’. While the Corsican proposals do not amount to federation, both Chevenement and the French president, Jacques Chirac, attack them as leading in that
direction: Apparently, Brittany, Alsace, Savoy, as well as French Basques and Catalonians, will follow Corsica’s lead (Ferenczi 2001: 42).14 Ultimately, in the Jacobin view, the alternative to assimilation is state break-up, with the additional risk of ethnic cleansing and Matroschka-doll secessions as the principle of ethnic nationalism takes hold.

The Jacobins’ view that unitarism is needed for unity, if not always their support for civic equality and popular sovereignty, is replicated throughout the world. It was the dominant view in Britain until recently, particularly among Conservaitves. Most ex-colonies in Africa and Asia, in spite of (or, rather, because of) the fact that they are ethnically heterogeneous, have shunned federalism as an obstacle to economic development and political stability, and prefer unitary structures instead. Leaders in Africa, Asia, and the Caribbean distrust federalism precisely because it provides secessionist opportunities. The kleptocratic Mobutu only offered federalism as a model for Zaire as his power-base was collapsing. Tunku Abdul Rahman only offered federation with Singapore because he shared Lee Kuan Yew’s fears of a communist take-over. Post-colonial state-builders’ antipathy to federalism is now matched amongst the intellectuals and governing elites of Eastern Europe, who regard it as a recipe for disaster, given the Czechoslovakian, Yugoslavian and Soviet experiences. Federalism is their ‘f’ word. The recent emergent principle of international law, stemming from the report of the Badinter Commission on the former Yugoslavia, that permits the disintegration of federations along the lines of their existing regional units, is in some people’s eyes likely to strengthen the belief that federation should not be considered a desirable form of multi-national or multi-ethnic accommodation (Horowitz 1998).16 Several Eastern European states have been moving in the opposite direction in recent years, replacing multi-national federations with what Brubaker calls “nationalizing” states, that is, states that are tightly centralized and controlled by, and in the interests of, their dominant national community.

Ironically, the Jacobin argument that federalism is incompatible with nation-building is shared by ‘hard’ minority nationalists. They concur that nation and state should be congruent, although they disagree on where the boundaries of the nation-state should be. This is the position of Quebec’s governing Parti Quebecois, particularly the faction around the ex-Premier Jacques Parizeau, and of Basque Nationalists in Euskal Herritarok. It is also the view of the Turkish Cypriot leadership under Rauf Denktash, the Chechens, and the Liberation Tigers of Tamil Eelam. Minority hard-liners seek independence, although some are prepared to consider confederation.17

ii) National Federalism: Federalism as Nation-Building
Unlike the French, who see (state) nationalism and federalism as inconsistent, some exponents of federalism think that (state) nationalism and federalism go together. These ‘national federalists’ are exemplified by the first exponents of federation in its modern form, for whom its prime function was ‘to unite people living in different political units, who nevertheless shared a common language and culture’ (Forsyth 1989: 4). The earliest federalists in what became the Netherlands, in the German-speaking Swiss lands, in what became the USA, and in what became the second German Reich, were national federalists. They maintained that only an autonomous federal government could perform certain necessary functions that confederations or alliances found difficult to perform, especially a unified defence and external relations policy (Riker 1964). They advocated federation as a tool for nation-building and sometimes saw it as a stepping stone towards a more centralised unitary state. The USA may serve as the paradigm case of national federalism, which has been imitated by its Latin American counterparts, in Mexico, Brazil, Venezuela, and Argentina.

Americans have little difficulty with what the French consider the illiberal ‘demos-constraining’ features of federalism: radical decentralization (or non-centralization); the over-representation of small states in upper chambers, electoral colleges and constitutional amending formulas. In fact, one comparativist has argued that the United States competes with Brazil for the title of the world’s most demos-constraining federation (Stepan 2001: 334). The attractiveness of demos-constraining institutions reflect the American stress on liberty over equality. The American founding myth is of colonies that won independence from empire. They reject the strong state favoured by French republicans and praise federalism precisely because it diffuses power to multiple points. American experts on federalism, such as W. Riker, argue that the demos-constraining features of American federalism are liberal because they
protect individuals from populist majorities (Riker 1964). Americans insisted on a federation for post-war Germany, because they were convinced it would make a resurgence of fascism less likely. The view that federalism is essential to liberty is central to American discourse, in spite of the abysmal track-record of federalism in all of the Latin American federations, as well as in Pakistan, Nigeria and the USSR.

America’s founding fathers took the position that federalism was only antithetical to nation-building, if it was of the multi-ethnic, or ‘ethnofederal’ (Snyder 2000: 36) variety. As the United States expanded southwestward from its original homogeneous (except for black slaves) thirteen colonies, it was decided that no territory would receive statehood unless minorities were outnumbered by White Anglo-Saxon Protestants (WASPs) (Kymlicka 2000). Sometimes, the technique employed was to gerrymander state boundaries to ensure that Indians or Hispanics were outnumbered, as in Florida. At other times, as in Hawaii and the southwest, statehood was delayed until the region’s long-standing residents could be swamped with enough WASP settlers. American authorities were even skeptical of immigrant groups concentrating in particular locations lest this lead to ethnically-based demands for self-government, and grants of public land were denied to ethnic groups in order to promote their dispersal (Gordon 1964: 133). As a consequence, the US federation shows ‘little coincidence between ethnic groups and state boundaries’ (Glazer 1983: 276). National federalism was part and parcel of American nation-building (Beer 1993), aiding the homogenisation of white settlers and immigrants in the famous melting pot of Anglo conformity (Gordon 1964), and was evident in the writing of The Federalist Papers (Madison et al 1788/1987: paper II). However, in the case of blacks in the southern states until the 1960s (i.e., until nearly a century after slavery was abolished), American federalism facilitated control rather than nation-building. Blacks, ironically, would have been better served by centralized political structures than they were by federalism. Control was largely dismantled as a result of the combined intervention, starting in the 1950s, of the federal (central) judicial, executive and legislative branches of government.

America’s experience with federalism has informed an interesting argument on how federalism can be used to manage divisions in contemporary ethnically heterogeneous societies. The argument is put forward by Donald Horowitz (1985: chs. 14 and 15), who builds on earlier work by S.M. Lipset (1960), and indeed, on an important American tradition that goes back to James Madison. Horowitz suggests that federations can and should be partly designed to prevent ethnic minorities from becoming local provincial majorities (See also Elazar 1994: 168). The thinking here recommends weakening potentially competing ethno-nationalisms: federalism’s territorial merits are said to lie in the fact that it can be used as an instrument to prevent local majoritarianism (which has the attendant risks of local tyranny or secessionist incentives), the provincial borders of the federated units on this argument, should be designed on ‘balance of power’ principles – proliferating, where possible, the points of power away from one focal centre, encouraging intra-ethnic conflict, and creating incentives for inter-ethnic co-operation (by designing provinces without majorities), and for alignments based on non-ethnic interests. This logic is extremely interesting, but empirical support for Horowitz’s argument seems so far confined to the rather uninspiring case of post-bellum Nigeria. In most existing federations to re-draw regional borders deliberately to achieve these results would probably require the services of military dictators or one-party states. Already mobilised ethno-national groups do not take kindly to efforts to disorganise them through the re-drawing of internal political boundaries. Belgium may, however, become an interesting exception to this scepticism: the Brussels region, created in the new federation, is neither Flemish or Wallonian, and perhaps its heterogeneity will stabilise inter-national relations in Belgium, because Flanders will not secede without Brussels and there is presently little prospect of Brussels obliging Flanders.

American republicans share with French republicans the view that minority nationalists are backward, a ‘revolt against modernity’ (Lipset 1985) or people who ‘tend to subordinate all free government to [their] uncompromising position’, and that it is both counterproductive and unnecessary to accommodate them (Elazar 1994: 128-9, 163-4). This view, ironically, may have been strengthened by America’s own experience, in the Deep South, of southern whites using their control of state governments to oppress blacks. America’s experience with a disastrous civil war over secession has also attuned its intellectuals to the centrifugal potential of federalism, particularly when regions are controlled by distinct cultural communities. Eric Nordlinger, one of the first American political scientists to take an interest in ethnic conflict regulation, rejected the use of federalism as an instrument for accommodating minorities as
he feared it would lead to state break-up and the abuse of power by ethnocentric minorities (Nordlinger 1972: 32-33). 22

Reflecting these sentiments, a number of prominent American intellectuals have argued that the break-up of the former communist federations and the chaos that accompanied this, can be traced squarely to their ethno-federal structures. 23 Rogers Brubaker argues that the Soviet regime went to ‘remarkable lengths, long before glasnost and perestroika, to institutionalize both territorial nationhood and ethnocultural nationality as basic cognitive and social categories. Once political space began to expand under Gorbachev, these categories quickly came to structure political perception, inform political rhetoric, and organize political action’ (Brubaker 1996: 9). The implication is that (at least some of) these divisive identities did not exist before the Soviet Union federated and would not have come into play had the Soviet Union not federated. In Snyder’s view, ‘ethnically based federalisms … create political organizations and media markets that are centered on ethnic differences’. According to him, the decision to establish ethnofederations in the Soviet Union, Czechoslovakia, and Yugoslavia was unnecessary (Snyder 2000: 327): ‘Arguably, ethnofederalism was a strategy of rule actively chosen by its Communist founders not a necessity forced upon them by the irresistible demands of ethnic groups’ (ibid). 24 The results of ethnofederalism were straightforward: only the communist federations broke up and ‘nationalist violence happened only where … ethnofederal institutions channelled political activity along ethnic lines (USSR and Yugoslavia)’ (2000: 252).

iii) Federalism as Nation-transcending
A third perspective holds that federalism is capable of dismantling all national allegiances, including minority and majority nationalisms. It comes in two different variants. The first is represented by several nineteeth century federalists, notably Joseph Proudhon and Carlo Cattaneo, who were resolutely hostile to nation-state nationalism (Majocchi 1991: 162), and many twentieth century federalists, notably within the European movement (see e.g. Bosco 1992: Part Three). Such federalists have been, and are, resolutely anti-nationalist, associating both state and minority nationalisms with ethnic exclusiveness, chauvinism, racism, and parochially particularistic sentiments. For them federalism belongs to an entirely different cooperative philosophy, one that offers a non-nationalist logic of legitimacy, and an antidote to nationalism rather than a close relative. This viewpoint was most clearly articulated by Pierre Trudeau - educated by Elie Kedourie at the LSE - before he became Canadian Prime Minister. In an article entitled ‘Federalism, Nationalism and Reason’ Trudeau squarely associated federalism and functionalism with reason, nationalism with the emotions (Trudeau 1968 (1965)). Thinkers like Trudeau regard federalism as the denial of and solution to nationalism, though occasionally they adopt the view that federalism must be built upon the success of nationalism which it then transcends in Hegelian fashion (Majocchi 1991: 161). In effect they echo Einstein’s reported remark that nationalism is the measles of mankind. 25

A related perspective is represented by the Austro-Marxists, Karl Renner and Otto Bauer, who proposed it in the last days of the Habsburg empire (see e.g. Bauer 2000; Hanf 1991; Pfabigan 1991). 26 Lenin, Stalin, and their colleagues in the course of Soviet state-building pressed their arguments, in a suitably bowdlerised format, into service. In the Soviet Union, federalism was to be used to offer a limited accommodation to minority nationalism, but only towards the end of building a socialist society. Minorities were to be offered the fiction, but not the fact of, national self-government. 27 While this policy was superficially similar to that of multi-national federalists, to be discussed below, Marxist-Leninists were, of course, formal cosmopolitans, committed to a post-nationalist global political order. However, pending the world revolution, they maintained that federal arrangements, ‘national in form, socialist in content’, were the optimal institutional path to global communism.

iv) Multi-national Federalists: Federalism as multi-nation building
Multi-national or multi-ethnic federalists, by contrast, advocate federation ‘to unite people who seek the advantages of membership of a common political unit, but differ markedly in descent, language and culture’ (Forsyth 1989: 4). They seek to express, institutionalise, and protect at least two national or ethnic cultures, often on a permanent basis. Any greater union or homogenisation, if envisaged at all, is postponed for the future. They explicitly reject the strongly integrationist and/or assimilationist objectives of national and post-national federalists, and see these, negatively, as nation-destroying rather than nation-
building. They believe that dual or multiple national loyalties are possible, and indeed desirable. Multi-national federalists represent a third branch of liberalism, one that is distinct from both the French variety (federalism breeches civic equality), and the American variety (national federalism promotes individual liberty). For multi-national liberals, a proper understanding of liberal individual rights requires respect for the culture of individuals, and this respect requires allowing minorities the power to protect and promote their culture (Stepan 1999: 31-32; Kymlicka 1995). Unlike unitarist and national federalists, multi-national federalists reject the view that minority-controlled governments are, a priori, more backward or illiberal to minorities than majority-controlled governments. Both Keating and Kymlicka stress that minority nationalisms are as likely to be of the civic variety as dominant nationalisms, while Keating argues that minority nationalisms are modern rather than backwards – a democratic response to the shift in power from the state to the global marketplace (Kymlicka **; Keating 2001).

Multi-national federalism has considerable support among contemporary academics, including Hechter (2000), Linz (1997), Keating (2001), Kymlicka (1995), Moore (2001), Stepan (1999), Watts (1999), and ourselves (1993). Some supporters make quite remarkable claims for federalism. Political scientist Klaus von Beyme, referring to western democracies, argued in 1985 that ‘Canada is the only country in which federalism did not prove capable of solving … ethnic conflict’ (von Beyme 1985: 121). Others are more modest: Kymlicka supports multi-national federalism normatively, while acknowledging it faces considerable difficulties in practice ((Kymlicka, 2001: Ch. 5? ). Multi-national federalists have been influential in the development of federations in the former British Empire, notably in Canada, the Caribbean, Nigeria, South Africa, India, Pakistan, and Malaysia. They influenced Austro-Marxists and Marxist-Leninists, and have had an enduring impact in the post-communist development of the Russian Federation, Ethiopia, and the rump Yugoslavia. While unitarists have been in the ascendancy in eastern Europe, multi-national federalism has been more popular in western Europe, as the decisions to create federations in Belgium and Spain (and quasi-federal institutions in the United Kingdom and France) attest to. Multi-national federalists are often soft minority nationalists, but they also include state elites who believe that accommodating national minorities holds the key to stability and unity. They include the Quebec Liberal Party, the Basque Nationalist Party (PNV), and the Catalan Convergencia I Unio. The most ambitious multi-national federalists of our day are those who wish to develop the European Union from its currently largely confederal form into an explicit federation, a ‘Europe of the nation-states and a Europe of the citizens’, as the German foreign minister recently urged at Berlin’s Humboldt University (Fischer 2000). 28

Multi-national federalists reject the view that every minority wants a state. They argue that if the provincial borders of the components of the federation match the boundaries of the relevant national, ethnic, religious or linguistic communities, i.e. if there is a ‘federal society’ congruent with the federating institutions, then federation may be an effective harmonising device. That is precisely because it makes an ethnically heterogeneous political society less heterogeneous through the creation of more homogeneous sub-units. Multi-national federalism thus involves an explicit rejection of the unitarist and national federalist argument that self-rule for minorities necessarily conflicts with the territorial integrity of existing states. It is also a prima facie challenge to the tacit Gellnerian notion that in modern times the equilibrium condition is one sovereign state, one culture (or nation). If we treat broadly the ‘political unit’ in Gellner’s definition, to encompass regional or provincial units in a federation, then his theory can accommodate such arrangements, but at the significant concession of recognising that such federal systems are compatible with dual and possibly multiple nationalities.

National minorities and their intellectual backers often argue that they should have powers beyond those enjoyed by federal units belonging to the national majority. They support asymmetrical federalism. In addition, they may seek to share in powers that are normally the prerogative of the centre: some minorities seek a role in foreign policy, or to to be directly represented in supranational organizations. This is not the same as supporting confederation, as the minorities may be content for most purposes to remain part of a single composite state. However, it clearly pushes beyond traditional federations and in the direction of confederation. 29

Multi-national federations may originate from the union of previously self-governing ethnic communities, as happened in the case of Switzerland. However, in other cases, multi-national federalists
may engage in deliberate democratic engineering to match certain ascriptive criteria with internal political borders. This occurred at the time of Canada’s founding, when the province of Canada was divided largely along linguistic lines into Ontario and Quebec. It also happened in post-independence India, especially after Nehru conceded re-organisation of internal state borders along largely linguistic boundaries (Arora and Verney 1995; Brass 1990). Nigeria has re-organised its internal boundaries on several occasions, to the advantage of certain minorities. Whereas its original tri-partite federation was dominated by the Ibo, Hausa and Yoruba groups, its current thirty-six state structure includes fourteen states that are dominated by other groups (Suberu, 2001: 5). Switzerland carved a new canton of Jura (largely French and Catholic) out of the mostly German-speaking canton of Berne in 1979.

Plainly this defence of federation as a way of managing nations – to each nation let a province be given - is not able to accommodate those minorities that are so small in number or dispersed, that they cannot control federal units or provinces. This includes francophones who live outside Quebec, Flemish-speakers in Wallonia, Francophones in Flanders; and small and scattered indigenous peoples in Australia, India and the Americas. An alternative option in these cases is to engage in what is called ‘corporate’ federalism (or corporate autonomy), that is, to extend autonomy to a minority community as distinct from a territorial community. Corporate federalism might be considered particularly attractive where boundary revisions are not feasible, either because of ethnic inter-mixing or because the authorities are unwilling to establish autonomous territorial units. It was proposed by the Austro-Marxists, Karl Renner and Otto Bauer, as a way to accommodate the territorially interspersed minorities of the Austro-Hungarian empire. The “millet” system, employed by the Ottoman empire to accommodate its non-Muslim minorities, was also a form of corporate federalism. States that include elements of corporate federalism include Belgium and Canada. Belgium's Flemish and French-speaking Communities (communal authorities) have responsibility for Flemish and French-speakers, respectively, in the capital region of Brussels. In Canada, French-speaking minorities outside Quebec enjoy the right, as a result of a court decision, to control their own school boards. Beyond corporate federalism, minorities without their own federal units can be accommodated through consociational arrangements, or by charters/bills of rights or legislation that offer special provisions for group rights.

Weighing the Evidence
There is considerable evidence for the unitarist and national federalist argument that multi-national federalism has, as Snyder puts it, ‘a terrible track record’ (2000: 327). Multi-national or multi-ethnic federations have either broken down, or have failed to remain democratic, throughout the communist world, and throughout the post-colonial world. The federations of the Soviet Union, Yugoslavia and Czechoslovakia broke down during or immediately after their respective democratisations. Indeed, it is true that, of all the states in the former communist bloc of eastern Europe, only federations broke apart, and all of them did. It is also true that of all these states, only the federations experienced a violent transition. In the post-colonial world multi-national or multi-ethnic federations failed, or failed to be successfully established in the Caribbean, notably in the West Indies Federation. Even the miniature federation of St. Kitts-Nevis recently faced the prospect of secession by referendum by the smaller island of Nevis (Premdas 1998). Multi-national or multi-ethnic federations have failed in sub-Saharan Africa, in Francophone West and Equatorial Africa, in British East Africa (Kenya, Uganda and Tanganika), and in British Central Africa (Northern and Southern Rhodesia and Nyasaland), or have failed to remain durably democratic (Nigeria and Tanzania), or have yet to be established as durable authentic democracies ( South Africa). The break-up of the Nigerian federation was only prevented after a secessionist conflict that caused approximately a million deaths. In the Arab world, only the United Arab Emirates has survived, but it is a national federation and hardly democratic. The Mali and the Ethiopian federations in independent Africa have experienced break-ups too; while the Cameroons have experienced forced unitarism after a federal beginning. In Asia there have also been federative failures, e.g. in Indochina, in Burma, and in Pakistan (the secession of Bangla Desh), and of the union of Malaya followed by the secession of Singapore. In short, new multi-national federations appear not to work as conflict-regulating devices - even where they allow a degree of minority self-government. They have broken down, or failed to be durably democratic, throughout Asia, Africa, and the Caribbean. India stands out as the major exception in Asia.

It is also clear that multi-national federalism makes it easier for groups to secede, should they want to. Federalism provides the minority group with political and bureaucratic resources that it can use to
launch a bid for independence. Giving a group its own unit makes it possible for it to hold referendums on secession, which can be useful for gaining recognition. Multi-national federalism also implicitly affirms the principle that the accommodated minorities represent peoples who might then be entitled to rights of self-determination. It is far more likely, as the Badinter Commission on the former Yugoslavia confirmed, that the international community will recognize a bid for independence from a federal unit than from a group that lacks such a unit. This is why all of the constituent units of the Soviet Union, Yugoslavia and Czechoslovakia that broke away are now seen as independent states, whereas breakaway regions that were not constituent units, such as Abkhazia, Trans-Dniestria, the Turkish Republic of Northern Cyprus, and Kossovo, are not recognised. To this extent, unitarists and national federalists have a point, although it is a point that multi-national federalists have little difficulty conceding.  

However, this track record has to be qualified in a number of important ways. First, the major federal failures, including the Soviet Union, Yugoslavia, Czechoslovakia, and Nigeria were, to a significant extent, sham or pseudo-federations. In several cases, they were forced together (by their dominant group or an empire). The constitutional division of powers/rule of law was often ignored in practice and they were not authentically representative (i.e. democratic). There was, therefore, no possibility of genuine dialogue, never mind cooperation, among the different national communities involved. While the United States can be seen as the paradigmatic example of national federalism, the Soviet Union is the most prominent case of pseudo-federalism. It consisted of those remnants of the Tsarist empire that the Red Army was able to subjugate after the October Revolution, plus those countries (Estonia, Latvia, Lithuania, and Moldova) it conquered as a result of the Ribbentrop-Molotov pact and its victory in the second world war. While its state structure was federated from the beginning, real power lay in the tightly centralized Communist Party (the CPSU), which operated according to the principle of ‘democratic centralism’ (Lieven and McGarry 1993). The Union Republics were therefore not autonomous in any meaningful way. Moreover, their legislatures (the Soviets), although in theory elected by local populations, were in fact rubber-stamp bodies nominated by the CPSU. Key institutions, including the army and police, were controlled by Moscow. As well, no effective judicial review existed to decide on the division of rights and functional spheres between the centre and the republics. Yugoslavia was more decentralised than the Soviet Union or Czechoslovakia, at least after reforms in the late 1960s, but it was no less undemocratic than the others. 

The colonial federations arose out of colonies that had been arbitrarily consolidated by white imperialists. However, even the decision to federate at independence was made in some cases by the departing metropolitan rather than by the colony’s indigenous elites. Nigeria’s original three-unit federation, which collapsed in the mid-1960s, was ‘bequeathed’ by the departing British rather than a product of internal negotiations (Suberu 2001: 4). The Cameroons federation was a construct of British and French colonialists (particularly the latter), who wanted to preserve the dual personality they thought they had created. (Elazar 1987: 240). The Cameroons was converted into a unitary state by military strongmen soon after independence, while Nigeria has been ruled by centralizing military dictators for more than two-thirds of its post-independence history. Even under democratic conditions, Nigeria is so centralised that it has been described as a ‘hollow federation’ and ‘a unitary state in federal guise’ (Suberu and Diamond, 2000: 8). Corruption and abuse of power are so pervasive in Nigeria that the rule of law can hardly be said to exist (Suberu 2001).  

In addition, these communist and post-colonial federations were burdened by economic systems that were incapable of providing a reasonable standard of living for their citizens. In each case, this caused resentment, not least among minorities in relatively enterprising regions of the state who saw their inclusion in the state as a drag on them. It’s hardly surprising that when the communist planning system became discredited and collapsed in the late 1980s it provoked a ‘stateness’ crisis.

Second, before these failures can fairly be attributed to multi-national federalism, it would have to be shown that it was, as critics have argued, unnecessary to accommodate these identities, and that there were democratic civic nationalist (national federalist or unitarist) alternatives that would have worked better. It has to be remembered in this context that the decision to create both the Soviet and Yugoslav federations was taken in the midst of bitter civil wars and external invasions, when parts of both states had seceded (Connor 198: Woodward, Balkan Tragedy: 30). The decision was seen as essential for restoring unity and luring breakaway regions back into the state, and was taken in both cases by socialist
internationalists, neither of whom was ideologically committed to federalism. Before he assumed the reins of power, Lenin had in fact expressed his vehement opposition to federalism and his preference for unitary structures.37 If federalism was unnecessary, we must conclude that both Lenin and Tito were extraordinarily incompetent. Similarly, while some have argued that Nigeria’s divisions at the time of independence reflected British divide and rule strategies, few, if any, think that it could have been (or could be) held together without some form of decentralised or federal structure.38 When an Ibo leader, General Ironsi, tried to convert Nigeria into a centralist state in 1966, the fears that this gave rise to led to his downfall. Even though the Nigerian federation gave rise to a failed and bloody bid for secession in Biafra (1967-70), the victors were careful to retain ethno-federal structures, albeit reformed, with new internal boundaries. The view that communist federalism was not only unnecessary but ‘created’ divisions also cannot explain easily why strong, in fact some of the strongest, ethnic identities exist among groups that were not accommodated through federal institutions, such as the Chechens or Crimean Tatars.39

Another reason why we should doubt the feasibility of civic nationalist techniques in the communist multi-national federations is that these techniques have had little success when they have been practised under much more propitious circumstances in non-communist multi-nationalist states, at least during the twentieth-century (See Chapter 6). Turkey still faces a large dissident Kurdish minority despite eight decades of ‘Kemalist’ civic nationalism. British civic nationalism was incapable of preventing the break-away of Ireland in 1921 or undermining a nationalist rebellion in Northern Ireland after 1969 (McGarry 2001). It was also unable to prevent the resurgence of Scottish and Welsh nationalism after the 1970s. Even France, the home of Jacobinism, while it was able to turn peasants into Frenchmen in the nineteenth-century, has been unable to erode Corsican nationalism in the late twentieth century. The shortcomings of civic nationalism help to explain why all western multi-national democracies, including the United Kingdom, Spain, Belgium and France, have moved away from (unitarist and national federalist) forms of civic nationalism in favour of accommodating their minorities through ethnofederal and related structures. They have recognised that there is no (democratic) option for holding their multi-national states together other than through accommodation of their national diversity.40

Third, once it is accepted that group identities in the failed federations were deeply rooted and that ethnofederalism was an appropriate response, the violence that accompanied their break-up can hardly be blamed on ethnofederalism. To an important extent, particularly but not exclusively in Yugoslavia, violence resulted from the centre’s unwillingness to permit secession (that is, ethnofederal constitutions with negotiable secession rules would likely have avoided violence).41 Also, much of the violence flowed from the absence of ethnofederalism, i.e. the lack of congruency between constituent unit and ethnographic boundaries. In the case of Yugoslavia, Slovenia’s secession was relatively peaceful, in part because it was largely homogeneous. The ‘velvet divorce’ in Czechoslovakia was facilitated because there were few Czechs in Slovakia and few Slovaks in the Czech lands.42 War started in Croatia in 1991 largely because Croatia had a significant Serb population that wanted to stay united with Yugoslavia, and spread to Bosnia because it had Croats and Serbs who also wanted to stay linked to their respective ethnic kin. These groups were aided and abetted by their ethnic kin in Serbia and Croatia, respectively. In Yugoslavia, Bosnia which was the most multi-ethnic republic, was also, tragically, the most violent.43 War broke out in Kossovo in 1997, which had not enjoyed the status of a federal republic within Yugoslavia and whose status as an autonomous province within Serbia had been revoked by the Milosevic regime in 1989. In 2001, conflict broke out in Macedonia, whose Albanian minority resented the dominance of Slavic Macedonians.

In the territory of the former Soviet Union, the worst violence was (is) in Chechenya, a region that did not enjoy the status of a ‘union republic’ within the Soviet Union. Had it done, it would likely have seceded with the other republics, and with as little violence, given its relative homogeneity, as most of them. War between Armenia and Azerbaijan was largely fought over the inclusion of an Armenian ethnic enclave (Nagorno-Karabakh) in the latter. In Georgia, two conflicts broke out: between Georgians and South Ossetians who were cut off by Georgia’s secession from their kin in North Ossetia (within Russia), and between Georgians and Abkhazians, who baulked at being included in what they saw as a Georgian ‘nationalizing’ state. The final conflict was in the Trans-Dniestrian region of Moldova, where Ukrainians, Russians, and some Moldovans, resented their inclusion in Moldova. Russia was involved in promoting all of these conflicts.
In many of these cases, violence was caused by or exacerbated by ‘nationalizing’ or centralizing policies in the newly-independent, though still heterogeneous, republics (or by fears that this would happen). The wars in Croatia, Kossovo, Macedonia, the South Ossetian and Abkazian regions of Georgia and Trans-Dniestria were all influenced by the majoritarian policies of the states’ dominant groups. Thus in Croatia, a minority rebellion broke out after the newly independent Croatian regime adopted a flag that resembled that of the war-time Croatian Ustashe regime that had committed genocide against the Serbs, and after it moved to disarm its Serbian policemen (Hayden 1995). The Kossovo rebellion was a response to the Milosevic’s regime’s removal of Kossovo’s autonomy (Hechter 2000: 76-77). Seen in this way, these conflicts were similar to those that have arisen in the Kurdish region of Turkey or Iraq, or the Basque region of Spain under Franco, i.e. they were reactions to centralization. It seems unfair, in this light, to attribute the violence to the principle of ethnofederalism, which holds that national minorities should be accommodated through territorial self-government.

Fourth, the argument that only communist federations broke apart and were violent, and that this did not happen to any of eastern Europe’s unitary states is true, but it glosses over the more basic fact that the federations were also the most nationally diverse states in Eastern Europe. This is why they were federations after all. In the case of the Soviet Union, Russians had a bare majority of the total population (51 per cent), while in Czechoslovakia and Yugoslavia, the largest groups had 63 and 39 per cent respectively. In none of the communist unitary states, did the total minority population constitute more than 17 per cent of the total. The largest single minority group in their case was the Turks of Bulgaria, with roughly 8 per cent. In addition to the relatively small size of these countries’ minority population, their stability owes much to majoritarian control policies. There is little evidence of the neutral civic nationalism celebrated by opponents of ethno-federalism.
Table 8.2 The largest community’s proportion of the population in the communist states of Eastern Europe

<table>
<thead>
<tr>
<th>Communist Federations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yugoslavia</td>
<td>38.9% Serb</td>
</tr>
<tr>
<td>Soviet Union</td>
<td>51% Russian</td>
</tr>
<tr>
<td>Czechoslovakia</td>
<td>63% Czech</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Communist Unitary States</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgaria</td>
<td>83% Bulgarian</td>
</tr>
<tr>
<td>Albania</td>
<td>95% Albanian</td>
</tr>
<tr>
<td>Romania</td>
<td>89.5% Romanian</td>
</tr>
<tr>
<td>Hungary</td>
<td>89.9% Hungarian</td>
</tr>
<tr>
<td>Poland</td>
<td>97.6% Polish</td>
</tr>
</tbody>
</table>


Finally, it is simply wrong, as Snyder and others argue, that ethnofederalism is unworkable. Two of the world’s oldest states, Switzerland and Canada, are ethnofederations. They have lasted from 1848 and 1867, respectively, and they both demonstrate that the accommodation of ethnic minorities through ethnofederalism is consistent with prosperity and the simultaneous promotion of basic individual rights. The world’s largest democracy, India, is also an ethnofederal state. 47 Belgium and Spain, while of more recent vintage, have also adopted successful ethnofederalist structures, while Russia, if Chechenya is left aside, appears to be on its way towards establishing itself as a successful democratic ethnofederation (Stepan **). Within each of these states, there is plenty of evidence, including polling data and the positions of their political parties, that minorities are content with less than a sovereign state (Keating 2002: 7-9).

This does not mean that these success stories are as stable as nationally homogeneous federations/unitary states. India, the most successful post-colonial multi-ethnic federation has so far faced down vigorous secessionist movements on its frontiers, especially in Kashmir and Punjab. Canada has its Quebec question, and Spain is faced with violence in the Basque Country. In addition, moreover, even when multi-national federal systems 'work', they may be embroiled in numerous conflicts, including conflict over whether the federation should be organized symmetrically or asymmetrically. 48 National minorities tend to defend a principle of equality of nations, where their nation enjoys parity with the state’s dominant nation (or other nations). This principle requires that the minority’s region unit enjoys a higher status and more powers than any single region belonging to the majority. Politicians from the majority’s regions, however, tend to resent any suggestion that they should have second class status and they respond with an opposing principle of equality of regions. They are often supported by central elites concerned that special status for a minority will undermine its allegiance to the centre, which would have less responsibility for the minority than for the rest of the state’s population. This is the source of a dispute between Quebec and the rest of Canada. Quebec nationalists resent the fact that Canada is divided into ten provinces that enjoy essentially equal powers and status. Their view is that Canada is a compact between two founding peoples (English and French) and they have sought for decades to elevate Quebec’s status to reflect this duality. The English-speaking majority, taking its cue from the symmetrical structure of the US federation, appears unwilling to concede such a status to Quebec, with some English-speakers fearing that this would be a halfway house to secession. 49 Similar issues have arisen in the Spanish and Russian federations where national minorities have sought to promote asymmetry while elements in the majority population insist on symmetry. 50 Conflicts over symmetry and asymmetry seem sure to continue, but nowhere in the western democracies have they led to violence, or even to state break-up.

Our next task is to explain this success.
Explaining success and failure
Some of the reasons for successful multi-national federation are implicit in the preceding section.

i) **Authentic (democratic) multi-national federations are much more likely to be successful than pseudo-federations.**
An authentic multi-national federation is democratic. This allows the representatives of its respective national communities to engage in dialogue/bargaining about their grievances and aspirations. Such democratic dialogue is a pre-requisite for the development of co-operative practices. Democratic multi-national federalism helps to preclude the systematic transgression of individual and group rights. It also prevents minority (secessionist) elites from exaggerating support for their option.  

An authentic federation is also based on the rule of law, that is, the constitutional division of powers is adhered to and protected by impartial umpires, and there is respect for the individual and community rights of citizens. There is not yet an example of an established democratic multi-national federation failing, although there are, as we have seen, numerous examples of democratizing federations that have not worked. This means that we should not automatically assume that Canada, Switzerland, Spain, India or Belgium will go the way of the flawed communist federations.

ii) *'Coming together' or 'Holding together' multi-national federations are more likely to endure under democratic conditions than those that are 'put together'*. 
Stepan distinguishes between three types of multi-national federation: those that come together from distinct polities/colonies, like the Swiss and Canadian federations; those that are created from unitary states in an attempt to ‘hold’ the polity together, such as Belgium; and those that are forced together (or ‘put’ together) by a dominant group, such as the Soviet Union (or Nigeria). Federations that are voluntarily established as a result of elite bargaining, whether of the holding or coming together variety, are more likely to be considered as legitimate by their citizens and, consequently, more likely to survive than those that result from coercion. A foundational act of co-operation is also more likely than one of coercion to promote traditions of accommodation (see iv below). Canada’s success, to take an example, is owed in part to the fact that it originated in 1867 from a compact between Anglophone and Francophone elites led by John A. MacDonald and George Etienne Cartier. The Swiss federation was also the result of different groups agreeing to ‘con-federate’ or join together. While the Spanish and Belgian federations emerged from unitary states, they too originated as a result of agreement between representative elites. India, which stands out as one of the few post-colonial federal success-stories, was also one of the few where indigenous elites took the decision to federate by themselves. Most of the failed federations, on the other hand, were put together without the consent of their own leaders.

iii) **Prosperous multi-national federations (or states) are more likely to endure than those that are not** 
Walker Connor has correctly counselled us against exaggerating the importance of materialism when questions of identity are at stake, and prosperity should not be considered a sufficient, or even a necessary, condition (as the example of India shows) for holding a multi-national federation together. Nonetheless, *ceteris paribus*, prosperity matters. The plight of the communist federations and post-colonial federations was plainly exacerbated by their inability to provide materially for their citizens and by the discrediting of communist central planning. In certain cases, as in Ukraine and the Baltic republics, even Russians voted for the break-up of the state. In both Yugoslavia and the Soviet Union, the catalyst for break-up was necessary economic reforms, and the charge was led in both cases by those republics (Slovenia and Croatia in the case of Yugoslavia, the Baltic republics in the case of the Soviet Union) who had the most to gain materially from going it alone.

iv) **The federation’s national communities should not only have self-government, there should also be consociational governance**
When federalism is presented as a method of conflict regulation, the emphasis is invariably on how it can provide minorities with guaranteed powers of self-government. Sometimes it is also argued that a virtue of federalism is that it avoids the ‘winner takes all’ outcome associated with Westminster-type regimes: a group that is excluded at the centre may be able to console itself with power at the regional level. However, these emphases downplay the fact that federalism is about ‘shared rule’ as well as ‘self-rule’, and
in practice, national minorities are likely to want a share in central government as well as self-government. Excluded minorities will have a reduced stake in the federation and the federal government will have little incentive to promote their interests. It is not surprising, then, that all of the durably democratic multi-national federations have practised consociational rather than majoritarian forms of democracy. Such arrangements, clarified and theorised by Arend Lijphart, involve four features: cross-community executive power-sharing, proportional representation of groups throughout the state sector (including the police and judiciary), ethnic autonomy in culture (especially in religion or language), and formal or informal minority-veto rights (Lijphart 1977). The power-sharing dimension of consociationalism can either be realised within the federal government, and/or in relations between the two levels of government.

Consociational practices are relatively undisputed in the case of Canada, Switzerland, and Belgium, (see e.g. Lijphart 1981; Noel 1993; Steiner 1989; Hooghe 1993; Watts, 1999: 88), and Lijphart has recently claimed that India had effective consociational traits during its most stable period under Nehru (Lijphart 1996). Since Congress’s decline, moreover, India has been governed by a broad multi-party coalition representing its diversity.

In the case of the failed federations, centrifugal pressures were often a response to the lack of minority representation in the federal government. In the case of the break-up of the Malay Federation, the federal government ejected Singapore. In Pakistan, prior to the secession of Bangladesh, a crucial federal agency, the Army, was dominated by the west. This was also a serious problem in Yugoslavia, where the army, the only important federal institution (absorbing two-thirds of the federal budget), was dominated by Serb officers, many of them from Serbian minorities outside Serbia who shared Milosevic’s vision of a recentralized state. According to Snyder, who blames the breakdown of Yugoslavia on ethnofederalism: ‘By the early 1980s, the …central state was entirely lacking in economic, representative, or media institutions’ (my italics) (Snyder 2000: 209). The breakdown of the Nigerian federation in 1966-67, which included anti-Ibo violence in the northern Hausa region and the bloody Biafran war of secession, arose after a coup which led to the centre being dominated by Ibo officers and a counter-coup in which these officers were overthrown (Suberu, 2001). Much of Nigeria’s post-1970 conflict, including sectarian warfare between Muslims and Christians and the rise of violent separatism in the oil-rich Delta area has also been linked to the lack of inclusiveness at the level of the centre (See Suberu and Diamond 2000: 6-7, 13). The breakdown of the West Indies federation was linked to Jamaicans’ lack of representation and influence at the centre, and in the case of the federation of Nyasaland, Northern and Southern Rhodesia, it was black Africans who were under-represented (Watts 1999: 111).

If this analysis is correct, it means that it will not be sufficient for the Nigerian, Ethiopian and Pakistani federations to practise democracy. They must also adopt and maintain consociational forms of democracy at the centre. It also suggests that calls to have a fully-fledged European federation, with the classic bicameral arrangements of the USA, to address the so-called democratic deficit in the European Union will fail unless such calls are accompanied by strong commitments to consociational governance devices. Consociational governance implies strong mechanisms to ensure the inclusive and effective representation of all the nationalities of the European Union in its core executive institutions, proportionate representation of its nationalities in its public bureaucracies and legal institutions, national autonomy in all cultural matters deemed of profound cultural significance (e.g. language, religion, education), and last, but not least, national vetoes to protect national communities from being out-voted through majoritarian rules. In short, many of the current consociational and confederal features of the EU which some federalists want to weaken or temper in their pursuit of formal federation are in fact required to ensure the EU’s prospects as a multi-national democratic federation. The EU’s greatest current danger stems from its ardent majoritarian federalists.

As federal regions are also usually ethnically heterogeneous, it is also helpful to have consociational practices at the intra-regional level also. This not only addresses the criticism that giving self-government to national minorities will lead to an abuse of their powers against local minorities, it also promotes good inter-regional and regional-centre relations. Particularly when a regional minority is part of a state majority, abuse of its position by the regional majority can have serious and negative effects on centre-regional and inter-regional relations.
This argument about the importance of consociational practices is different from that put forward by Linz and Stepan, both of whom also support the concept of democratic multi-national federalism. Whereas we stress the importance of accommodating the representatives of national communities at the centre as an integrative mechanism, Linz and Stepan put their faith in the ability of brokerage political parties to win support throughout the multi-national state and to build what Linz calls ‘bundestreue’, an overarching loyalty. The key reason for the disintegration of the Yugoslav and Soviet federations in their view was that republican elections preceded federal elections. This allowed divisive republican elites resources and space to promote break-up. Had the order of elections been reversed, state-wide parties would have been able, it is argued, to counter divisiveness. This reasoning is questionable. First, it is unlikely that state-wide parties would perform well throughout a divided multi-national state (unless they are informal consociational/multi-national coalitions, as Canada’s Liberal and Progressive Conservative Parties have been). The argument that state-wide parties can do well throughout the state assumes an already existing integration when this may need to be constructed. Second, if state-wide parties are to have centripetal effects, they need not merely to do well in minority regions, but also to be included in the federal government. Thus, the state-wide British Labour Party did well in Scotland and Wales between 1979 and 1997, but was excluded from government, with centrifugal consequences. Third, and relatedly, the problem of relying on state-wide parties is that it makes inclusiveness dependent on the vagaries of electoral returns. This is why it is better to have guaranteed inclusiveness in the central government of the sort proposed by consociationalists.

Explaining Federations
Federations arise in two main ways. First, they can develop from previously independent states (including from a confederation of independent states) or separate ex-colonies deciding to join together to realize certain instrumental advantages. Federations can often be sold economically - they promise a larger single market, a single currency, economies of scale, reductions in transactions’ costs and fiscal equalisation. Such discourses are the common coinage of Euro-federalists. Federations can also be marketed as geopolitically wise, offering greater security and protection than small states, indeed William Riker rather prematurely assumed that this was the basis for the formation of all federations (1964). They have often evolved out of multiethnic colonies. A history of common colonial or conquest government usually creates elites (soldiers, bureaucrats and capitalists) with an interest in sustaining the post-colonial territory in one political unit, as has sometimes been true of Indonesia, which has recently been re-canvased as a candidate for an authentic federation (Anderson 1998). Lastly, federations can be advertised as necessary routes to superpower status, a foreground note in the enthusiasms of some Euro-federalists. This route to federation has been followed by both national federations, such as the United States and Australia, and multi-national federations, such as Switzerland and Canada.

The second route is different. Federations also evolve from unitary states, as has happened in Spain, South Africa, and Belgium, and as some think may happen in the United Kingdom. While Canada is usually thought of as belonging exclusively to the former category, it is in fact a hybrid of both: on the one hand, it involved the joining together of a number of previously separate British North American colonies; on the other hand, it involved the division of the unitary colony of the ‘Two Canadas’ into the separate federal units of Ontario and Quebec. While in the first set of cases, federation results from instrumental motives, in the latter cases, it is a purposive response to national diversity, that is, the difficult of governing multi-national states through unitary structures. In Bosnia, a federation was imposed by the international community through the Dayton Accords in 1995 as a way of holding it together after a disastrous civil war. Lenin adopted federation to hold the Soviet Union together. Sometimes, federations also arise from unitary colonies. As in the case of Nigeria, they are bequeathed by the departing colonial power which sees union as important and federation as the only way to ensure it.

There are few recent examples of federations arising from the merger of independent states or distinct colonies. This is partly because the era of decolonization is largely over, and colonies that have experienced a period of independence and nation-building can be expected to be more reluctant to submerge their sovereignty in a federation. Second, in an era of declining trade barriers and supranational military alliances, small states are more viable than they used to be, and the advantages of federation less. Third, we now live in a period of nationalism, whereas many of the federal mergers occurred before their
distinct parts had developed strong national identities. The European Union project stands out as the single most important exception to this trend. However, it has not succeeded yet, and before it does, it will have to overcome the substantial barrier that all of its member-states possess strong national identities.62

On the other hand, there are several recent examples of federations (and other federal systems) emerging from unitary states. If we leave Bosnia aside, all of these (Spain, Belgium, South Africa, the UK, and France) have evolved from democracies, all of them are reasonably prosperous and all but one have developed within the boundaries of the European Union. Modern democracies, faced with emergent or re-emergent nationalisms clearly find it more difficult to resist their demands than authoritarian or totalitarian states (or than democracies prior to the era of colonization and the emergence of international norms that support minority group rights). Within the European Union, there has been a dilution of the traditional notion of sovereignty, with states that have already handed powers upwards to Brussels more prepared to decentralize also (Keating and McGarry, 2001). This weakening of sovereignty has affected (some) minority nationalists too. While European integration, the general global reduction in inter-state trade barriers and the growth of trans-national military alliances (NATO) have strengthened the appeal of minority nationalism, because they have made small states more feasible, weakened the ability of existing states to manage their economies/welfare states, and given rise to demands from minorities for direct input into supra-national organizations, they have also had the effect of softening nationalist demands for an independent state on the traditional model (Keating 2001?).63 Most Scots, Catalans, Basques, and Flemish nationalists now seem prepared to accept less than independence within the EU, and this in turn has facilitated the decentralization of power. The combination of democracy and supranational integration also appears to have softened the once implacable resistance of state elites to secession, with some western governments (formally and informally) prepared to consider it should minorities demand it (See Chapter 4). Obviously, once the break-up of the state is no longer feared, federation and decentralization become much more thinkable (Kymlicka 2000).

This suggests that we should not expect unitary states beyond the west to federate anytime soon. Many of these states are not democratic; they are not prosperous; there are no supranational organizations that compare with the EU; and traditional conceptions of sovereignty are still strong (among both centralist elites and minority nationalists). In addition, many of these states have been embroiled in polarizing conflict. A decision to federate in these circumstances would, as centralist elites fear, involve a high risk of secession, which is why it is likely to be avoided in most cases. However, one could envisage the spread of federations in the heterogeneous states of eastern Europe at least if democracy becomes consolidated there and if these states become successfully integrated within western supra-national institutions, particularly the EU.

Conclusion

The arguments presented here should leave us with a more nuanced conclusion about the value of multi-national federalism than that put forward by critics. Democratic federalism did not cause the break-up of the communist states, as these were not authentic democratic (or economically efficient) federations. Federalism was a response to deep-rooted national diversity in these states, and when communism collapsed, federal structures facilitated state break-up. While state break-up was accompanied by violence, this had multiple causes, including resistance to the break-up by centralist elites; a lack of congruency between federal and ethnic boundaries; and nationalizing (centralizing) policies by the successor regimes. Not all multi-national federations have failed. There are also a number of remarkable success stories.

I have also tried to identify the conditions which are conducive to the success of multi-national federations. It is important that they be democratic and respect the rule of law. It helps if they are prosperous. It is also important if they came together voluntarily, rather than being forced together. Consociational practices, particularly at the level of the federal government, is, in my view, essential to the success of multi-national federalism. Without it, the centre becomes a preserve of the dominant group, and there is little incentive for the minority to embrace the federation, even if it has considerable self-government. I find the consociational explanation for the success of multi-national federations more compelling than the alternative ‘brokerage party’ thesis but forward by Linz and Stepan.
Finally, I’ve attempted, briefly, to explain the different ways in which federations (and related federal systems) originate. The recent pattern suggests that more of these will emerge in democratic western states, and also, perhaps in the states of eastern Europe that are successfully integrated into the European Union. However, there is relatively little likelihood of federations extending beyond this zone in the foreseeable future.

References


1 A polished version of this paper will appear as a chapter in a book co-authored by Brendan O’Leary and me. The book is to be entitled, How States Manage Nations: The Macro-political Regulation of Ethnic and National Conflict. This is a working paper, which reflects collaborative research conducted by both of us.

2 For such measurements, see Watts 2001: 29 and Lijphart 1979: 504.

3 If one accepts that constitutionally divided competencies is the essential hallmark of federation, then Spain qualifies. If one believes that bicameralism, with an upper territorial chamber that represents the regions, is necessary, then it does not.

4 See www.forumfed.org/Publications/afghan/bria.pdf

5 See Stepan, *** 20. Multi-ethnic federalism has also been suggested for the United States as a way of giving self-government to southern Blacks. The idea of creating a black state in the South was supported by the American Communist Party in the 1930s and various black power organisations in the 1960s. It is no longer discussed, primarily because of black migration into northern cities. Glazer, 1977: 74.

6 The confusion arises because the term confederation is used sometimes to describe a federation that emerges from the coming together of previously independent units. Thus, the federation of Canada, which started at least partly in this way in 1867 (Ontario and Quebec were separated from each other but joined New Brunswick, Nova Scotia and Prince Edward Island) is routinely referred to as a confederation. The Swiss Constitution of 1848 describes itself as the “The Federal Constitution of the Swiss Confederation”. My thanks to Ron Watts for pointing this out.

7 For a discussion of the role of federal constituent units in international relations, see also Leonardy 2000.

8 Canada is not the first federation to allow these ‘confederal’ characteristics. The Soviet Union happily allowed Ukraine and Belarus to take seats at the United Nations, and the Soviet constitution entrenched the right of each union republic to secede. As I will argue later, however, the Soviet Union was not a genuine democratic poly-centric federation.

9 It may be in this space between federalism and confederalism that the solution to some national conflicts are to be found, such as that in Cyprus or in Georgia. Within the EU, a number of political leaders, including Lionel Jospin, appear to favour a hybrid between federalism and confederalism: Jospin wants the EU to develop into a “federation of nation-states”. Economist, 2 June 2001, p. 3.

10 Another problem with federalism from the Jacobin perspective is that constitutional change is difficult. This interferes with a sovereign people’s right to change its constitution when it sees fit.

11 If minorities do not want to protect ethnocentrism, the argument goes, why do they seek self-government?


15 Intellectuals who favour large civic nationalist states against national minorities worry, in addition, that there simply isn’t enough room for every ethnic group to have its own state. See Buchanan 1990 and Gellner 1983.

16 The *Economist* argued recently, in an article that sought to develop normative principles for international intervention in the domestic affairs of states, that such intervention could be justified only when asked for by a minority within a ‘territorially defined’ unit. If The *Economist* had its way, federalism would not only promote secession but also international intervention…..Ref.

17 Confusingly, hard minority nationalists sometimes say they support federation when they mean confederation, as in the case of the Turkish Cypriot leader, Rauf Denktash. The Parti Quebecois do not commonly use the term confederation, but offer a synonym, ‘sovereignty-association’


19 There were some exceptions to this pattern as Glazer (1983) points out.

20 See Lipset 1960: 91-92. Lipset argues that the main benefit of federalism for divided societies is that it creates cross-cutting cleavages, but it can only do this if internal federal boundaries and ethnic boundaries intersect. Federalism ‘increases the opportunity for multiple sources of cleavage by adding regional interests and values to the others which crosscut the social structure’.

21 For support for Horowitz’s position, see Suberu 2001:4-6.

22 See also Tarlton 1965.

23 Others also argue that the Soviet Union disintegrated because its federation was constructed on ethnic rather than civic principles. See Lukic and Lynch 1996 and Bunce (cited in Snyder).

24 Snyder says the decision to create ethno-federations was ‘often’ needless (p.327), but does not specify where it was needless and where it was not. The substance of the argument throughout his book suggests that he thinks it was always needless.

25 However, Trudeau’s anti-nationalism was directed at what he considered ‘ethnic’ nationalism, particularly that associated with his home province of Quebec. He had less difficulty with civic nationalism, of the Canadian variety.

26 The Austro-Marxists are commonly associated with arguments for cultural (non-territorial) autonomy, but they also argued for nationality to form the basis of territorial units.

27 In the authoritative words of Walker Connor, Lenin’s second commandment on the management of nationalism was strategically machiavellian: ‘Following the assumption of power, terminate the fact – if not necessarily the fiction – of a right to secession, and begin the lengthy process of assimilation via the dialectical route of territorial autonomy for all compact national groups’ (Connor 1984: 38).

28 This model of federalism appears to be limited to the accommodation of the European Union’s current member-states, and says nothing about minorities within these states. Contrast this with Michael Keating’s
version of Euro-federalism, which anticipates complex and overlapping levels of governance that includes regions (including minority regions), states, and the European Union. Keating 2001: 4.

29 For an account that is sympathetic to the claims of national minorities for asymmetrical federation and for an international role, see Keating 2001. Keating supports multi-national federalism, but he rejects as too simplistic the view that minorities can be accommodated as federal units within traditional sovereign states. Instead, Keating argues that, particularly within the European Union, new post-sovereignist institutional arrangements are taking shape in which national minorities seek to play within several different fora – the state, the (transborder) region, the European Union, and the world – simultaneously.

30 Ironically, the redrawing of new boundaries to accommodate minorities is easier if the centre has more power. In India, the central government was able to create new boundaries without the approval of the state governments concerned, which would hardly have been forthcoming. In Canada, by contrast, the federal government is unable to alter boundaries without the consent of the affected provinces. It cannot even create a new province out of federal territories without the consent of existing provinces, which is one reason why the new region of Nunavut is a federal ‘territory’ rather than a province.

31 For a discussion of corporal federalism, see Coakley 1994.

32 Since the 1960s, the Canadian federal government has passed legislation extending a number of privileges to francophone minorities outside Quebec, including funding for minority-language schools, a bilingual federal public service, and publicly subsidized television and radio transmissions in the minority language. It also helps to finance the efforts of these groups to extract services from their provincial governments. The provincial government of New Brunswick provides a bilingual provincial public service to accommodate its substantial francophone minority, and Ontario offers a range of bilingual services in designated parts of the province. Since 1982, many of the measures promoted by the federal government and the government of New Brunswick have been entrenched in the Canadian Charter of Rights.

33 There is still a rump Yugoslav federation of Serbia and Montenegro.

34 Stepan, who supports multi-national federalism and argues that the US (national) federal model has little relevance for multi-national societies, concedes that the ‘greatest risk’ posed by federalism is that it can ‘offer opportunities for ethnic nationalists to mobilize their resources’. Stepan 1999: 19

35 Nigeria’s hyper centralism is a function of Abuja’s control of oil revenues, but it also has a basis in the 1979 and 1999 constitutions. According to Joye and Igweike, under the new constitution (which largely copies the old one), there ‘are few, if any…areas in which state governments can act independently of the Federal Government’. Cited in Suberu and Diamond 2000: 15. The existence of such separate competencies, as we have pointed out, is an essential hallmark of federalism.

36 Unitarists often claim that decentralization leads to corruption and inefficiency, but contemporary Nigeria demonstrates that corruption and centralization can go hand in hand. Supporters of anti-corruption reforms in Nigeria argue that this requires ‘power and resources [to be] shifted downward, to levels of authority that are closer to the people and more visible’. Diamond 2001: xviii.

37 In 1913, before he had responsibility for governing the Soviet Union, Lenin made clear his contempt for federalism and his preference for unitarism: ‘We are in principle against federation. It weakens the economic connection and is inappropriate for a unified state. Do you want to separate? we say. Then go to the devil and cut yourself off altogether …You don’t want to separate? Then, please, don’t decide for me, don’t believe you have the “right” to federation’ (italics and grammatical errors in original). Cited in Connor, 1984: 217. As Connor notes, Lenin dropped his opposition to federalism upon assuming power in order to ensure those nations that had seceded ‘that reunion would not result in political subservience’ (ibid: 218).
‘As the rivalries among these three groups [Yoruba, Ibo, Hausa] crystallized into bitter political struggles during the late colonial period...it became increasingly clear to all interested observers that only by some form of highly decentralized political arrangements could the main groups be accommodated within a single country’ Suberu 2001: 20.

There is an explanation for this implicit in the arguments of critics of multi-nationalism federalism. It is that the decision to accommodate some national groups led those excluded to mobilise. We endorse this argument, but we think the way to deal within would have been to accommodate the excluded identity groups, not to refuse to accommodate any of them.

Also see Stepan 1999: 20.

They might also have avoided secession.

Interestingly, Czechoslovakia is absent from Snyder’s account of the relationship between ethnofederalism and violence.

It is useful to remember this when considering the Horowitz/American argument that cross-cutting republican and ethnic boundaries have conflict-reducing effects.


Just as violence cannot be fairly attributed to ethnofederalism, nor can ethnic unmixing (i.e. the large movements of population that accompanied the break-up of Yugoslavia and the Soviet Union) – see Brubaker 1996. Unmixing was also a result of the lack of congruency between ethnic groups and federal boundaries, and the nationalizing policies of the successor states (i.e., their unwillingness to consider ethnofederal principles).

As Watts claims: ‘it is not so much because they are federations that countries have been difficult to govern but that it is because they were difficult to govern in the first place that they adopted federation as a form of government’, Watts 1999: 110.

India’s success is explained away by Snyder as a result of the unwillingness of its civic central authorities to recognise ethnicity (2000: 287-96). It is odd that a federation that is constructed on ethno-linguistic lines can be seen in this way.

See Kymlicka 2001: Chapter 5.

It is not just English-speakers who have such concerns. The fear that ‘distinct society’ status for Quebec would undermine relations between Quebeckers and the government of Canada, thereby facilitating secession, was at the heart of Pierre Trudeau’s opposition to it.

For a comparative treatment of asymmetry in federations, see Agranoff 1999.

Also see Linz 1997.

Canada’s birth was in fact a hybrid of ‘coming together’ and ‘holding together’ processes: on the one hand, it involved the joining together of a number of previously separate British North American colonies; on the other hand, it involved the division of the unitary colony of the ‘Two Canadas’ into the separate federal units of Ontario and Quebec.

A. Stepan ‘Russian federalism in Comparative perspective’: 136-37

The importance of voluntary origins for the legitimacy and stability of states, whether federations or unitary states, is often recognized in the rival historiographies of federalists/unionists and separatists, with
the former arguing that the federation/union arose voluntarily while the latter argue it was imposed. Thus in Canada, separatists point to the conquest of 1759 as Canada’s starting point, and/or argue that the confederation agreement of 1867 was not ‘really’ voluntary, as Francophone elites did not have a serious alternative of separating. Federalists, on the other hand, point to the key role that Francophone elites had in shaping the federal agreement. Similar debates take place between unionist in Britain and Scottish separatists.

The Igbo coup led by Major-General Aguiyi-Ironsi in January 1966 was followed by a ‘Unification Decree’ which moved Nigeria towards a unitary state. The regional and federal public services were combined, to the considerable advantage of the better-educated southerners and the disadvantage of the Hausa. This, and the loss of many Northern military leaders in the January coup, set off anti-Igbo violence in the North, and contributed to Ironsi’s assassination in July. Suberu 2001: 31.

An obstacle to the practice of consociationalism in Nigeria is its presidential system of government. An executive presidency is held by one person. It is an integrative institution that does not lend itself as well to broad-based representative government as parliamentary (cabinet-style) executives (Watts, 1999: 88). However, even presidential executives can informally establish inclusive cabinets (or formally include representative vice-presidents). For details on recent conventions that Nigeria has developed to (imperfectly) ensure representative government at the centre, see Suberu and Diamond 2000: 26-30.

One of the weakness of Canadian federalism is that while Canada’s francophone minority has been reasonably accommodated at the federal level through (often informal) consociational practices, there has been no commensurate accommodation of minorities at the provincial level, except, arguably, in New Brunswick. Measures taken by Quebec against its anglophone minority in the late 1980s helped to produce an anti-Quebec backlash in the rest of the country that undermined constitutional negotiations that were aimed at accommodating Quebec. One result was that, by 1990, support for separation in Quebec had soared to its highest levels ever. The Canadian federation may have been saved by the fact that separatists were not in power at the time and were unable to capitalise on the divisions by calling a referendum on separation. When they were able to call such a referendum, five years later, when the atmosphere was more stable, they still managed to win 49.4 per cent of the vote.

Also see Watts 1999: 111.

For an analysis of the failure of British state-wide parties to win support among Northern Ireland nationalists (and unionists), see McGarry and O’Leary 1995: ***

Canada, unlike Belgium or Switzerland, relies mostly on informal consociationalism through state-wide parties. This has worked while its two main parties were the Liberals and Progressive Conservatives, as both parties have had significant support in Quebec. The current main opposition party, the Canadian Alliance, however, has no representation from Quebec and little support there. Unless this changes, a victory for the Canadian Alliance in a federal election would pose difficulties for Canadian unity.
Linz makes a similar point (1997: 19). He appears to believe that a EU federation is unthinkable because of this fact.

The emergence/re-emergence of minority nationalisms can also be traced to decolonization. Western minorities wondered why colonies could become self-governing and not them. Minorities within colonies, sometimes faced with government by others, also put their faith in more self-government.