



Can federalism help to manage ethnic and national diversity?

BY JOHN MCGARRY

The answer to the question in the title, throughout much of the world, is a resounding “No”. Most states in Africa, Eastern Europe, and Asia are fiercely resistant to the idea of accommodating national and ethnic communities through federal institutions. Federalism is their “f” word.

In Western Europe, the French are also hostile to federalism. Even Americans, those who live in the world’s first and longest enduring federation, tend to be against using federalism to give self-government to distinct peoples. They consciously drew the internal boundaries of their own federation to avoid this. Today, when American experts recommend federalism for other countries, such as Iraq, it is the American model they usually have in mind: a federation in which internal boundaries intersect with rather than coincide with ethnic and national boundaries.

Post-communist break-ups

The widespread opposition to multinational (or multi-ethnic) federalism is connected to the belief that it does not work. It is thought that giving self-government to distinct peoples unleashes centrifugal forces that result in the break-up or breakdown of the state. This view is so popular because there is seemingly compelling evidence to support it.

Critics of multinational federalism like to point, in particular, to the experience of post-communist Eastern Europe. While all of communist Eastern Europe’s unitary states stayed together after 1989, all three of its multinational federations (the Soviet Union, Yugoslavia, and Czechoslovakia) fell apart. The federations also experienced more violent transitions than the unitary states.

Before this, multinational federations that were formed in the wake of decolonization had a similarly abysmal track record. They fell apart in the Caribbean (the Federation of the West Indies); in east Africa (the East African Federation and

Ethiopia); southern Africa (Northern and Southern Rhodesia and Nyasaland); and in Asia (Pakistan; the Union of Malaya). The Nigerian federation managed to stay together, but only after a brutal civil war and decades of military dictatorship.

It would be difficult to argue, in the light of this evidence, that federalism is a panacea for ethnically and nationally diverse states. It also seems clear that giving national groups their own federal units provides them with resources that they can use to launch secessionist movements, should they choose to.

But does the evidence also indicate, as some critics suggest, that multinational federalism will not work in any circumstances?

Plainly, the answer is no.

Critics point to evidence of failure, but there are also important success stories.

Two of the world’s oldest federal states, Canada and Switzerland, effectively give self-government to their principal ethnic, linguistic or national communities. More recently, Belgium has reorganized itself as an ethnic federation, and Spain has also assumed several multi-ethnic federal traits. Most notably, India, the post-colonial

world’s most successful democracy, and the world’s largest, is also an “ethnofederal” state.

Not genuinely federal, economically weak and undemocratic

Astonishingly, critics of multinational federalism usually fail to note that the major federal failures, including the Soviet Union, Czechoslovakia, Yugoslavia and Nigeria, were, in practice, sham or pseudo-federations. In several cases, they were forced together. They were often in practice tightly centralized states. They lacked democracy. This last fact alone meant that their governments were unrepresentative of their populations, and that there was no possibility of dialogue or co-operation among their different national communities. It is hardly surprising that their minorities broke free when the opportunity arose.

All of the communist and post-colonial federations that broke apart were economically weak. Because of corruption

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or the shortcomings of central economic planning, they could not provide a reasonable or growing standard of living for their populations. Relatively enterprising regions of these states, such as Slovenia or the Baltic republics, found this particularly difficult to deal with.

Critics of multi-ethnic federalism would be on stronger ground if they could show that any of the federal failures could have been democratically governed as unitary states or as American-type federations. However, there is little evidence to support such a view. Even Lenin, who was strongly opposed to multiethnic federalism, understood that accepting it was the only way to hold the Soviet Union together. Tito was similarly forced to adopt federalism in Yugoslavia against his first preferences.

While only federations broke apart in communist Eastern Europe, this glosses over the more basic fact that these were also by far the most nationally diverse states. This explains, after all, why they were federations in the first place. It makes at least as much sense to argue that the instability of these federations resulted from their diversity as their ethno-federal institutional structures.

One major group?

To put it differently, the failed federations all lacked a dominant ethnic community that comprised an overwhelming majority of the federation's population and that would have been capable of holding the federation together in a crisis.

The fact that the United States was constructed around a dominant group of White Anglo-Saxon Protestants explains why it is more stable than Nigeria, which lacks a clearly dominant people. The same comparison helps explain why the Russian federation is more stable and secession-proof than the Soviet Union. Russians have a majority of 81.5 per cent in the Russian federation; they had only 51 per cent in the USSR.

Together these qualifications show that multinational federalism is not bound to fail. But there are some conditions that would make success more likely.

For instance, a federation is more likely to succeed if it has a dominant ethnic community. This is because such a majority has the strength to resist secessionism. It may also feel secure enough to make concessions to other

Switzerland: Each canton is different

Arnold Koller, interviewed by Forum staff

Without a federal system, Switzerland would not exist. The Swiss people have been up to now convinced that in such a small country with four languages, with four cultures, we couldn't live together peacefully and successfully as we do without being a federal country. So it means leaving quite a lot of autonomy to different national groups that make up our nation.

The national groups in Switzerland are four: the German-speaking, the French-speaking, the Italian-speaking and the very small group of Romansch-speaking. We have a mainly German-speaking part of Switzerland and we have a French part. Of course in the border regions we have quite a lot of mixing up. We have three cantons that are bilingual, one canton that is trilingual and we have cities like Biel/Bienne where everybody speaks French and German.

The Swiss constitution basically leaves as much autonomy as possible to those different groups. And this autonomy is really respected by everybody, by the confederation, by the cantons, by each Swiss citizen. And I am always saying federalism is not only a constitutional structure but also a deep-rooted culture. We have to learn federalism as a basic attitude respecting one another, living diversity and unity. I think that's really what we are doing in my country.

You might say federalism is complicated because it's unique – a very centralized state is easier to manage, but I wouldn't agree that federalism is costly – on the contrary, federalism brings politics much nearer to the people. The necessities of a rural canton such as mine – Appenzell – are very different from a very urban canton like Geneva. And I think a centralized state always has a tendency to treat them all in a very equal way while federalism gives us the possibility of finding solutions really adapted to each canton. Appenzell, the place where I live, is the smallest canton in Switzerland with only 15,000 people. It's still very rural. There are a lot of farms, and tourism is the background of our economy, but it's a very old canton with a very long tradition.

Our first federal constitution dates from 1848. Switzerland – after the U.S. – is the oldest federation in the world and we have had about 140 partial revisions to our constitution. One person called it "an overstuffed cupboard". And now we have updated it and I think we made some quite important innovations to give some rules to our confederal behaviour.

When our federation was founded we had only 22 cantons, now we have 23 with the new canton of Jura. [ed. note: if you count the half-cantons, the total is 26] The canton of Jura was at first a French-speaking section within the German-speaking canton of Bern. To form a new canton, first the municipalities had to vote on the issue. Then those cantons – the new canton of Jura and the canton of Bern – had to vote. And finally Switzerland had to vote and we had a majority of the Swiss people in favour, as well as in the canton. I think it was a good example of tolerance. And I think tolerance is a basic principle of each federal state.

Arnold Koller is a former president of Switzerland. He is also a member of the board of the Forum of Federations.

groups. Multinational federations without one strong group are more likely to be unstable because other peoples are more likely to think they can prevail. This means that we cannot extrapolate Russia's future from the experience of the Soviet Union, because Russians are far more dominant within the former than they were within the latter.

Power sharing at the centre

Another key condition for success: a federation is more likely to endure if all groups are represented within the federal government. Supporters of multi-ethnic federalism usually defend it as a method for giving autonomy to distinct peoples.

Sometimes, it is argued that a virtue of federalism is that it allows groups that are excluded from the center to console themselves with regional power. Such reasoning ignores the fact that federalism is about "shared rule" as well as "self-rule", and that all federations entrust important powers to their federal governments. A group that finds itself outside the federal government will have less stake in the federation and more incentive to secede. There is evidence from all the successful federations that power-sharing practices at the federal level are crucial, and there is evidence from the failed federations that power-sharing was absent.

Democracy, rule of law and free choice

Authentically democratic federations are more likely to succeed than sham or pseudo-federations. An authentic democratic federation allows the representatives of its national communities to engage in dialogue and bargaining about their interests, grievances, and aspirations. Such dialogue is a prerequisite for the development of co-operative practices.

An authentic democratic federation is also based on the rule of law, that is, the constitutional division of powers and the rights of minorities are respected. The federations that failed were, at best, in the process of democratizing. In no case were they established democracies. This does not mean that democratic federations will always succeed. It suggests, however, that we should not automatically assume that Canada, Belgium, India and Switzerland will automatically go the way of the failed federations.

Federations that are established voluntarily are likely to last longer than those that are forced together. Voluntary federations, established as a result of negotiation between leaders of the various groups are more likely to be considered legitimate by their citizens than those that are imposed. They are also more likely to foster traditions of accommodation.

The successful multinational federations, including Canada and Belgium, arose from voluntary agreements. Most of the failed federations, on the other hand, began without the consent of all their communities. This condition does not

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augur well for Bosnia-Herzegovina, which owes its origins to the internationally-imposed Dayton Accords.

Prosperous multinational federations are more likely to have a bright future than those that are in difficult economic situations. We should not exaggerate the importance of economic factors when matters of identity are at stake, but the plight of the failed communist and post-colonial federations was plainly exacerbated by their inability to provide materially for their citizens.

Lessons for Iraq et al.

What might this mean for Iraq, where there is currently an intense debate over the value of multinational federalism?

Iraq has in its favour the promise of prosperity from its vast oil resources. It is always easier to share wealth than to share poverty. But this wealth will have to be well-managed and carefully distributed, unlike Nigeria's. This could happen with a fair and equitable regional equalization program for the provinces of Iraq.

A federal Iraq is likely to be stable if Arabs, around 80 per cent of its population, come to comprise a cohesive national majority. If, as appears more likely, Arabs fragment along intra-Shia and Shia-Sunni lines, an Iraqi federation may still work if it develops strong power-sharing practices among Kurds and Arab groups within the federal government, including the judiciary, bureaucracy, army and police services. The prospects for success will be enhanced if the federation emerges internally from a bargain worked out by the leaders of all the groups.

It will help if those who negotiate the new constitution and who come to dominate the new institutions are authentically representative of their followers. This suggests that the constitution-making process should be as democratic as possible, and that no outside force should pick delegates, directly or indirectly. ☺