

Dialogue Table Proceedings: Summary Address

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Federalism, Decentralisation and Conflict

Management in Multicultural Societies

(Dialogue Tables 2 and 5)

1. Introduction

Some of you will be wondering what I am doing here, since obviously you are all experts on federalism and I am not. But I have good credentials – after 30 years in development work, I have a great deal of experience in telling experts what they should be doing. Or maybe I was invited because I am a woman and therefore have some experience of being treated like an oppressed minority. I certainly have some experience in addressing such problems. So perhaps I am in the right place after all.

Let me briefly summarise some of the important points from Theme II, Federalism, Decentralisation and Conflict Management in Multicultural Societies. I would note that whereas the other two themes are fairly clearly defined, Theme II is very broad and covers a great deal of territory, much of it full of pitfalls and uncharted minefields. So please forgive me if I have left out your favourite topic or failed to reflect the full depth and complexity of the discussion.

From what we have read and heard in the sessions we might conclude that even in ideal conditions, successful federalism is like the flight of the bumble-bee: that it is technically impossible, but that somehow it works. For example, we have heard the following.

Federalism is complicated to arrange, difficult to manage, and cumbersome in operation;

Federalism has to be constitution-based, but there is no constitutional model to follow – each society must work out its own version of federalism according to its own unique past history and current conditions, starting from its first principles. Essential pre-requisites for success include a favourable political environment, respect for the rule of law, acceptance of the principles of democracy, time, tolerance of differences, willingness to experiment, and enough money to make expensive mistakes;

Federalism celebrates variety and creates unity out of diversity. But even the most successful countries have not found the panacea. I heard on the radio yesterday that a local bank here in Switzerland is so worried about non-communication across language lines that they are offering an incentive to people who open accounts: the incentive is courses in English, in London. No wonder Napoleon said he couldn't govern Switzerland. We heard from Justice Scalia that in the United States there are still serious disagreements about state and federal powers; although maybe they don't threaten the Union: most of them seem to have something to do with fruit. We heard from someone else that Americans invented federalism – but the first confederacy had

nothing to do with Thomas Jefferson. It was the Six Nations of the Iroquois, native Americans: and to survive they had to emigrate to Canada.

So what has federalism to offer nations in or emerging from conflict, and how can a federal or decentralised approach help avoid or resolve potential conflicts?

In effect, we have to consider the alternative. In principle, as Daniel Thürer said on the first day (see Thürer, Part A), federalism offers a greater capacity for solving problems than its centralist counterpart. That sounds like a modest claim, but in situations of tension and actual conflict, it may mean, and has meant in the recent past, the difference between a viable and a non-viable state, and the difference between life and death for many of its citizens.

Federal solutions can protect human and group rights, create the space for peaceful coexistence, stabilise economies and promote development.

2. A response to crisis, preventing crisis

We have been discussing for the last three days some specific instances in which federalism or decentralisation might help to resolve, repair and prevent conflicts. We have reached no general conclusions, except to say that all situations are specific to current pressures and historical background, and that each state must develop its own unique and pragmatic approach, if necessary with the disinterested help of the international community and trans-national institutions.

The result will be a great variety of systems with some common characteristics, a galaxy of brighter and lesser stars of different types. Today's

global galaxy has some clusters or maybe circles of stars; it has a few black holes, and one red-white-and-blue giant. Maybe it is less a system than a spectrum, which has highly centralised states with some limited local powers at one end, and confederations and associations of sovereign states at the other. Somewhere on the outer edge lies the United Nations (UN).

3. International intervention and conflict resolution

Since the end of the Cold War the UN has been drawn into an increasing number of crises of different kinds, some of which we discussed. The first point is that the UN was not set up and still is not properly equipped for such action, whether military, political or humanitarian. I won't go into detail on the shortcomings of the international response and the reasons for them. But it is clear that discussants want the UN to have a stronger capability for decisive intervention, a legal framework for action, some clear and enforceable rules for engagement, a recognised system for its operations with effective oversight mechanisms, a professional staff trained in the various skills, and a reliable source of funding.

Some of us would like a reformed and veto-proof Security Council which could make majority decisions on interventions. Some would like to give the Secretary-General power to act with the minimum of consultation rather than evolve a painstaking international consensus on intervention. As opposed to the present situation where the Secretary-General has a huge responsibility but little power, this would give awesome powers to one person. I wonder who (s)he might be?

The UN is made up of sovereign nations. But today, every nation's sovereignty is dented and diluted to some extent by supra- and international requirements, from the free flow of investment resources to the accumulation of butter mountains. De facto if not de jure, this amounts to a growing international federalism. If states use this opportunity to build the necessary international institutions and secure the necessary flows of resources and technologies, the hand-wringing in some quarters over loss of national sovereignty may turn to bell-ringing to celebrate economic and social improvements.

In that sense the poorer countries of the world may be seen as the disadvantaged groups in the world community. We can already see the usefulness of international norms in helping to arbitrate or avoid internal conflicts. The various treaties now amount to a framework protecting group as well as individual rights, and references to them can be found in a number of national constitutions. In his address, the Prime Minister of Belgium (see Verhofstadt, Part E) mentioned world federalism, and we might see the UN as the very shadowy outline of some kind of global federal institution (though if we pursue that line of thought, the UN might have to find a new site for its headquarters).

4. Security and development

Given the communal roots of contemporary conflicts, it is clear that only federal arrangements can offer the affected populations the security they need before they can resume anything like normal life. There is also burgeoning

interest in the federal idea as an approach to longer-term stability and development, attacking the roots of conflict, heading off crisis before it starts.

All situations and therefore all solutions are individual, but we can see the outlines of some helpful ways to arrive at an approach.

- Ethnic minorities, indigenous peoples and other interest groups often find themselves left out of the division of the national pie. Poverty, inequality, injustice, oppression and deprivation are powerful causes of conflict. Federal arrangements, we have heard, can address these disadvantages, by addressing common concerns at federal level, speaking to and for the needs and interests of minorities, and setting up separate administrative units with a greater or lesser degree of autonomy, and by introducing social solidarity or equalisation to support the poorer ones. As long as there is a perception of fairness, states can arrive at different arrangements to suit different interest groups.
- There was some discussion of the risks of devolution. Subdivision into small and powerless units – I nearly said balkanisation – is a betrayal of the federal idea. We were warned to be beware of fragmentation, though at least one brave soul felt that secession should be an option for all who wanted it. What that would do for UN membership, not to mention real estate values in New York, I can't begin to think.
- More seriously, a willingness on the part of central government to allow states and interest groups to explore the possibilities of devolution can prevent this point being reached. I think we agreed that federalism can

respond to needs and strengthen the broader polity in all cases, except those where majorities feel themselves unequivocally threatened by the expression or satisfaction of minority interests, or minorities are determined to collapse the national structure.

- Some situations are too loaded even to allow using the term federalism. In these cases, another term such as partnership can be employed: the terms are less important than the outcomes. We had some discussion of the place of terms and concepts, or what were called “notions” in resolving and preventing conflicts, as opposed to addressing practicalities. It may be true that theoretical constructs may appear too abstract and other-worldly, and that what is needed is pragmatic approaches to everyday, real-world problems. Yet, as a practical matter, people find it hard to relate to a solution that is only about housekeeping, and that lacks a vision of what the house itself should look like.
- In the end federalism is about identity. Every individual or group enjoys more than one identity. Insofar as the identities overlap, they form what Radmila Nakarada, in her paper (see Nakarada, Part C), calls a network. The effect of a successful federal approach is to tie the different identities together, so they reinforce rather than conflict with each other. This can extend even to the sense of nationality – “one nation with several nationalities” as one discussant put it. The identities can be geographical or communal, ideological or religious. As the Chancellor of Austria (see Schüssel, Part E) said yesterday, federalism can create unity out of diversity.

- The political and fiscal effects of devolution or decentralisation are complex and much discussed. The principle should be that no protection conferred at the national level should be diminished at the local level, as with gender rights, and that accountability should be no less at the local than at the national level. Democratic elections can help prevent what Richard Crook has termed “elite capture” (see Crook, Part C), otherwise known as cronyism, the old-boy network or patronage politics. There is a series of practical issues here, from traditional patterns of power sharing and resource distribution to the sheer expense of maintaining various levels of elected government. There can also be disadvantages to democratic elections, for example when everything down to civil service clerkships and market licenses is subject to party political affiliation. Attempts to avoid these pitfalls by appointing local governments can raise their own problems, such as over-mighty local officials armed with the power of the purse and responsible to no one but the central executive. Again, societies will need to find their own solutions.
- Civil society clearly has a role in protecting and promoting identity, but exactly what that role should be was the subject of much discussion. In the first place, what is civil society and who does it represent? Do indigenous peoples lack civil society or do they not need it? Do indigenous institutions, such as traditional assemblies and kinship groups, constitute civil society? What should be the response if civil society groups such as religious fundamentalists threaten stability? If by civil society we mean non-governmental institutions responding to

and guiding social and economic change, they should grow naturally out of a culture. If it does not, can it be successfully introduced, and if so, how? Micro-credit organisations were mentioned as one very successful example of civil society, because they address questions such as gender equality and empowerment of the poorest segments of society. International Non-Governmental Organisations (NGOs) came in for some criticism as alien surrogates for the international community, but it is not clear that such criticism is always justified. NGOs often become lightning rods for local dissatisfactions that have much deeper roots.

- I had a hard time getting gender issues discussed in the context of conflict prevention or resolution, and I am very grateful for those who did bring them up, notably in Work Session 18. One participant pointed out that each indigenous society should adapt in its own way to international norms on gender equality. She stated that she herself was glad not to be married at 15, and was grateful to have had the opportunity to found and run her own business. Others in that session noted that the oppression and exploitation of women were not confined to indigenous populations, and that change in autonomous regions can spur change elsewhere. Women are not of course a minority, but the fact is that they are often treated as if they were. I would like to promote some discussion of federalism as it applies to gender – after all, the federal idea can go beyond geographical or ethnic groups.
- Finally, one participant hit the nail on the head when he said that eventually federalism is not about the engineering of government, but

about the architecture, and the principles of harmony, proportion and balance.

I am not an expert, but I am a convert to federalism. On the basis of my experience here and the way it applies to the work I have been doing all my life, I see that a federal approach can liberate people and serve their needs, protect their security and promote their development. It is as Amartya Sen's book title has it "Development as Freedom". I am very grateful to have had this experience and I thank you for listening to me. I look forward to the next phase of the discussion.