

Equality and Unity in Diversity for Development

5TH INTERNATIONAL CONFERENCE ON FEDERALISM
Addis Ababa, Ethiopia, 2010

VOLUME 1 | Conference
Highlights

Edited by
Alem Habtu

Volume 1	Conference Highlights
Volume 2	Federalism and the Democratization Process
Volume 3	The Impacts of Regionalization and Globalization on Federations
Volume 4	Unity in Diversity through Federalism
Volume 5	Federalism and Conflict Prevention, Management and Resolution Mechanisms
Volume 6	Fiscal Federalism and Equitable Development

Series Editor, Alem Habtu

Equality and Unity in Diversity for Development

5TH INTERNATIONAL CONFERENCE ON FEDERALISM
Addis Ababa, Ethiopia, 2010

Solomon Tadesse
Executive Director, Secretariat of the
5TH International Conference on Federalism



No paragraph of this publication may be reproduced, copied or transmitted save with written permission or in accordance with the provisions of the Civil Code of Ethiopia: Proclamation No. 165 of 1960, Title XI. Literary and Artistic Ownership, Articles 1647 through 1674 and the relevant provisions of Copyright and Neighboring Rights Protection Proclamation No. 410/2004.

Designed by S. Jackson for Shama Books

© Forum of Federations 2012, FDRE 2012

ISBN: 978-99944-0-059-1

Published by Shama Books, Forum of Federations and the Government of Federal Democratic Republic of Ethiopia,

Printed and bound by Central Printing Press, Addis Ababa, Ethiopia



Shama Books

This book is meant for educational and research purposes. The editor and contributors have taken all reasonable care to ensure that the contents of this book do not violate any existing copyright or intellectual property rights of any person. In the event of any infringement unwittingly having occurred, please contact the publishers in writing.



Canadian International
Development Agency

Agence canadienne de
développement international

CONTENTS

Foreword: H.E. Meles Zenawi	vii
Preface: Rupak Chattopadhyay	xi
Introduction: Alem Habtu	1
Official Opening Address: H.E. Meles Zenawi	5
Opening Address: H.E. Kassa Tekleberhan	9
Background Issues Paper	15
Keynote addresses	
Day1: Abuses and Uses of Cultural Diversity: African Past, Ethiopian Present Andreas Esheté	35
Day2: Federative Ideas and Institutions in the Functioning of Nigeria's Federalism H.E. Chief Olusegun Obasanjo	47
Day3: Panel Discussion: Ronald Watts, Canada, Julius Ihonvbere, Nigeria, Yash Pal Ghai, Kenya, Luka Biong Deng, Sudan	54
Addis Ababa Declaration on Federalism	81
Closing Address: H.E. Meles Zenawi	87
Contributors' Bios	93
Index	99

Equality and Unity in Diversity

FOREWORD

H.E. Meles Zenawi

Prime Minister of the Federal
Democratic Republic of Ethiopia

The 5th International Conference on Federalism (ICF), held in Addis Ababa in December 2010, was a national landmark for Ethiopia's ongoing transition to a mature federal democracy. Hosting senior leaders and other federal governance practitioners from across the globe was a celebration of our membership in the community of nations that has chosen and successfully implemented federalism to meet their political, social and economic needs and aspirations. Ethiopia is proud to have joined the list of other countries that co-hosted previous International Conferences on Federalism with the Forum of Federations: Canada (1999), Switzerland (2002), Belgium (2005), and India (2007).

It was also important that the 5th ICF was the first to take place in Africa. We chose the conference theme, "Equality and Unity in Diversity for Development", as one that captures the challenges and opportunities of federal governance from Ethiopia's perspective, but which we share with many of our fellow African countries.

Poverty and conflict promise to be no less challenging in the coming decades, as we struggle with the impacts of climate change, technology and other forces of globalization, forces which call for strong global and regional cooperation among governments that reflect the will of their peoples in all their diversities. Federalism – in its varied applications globally – holds much potential for building an underlying foundation of stability and for releasing the many untapped sources of capacity for development on our continent. In Ethiopia we have come to understand

that federalism is required for us to meet these challenges and opportunities, and, indeed, that the alternative – any return to centrist, unitary governance of the past, with all its cultural and economic tenants that entrench inequality – would be nothing less than a disaster.

We are witnessing the flourishing of federal or federal-like experiments across the entire continent of Africa. Kenya's new constitution – passed by popular referendum a few months before the Conference – has significant elements of devolution which are at the core of their reforms. Just a few weeks after the Conference, in South Sudan a referendum paved the way for a newly-independent Republic of South Sudan. It is no accident that the Intergovernmental Authority on Development (IGAD)-brokered Comprehensive Peace Agreement centered largely on federal arrangements for power-sharing and wealth-sharing. While federalism is no panacea, in both of the now two separate countries, issues of federalism and the federal idea generally will continue to be at the centre of discourse and negotiations for governance arrangements needed to find their particular path to stability and a durable peace. Even in Somalia federalism is at the core of their constitutional debates to end that intractable conflict and put their nation onto a path of durable peace and development.

Of course, Nigeria is the birthplace of federalism in post-colonial Africa; South Africa's post-Apartheid constitution sets out significant devolution with many federal or federal-like characteristics; and Congo's 2005 constitution has many federal elements. We very much appreciate that representatives from these countries joined us at the Conference and shared their experience and their questions. In the coming years they will continue to adapt and innovate as practical experience with federal governance inter-weaves with what promise to be intense challenges of political, social, economic and institutional development.

It is common to say that federal governance is always a work in progress as nations adjust to the constant forces of change – domestic, regional and global. This is certainly true in Ethiopia. We are also a stark example of the need to constantly innovate and learn – yes, from the rest of the world but also from ourselves in the context of momentous, multidimensional challenges we faced when we started the process of federalization in 1995.

Thus, one of the primary legacies of the 5th ICF – and indeed of this series of post-conference books – promises to be the special focus in our conference of the innovative experiments that are emerging to deal with the types of challenges being faced today by Africa and other parts of the world recovering from long-standing conflict or political crisis. In this sense, federalism and the federal idea itself must continue to be a work in progress as we in Africa, by necessity, discover and nurture new ideas and values that build on and enrich those that evolved mainly from the more established federations like Canada and Switzerland. We look forward to the future ICFs continuing to explore and reflect on these processes of innovation.

The Government of Ethiopia has been pleased to be a partner of the Forum of Federations since 2006. We look forward to a long continuation of that partnership and to further strengthening the global network that came to Addis Ababa in 2010.

I take this opportunity to thank the Conference Secretariat (headed by Solomon Tadesse), the Forum of Federations, the dozens of contributors who wrote papers and practical case studies, and of course all who participated and thereby contributed to the content of these volumes.

Equality and Unity in Diversity

PREFACE

Rupak
Chattopadhyay
President and CEO,
Forum of Federations

This six volume series captures the learning from the 5th International Conference on Federalism. The International Conferences on Federalism (ICF) are the Forum of Federations' flagship event, organized approximately every three years in partnership with a host government. During the 4th ICF in New Delhi in 2007, H.E. Prime Minister Meles Zenawi invited the 5th International Conference to Addis Ababa. The other ICFs took place in Canada (1999), Switzerland (2002) and Belgium (2005).

These triennial conferences provide a unique forum where practitioners of federalism and similar forms of multi-tiered governance, along with academics and non-governmental organization (NGO) representatives from across the globe, are able to interact and learn from one another. The thematic work sessions are the core events of these conferences. Unlike academic conferences, no theoretical papers are either presented or discussed at the work sessions. Instead, state-of-the-art academic papers commissioned prior to the conference are expected to provide the background and framework for policy relevant discussions. These papers influence the selection of issues and case studies which inform discussions at the conference work sessions. Also, unlike inter-governmental conferences, senior officials and ministers are not provided an opportunity to present existing government positions from prepared texts. Rather, senior practitioners are expected to actively participate in the interactive work sessions, where colleagues from around the world are exposed to diverse points of view and new insights resulting from

dialogue. Such a format allows for maximum active participation, while providing an opportunity for peers to draw inspiration from each others' experiences.

The 5th International Conference on Federalism was significant for three important reasons. First, this was the first ICF held on the African continent. Second, it was the first time that an emerging federation hosted the conference. Third, this was the first ICF to focus on how the federal idea could promote economic and social development. Situating the conference in Addis Ababa underscored the important role played by federalism in Ethiopia's ongoing political and economic transformation. The adoption of a federal constitution in late 1994 has arguably played an important role in holding centrifugal tendencies in check and providing various ethnicities with a stake in the country's economic success. Since becoming federal Ethiopia has emerged as a vibrant economy and polity in a region which is increasingly beset by conflict and deprivation.

Federalism is often confused as being an ideology, when in fact it is a system of government organization, one which allows for at least two orders of constitutionally autonomous and recognized government. As global experience demonstrates, each federal country has adapted general federal principles to meet its own unique social, economic and historical circumstances. Even within Africa there is considerable variation between the Nigerian and Ethiopian practice of federalism and South Africa's quasi-federal model.

The focus of the conference on unity, equality and development is one that resonates throughout Africa and much of the developing world. In his opening address, Prime Minister Meles correctly identified democratic federalism as the glue that binds together countries which are diverse. It does so by providing diverse sections of the population with the equality of opportunity to participate in the political and

economic life of the country. As more societies in Africa and elsewhere emerge from decades of conflict, there appears to be increasing interest in federal and devolved forms of government, as countries search for political institutions that are more responsive to their populations and better reflective of their diversity. It is not surprising, therefore, that the constitution of the Democratic Republic of Congo is federal in form or that devolution is the centerpiece of Kenya's new constitution. Further away, countries such as Nepal and Indonesia have adopted either federal or devolved forms of governance in recent times.

Indeed, the Conference took place a few short weeks before the referendum in South Sudan, providing a poignant backdrop to the whole proceedings. We all know the result was an overwhelming vote for independence. We now watch anxiously and with great interest to see how these two newly configured separate countries deal with questions of federal governance to manage their diversity, and indeed deal with all the challenges that were topics of this conference.

Adopting a federal or devolved constitution is only the first step for a country embarking on a path of democratization. It is significant therefore that the topics chosen for the 5th ICF included a focus on the operational and process aspects of managing federations. Democratic federalism is meaningless without the active participation of citizens in the political process at multiple levels, whether as individuals or as part of social movements. By the same token federal structures and institutions that don't respond to the needs of citizens undermine the process of both democratization and federalization. Indeed the resilience of a federal system is measured by its ability to adapt to the changing needs of society over time.

Federal systems do not emerge or operate in a vacuum. On the one hand, in a world that is increasingly globalized, the emergence of post-conflict constitutional arrangements are often influenced by the role

played by international organizations, NGOs and sometimes even members of diasporas. It is important to understand the extent to which external factors may influence the choice of institutional arrangements, to understand how these arrangements may be grafted onto the local socio-economic context and indeed to assess the durability of such institutions. On the other hand, as Africa moves toward greater regional integration through the African Union (AU) and subregional bodies such as the Southern African Development Community (SADC), the Economic Commission of West African States (ECOWAS), and the Common Market of Eastern and Southern Africa (COMESA), it is important to consider the lessons from both successful process of regional integration such as the European Union (EU) as well as failed integrations attempts across the globe.

The success of regional integration has often been a function of not just getting the structure right but of deep political commitment from key actors in the process. The German bailout of Greece during the 2011 Euro crisis is a particularly poignant example of such commitment to regional solidarity. The same sense of commitment is required at the national level such that federalism is as much about solidarity as it is about subsidiarity. Solidarity amongst constituent units expressed through well designed mechanisms for equalization is an important determinant of the long term viability and economic health of federations, particularly emerging ones. In much of the developing world, control of resources has historically been a source of conflict. Getting issues around ownership, exploitation and mechanisms for equitable revenue sharing sorted out can often mean the difference between a vibrant national economy and perpetual conflict. Federal arrangements offer the possibility to achieve the former.

As noted above, federal systems are often well suited to promote unity in countries which may be ethnically, culturally, linguistically or religiously diverse. But it can only work if there is a commitment

across the board and at all levels to work together in building a shared political and economic community. To this extent, federalism is not a panacea. Indeed, as the Addis Declaration notes, federalism, and its implementation, must be judged by its effectiveness in building nation states that meet the needs of ordinary people and in providing an inclusive vision of national unity. Nowhere does this ring truer than in the two halves of Sudan, where there was no convergence on a shared vision of unity between the north and south. To this end, the peculiar human geography of Africa, resulting from arbitrary borders imposed by colonial powers, can present formidable challenges to the establishment of viable federal states.

The 5th ICF's unique focus on Africa and the developing world highlighted the issue of human resource constraints as being a major impediment to the rapid federalization of African countries. Since federal and devolved structures require multiple orders of administration, low levels of education and technical proficiency across much of the developing world, particularly at the sub-national level, make the task of establishing institutions of administration and governance all the more difficult. So even though there appears to be an increasing interest in federal and devolved forms of government related to the push for more democracy and viable nation building, human resource constraints will continue to act as a brake in many countries.

In the tradition of past conferences, the 5th ICF was designed to address the needs of those involved in the practice of federalism at all levels. The conference provided a safe space for free discussion and fostered a sense of community among participants. Most importantly, the International Conference provided an opportunity not only for practitioners of federalism to learn from each other, but it also provided guests with an opportunity to learn about the host country. I would be remiss if I didn't acknowledge that the 5th International Conference on Federalism provided a rare opportunity for experts from all over the

world to experience Ethiopia's successful experiment and continuing challenges with federalism, and to see firsthand how federalization has transformed the social, political and economic life of the country. Ethiopia's experience is living proof that federalism can promote peaceful peaceful coexistence and harmony in settings of diversity, while promoting economic prosperity.

It is fitting that the 5th ICF opened on the day that Ethiopia celebrates the Day of Nations and Nationalities. For those of us who witnessed the colorful cultural program on the opening evening, this was not just any cultural spectacle. Indeed it was a dramatic and thoroughly enjoyable demonstration of unity in diversity that is the essence of federalism. In that spirit I take this opportunity to express, on behalf of the Forum of Federation, our partners and all the participants, our deep gratitude to Prime Minister Meles Zenawi for his leadership and vision in agreeing to host the 5th ICF and to the people of Ethiopia for their warm hospitality in providing such a rich learning experience.

This six-volume series captures the state of the art in the practice of federalism, particularly as it relates to public policy around the management of diversity and economic development. It is also a significant addition to the literature on the practice of federalism and will in time be seen as significant reference materials.

This is the first of a six-volume series of books on the Fifth International Conference on Federalism (5th ICF) that took place December 14-16 2010 in Addis Ababa – the first ICF on African soil. It was attended by over a thousand participants from forty different countries, including heads of government, ministers, parliamentarians, academics and other practitioners of federal governance from across six continents.

The theme of the 5th ICF was “Equality and Unity in Diversity for Development”, which captures the challenges and aspirations that are particularly relevant to the African continent. The Conference was further broken down into five major topics:

- Federalism and the Democratization Process
- The Impacts of Regionalization and Globalization on Federations
- Unity in Diversity through Federalism
- Federalism and Conflict Prevention, Management and Resolution Mechanisms
- Fiscal Federalism and Equitable Development.

Under each of the five topics, a different sub-topic or question was addressed on each of the three days of the Conference. Thus, a total of fifteen questions were posed by the conference organizers, questions which are explained and discussed in the “Background Issues Paper” that is replicated in this volume. The content of the Conference deliberations was built on three case studies written and presented for

each of these fifteen questions: one from the host country (Ethiopia), one from another African country or subregion, and a third from the rest of the world – for a total of 45 case studies presented over three days. These case studies were intended to benefit practitioners and were largely authored by such. In other words, like the previous ICFs, the 5th ICF in Addis Ababa was not a traditional academic conference, but rather an exercise in mutual learning among practitioners.

The forty-five case studies, along with a report and analysis of the actual Conference proceedings, will be published in five subsequent volumes in this series – one volume for each of the five Conference topics identified above.

This introductory volume sets the stage for capturing the learning that transpired at the Conference and during its preparation. While the subsequent five books deal in some depth with specialist topics and cases, this volume is a unique compilation of some of the continent’s most important political leaders and thinkers shaping the practice and political discourse on federalism in African and other developing or post-conflict societies.

In his opening keynote address on Day One, Professor Andreas Eshete reflects on how identity has been treated and mistreated in Africa by various forces, and how that historical experience often made emerging political elites in Africa suspicious of the “federal idea”, whereas in the current era the underpinnings of both federal and centrist governance choices are receiving more open and critical consideration. Indeed, he notes that for his country, Ethiopia, and others in Africa, the potential of federalism as a means of defining modern Africa in all its diversities is coming to the fore but still requires continual conversations, experimentation and learning among Africans.

As a former president of Nigeria, among many other roles, Olusegun Obasanjo has been one of the most influential African leaders of his

generation. Therefore, his Keynote Address on Day Two provides us with a most instructive historical record that comprehensively lays out the principles and practicalities of federal governance in a major African country from a uniquely important personal perspective.

The format for the third day's opening plenary was to conduct a Panel Discussion on the question: *Can federative and confederative arrangements be deployed to promote peace, stability, decent political rule and enduring development for the peoples and states of Africa?* The three panelists – Luka Biong Deng of South Sudan, Yash Pal Ghai of Kenya and Julius Ihonvbere of Nigeria – provided a useful cross-section of experience within the African continent over the past several decades, including the very special case of Sudan that was to hold a referendum on independence for the South only a few weeks after the Conference. Readers may be surprised at the extent to which all three panelists call on us to question some common assumptions about the relationships between identity and federal governance. Just as or more important is the Panel's treatment of their concerns about key matters that are often underplayed by proponents of federal governance: whether or not it serves – or under what conditions it could best serve – higher ends such as social justice and nation building.

Meles Zenawi is recognized as the chief architect of Ethiopia's federal system as well as the chief steward of its development over almost two decades. Three different contributions by the Prime Minister in this volume provide readers with a unique source of insight into his vision of federalism and why it is critical to very aims raised by the panel on Day Three – that is, to deepen democracy, development and national unity.

In sum, this volume should guide agents and students of federalism to engage in the debates and deliberations to be offered in the succeeding five volumes of this series.

Equality and Unity in Diversity

OFFICIAL OPENING ADDRESS

H.E. Meles Zenawi

Prime Minister of the Federal
Democratic Republic of Ethiopia

5TH International Conference on Federalism
Addis Ababa, Ethiopia, December 13, 2010

Your Excellencies Heads of State and Governments,
Excellencies Heads of Delegation,
Honorable Participants,
Ladies and Gentlemen,

I would like to welcome all of you to Addis Ababa for the Fifth International Conference on Federalism which is being held in Africa for the first time. Allow me to thank all of you for joining us today. My special thanks goes to my colleagues the Heads of States and Governments who have honored us with their presence at this unusually busy time in the African calendar.

No two countries are the same in all aspects. Every country is bound to have its own unique characteristics. Democratic federalism like all other forms of governance has to be designed to fit the unique circumstances of each country. No two federal systems can thus be identical. However, federal democracies across the globe are bound to have some basic common features and are bound to face some common challenges. It therefore goes without saying that they can learn from each other's experiences and draw valuable lessons from expert analysis of their common endeavors. A forum such as this one provides us with a unique opportunity to do so. That is why I believe the International Conference on Federalism is a unique and very valuable school on democratic federalism for all of us.

Your Excellencies,
Ladies and Gentlemen,

Throughout its long history, Ethiopia had endeavored, with little success, to develop a system of governance that embraces its diversity - one that helps it to transform its extraordinary diversity from an existential threat to a deep well of strength and dynamism. Indeed, for centuries the management of its diversity had constituted a primary challenge- a challenge that has massively contributed to its centuries-long journey backwards from the frontline of world civilization to one of the poorest countries on earth.

Our experiment with democratic federalism over the past two decades must thus be seen as one in a line of attempts to achieve unity in diversity. All indications so far suggest that this is at last a successful experiment.

Our federal system has allowed us to introduce a democratic system of governance that is fast maturing and consolidating. It has enabled all the peoples of Ethiopia to maintain and celebrate their individual identities while at the same time constituting the bigger family of Ethiopians. It has empowered all the peoples of Ethiopia to manage all their local affairs autonomously and to mobilize all their resources to improve their livelihoods and develop their communities while, at the same time, becoming active participants in common national affairs. It has allowed us to design our governance system to fit the circumstances of each locality and thus serve the people better while consolidating our common democratic governance.

Democratic federalism has enabled us to forge a common Ethiopian identity- one that is not separate and above our diverse identities, but one that is constituted by the magnificence of such diversity. It has become the bedrock upon which a stable and peaceful nation is being constituted. It has become the solid basis upon which we are building a young and dynamic nation out of one of the oldest states on earth.

Your Excellencies,
Ladies and Gentlemen,

For more than seven years now, our economy has achieved double digit growth rates- one of the fastest and most sustained rates of growth in the world. Our growth has affected every corner of our vast nation. The fruits of our success have been very broadly shared as ours is the most equitable economy in our development. Democratic federalism has played a vital role in our economic success by empowering every citizen and every community to contribute to our development and to benefit from it in a fair and equitable manner. Our system of governance has contributed to the success by consolidating peace and stability in our country and paving the way for all of us to join hands in rebuilding our nation.

This is why we state that democratic federalism is one of the two pillars of our national renaissance. Together with the establishment and consolidation of an effective developmental state in our country, it has enabled us to begin the long road back to the frontline of our civilizations. Just as our failure to embrace our diversity had been, over the centuries, one of the primary causes of our retreat from the front ranks of human civilization, the successful management of our diversity through democratic federalism has become one of the pillars of the ongoing Ethiopian renaissance.

Our federal and democratic system is still a fledgling system. It is work a-in- progress. Naturally, therefore, it faces many challenges and has a number of significant weaknesses. A section of our citizens, and particularly a section of our political class, however small, has yet to fully embrace our new system. Some amongst them are too wedded to the past to recognize that democratic federalism is not a system to promote centrifugal forces in our nation but one to effectively neutralize such tendencies. Some amongst them are too scared by the past to recognize that our system is not old wine in a new bottle, but a fresh start to

rebuild our unity on the basis of equality and the freely expressed will of the people. We have yet to overcome their fears and build broad and deep national consensus on the matter.

Our federalism is based on a system of multi-party democracy. Democracy is a new experience for our old nation. Our institutions of democratic governance need further consolidation. Our culture of democratic discourse needs further refining.

While we are thus keenly aware of the long journey we have yet to travel in order to consolidate our system of democratic federalism, we have, nevertheless, achieved enough success to assure us that we have embarked on the right path to national renaissance. While we are eager to learn from the participants of this conference and fellow democratic federalists, we, nevertheless, feel that this is about learning to further improve and perfect our system, and not about a completely new start. That is why we feel doubly honored to be able to host this great school of federalism.

Allow me to conclude by wishing all of you fruitful deliberations and a happy stay here in Addis.

I thank you.

OPENING ADDRESS

H.E. Kassa Tekleberhan

Speaker of the House of Federation
Federal Democratic Republic of Ethiopia

Chair of the Steering Committee for the 5TH International
Conference on Federalism, Addis Ababa, 13 December, 2010

Your Excellency, Prime Minister Meles Zenawi,
Your Excellencies,
Distinguished Colleagues,
Distinguished Guests,
Ladies and Gentlemen,

We are very pleased and honored to welcome you to Ethiopia and the 5th International Conference on Federalism and to the celebration of the Nations and Nationalities Day. The Nations and Nationalities Day marks the proclamation of the Federal Constitution of Ethiopia on December 8, 1994 by representatives of the Nations and Nationalities. The signing of a new, federal constitution based on equality and the right to self-determination of the nations, nationalities and peoples marks a significant turning point in our history.

While Ethiopia was, for a long time, a unitary state encumbered by centralism and poverty, today Ethiopia is characterized by federalism, democracy and development.

Excellencies, Ladies and Gentlemen,

We decided to postpone the annual celebration of the signing of our constitution for almost one week so that our distinguished international guests could join the celebration of an event that is of historic significance to the Ethiopian people. We also want to share with our guests attending the 5th International Conference on Federalism our pride in the constitution and the opportunities it offers us.

Ethiopia managed to develop from a war torn country stripped of any infrastructure into an African country with the highest economic growth rate for the last seven years. Primary and secondary schooling has grown more than five-fold in less than twenty years. Girls attending primary schools now constitute 48 per cent of total enrollment, almost reaching the gender parity index of 1:1. Overall access to health care has increased to 89.6 per cent in 2009/10. Ethiopia has now become an electric power exporter from a very low base a decade ago. We averted civil war in 1991 and have managed to maintain internal peace for the past twenty years.

All these achievements were made possible by consultative and joint development endeavors at all levels of government, and above all by the recognition of the equal rights all our nations, nationalities and peoples which is the foundation of Ethiopia's renaissance.

We are a nation of more than 80 nations, nationalities and peoples with as many different languages. We follow different religions and we have diverse lifestyles, traditions and histories. This splendid diversity had not been recognized in the past. On the contrary, the right to develop this cultural richness had been denied to most of the people, a denial which had significantly hampered the development of the country.

Excellencies, Ladies and Gentlemen,

Having overthrown the military regime in 1991, the nations and nationalities have developed a new pride in their own contribution to end a despotic regime and a new pride in their own cultures. The time was more than ripe to find a much more accommodative way to organize the state and to recognize diversity as an asset and as the basis for the Ethiopian renaissance.

As we all know, finding an appropriate form of state organization and drafting a constitution is not an easy task. In our case we spent four years between 1991 and 1994 benchmarking international experiences, discussing best practices and adapting them to our context. The result of these discussions among nations and nationalities is the Constitution founding the Federal Democratic Republic of Ethiopia whose proclamation we celebrate today.

The very basis of both the Federal Democratic Republic and our Constitution are the nations and nationalities that I am representing here. The nations and nationalities have committed themselves to building a political and economic community that upholds peace, democracy, freedom and equal rights. While many federations are based on regional states, ours is founded on the sovereignty of the nations and nationalities.

Because of our experiences in the past, we had to find special mechanisms in order to ensure the rights of the nations and nationalities. Inasmuch as they are sovereign, the nations and nationalities have a constitutionally guaranteed right to self-determination, a right which, in the extreme case, includes the right to secede and to form an independent state. This provision, namely Article 39(4) of our constitution, has provoked wide discussion and debate. Allow me to add some thoughts to this discussion.

First, centrifugal forces are not created through a constitutional provision as we can see in the case of federations such as Belgium or Canada. Wherever a people feel disadvantaged or not fully recognized, they seek better options. We have observed this in Ethiopia under previous regimes.

Second, providing rules to handle centrifugal forces does not strengthen those forces. The contrary is true: providing a path to democratically and peacefully separate creates obligations for all partners to make sure that the option is not needed. To state a very simple example: If I do not want my wife to divorce me, I have to work on our relationship and the same is true for her. The same holds true for nations and nationalities. If we want to remain a strong economic and political force, we have to make sure that no nation or nationality develops the need to secede. We have to ensure that our relationship is based on fairness and justice. We have to ensure that all have equal access to all resources. This means that Article 39 is not only a guarantee of the right to self-determination, but also of the right to equal and just development as well as the right to equal access to resources and political power.

During the sixteen years that our constitution has been in force, no nation or nationality has expressed the wish for secession. Some nations and nationalities have expressed their need for more self-determination which has been creation accomplished through the creation of special zones and other administrative structures. So we can conclude that the right to self-determination is not a recipe for disaster as some argue, but the glue which is helping us to develop our democracy and our economy. It provides the stability necessary for peace and development.

Excellencies, Ladies and Gentlemen,

Ethiopia in 1991 was not an ideal place to start a new form of government or state organization. There was no experience of either

democracy or decentralization. And to make matters more difficult, Ethiopia was in very poor condition economically. Politically, Ethiopia was at a crossroads heading more likely towards disaster than to development. Human resources capacity development, on a massive scale, and affirmative support for the historically disadvantaged regions have helped to create a stable and peaceful environment. I am not saying that we have perfect peace, and we are still far from being a rich country. But we can observe fewer violent conflicts in the past few years. We have developed conflict resolution mechanisms at all levels of government and we are applying many different strategies – bringing conflicting parties together to discuss the problem being one of them.

Economically, Ethiopia has been registering double-digit growth rates for the past several years. Because we have a stable political and economic environment foreign investors have taken interest in Ethiopia. We have made enormous efforts in the field of education. Schools are to be found everywhere in the country, in urban and rural areas. While schooling was a privilege of the rich before 1991, today every child can attend school. From previously below 10 per cent enrollment, we have now reached more than 94 per cent enrollment at the primary level. There are now universities in all regional states, ensuring that members of the young generation are adequately prepared to be active partners in development. Because of our federal system, allowing regional states to set up their own language and education policy, most children are enjoying primary education in their mother tongue, helping them to learn better and faster.

Creating unity in diversity and strengthening all nations and nationalities through the federal arrangement, as well as making enormous investments in infrastructure, education, health and social services, has enabled us to achieve remarkable progress in the Human Development index during the past 20 years.

Excellencies, Ladies and Gentlemen,

While federalism may be just a way of organizing a state in some countries, federalism may have a much deeper meaning for others. While it may only be difficult to govern large homogenous countries in a centralized way, it may seem impossible to govern large and heterogeneous countries in a centralized way. While federalism may be one choice among others to keep a state together or to bring states together, it may be the only choice for certain countries.

A long time ago, it had been said about Switzerland that it will be federal or not at all. Today we can add other countries, like my own country, Ethiopia, to that list.

In the name of the House of Federation and in my own name, let me invite all of you to the celebration of our diversity, our constitutional achievements as well as our advances in peace, development and democracy.

Thank you.

Editor's Note: *The following pages replicate, for the most part, the Pre-Conference Background Issues Paper that was published approximately one year before the Conference. It was used to solicit participation in the Conference, with an explanation of questions and issues to be covered under the five topics (see below), and for use by case writers and other participants. The subsequent five volumes in this series will each present the case studies and further analyses of their respective sub-topics or questions. Minor changes have been made to the original text for readability now that the Conference has taken place.*

Introduction

Ethiopia hosted the 5th International Conference on Federalism in December 2010 in Addis Ababa. This was the latest in a series of unique, practitioner-oriented conferences designed as a forum for experience sharing on issues related to federalism. The International Conferences on Federalism were initiated in 1999 by the Forum of Federations with the first conference in Mt. Tremblant, Canada. This was followed by a second conference in 2002 in St. Gallen, Switzerland, a third in Brussels, Belgium, in 2005, and a fourth in New Delhi, India, in 2007.

These conferences are organized by the government of the host country in partnership with the Forum of Federations and provide a forum for sharing experience related to challenges associated with the governance and operation of federal and federal-type systems. All previous conferences have had participation from the highest

levels of government, including heads of state, heads of government, heads of constituent units, legislators, senior officials, as well as young professionals, academics, and private sector and non-governmental organization (NGO) representatives. Both the number of participants and countries of origin of participants grew from conference to conference. While 500 participants coming from 25 countries participated in Mt. Tremblant, the New Delhi conference hosted 1,300 participants from 116 countries.

The first conference focused on the challenges of federalism in a globalizing world and offered an opportunity for discussion of four topics around the welfare state, social diversity, intergovernmental relations and economic and fiscal arrangements. The second conference paid special attention to foreign policies, conflict management in multicultural societies and fiscal federalism. These three topics reflected current issues of the host country, Switzerland, with its multicultural society and fiscal reform projects under discussion for a number of years prior to the conference. The host country of the third conference, Belgium, had opted for federalization in 1993 in order to accommodate the tri-communal character of Belgian society. As Belgium was still a young federation at the time of the conference, questions of the founding and functioning of federal arrangements, models of distribution of power and foreign policies in federal states were at the core of the third conference. Being one of the biggest and most diverse federations, India chose the theme 'Unity in Diversity - learning from each other'. Managing cultural, ethno-linguistic and religious diversities along with economic imbalances were the main issues discussed during this conference.

During the 4th International Conference on Federalism in New Delhi, India, the Ethiopian Prime Minister, His Excellency Meles Zenawi, announced that Ethiopia would host the 5th International Conference on Federalism. The 5th International Conference will be the first hosted

by an African country; previous conferences took place in North America, Asia and Europe (twice).

Bringing the 5th International Conference on Federalism to Ethiopia offers a unique opportunity to include African perspectives in the discussion on achievements and challenges of federalism. While federalism has been regarded with some reluctance in the majority of African countries for various reasons, Ethiopia is one of the few African countries which opted for a federal democratic system after the overthrow of the military regime that had ruled the country until 1991.

Federal or quasi-federal arrangements have proven workable for a number of African countries, like Nigeria, South Africa and Tanzania. Despite their ethnic diversities, most of these countries have not based their constitutions on territorially clustered cultural-linguistic communities as has been the case in Ethiopia. The “nations, nationalities and peoples” of Ethiopia are constitutionally sovereign. These sovereign entities voluntarily united to form the federation. The Ethiopian federal state belongs to them collectively.

The theme of the 5th International Conference on Federalism, 'Equality and Unity in Diversity for Development', reflects the need for sustainable development in federal, federalizing or decentralizing countries in Africa and other non-Western regions. Sustainable development requires equality and unity in diversity, qualities necessary for the emergence and sustenance of social peace and democracy. The theme selection follows the well-established tradition of concentrating on topics that are relevant to the host country as well as to federal, federalizing and decentralizing countries in the region and around the world.

Mission of the 5th International Conference

The mission of the 5th International Conference is to provide a forum for experience exchange and mutual learning among practitioners and experts, to equip them to better serve their societies. During the three days of the conference, practitioners and experts from all federal and decentralized countries as well as countries seeking federal or quasi-federal arrangements were encouraged to share their experience. The focus of the conference was not so much to debate theories of federalism but instead to use theoretically-informed but experience-based case studies of as many countries as possible to generate discussion on best practices and possible solutions for specific problems, challenges and questions.

Topics of the 5th International Conference

The theme 'Equality and Unity in Diversity for Development' was discussed under five topics. These topics, considered in parallel, are as follows:

1. Federalism and the Democratization Process
2. The Impacts of Regionalization and Globalization on Federations
3. Unity in Diversity through Federalism
4. Federalism and Conflict Prevention, Management and Resolution Mechanisms
5. Fiscal Federalism and Equitable Development.

Under each topic, three different questions for discussion were considered sequentially in three Work Sessions. The questions relate to the main theme of the conference, 'Equality and Unity in Diversity for Development'. Each question was considered in a Work Session from three different perspectives with one case study each from Ethiopia, Africa and the rest of the world.

Topic 1: Federalism and the Democratization Process

Under the first topic, 'Federalism and the Democratization Process', the discussion includes: the conditions under which federalism emerges (end of colonialism, civil wars, etc.); whether federation is perhaps the first democratic act (as in the case of Ethiopia) or comes afterwards; the creation of federal democratic constitutions and institutions (e.g., Ethiopia, India, Nigeria, South Africa); the gap between democratic structures and authoritarian political cultures; the transition from centralist, no-party and/or one-party political systems to federal, multi-party political systems (African and Eastern European countries); the roles of domestic actors (parties, community and civil society organizations (CSOs), media, etc.) and external actors (G-8 countries, European Union (EU) members, multilateral financial institutions, international NGOs, etc.) in facilitating or frustrating the democratization process (Horn of Africa, Great Lakes Region, Southern Africa, West Africa, etc.). Such issues were addressed along three dimensions in sequence. These dimensions are: (1) the transition from conditions of colonialism, war and/or dictatorship to federalism; (2) bridging the gap between authoritarian political cultures and practices and emerging federal democratic institutions and practices; and (3) the roles of domestic and external actors (civic, financial, economic, political, military, etc.) in facilitating or frustrating the federalization and democratization processes.

Q1: What conditions make federalism a necessary form of state and what are the major constitutional and institutional challenges to federal states in the initial stages?

This first question asks under what conditions the 'idea of federalism' appears compelling to multiethnic or multicultural countries overcoming colonial rule, dictatorships, civil wars, and/or deep divisions. Although they are two sides of the same coin, federalization may precede and

facilitate democratization (e.g., Ethiopia) or democratization may precede and facilitate federalization (e.g., Belgium, Spain). The presentations will analyze the major constitutional, structural and institutional challenges in the initial stages of the federalization and democratization of the state.

Q2: How do newly federalizing and democratizing countries address the challenges of bridging the gap between democratic federal institutions and authoritarian political cultures?

The second question to be considered under Topic 1 addresses one of the major challenges confronting countries undergoing a transition from centralist, one-party political systems to federal, multi-party political systems. It asks in what ways the authoritarian political culture of a society affects the transition from a non-democratic system to a federal democratic polity. How does the political culture of a society facilitate or inhibit this transition? The current challenge in Ethiopia, for example, has been how to overcome the traditional authoritarian political culture and develop a democratic political culture that would enhance the federal democratic constitution and structure that is already in place. What roles do educational institutions play in this context? What roles do the media play? How can a climate of trust in the constitution and institutions like courts, parliaments, etc. be developed (e.g., Mexico, South Africa, India)? What are relevant factors in not only creating and maintaining democratic institutions but also forming general trust in these institutions?

Q3: What are the roles of domestic and external actors (civic, financial, political, etc.) in facilitating or frustrating the federalization and democratization processes?

Under the third question of Topic 1, there is analyses of the roles of domestic and external actors in facilitating or frustrating the democratization process. Domestic actors may act as facilitators of or

obstacles to the federalization and democratization processes. They may also act as a double-edged sword, playing both roles under different circumstances.

External actors can facilitate federalization and democratization processes. At the same time, they may attempt to impose conditions in order to advance their own particular or global interests at the expense of the federalizing and democratizing countries (e.g., Germany, Iraq). Some may also be more interested in creating or maintaining pliant governments than in dealing with independently-minded national leaderships. How can indigenous traditional institutions (e.g. elders, local governments, traditional judicial systems, traditional leadership, traditional relief or support systems) facilitate the process of democratization, community development and conflict resolution, and how can they be accommodated within federal structures (e.g., South Africa, Ethiopia)? What is the role of modern (partly externally induced) CSOs, NGOs, business groups, women's organizations, professional associations, media, etc., in facilitating or frustrating the processes of democratization and federalization?

Topic 2: The Impacts of Regionalization and Globalization on Federations

The second topic deals with the impact of subregional, regional and global pressures on federations. The peace, security, development and viability of each state are dependent on conditions in the neighboring states, in the continent and in the globe. Therefore, the issues of subregionalization, regionalization and globalization are pertinent to all states, including federal states. Supra-national organizations at the subregional, regional and global levels directly or indirectly influence the distribution and division of powers within federations, at times enhancing the powers of the federal government and at other times

empowering the state governments. They are also relevant in creating large markets that will enable federal states to take advantage of them by being competitive enough at the global level.

Q1: What is the impact of subregionalization, regionalization and globalization on federations?

Regionalization and globalization have had significant impact upon the operation of federations throughout the world. Case studies could, for example, highlight how globalization affects the relationship between constituent units and the federal government. What factors compel federal states to seek subregionalization and regionalization? For instance, the Greater Horn of Africa subregion provides an excellent example of some of the factors that compel federal or federalizing states to seek regionalization.

Some of the sovereign nations, nationalities and peoples of the Ethiopian federation have trans-border co-ethnics and co-religionists in neighboring countries. The interaction and interpenetration of sub-nations, nations and regions provide the context not only for federalization in Sudan, Somalia and Kenya, but also for potential initiatives towards a confederation of all the Horn of Africa countries, and indeed of the countries of the Great Lakes subregion, etc. Therefore, the subregional organizations in Africa (COMESA, ECOWAS, IGAD, SADC, etc.) are important to federalization and con-federalization at subregional and regional levels. The African case can be compared with cases in other regions of the world: What could African countries learn from the experience of subregional and regional organizations in Asia (ASEAN) and Latin America (Mercosur)? What are the ways or opportunities to facilitate federalization and con-federalization through regionalization or subregionalization?

Q2: What lessons could be learned from the experience of federal systems under developed regional arrangements elsewhere in the world for the design and operation of regional integration in Africa and other regions of the world?

During the second Work Session, participants focused on the considerable experience with regional integration in many parts of the world. Prominent examples included the EU, Mercosur, ASEAN and NAFTA. In some cases, special arrangements have been put in place at the regional and/or member state level to take account of the internal structure of member states. There may be lessons from this experience as Africa moves toward greater regional integration through the African Union and subregional bodies. Additionally, experience of national and sub-national parliaments regarding regionalization were discussed. Can the AU as a regional organization take the lead in solving regional problems? How can the relationships and activities of the AU and Africa's Regional Economic Communities (RECs) be more effective, coordinated, complementary and synergetic? Can the ECA and the ADB serve as facilitators of regional integration? What lessons can be learned from the regional integration experience of ASEAN, the EU, Mercosur, and NAFTA?

Q3: What lessons can be learned from the practices followed in the course of international cooperation involving federal type states?

The third Work Session of this topic addressed the fact that membership in supra-national organizations impacts national and sub-national institutions. The traditional partners of the international community are national or central governments. Multilateral decisions are typically made with national government participation. However, there appears to be an emerging trend to recognize sub-national units as legitimate players in the international arena, with or without the approval of the national state. Examples include bilateral treaties with other sub-national units and participation in multi-lateral consultations. Regionalization

and globalization have a significant impact on such arrangements. The deeper the regional integration, the greater its impact on federated and decentralized member states. In some cases, as in a number of federations in the EU, special arrangements have been put in place at the regional and/or member state level to account for the internal structure of member states. There may be lessons to be learned from this experience as Africa moves toward greater regional integration through the AU and subregional bodies, such as SADC, ECOWAS, COMESA and IGAD as well as inter-regional bodies (e.g., IBSA).

Topic 3: Unity in Diversity through Federalism

The third topic of the conference comes back to the citizens and communities of federations. It looks at the relationship between unity and diversity during formation processes, at challenges to federations in the course of their evolution, and at best practices regarding the protection of minorities within federations.

Federations differ in the depth and basis of their diversity (ethnic, linguistic, religious, regional, cultural, historical and political). Consequently, divergent patterns among federations are created. For instance, there are variations among homogeneous and heterogeneous federations, 'coming together' and 'holding together' federations. These different configurations have important ramifications for the design and development of institutions in federations.

As they evolve, federations encounter various diversity-based challenges that end up producing major changes in the design and operation of federal institutions (e.g., U.S.A., Canada, India and Nigeria). In extreme cases, the complications and intricacies of the challenges require novel, complex and controversial institutional arrangements, including combining territorial and non-territorial forms of federalism (Belgium),

making power-sharing, self-determination and autonomy arrangements at multiple levels of government (e.g., Sudan, Ethiopia) and creating internal and external institutions of conflict mediation (Bosnia and Herzegovina).

Q1: How can the imperatives of unity and diversity be reconciled during the formation of federations?

The focus in the first Work Session on this topic lies clearly in the formation process. While diversity can be framed as an asset for any given political system, diversity, especially ethnic, linguistic and religious diversity, requires special attention in the design of a federation in order to ensure peace, stability, and equity regarding development. What is the experience in reconciling unity and diversity within federal or decentralized states (e.g., in Uganda, South Africa, Ethiopia)? What options and mechanisms exist for managing the multifaceted challenges associated with the transition to federalism? What role do good governance and development play in the transition to federalism? Such challenges can include processes for crafting the federal constitution, especially where there is no consensus among the various actors; establishing the principles for constituting or reorganizing the constituent units; creating new institutions of self-rule and shared rule; building institutional capacities for multi-level governance; and resolving the balance between constituent unit autonomy and central government authority (e.g., Canada, Nigeria).

Q2: What kinds of policies are favorable for maintaining unity in diversity in the operation of a federation?

Building on the first session, which explores the design of the constitutional framework for the protection and strengthening of unity in diversity, the second Work Session explores the importance of the policy level for managing diversity in the operation of federations. In order to strengthen unity within diversity, it is necessary to encourage

the constituent units to feel united. This requires not only equal rights but also equal access to services and economic and political resources. Given the historical and empirical evidence that tolerance and mutual respect - the basis for unity in diversity - are likely to increase with greater development, provided that the access to this development is possible for all groups, this issue has a strong relationship with the cross-cutting topic of development. This Work Session therefore looked into policies being implemented in order to achieve this goal. Among these policies are national and sub-national health, education, infrastructure and language policies that provide for equal access (e.g. India, Ethiopia). These policies and strategies regarding economic development are compared to learn about best practices to strengthen unity and diversity.

Q3: How can federations protect and accommodate minorities and disadvantaged groups?

During the third Work Session, participants discussed the mechanisms federations apply in order to protect and accommodate minorities and disadvantaged groups, notably women. In most federations there are various forms of minorities and disadvantaged groups: national minorities, minorities within minorities, territorially dispersed minorities, non-territorially dispersed minorities, and others.

Among other aspects to be considered are mechanisms to guarantee equal access to basic services for all groups living within the federation, mechanisms to provide all groups with equal access to economic and political decision making processes, arrangements for affirmative action to protect the rights of minorities and disadvantaged groups, policies for effective communication where multiple languages are spoken, and mechanisms to ensure equal inclusion of all groups in development policies (e.g., Tanzania, Ethiopia, India). Case studies are expected to highlight institutional and constitutional mechanisms as well as their practical implementation in federations to address the concerns of minority and disadvantaged groups.

Topic 4: Federalism and Conflict Prevention, Management and Resolution Mechanisms

Whether federations have been established by a 'coming together' or a 'holding together' process, all federations encompass conflicting interests. These conflicts can be deep-rooted, socioeconomic conflicts or conflicting interests of different levels of government. Both types of conflict were addressed within this topic. The three issues proposed for discussion under this topic were (1) the factors that have proven key to success or failure in reversing deep-rooted conflicts, (2) experience with last-resort mechanisms, and (3) the way federations handle security issues.

Q1: What factors have proven key to the success (or failure) of federalism to play its potential role in reversing deep-rooted conflict?

On this question, the case studies present examples where federal arrangements were chosen in order to resolve deep-rooted and even violent conflicts (e.g., Ethiopia, Nigeria, Somalia, Sudan, Iraq, Belgium, Bosnia-Herzegovina, UK/Scotland and Nepal). Some are widely perceived as working to moderate violent conflict, some have failed, and for others it is still too early to tell. What key factors have contributed to successes or failures in these cases? This could range from political culture to leadership, to the development and behavior of key institutions (political parties, civil society), to more inclusive symbols and education curriculum, or even to the design of the federal arrangements themselves.

Q2: What have been the experiences and results in the use of 'last-resort' mechanisms (e.g., courts, second chambers) in resolving significant conflicts in federations?

Constitutions set out a variety of 'last resort' mechanisms to settle conflicts of various types, notably 'vertical' jurisdictional conflicts and inter-state conflicts. Therefore, the second question of this topic examines the experience in the use of 'last-resort' mechanisms (e.g., courts, second chamber, referenda) in resolving significant conflicts in federations. Such mechanisms include supreme courts (the USA), special constitutional courts (Germany and South Africa), the second chamber such as with the House of Federation (Ethiopia), and referenda (Switzerland). Case studies also look into the actual experience in terms of (1) the 'background story' of how and why the conflict came to the 'last resort' stage (as opposed to alternatives such as negotiated settlements), (2) how the design affects behaviors of different actors, and (3) the impact of decisions for ongoing federal relations.

Q3: What lessons can be learned from how federations deal with security matters, including intergovernmental relations and traditional institutions and practices at the national and other levels?

The third Work Session of the fourth topic considers managing security in multi-level governance systems. Security is receiving increasing attention in the face of porous national borders, trans-border issues at the regional level and in the face of the globalization of crime and terrorism. All these create new challenges in all federal systems for intra-governmental and intergovernmental coordination, including supranational coordination (e.g., Nigeria, USA, Mexico, Canada). In post-conflict federations, the very conditions of the conflict create heavy security burdens that require coordination and capacity at different levels, even among previous antagonists. Many countries are experimenting with more recognition and better integration of traditional conflict resolution options within an intergovernmental framework with other 'formal sector' security and peace-building approaches. The rationale of federal systems implies shared responsibility for many aspects of security, and, in any case, requires coordination of policy, institutions and information.

Topic 5: Fiscal Federalism and Equitable Development

The fifth topic, fiscal federalism and equitable development, relates to the question of development conditions and influencing factors. Participants with experience in this area discussed (1) how conflicting interests regarding the allocation of responsibilities, functions and revenue sources can be accommodated to promote equitable development in a federation, (2) the promotion of fiscal responsibility, accountability and transparency, and (3) how national and regional interests regarding natural resources can be reconciled.

Q1: What factors can guide the assignment of responsibilities and revenue-raising powers towards promoting equitable development and reducing potential fiscal conflicts?

One of the central issues in the theory of fiscal federalism is the assignment of competencies to different tiers of government. The literature on this topic provides various guidelines and arguments in allocating expenditure responsibilities and financial resources. Despite following these guiding principles, established and potential federations face the challenge of finding a balance between economic principles of equity, efficiency and effectiveness in allocating powers and resources as well as the political demand for locally responsive government. This could be more challenging for developing and diversified/multicultural federations in their efforts to balance the political commitment to build an economic union and the need to preserve local autonomy/diversity, with the ultimate objective of achieving sustainable development. It requires not only economic but also political and legal/constitutional considerations to guarantee the political decision-making power.

Because fiscal imbalances have usually proved to be a threat to their stability, federations have often employed intergovernmental transfers to find a balance between the revenues and the expenditure responsibilities

of constituent units. In most federations, and particularly in developing federations like Ethiopia, these transfers have been needed to address disparities in economic development and to strive for an equitable provision of services such as education, health and infrastructure development in the constituent units. There can sometimes be tensions between the need for an effective management of the national economy and priorities for regional development. Case studies will demonstrate mechanisms used in long-standing and emerging federations and elaborate on the effects of these arrangements on equitable development (e.g., Australia, Germany, Ethiopia).

Q2: How can federations promote fiscal responsibility, accountability and transparency in a context of fiscal interdependence between levels of government?

The second Work Session under this topic considers issues of fiscal responsibility, accountability and transparency. Federations usually devolve large spending and financial responsibilities to constituent units. Moreover, federal governments also usually make large transfers for equalization purposes and nationally defined priorities. While constituent units enjoy constitutional autonomy in managing of their resources, federal governments may impose conditions on transfers, including policy conditions and those relating to accountability and transparency to avoid misspending of transfers. Experience sharing on the issue of the appropriate balance of conditional and unconditional transfers to ensure both autonomy and accountability is desired. In some federations there have also been issues of borrowing by constituent units affecting the national economy. These raise the question of how to engage constituent units in the preservation of the financial equilibrium of the whole public sector.

Case studies highlight various instruments, both informal and formal, that federations have developed to address these issues. With respect to the cross-cutting issue of development, the comparison of different cases highlight best practices for equitable and sustainable development.

Q3: How can federations or potential federations work to reconcile regional and national interests, both economic and environmental, in natural resources such as oil, gas, minerals, water and forests?

The last Work Session turns to dealing with natural resources. Natural resources are important in many established federations and in countries debating federal arrangements (e.g., Nigeria, South Africa, Brazil, Iraq, Canada). This may be because resources such as oil and gas, minerals (copper, diamonds), etc. and even agriculture and forestry are an important or dominant source of government revenue. Such resources are usually regionally concentrated. Producing regions, local communities and pastoralists may make claims regarding the control and access to these resources, the protection of the local environment, and benefits from associated revenues. The national interest may include equitable development across the country and between generations, as well as sound fiscal management (including using stabilization funds). While not usually a major revenue source, water can be the object of conflicts between constituent units over its use, especially for agriculture in arid and semi-arid regions.

Equality and Unity in Diversity

KEYNOTE ADDRESSES

DAY 1

Andreas Esheté

Abuses and Uses of Cultural Diversity:
African Past, Ethiopian Present

DAY 2

H.E. Chief Olusegun Obasanjo

Former President, Federal Republic of Nigeria

Federative Ideas and Institutions in the
Functioning of Nigeria's Federalism

DAY 3

Panel Discussion:

Panelists:

Ronald Watts, Canada,
Julius Ihonvbere, Nigeria,
Yash Pal Ghai, Kenya,
Luka Biong Deng, Sudan

Can federative and confederative
arrangements be deployed to promote
peace, stability, decent political rule, and
enduring development for the peoples and
states of Africa?

Equality and Unity in Diversity

KEYNOTE | Andreas Esheté**ADDRESSES****DAY 1**

Abuses and Uses of Cultural Diversity:
African Past, Ethiopian Present

5TH International Conference on Federalism
Opening Plenary, Addis Ababa, December 14, 2010

We Africans rightly take pride in our matchless wealth of cultural diversity. Despite the luxuriant palette of Africa's cultural communities and identities, we cannot as yet claim that cultural pluralism is accorded pride of place in the political landscape across most of Africa. What explains the prevailing disposition in Africa to look askance at federative ideals, among them: recognition of cultural pluralism and identity; collective rights, including national self-determination? To register that the characteristic African stance is puzzling, and calls for explanation, notice that even a universalist, Marxist philosopher, the late Lezek Kolakowski, writing in the heyday of European integration, affirms that "... diversity can only be assured by the preservation of distinctive national identities" (Modernity on Endless Trial [1997], 59). A first straightforward explanation is to note that what federalism demands by way of limitation, division and dispersal of political authority draws upon fundamental values of democratic rule. Remember, too, E.M. Forster's slogan: "Two cheers for Democracy: One because it admits variety... "(Two Cheers for Democracy [1951]). Our own early attempt at Ethio-Eritrean federation withered chiefly for lack of a democratic breathing space. So federalism may not have flourished in Africa, in part, for want of a deep commitment to democracy.

Beyond this, there were historical circumstances, not of our own making, that furnished Africans compelling cause for skepticism about

federative values and institutions. These circumstances involve the political abuse of cultural pluralism to support racism and to legitimate regimes upholding racial supremacy. A glaring, familiar example is that of the United States, where slavery and racial segregation were protected by invoking federalism and state's rights— a position sometimes vindicated by the federal government, including the Supreme Court. Closer to home, racial laws were imposed in Eritrea and, for a brief time, in Ethiopia to force territorial and social segregation of Italians and Africans as well as to dictate separate settlement of African cultural communities.

Racial segregation and the complete subordination of colonized peoples to the white colonizers was commonplace throughout most colonial territories: India during the latter half of British rule is a striking example. Perhaps the worst abuse of cultural pluralism and identity here in Africa was apartheid in South Africa, where cultural values were explicitly and perversely put forward as the basis for legitimating racism and racial supremacy. The deep wrongs of the system are plain and well known: first, the denial of fundamental freedoms and rights as well as the extreme material deprivation of those who were not white on the ground that they are less human and therefore undeserving of equal concern; second, forcing identities on persons and communities, identities not chosen or affirmed by Africans but rather arbitrarily imposed by the ruling whites.

Perhaps the most telling case of capriciously inflicting identities is the fate of those designated “Coloured” under apartheid. J.M. Coetzee, the distinguished South African Nobel laureate novelist, describes their sad, strange fate well, “... if there was no “Coloured” community prepared to concede that it had preexisted its creation by apartheid, then, logically, there could be no community criterion of “Colouredness”. Throughout the apartheid years the status “Coloured” was, across almost the entire range of people whom it implicated, accepted, so to speak, under protest,

as an identity forced upon them. Insofar as there is or was a “Coloured” community, it was created by the common fate of being forced to behave, in the face of authority, as “Coloured” (Stranger Shores [2001, 253])

There are other situations, beyond ongoing governing arrangements such as apartheid and indirect rule, where a cultural community is identified only to be targeted. For instance, in the Mau Mau uprising in Kenya, the Kikuyu were singled out and subjected to massive executions, massacres, incarceration and torture in concentration camps by colonial forces they could not possibly match.

The aspiration to recognize and preserve cultural diversity and distinctive identities was thus variously manipulated to rationalize what everyone would now agree are unjust systems of white supremacy such as slavery, segregation and apartheid, systems under which the lives of millions of Africans and others were doomed. Despite the horrors, it may be tempting to put aside the evil deployment of cultural diversity and identity as another aberrant manifestation of a ruthless will to dominate by those willfully or habitually blind to the humanity of others.

But it would be too easy to say that what we have been attending to is a mere aberrant lapse into inhumanity by occasional barbarity in western culture. A glance at the best of universalist liberalism, with robust aspirations to be inclusive of humanity, betrays a similar tendency to draw upon facts of culture and cultural difference in order to exclude the portion of humanity that is not white from the domain of freedom and equality. (On this I have benefited from Uday Mehta, “Liberal Strategies of Exclusion,” *Politics and Society* [December 1990, vol. 18, no. 4: 427-454]). Thus, John Stuart Mill, a radical, eloquent voice of liberalism and a pioneer advocate of the emancipation of slaves and women, suggests that the principle of liberty is not suited to backward peoples. Mill explains the exclusion: “Liberty as a principle has no application to any state of things anterior to the time when mankind

has become capable of being improved by free and equal discussion. Until then, there is nothing for them but implicit obedience to an Akbar or a Charlamagne, if they are so fortunate as to find one” (On Liberty [1859]) And again in Representative Government [1861], Mill distinguishes between two kinds of colonies: first, those such as America and Australia with a civilization and culture similar to that of the ruling society, Britain; second, colonies whose language and culture differ from Britain’s. Mill finds the former fit for representative government; the latter, on the other hand, should settle for what Mill describes as “a choice of despotisms”. I am not here pointing to a lingering prejudice of the nineteenth century, a relic banished in the twentieth century. As protest voiced by the likes of W.E.B. DuBois shows, the United Nations Charter, drawn up in midcentury, makes no mention of the independence of peoples and territories under imperial rule.

I hope I have said enough to indicate a persistent resort to cultural diversity and identity both to deny Africans a title to liberty and equality and to assert white supremacy. Sadly, what Africans prized about themselves and perhaps the only thing of value left to hold on to amid unfreedom and destitution was mercilessly turned against them. It is therefore unsurprising that Africans would often be inclined to hold cultural diversity and distinctiveness at bay. What is more, the fight for liberation waged against great odds to be free of colonial rule necessitated wide mobilization and hence inclusive nationalism. Still, Africans distancing themselves from their dark memories did not altogether disavow cultural diversity and distinctiveness. Indeed, milestones of African collective self-expression such as negritude, African socialism and the African Charter on Human and Peoples’ Rights all manifest an attachment and commitment to the value of community and the value of particular cultures. Rather, the reaction to a dark past largely came to a reluctance to give political recognition, authority and legitimacy to cultural diversity and distinctiveness.

The African reaction, born of bitter experience, is not unique. An analogous retreat from federalist ideals and institutions transpired in the United States in consequence of the abuse of state's rights and federalism as masks and shields for racial injustice and disregard for minority rights. I cannot now narrate, let alone explain, how the abuse of federalism led to a turn away from federalist conceptions of public values and institutions. I will just sketch a characterization of the important shift in constitutionalism and constitutional jurisprudence.

The Fourteenth Amendment held that the states, not just federal government, must comply with the requirements of the Bill of Rights. But this revolutionary extension in the reach of constitutional rights was coupled with a radical recasting of the conception of rights. Before Reconstruction, it is arguable that many rights enunciated in the Amendments were collective entitlements belonging to the people as associated in bodies such as local churches, legislatures, juries, conventions and militias. What tended to be seen after Reconstruction as civil rights affording individuals protection from federal and state government – rights to speak, to worship, to assemble, to petition, and to bear arms – were originally construed as political rights empowering popular bodies of citizens to enjoy a share in self-government and thereby to serve as alternative seats of public authority. In his book, *The Bill of Rights* (1997), Akhil Reed Amar, a keen student of federalism at Yale, demonstrates the wide gulf separating the American conception of rights before and after Reconstruction – a turn from a republican to a liberal conception of rights that has since proved influential beyond the United States. The shift has been bolstered in the second half of the twentieth century during the second Reconstruction, following *Brown vs. Board of Education*. What was lost in the course of these worthy struggles for freedom was Madison's original idea that localism and liberty or, differently, federalism and freedom, can be mutually supportive.

I have been trying to suggest that with cultural diversity, cultural identity and federalism, as with much else in our public life, historical context can shape our starkest political choices and our deepest political allegiances. This is not to question or deny the possibility of providing principled reasons to justify our political choices and allegiances. It is rather to admit that it matters whether or not historical conditions are favorable to what is favored by reasons of principle. To adapt a phrase from Joseph Brodsky: “There are times when history is inescapable” - an observation I believe we will see also bears on how Ethiopia resolved to turn onto a federalist path.

The excursus into the abuse of cultural pluralism should give us pause from reductively regarding all Africans alike as emerging from the same unhappy past rooted in dirt and proceeding to find a place in the sun in a national state. Against this backdrop, it may be easier to see that unhappy peoples, not unlike unhappy families, can be (to adopt a famous phrase) unhappy each in its own way, and hence starkly different. A look at Ethiopia’s peculiar past and her divergent departure from it may show why Ethiopia was conducive to federalism.

In Ethiopia, which had managed to remain free of colonial rule, the ruling political order sought to create a modern, unitary government rooted in an inclusive national culture, bent on the assimilation or subordination of all Ethiopian cultural communities to the language and religion of the particular culture privileged by the state. In Ethiopia, to embrace cultural diversity and the preservation of cultural distinctiveness was therefore not to keep but rather to defy the old ruling order. To champion the political freedom and equality of all cultural communities here was to call for the emancipation of many whose cultures and identities had been scorned, their land and labor forcibly taken by those who belonged to the politically privileged culture.

Despite the state’s determination to impose inclusive nationalism, it cannot be said that the mission was altogether successful. The state’s

limited power and the poor penetration of its economic and social institutions did not permit deep entrenchment of an inclusive culture. There was also a sense of patriotism across cultural communities so that they all came to the country's defense during attempts at conquest by imperial and fascist Italy. Notwithstanding patriotic solidarity in the face of alien aggression and the state's ardent assertion of inclusive nationalism, there was recurrent nationalist resurgence against a centrist, homogenizing state throughout imperial and military rule. During most of his regime, Haile Sellassie had to contend with nationalist rebellion by a wide range of cultural communities: Tigrai, Oromo, Gojjam, Somali, Eritrea. Under the military, armed contest by organized nationalist movements plunged the country into protracted civil war, ending finally with the defeat of the military in 1991.

Why did defeat of the military usher in the political recognition of diversity and self-rule as the political instrument for preserving the equality and freedom of distinct cultural communities? The defeat of the military was seen by the chief protagonists as a revolution bound to bring about a new constitution of the political community. To capture the novelty, it is important to be clear on what was defeated. As Hannah Arendt remarks: "nothing seems more natural than that a revolution should be predetermined by the type of government it overthrows." The revolutionary self-image of the agents who defeated the military regime is confirmed by observers. For instance, Christopher Clapham says: "... The overthrow of the military in 1991 amounted to more than the collapse of a particular regime. It effectively marked the failure of a project, dating back to Menelik's accession in 1889 of creating a 'modern' and centralized state around a Showan core" (Peter Woodward and Murray Forsyth (eds.) *Conflict and Peace in the Horn of Africa: Federalism and its Alternatives* [1994, 37]).

The defeat of the military regime thus spelled the end of the defining political project of modern Ethiopia. In spite of the end of monarchy

and in the face of formidable resistance from nationalist movements, the military desperately clung to the project it had inherited from modern imperial Ethiopia. Beyond doing away with the crown, the military, inspired and mobilized by the Ethiopian left, had attempted to answer the chief social question of the country by nationalizing land and by releasing the peasantry from the burdens of tenancy. Yet, it soon became clear that the state used its tyrannical powers to make increasingly large demands on the lives and labors of peasants, demands that became more onerous than their obligations under the previous regime. Citizens and communities realized that newly found access to land cannot be meaningful unless they enjoyed political authority over land as well as over the disposal of their labor and their produce.

In 1991, each of the nationalist movements had organized and marched under the banner of their own cultural or national identity and in the name of the right to self-determination. Whatever their other aspirations, the victors were eager to be rid of resentful memories of the fallen order and its dead project. It is not easy to convey the urgency, anxiety and intensity sweeping so many ready to unshackle themselves from a deeply troubling, powerful legacy. The words of the Turkish Nobel laureate, Orhan Pamuk, about the passing of another empire may help to evoke the unsettled climate of feeling. He writes: “the melancholy of this dying culture was all around us. Great as the desire to westernize and to modernize may have been, the more desperate wish was probably to be rid of all the bitter memories of the fallen empire, rather as a spurned lover throws away his lost beloved’s clothes, possessions, and photographs” (Istanbul: Memories and the City, 2005).

In view of the exacting sacrifices made to win, no nationalist movement would have consented to a constitutional arrangement that would incur risk of a return of the old order and its defining project. Now that the champions of the project were powerless, there was little reason for nationalist movements to entrust their fate to the contingent

balance of power among groups and interests, however circumscribed by democratic rights and procedures. Having supported Eritrean self-determination and with evident preparedness to go along with Eritrean independence, it was not clear how political movements long committed to self-determination could reasonably refuse self-rule or the right to secede to any cultural community in Ethiopia. In this historical setting, the makers of a new constitution had little reason to resist but abundant reasons to seek a federal constitution. It was a time, once again, when history proved irresistible.

So far my claim on behalf of federalism is that it enabled both Ethiopia's survival and the establishment of legitimate political authority – two foundational accomplishments without which the pursuit of other public aims is unthinkable. Thanks to federalism, many who felt they had been renounced by their birthplace were now persuaded not to renounce Ethiopia but instead to join together to form a legitimate political order for peaceful mutual cooperation.

Once in place, federalism subserved wider public aims. For one thing, it enabled democratic values and practices not easily secured under the burden of poverty and the lack of a background democratic culture such as a culture of peace, the rule of law, secularism, a free press, competitive political parties, and free associations. Put differently, in the face of the burdens of pervasive poverty and a lifeless public culture, the collective rights and political spaces of federalism eased the transaction costs and coordination problems that usually hamper effective exercise of individual and group rights by ordinary citizens.

Regional states with robust self-rule over their territories created a firm check on the abuse of federal authority and on illegal transfer of the power of government. Regional states also offered new spaces where citizens can deliberate, decide and act on a wide range of public issues. They assumed responsibility for the provision of justice, education

and health care. More importantly, the dispersal of power away from the centre to the periphery served radical democracy by extending to the many and the least advantaged the opportunity to enter their vital interests into the national political agenda: for example, hunger, poverty, agricultural productivity, rural schools and health services, rural roads, access to water and electricity, and rural gender issues such as freedom from abduction.

The dispersal of power, moreover, yields a more equitable distribution of resources as well as greater accountability of public authority to citizens. Fair representation of cultural communities in the federal legislature and executive together with the mobilization of regions in public policy and action makes for popular engagement in development and more equitable distribution of its fruits. Equitable share in growth together with special support for historically disadvantaged cultural communities and groups is the basis for a new sense of solidarity among all citizens and communities.

With all these happy outcomes, it is still too early to speak with confidence about federalism's trajectory. There are still those who oppose federalism and mourn loss of the past. For some federalism seems a diminishment of Ethiopian identity: a provincial profile has, in their eyes, supplanted a glorious self-image. They forget that the grand and self-aggrandizing narratives and icons of empire are entirely alien to many. Even events and symbols commanding wide collective pride are not equally or similarly prized by all peoples of Ethiopia. Victory at Adwa earned international recognition and prestige for Menilik's Ethiopia, an accomplishment about which conquered peoples of imperial Ethiopia, including those that fought valiantly at Adwa, are bound to be ambivalent.

A true portrayal of our past can no longer be a triumphant tale of the elect. A sense of the past we can all reasonably and honorably share must be shaped by the stories of those in our midst who were variously

excluded, humiliated and victimized. If weaving their stories into our past diminishes the grandeur, purity or allure of our self-image, this is a price we should be happy to pay in keeping with fidelity to truth and solidarity with communities that endured grave indignities in the making of our history. There are others who also long for a different past, a past they see through nostalgic eyes as an age of innocence, when, supposedly unmindful of differences, we all lived in harmony. Those enamored of an imagined innocent past could do well to remember that: “The difference between an identity which is mine and I eagerly recognize as mine, and an identity which someone else simply assumes to be me, is in one sense all the difference in the world” (Bernard Williams, *Philosophy as a Humanistic Discipline* [2008, 62]).

Those who have experienced this deep difference – and there are by now countless many in Ethiopia – are now too self-conscious of their own identity and their title to it to be able or willing to forget. Since innocence once lost is generally irreversibly lost, it may now be too late to recover the past. If the past is shown to be false or no longer available, it is not difficult to resist the elusive, illusory quest of those who persist in looking forward to the past.

Let me conclude with brisk remarks about federalism’s future in Ethiopia. Beyond cultivating cultural pluralism, federalism has lent support to political pluralism as well as to the cause of greater political and social equality. The wider political community manifests political cohesion and solidarity stemming from the freedom, equality and diversity of the constituent parts. Political cohesion and solidarity resting on the autonomy and integrity of the diverse parts has, in turn, galvanized the populace into concerted public engagement and action, resulting in unprecedented advance in the quest to find freedom from hunger and poverty. Material advance and the attendant emergence and spread of industrial and urban life will no doubt engender greater uniformity and mix among cultural communities. Material progress

will equally encourage wider moral and political pluralism, thereby generating individual and collective identities that will compete with and cross cultural identities. To make room for the emergence, and realization of novel diversities and identities would require vigilant respect of individual and group rights in regional states as well as free and open flow of people, ideas and free associations across states.

With material advance and the fulfillment of the constitutional aspiration to create a single, living political community and an integrated economy, I think we will also come to feel the need for an animated, particularist sense of our common Ethiopian identity. I submit the wisdom of reaching for a sense of the whole that is more than the sum of the constituent parts. To complement and transfigure our diverse identities calls for the cultivation of a new sense of a shared history, shared public ideals and a shared identity that captures what binds us together as citizens of a single political community with a singular destiny.

As you can tell from my lamentably sketchy account, Ethiopian federalism is still an unfolding work-in-progress. I hope and trust that you – champions, friends, and students – of federalism, with far richer experiences of federalism, will help us see how best to go forward. We can surely benefit from wise counsel, because we are embarking on uncharted terrain in an unusual historical context. Today, more than ever, many are persuaded that particular cultures are fated to vanish or fade with the advent of modernity. Some are resigned to this fate, others defy it by means that are sharply different: first, to cordon off culture as best one can; second, to repudiate modernity. Ours, however, is a rare, bold venture of deploying the cultivation of our own culture and identity with all its rich diversity as a leading asset in our determination to become a proud member of a cosmopolitan community of peoples on our own terms.

KEYNOTE
ADDRESSES
DAY 2

H.E. Chief Olusegun Obasanjo
Former President, Federal Republic of Nigeria
Federative Ideas and Institutions in the
Functioning of Nigeria's Federalism

5TH International Conference on Federalism
Addis Ababa, Ethiopia, December 15, 2010

It is my pleasure to be at this very important conference on federalism. I thank my good friend and brother, Prime Minister Meles Zenawi, and the organizers, for their hospitality and the opportunity to make remarks on the Conference theme, drawing on lessons from Nigeria.

I am sure you all have established the fact that federations or the practice of federalism differ from nation to nation. The practice and structures as well as the challenges they throw up are often shaped by historical experiences, resources, the balance of political forces, the pressing need for a firm political arrangement, stability and collective progress. In other words, one can say with some certainty that federalism in practice is always a work in progress.

Being a work in progress it means that we can never underrate the importance of “comparative federalism.” Lessons drawn from other experiences, especially best practices, can always enrich and strengthen the practice of federalism in other social formations. However, I must hasten to add that such lessons or experiences must, at all times, be related to the specificities and defined objectives of the nation so as not to complicate existing contradictions and contestations.

I do not need to emphasize the fact that federalism and democracy go very well together. A military regime or dictatorship may call itself “federal”. In practice it would function as a unitary form of government.

Once all power – irrespective of diversity, difference and engagements within and between socio-political communities and constituencies – is concentrated at the center, such a nation cannot be truly regarded as a federal state.

The Nigerian Experience

Nigeria's federalism dates back over 60 years to the colonial days when the authorities devised all sorts of political arrangements to govern the colony. Since attainment of political independence in 1960, Nigerians have tried to refine, refocus and strengthen the structures, institutions and practice of federalism. To be sure, it is not yet a perfect arrangement, but Nigerians are very open to democratic ways to improve our system.

Why did Nigeria opt for federalism?

Nigeria is a large country with a huge population currently put at about 160 million. It has three major ethnic groups and hundreds of nationality groups. The country's cultural diversity is as robust and varied as can be imagined, with over 350 distinct languages. The historical experiences date back to the Nok civilization, the empires of Benin, Oyo, and Kanem-Bornu; the Igbo city States, and various trading communities of the Delta. These historical experiences, rich in their splendors and achievements, left lines of interaction, engagement, division and diversity. This also precipitated some sort of economic specialization along regional lines and laid the foundations for different levels of development expressed through institutions, the strength of the market, traditions, patterns of accumulation, and political development. In some ways, therefore, federalism is natural to Nigeria and the basis for unity in diversity, for development and progress was established centuries ago. The desire or imperative for unity, stability, and growth, development and progress precipitated a preference for a political arrangement that will not only bring peoples together but also harness their creative and productive energies to build a viable nation state in the interest of all. There was a declared need to rise beyond the

various inter- and intra-ethnic and communal wars to build a nation state that all would contribute to, be part of, but not lose their respective identities, cultures, values and traditional institutions. This, in some way, has been the underlying strength of Nigeria's federalism.

True, there have been trying times such as during the thirty-month civil war, which ended in 1970 with an unprecedented declaration of a policy of "No Victor, No Vanquished" and the implementation of a program of reconciliation, rehabilitation and reconstruction. Since the end of the civil war, aside from the coups and the counter-coups that predated the return to democratic governance in 1999, Nigeria has continued to work at building a true federal system. It is very safe to state that today virtually all Nigerians are committed to the federal system as the best political arrangement to guarantee unity, stability, peace, good governance and a sense of belonging.

I do not need to recount to you here the advantages of a federal system in a diverse, multi-ethnic, multi-religious, and multi-cultural society comprised of otherwise autonomous nations and strong nationalities. Aside from reducing tensions within and between communities and constituencies, it redistributes resources, assures weaker constituent units of development and protection, reduces political pressures on the center (as other elites can operate within the constituent units). It also guarantees a stronger international identity and influence. Minorities feel more at home in federations as they have operational space whilst making major contributions to and benefiting from the centre.

Federal Institutions, Policies and Ideals

I am not trying to paint the picture of federal arrangements as being always smooth and rosy. There are, as to be expected, frequent contradictions, misunderstandings disputes and stresses on the system. As works in progress, that should be expected. However, in Nigeria we have utilized an array of institutions, policies and programs to keep the

system functioning and the component units reasonably satisfied with membership in the federation. Of course, the end of the civil war and post-conflict programs that were managed by the center gave it significant leverage to prove itself as a strong and worthy central authority.

Our constitution also recognizes the relative autonomy of the center over several socio-economic and political issues. These are clearly spelt out in the “Exclusive List”- defense, immigration, customs, control over mineral resources, foreign policy, police and national security, and currency. The “Concurrent List” includes education, health, trade and infrastructure development, which are jointly operated by both tiers of government. This has given the constituent units enough responsibility to execute in their own ways as they strive to promote growth and development.

We have a clearly defined revenue allocation formula that is reasonably acceptable by the three tiers of government. Of course, there are often points of disagreement on how to disburse residual funds or even in altering the formula. Every level of government naturally wants more from the kitty. This does not affect the essence of the principle of revenue allocation between the federal, state and local governments. The formula is derived from negotiations among all tiers of government.

We have a Federal Character Commission that is written into the Constitution with the mandate to ensure that all federal Government agencies and departments are truly representative of the diversity in the country. This has worked well to prevent ethnic domination and to check imbalances.

All political parties must be registered federally even if they opt to operate locally or regionally. They must show full national representation in their structures, management and operations. This is to avoid purely ethnic or regional parties that rely on narrow sentiments that may cause

disaffection and instability. In Nigeria, this has so far worked well and avoided the errors of the past that precipitated conflicts.

There are several other institutions that aid the practice of federalism such as the compulsory one year National Youth Service Corps requiring all graduates of tertiary institutions (including those from foreign institutions) under the age of 30 to serve the nation in a different state in the federation other than their state of birth. . This has helped in broadening the “worldview” of our youth, the leaders of tomorrow, and in building new relationships at different levels that strengthen national unity and understanding. There is also the Federal Civil Service Commission which is designed to ensure that appointments into the Federal Service reflect the diversity of the nation.

The Federal Universities, Polytechnics and Colleges of Education, as well as Unity Colleges (these are secondary schools established and run by the Federal Government and located in every state in the country), are all designed as grounds for promoting unity, building relationships beyond ethnic origins, developing a national spirit and strengthening the foundations of our federalism. So far, these are working fairly well. Let me add that the existence of these institutions does not prevent the states and private interests from establishing their own institutions, though there are federal minimum standards and monitoring requirements to ensure that they create some opening for non-indigenes.

Elections are not based on a first-past-the-post or simple majority practice alone. This is because in addition to scoring a simple majority, in order to ensure national peace, endorsement and acceptability a presidential candidate must also score a minimum of 25 per cent of the vote in two-thirds of the 36 states of the federation. This is equally applicable to State Governors, Senators, Representatives and members of State Houses of Assembly. This has helped to ensure that candidates with narrow agendas do not dominate the political platform.

Drawing from our past experience, our federalism does not allow for a state police force. However, the Federal Armed Forces and Police as well as other security units are truly federal in leadership, management and recruitment. In fact, there are established quotas for recruitment into the armed and paramilitary forces that are spread among the Local Governments of the Federation to ensure equal opportunity. This has given them a national “worldview” or perspective as they are trained and required to function, as may be required, in any part of the nation without fear or favor. Of course, the police and military are stationed around the nation along lines defined by the nation’s leadership.

According to our constitution, the President must appoint a Minister into his Cabinet from each state of the Federation even if no single vote was cast in his favor from that state. This ensures that no state is left out of discussions and decisions at the federal level.

Finally, Nigeria’s official language is English, a language not owned by any nation or nationality. However, the constitution guarantees the right to use any of the indigenous languages, as may be necessary, to transact business without discrimination. In like manner, Nigeria is a multi-religious state in due regard to the religious diversity of the country. Traditional institutions are respected and relied upon at all levels of the country. To move government closer to the people, Nigeria has 774 Local Governments where the operators are also elected according to constitutional provisions and electoral laws to ensure that resources get to the people in the communities and opportunities to participate in politics and governance are available at the grassroots.

Conclusion

I have just given you a brief insight into the imperatives and the operation of Nigeria’s federal system. Challenges remain. The real issue is to have an open mind and establish a transparent platform or mechanisms for

continuous dialogue, discussion and negotiation. The good news is that we have several institutions and processes for addressing challenges in the Nigerian system without resorting to violence. This is a major achievement.

Following military rule, the challenge of re-federalization has not been easy as many continue to carry the consciousness of the unitary and hierarchical command character of the military. The powers of the sub-national units, joint delivery of services in education, energy, health, poverty eradication and so on, remain areas for discussion and negotiation. The issue of fiscal federalism, processes of constitutional amendments, devolution of powers, public security, and strengthening federal character, are also ongoing areas of public discourses.

It is my belief that in a diverse and developing society like Nigeria you need a strong, though not intrusive or oppressive, central government that is democratic, transparent, accountable, effective, efficient, and adequately funded to manage the rough edges of federal politics and protect weaker or less resource-endowed constituent units. Nigerians appreciate this fact.

Ultimately, it is democratic practice, political will, good governance, leadership commitment, and a dedication to the cause of the people that determine the functioning of any federal arrangement. In essence, there must be popular participation at all tiers of government and facets of life with adequate accommodation for all in order for federalism to function appropriately.

I thank you once again, and wish you productive deliberations.

**KEYNOTE
ADDRESSES
DAY 3**

Panel Discussion:
Ronald Watts, Canada
Julius Ihonvbere, Nigeria
Yash Pal Ghai, Kenya
Luka Biong Deng, Sudan

16 December 2010

Can federative and confederative arrangements be deployed to promote peace, stability, decent political rule, and enduring development for the peoples and states of Africa?

Ronald Watts (Chair)

When we discussed this session it was decided that it should operate as a panel with a conversation rather than just a set of speeches. So the way that we are going to proceed is to have each of the panelists speak for 10-12 minutes. Then there will be a second round in which each of them will have a briefer time to comment on what the others have said so that there is some give and take in the discussion.

The topic, in general terms, is Africa's future and the future of federalism. But more specifically the question that is being put to each of the panelists is: Can federative and confederative arrangements be deployed to promote peace, stability, decent political rule and enduring development for the peoples and states of Africa?

As you have already heard, we have three distinguished Africans to speak on this subject. The first one will be Julius Ihonvbere from Nigeria. He is the representative of Nigeria on the Board of Directors of the Forum of Federations. He was extensively involved in constitutional development in Nigeria during the shift from military rule to civilian

rule in the late 1990s, and he has been a Special Advisor to former President Olusegun Obasanjo. The second speaker will be Yash Ghai, a pre-eminent constitutional lawyer and, I might add, a long time friend. He and I have worked on many projects together and I would say that his specialty, if you could call it a specialty, is post-conflict constitution making which is very much in vogue in both Africa and in Asia. The third speaker will be Luka Biong Deng, who is Minister of Cabinet Affairs in the Government of National Unity in the Sudan; previously he was Minister for Presidential Affairs in the Government of South Sudan.

With that introduction, to keep the flow of the discussion going each person will follow on from the other one. The first speaker will be Julius Ihonvbere.

Julius Ihonvbere

I think that the topic itself in some way already puts forward the opportunities in federal arrangements in terms of dealing with the issues of peace, stability, decent political rule, good governance and development. My problem, essentially, and this came up in one of our sessions yesterday, is that the increasing frustrations in some circles that federal arrangements are often confused with the transitions from authoritarianism to some form of illiberal democratic arrangement rather than a true democratic arrangement. I think that this is where the problem is. It comes from what I would call a “de-ideologization” of the discourse of politics in Africa generally. This is a problem from western social science which has succeeded in removing ideology completely from an understanding of historical experiences, of class contestations, of power equations that, again and again, precipitated all forms of struggle in the African continent, whether you present it as religious or ethnic. Again, that is often the result of the interventions of the western media and received knowledge.

The case, for example, in Jos in Nigeria, was quickly presented as a religious thing; it had nothing to do with religion. It was essentially a struggle for space between contending classes and forces in the Nigerian society. In my own view, whether federative or confederative arrangements can be used at all or deployed at all depends essentially on the character and nature of contestations and the struggles that lead to the constitution of those federal arrangements, structures and institutions. It is these that will determine the effectiveness of the arrangements as they may be.

In other words, what I am saying is that in understanding federal structures, and all political arrangements for that matter, you cannot afford, especially in Africa – with its diversity, with its level of class differences, with the rule of western capital, with the marginalization of the regions and the global division of labor and power – we cannot afford, either at a level of intellectual discourse or political practice, to ignore history and historical experiences. We cannot ignore the character, the composition, the solidity and access to the state and public resources. We cannot afford to ignore the fact that there are political forces or structures in Africa that may, in theory, appear to concede to democratic forms of political arrangements but in reality, because of their own economic and political interests or because of the encouragement they receive from outside external extra-African forces, they really continue to close democratic spaces, to manage political discourse, prevent the redistribution of resources and ensure the marginalization of some constituent units or social processes.

I can say that only in very few African countries, for example, is civil society taken seriously, even though civil society is always critically involved in the struggle for either liberation or post-liberation arrangements for political governance. Not to talk about women or the youth: at best our governments pay lip service because they need them to get into power. They stay in office for 10, 20, 30 years. We see some of them in Africa today. These are people that stand over us as liberation fighters. I doubt

that they believe in the successive generations. So to that extent, I believe that the extent to which such political arrangements can be deployed to promote peace and stability is entirely dependent on the character of the state, the nature of class contradictions and struggles, and the ability of the constituent units to continue to engage the consolidative forces in defending their rights.

At the end of the day the democratic foundations of the political arrangements will determine the road to which we can put such arrangements. If it is federalism that is forced upon the people, it will be federal in name, or confederal in name, but it will never be able to deal with those critical issues of class and social imbalances, poverty, distribution of resources, gender equality or popular participation in decision making in the processes of economic development. It would also never be able to carry out a true devolution of powers and ends up being unable to make any difference to the lives of the people.

In Africa you keep finding this situation, which I will say is where the state remains irrelevant. When I say it's irrelevant, this does not mean that the state is not in charge of the armed forces or the political security forces. It is fully in charge; it is in charge of foreign policies, etc. But as far as the people are concerned the state is an enemy: when it is collecting taxes, when it is throwing people in jail, when they are making big budget speeches on television. The people are hungry, they are unemployed, their children are in bad schools, the roads are bad, there are no extension services for agriculture, women are marginalized, the youth are turning to crime and all kinds of unethical practices, the political parties do not practice any form of internal democracy. In my country, Nigeria, if you want to run for office and if you don't have a lot of money, forget it; you're never going to get there.

So the point I'm making is that the states as presently constituted in Africa, except in a few places where we are beginning to see some kind of

positive tendencies, cannot, whether it is federal or non-federal, address the issues that would be nice to look at because it is still likely irrelevant in the consciousness and living experiences of the masses of the people. It is still an instrument of oppression, of domination, of marginalization, of exploitation of the majority of the people. Sometimes it is hidden in all kinds of policies: Africanization, indigenization, pan-African-ism, African socialism, Nigerian-ism, or whatever names there are out there; it is still a means of oppression, marginalization and domination and the squandering of public power and resources. In that context, it continues to generate opposition.

In Nigeria today you can count two hundred opposition forces to the Nigerian state. Yet it has an array of institutions and programs that are designed to promote federalism. But students are eternally opposed. I was a student leader and until this very day I do not see a position where we embrace any government in Nigeria as our government. Women are continuing to struggle. Civil society remains a struggle. Opposition and pro-democracy movements remain a daily struggle. Even yesterday they had to demonstrate in front of the national assembly to prevail upon the passing of some obnoxious laws. This is because the character of the state and its custodians are not democratic. They do not believe in democracy. At best they are illiberal democrats. Illiberal democracy is where you have a constitution, you have a parliament, you have all the trappings of democracy but, beneath it, nothing really has changed.

Let me conclude by saying that I believe that for political arrangements to make it the processes that lead to the compacting of the constitution would determine a lot as to the ability of the resulting political arrangement to address the issues of peace and stability. Again, compare Nigeria, South Africa, Ghana and Uganda – of course with varying dimensions. Nigeria has never had a consultative process of constitution making. The last process was an opportunistic one in which they talked to a few people. Initially lawyers and politicians sat in a room at the

Hilton Hotel and said that they were drafting Nigeria's constitution. That is not the people's constitution, even though in the first page it will say "We the people..." The Nigerians had never seen the constitution. They did not know it. They were not consulted. They were not part of it. So how can it be their constitution? How are they going to defend it? How are they going to deploy the constitution in the defense of the individual, communal and collective rights? When you go into the constitution, you will see numerous, hundreds of anti-people processes, like if you want to set up a political party you must have an office in the 36 states. Why do I want to do that? I have a right to set up a party, to run a party in my local government or in my state. I don't want to run for president. We can set up political parties for that. We don't want to go into the details but if you compare to South Africa or Uganda or Ghana, where some form of consultation took place, you will see a massive radical change in the content of their respective constitutions. I think that the process is as important as the content. Most of the time in Africa the process is managed in such a way as to preserve the status quo, with a few whitewashing and gimmicks to give the impression that yes we are moving.

So civil society must remain strong. Civil society remains, as far as I am concerned, the foundation of political practice, whether it is federal, confederal or unitary. At the bottom of it is the extent to which the state has constituted to open up the political space for people to practice, have platforms of interaction, platforms of engagement, institutions that bring people together without sacrificing their identities and respective constituencies, so that they have mutual respect for one another and can reach the highest points of their productive and creative abilities. As of today there are a few signs that we are moving in that direction; the majority of Africa is not moving in that direction at all.

Yash Ghai

You probably all have heard that the Chief Prosecutor for the International Criminal Court yesterday presented charges against six very prominent Kenyans to the pre-trial chamber of the International Criminal Court. The charges relate to the violence that followed the last general elections at the end of 2007. In a very short period of time, about 1600 Kenyans were killed in the most brutal way imaginable. About half a million people were displaced from their homes because they happened to live in what was considered not their ancestral home. The world press and the international community in general interpreted the violence in terms of ethnic conflict. We in Kenya, or some of us, did not think that it was ethnic conflict.

Our interpretation is that it had little to do with ethnic conflict. Perhaps it had to do with ethnicity; the manipulation of ethnicity by cynical politicians whose sole interest is to capture the state. I have been a bit worried in our discussions over the last few days when we ascribe such power to culture. People don't often kill for culture; they kill for material benefits, access to the state. I will say a little bit about the nature of the state that we are talking about.

I think that we need to address the balance -- and already my dear friend Julius has given us a framework within which we can examine national and international developments. My main point is that ethnicity is a very powerful force, but it is a force that can be manipulated by politicians. Ordinary people, as we were told in preceding sessions, are able to live peacefully and in harmony in constructive relationships.

We have heard a great deal about the logic of federalism and no one has described it better today than our Chairman today whose works – many, many books and articles – have been a source of inspiration for so many. But as I look at the unfolding and operation of federalism in Africa and in Asia that logic of federalism escapes me. I don't see it operating. Other

forces take over what is allegedly a federal state and what you end up with is not the result that you expect from the logic of federalism; rather it is a logic of greed and hate and total capture of the state.

My own perspectives on federalism are derived from my interest in constitutions and on constitution making, and I was asked today if I would speak a little bit about my own experiences.

Constitutions have become a very important factor in our political life, especially as Ron Watts indicated in the conflict and post-conflict situations. A great deal of emphasis is placed on constitutions, hopefully a participatory kind of constitution like Julius has mentioned. What I have seen always in the work that I have done is that there are two tasks for constitution making and constitutions: one is nation building and one is state building.

A great deal of emphasis is placed actually on state building at the expense of nation building. I think that we have paid a very heavy price by neglecting the role of the constitution in our societies: to use constitutions to create a vision of our countries, to enunciate values by which we want to live and by which we want government officials to exercise state power.

The dominant model at the time of independence in Africa was the traditional western notion of the nation state. Therefore, the state was highly centralized not for the reasons that I think we often over-emphasize. If I could be provocative again, given in the Forum's latest magazine (Federations) which focuses almost entirely on ethnicities and boundaries but not on the state and the power deployed to the state. The big missing thing, in my view, from that special volume, is the total neglect of the nature of the state that we are all dealing with. I have become very conscious both of the need to develop national identities through constitutions as well as the need to restructure the state to reflect these values.

Let me then say a word or two about the state which I think is infinitely more important than the composition of the people of a state. The state is really, for many of us in Africa, an imposition by the west including the colonial period and the state was not and continues not to be linked in any organic way to our society. It doesn't necessarily reflect the configurations in society in terms of classes, in terms of social grouping, or in terms of other associations. But it deploys an enormous amount of coercion and resources and it is the quickest way to become rich. In my country I have known politicians on the verge of bankruptcy, actually in the bankruptcy court proceedings, suddenly become, for some reason, ministers and within six months suddenly become among the richest people in the country. Julius says that it is true in his country too.

So the capture of the state becomes "the end all" and the "be all" of politicians. Now we have a political class very clearly defined by the lack of morals, by the cynicism, by the manipulation of conflict and society as a way of staying in power. And so the state becomes a means of primitive accumulation. This is why corruption is such a pervasive feature of all our societies, certainly in Asia and in Africa.

So how does federalism fit into this picture? The Forum's magazine traces attempts in Africa to use federalism first as a device for decolonization. In my own region in East Africa a lot of emphasis was placed on what were already very functional arrangements, focusing on specific topics of education, currency, health, trade, etc. We had the basis of a federal system but the attempt to take us all into independence as a federation failed. A similar strategy was pursued in central Africa, which was partly devised to spread the influence of Rhodesia, as Zimbabwe was then called, over central African countries. That was rejected by the people and the countries then became independent separately.

Really, there has been no commitment to federalism in Africa, the parts of Africa I know. Even the French attempt in the western coast of Africa

to develop a federation as the basis for independence failed. They failed partly because the state has this primacy. In my own country some people killed the federation because they were not able to take 50 per cent of the proceeds from the sale of the purchase of Boeing aircraft, because we had East African Airways. They couldn't make money from purchasing equipment for our railway system because it was East African. So what was an important factor in the breakup of our federation was that each set of politicians could put their hand in the till. There are other reasons too, of course, why that didn't work. Certainly, whether we would have had stability if we had had federalism, or more stability, is very hard to say. We might have had the form of it but not the reality of it.

The strategy of decolonization through federalism didn't work before we became independent as separate entities even though the earliest nationalism in Africa was a pan-African nationalism. Some of our greatest African leaders, often sitting in Manchester, were devising a federation of Africa. As the reality of independence and the possibilities of power to the state became obvious and became possible the impetus was lost for an Africa-wide federation.

Today we sometimes look at federalism as a "second best" solution. Some of us think, a minority think, that the best solution is independence; so if we can't get that, maybe autonomy, maybe federalism is a prize we have to settle for. Therefore, we have had experiments in Africa and elsewhere where we use autonomy as a basis for re-organizing the state, not on a cultural basis necessarily, but as a device of power-sharing.

Now I must close my remarks as I have used up my time. But I want to make a final point which is to come back to my point about the role of a constitution in nation-building, in defining our identity as Kenyans, as Tanzanians, whatever, transcending ethnic divisions rather than verifying and entrenching ethnic divisions. I think that we cannot have a well-functioning state, or social or economic systems, unless we have

deep bonds that hold us together in our countries. I think that we need to put a lot more emphasis on producing those national identities than in nurturing cultures that may be under threat, but less from politics than from material economic global forces.

Finally, I want to raise the question of whether federalism is capable of bringing about the social justices that are absolutely crucial to the building of national identity and a national consensus. I worked for some time with my friends from Nepal -- many of whom are with us today -- and it seems to me that the critical task in Nepal was in social justice and equality. The oppression of many people that had gone on for 100 years needed to be broken and I often wondered if federalism could ever deliver the justice even though some people in Nepal think so. Federalism, as someone hinted yesterday, can deepen the poverty of particular groups. So we need alternative approaches.

There is clearly a place for federalism but federalism has been tied to many other factors, some that Julius mentioned, and some that I have hinted at. But my view is that in a society which is deeply divided by poverty, by class, the essential task is that of social justice. I have very grave doubts as to whether federalism, unless it is re-enforced by a very strong ethos of egalitarianism and equal distribution and fair distribution of resources will achieve those objectives for us. Thank you very much.

Luka Biong Deng

First I would like to thank the organizers for having had this conference in Africa and for the very well-selected theme of “Equality and Unity in Diversity for Development”. Indeed, these are the issues facing Africa today. But equally important I think is that hosting this conference in Ethiopia is a good example that Africa can also give an example of how federalism is not just a work in progress but is indeed delivering as we can see from the enormous economic growth and political stability that we are seeing in Ethiopia.

I am equally delighted that Sudan has been selected to share its experience in federalism within the context of the Comprehensive Peace Agreement. It is an agreement initiated by Africans looking for an African solution for their problems. I will focus on the main issues: issues of diversity, issues of civil war and of peace agreements as a mechanism for building unity in diversity, taking the Sudan context.

I think that when discussing federalism it is really important to see what is really facing Africa today. There is no doubt that after the Cold War civil war became pronounced and endemic to many African countries. Furthermore, in relation to other regions Africa has the highest incidence of internal civil war. Equally, there is a change of pattern of vulnerability, of famine and of poverty. Today it is related to conflict rather than to drought or to the normal factors that used to affect rural Africa. In the context of the regional and the global dynamics today, in terms of religious radicalism and international terrorism, it is becoming very apparent now that we are going back to those issues about the causation of civil war.

It is very important for Africa to revisit this thinking, about whether these civil wars are caused by cultural, religious diversity or indeed are caused by poverty and economic factors. Today, we are talking about Huntington's well-known clash of civilizations. That is becoming a bit appealing even in Africa today; even people are going for this partitioning theory -- whether we should really partition countries on the basis of religion or on the basis of ethnicity. It is very fundamental for us to revisit these causation theories because diversity is the essence of federalism.

For me and for other people, like Paul Collier, we believe that civil war is caused by poverty and by objective economic factors, as mentioned earlier. It is very important to know that ethnicity and religion are used to sustain and mobilize people to sustain these wars. It is interesting to

see the thinking that says in fact at some level – even Paul Collier was saying – it is even in the interest of some countries to broaden their borders so that they will increase diversity as a basis for stability and unity. These are issues that I would like to put in terms of resolving conflict in the context of a better understanding of the causation.

Sudan is a microcosm of Africa. I would like to highlight the CPA as a mechanism for federalism and the basis for building unity in diversity. Sudan can set a good example. Sudan is one million square miles; it is the largest country in Africa. It has no less than 40 million people. It has 56 ethnic groups and 595 sub-ethnic groups; and these people talk about 115 languages. We have two major religions -- Islam and Christianity, but along with African religions and beliefs. One can justifiably say that Sudan resembles the continent of Africa as a whole.

Ever since Independence in 1955/56, Sudan has been at war with itself. There is a very big debate in Sudan today about whether these wars are caused by ethnic, religious diversity or indeed they are caused by other objective factors. The Northern elite believe that the war in Sudan is caused by external forces. But the South elite believe that it is caused by the use of religion and ethnicity to dominate power. Again, even the events that we are seeing today in Darfur are also negating the argument whether religion has been a real cause of civil war because Darfur is predominantly Muslims; but it happened that they became marginalized and they went to war for very clear political objectives.

Again, I want to make the point that even in the Sudan itself the argument of cultural and religious diversity as a cause of civil war is not strong enough; but it is true that the Northern elite use Islam by trying to regroup all ethnic groups into one culture, one religion. They use religion in order to sustain themselves in power. These are the real issues that the CPA, the Comprehensive Peace Agreement, intended to address.

But let me say something about the CPA itself. It is an agreement that we negotiated for almost ten years, supported by Africans. We are looking at the issue of federalism and confederation. Eventually, we agreed on a mechanism to restructure the state itself. I agree that the constitution making process is quite important in terms of building and restructuring the state. The most important aspect of our process -- we have an interim constitution -- is that we really did manage to redefine the state itself. The state of Sudan that used to be defined in the context of Islam or Arabism is now defined in terms of diversity, a multi-cultural, multi-religious diversity. For the first time, we believe that diversity is a virtue; it is not a liability to our nation.

Again, on the status of religion itself in Sudan, we said that it should not be used to divide people. We went further in the Bill of Rights to say that each cultural community has the right to develop their own culture. We retain English and Arabic as official languages but each level of state can select any of the indigenous languages to be their own official language. Citizenship is the basis of rights and responsibilities. We have agreed to have a decentralized form of government with four tiers (Government of National Unity, a regional Government of South Sudan, states, and local authorities).

On the issue of unity within Sudan, the people of South Sudan will exercise the right to self determination, to decide whether they would like to be in a united Sudan or to secede. These are the issues that we are now discussing. The people of the Blue Nile and Nuba Mountains will have “popular consultations” as the basic right for them to reflect their choice on the level of satisfaction with what they have achieved in the CPA.

In sum, the end of the war provided us with an opportunity to restructure and reconstitute the state of Sudan.

What are the real key challenges for federalism to work?

In the North and in the South I think that the issue of capacity is crucial, especially in the lower levels of the government. You talk about local government because you must have the transfer of resources so that you can reach the lower level; but you may have the middle level which can sit on those resources. The local government is the frontline government near to the people, but they hardly get these resources.

The second challenge is about the issue of leadership. A commitment to a federal system from the top leadership provides necessary direction to make it work.

I also think about the issue of coordination. When you have many tiers of government the issue of coordination becomes a big challenge.

The most important thing that Africa should know and should offer in terms of federalism is the role of traditional authorities. In Sudan, as is the case with many African countries, it is becoming a fact that the traditional authorities are the ones actually maintaining peace and building trust intra- or inter- communities. Investing in them, within the context of local government, is critical because this is not where we are not only maintaining peace but building trust among the communities.

What are the challenges facing us now as we move in the implementation of the CPA? People in South Sudan are going to decide in 2011 whether they would like to be in a united Sudan or in a separate Sudan. It is very clear that the South is going to vote for secession so we are going to see a new state. I know that it is creating a bit of panic, a fever not only internally but even in Africa and indeed in the world. A new country coming through a referendum! This is going to send a very strong signal.

This is what we are facing today in Sudan and the parties have decided to sit together. If the South is going to secede, what are the arrangements that we need to have so that we can have a peaceful Sudan after the referendum? Indeed, we committed ourselves to build a good relationship between the North and the South in case of secession. We are discussing issues of citizenship. We have almost one third of the population in Sudan who are going to be affected by the secession decision. What can we do to learn from the international community about the rights of the people so that these are not affected by the decision of next year (January, 2011)?

The issue of oil, oil being in the South. Can we make it an opportunity to build a relationship between the North and the South? Water itself? The South has about 45% of the Nile Basin and it's creating a lot of tension. So what can we do in order to use the water itself to build a relationship between the North and the South? There is the issue of currency, assets and debts. These are issues that we are discussing so that we have a soft border. I think that we are going to have the longest border in Africa, on the continent if the people of South Sudan decide to secede. We are looking also for the institutional arrangements that will link the different levels of government between the North and the South (e.g., cross-border states and communities). Whether you call it co-federalism or whatever else, we need those mechanisms so that we build the interdependence between the North and the South.

I think that any alarm that the South is going to be a failed state is not solidly based. I think that I am very worried about the remaining Sudan if the Sudan of the South is going to secede because the South has all the ingredients for them to govern and to provide a viable state. The remaining North Sudan will face a lot of challenges.

I want to conclude with three key messages.

One, I think that diversity is a virtue. It is very important that we say this but it is important for it to be a building block for building an effective federal system. I think Sudan has an opportunity, even for the South, even for all of Africa. I think that the very fact that we use diversity as a scapegoat for our mistakes is harmful. Diversity is natural. It is the way we manage it that makes a difference. Use it as a virtue, especially in conflict management and conflict resolution. This is the basis upon which you can resolve conflict and even manage conflict by sustaining unity in diversity.

Second, building the capacity of the lower tiers of government, especially the local government, is central for building an effective federal state.

Third, on traditional authority, whether or how much we define it, is very important in the context of Africa. We should look at it as an opportunity that can help in building peace and stability.

I want to conclude with the following. I know that many of you may be a bit concerned about what is happening in Sudan and what is going to happen after the referendum. I think that the people of Sudan are quite committed to peace and stability because they have had enough of it, of war. Whatever is going to happen is the choice of the people in South Sudan. They are going to decide very soon, most likely to secede. But even if secession is going to be the option, it is going to be an obligation for the international community to support this choice because it is a choice for building peace in Sudan. Without that choice, in denying the people that right, by itself you can trigger the very reason that we had to have the CPA. It is very important that South Sudan is going to be governed on the basis of a federal system because they have learnt a lot from the experiences of many other countries. So our support of the choice of the people of South Sudan is not only building peace but also a new nation state that is going to be governed on the basis of unity in diversity, on the spirit of federalism.

Thank you very much.

Ronald Watts

Thank you very much Minister Luka. Time is short so we will move right along. I might just make the observation that it seems to me that two very important, closely related themes have run right through the three presentations. One is that federalism is not an end in itself. It's not a panacea. Federalism must be judged in terms of how well a particular political design achieves such values as social justice. I won't cover the whole range of values that have been referred to but it seems to me that one of the important themes is that federalism is to be looked at and judged in terms of its effectiveness in serving other values. Closely related to that, a theme which also has run through all this is that constitution making and design are very important; but even more important is the development of values that are supportive -- values in society, a political culture that are supportive of the cherishing of diversity, of compromise, of enhancing cooperation and so on.

With that brief comment, I will turn to each of the three panelists, each commenting for a maximum of 2-3 minutes of what you have heard from others and what your observations are about what your fellow panelists have had to say. We'll start in the same order.

Julius Ihonvbere

Let me begin first by commending my brother from the Sudan for his very progressive and perceptive comments. I think that this is a lesson for African leaders not to begin to embrace the truth only when it is too late. If certain things had been put in place ten, twenty years ago, we may not be talking of the situation we have in the Sudan today. I agree with your views that policies of homogenization always precipitate conflict and sometimes disintegration. I also thank my senior colleague, Yash Ghai for as usual demonstrating the intellectual and policy leadership that he has always given to us over two decades. Many of us have relied on his intellectual directions to shape our own ideas.

I would like to make two quick comments. First, is the question of ethnicity. For me there is absolutely nothing wrong with ethnic identity. Africans in their natural ethnic situations do not fight each other and I think that Yash Ghai is correct that it is the politicization and manipulation of ethnic identity and the injustices imposed on the people by the state, the vilification of identity that precipitate the kind of violence that we have witnessed.

More importantly, what has made ethnicity such a huge political problem is state failure and I think that we need to go back and focus on issues of the state. As an academic I feel very sorry about the discourses going on in Africa. They are so empty of direction, empty of ideology, descriptive, based on received knowledge, and incapable of giving us the kind of motivation that existed in the 1960's, 70's and up to the mid-80's when you had intellectuals putting out critical ideas to enable us to think outside the box. We are back inside the box. I think that as we sit here we must begin to worry about that. Our schools are dying and they are not producing the kind of thinkers that would help Africa to move forward. There is a problem there. Because of state failure and the collapse of the institutions young people are moving out in droves; out of the continent and coming back with ideas that they have learnt but have nothing to do with the realities in which we live and the expectations of our people or their communities.

The final point that I would like to emphasize is one which Yash Ghai also raised which goes back to my issue about constitution making. I think that he broke it down clearly when he said that we use constitution making for either nation building and for state building. For state building, yes it will give you a constitution for "we the people," but it is not going to change anything except preserve the existing structure of domination and exploitation. You can be sure that the crisis will continue. So the nation will have a constitution but it's just a meaningless document at the end of the day. But if it's for nation building it means

that you will respect the nations and nationalities, the cultures and values of the people, and you build new bridges that promote mutual respect, mutual understanding, interaction and engagement in ways to move forward, not to move backwards. I think that that is what is missing a lot in Africa.

As a Nigerian I have made this prescription over and over again, in writing. When I was at the Ford Foundation my basic assignment was constitutionalism in Africa. We worked in Zimbabwe. It was through our work in Zimbabwe that for the first time Zimbabweans saw their constitution. We provided the money from Ford to print the constitution and distribute it. That was when many Zimbabweans saw their constitution for the first time. They said, "Oh! Is this what this document really is?" So why do you produce a constitution for the people but don't give them access to it?

I keep saying that the South African example is not without its flaws. We need to take time to study it. We can't call ourselves intellectuals, activists, policy makers and leaders without engaging to some comparative study and understand what is going on. How did they take the process to the people? People in prisons even had an input into the constitutional process in South Africa. They had several mechanisms to break deadlocks and deal with contentious issues, and in the process nobody in the community was left out. When the final document came out, it was accessible to everybody - in Brail, in English, in all of the local languages. The size was pocket size so that you could put it in your pocket and so forth. But the point I'm making here is that once you do not mobilize, involve and educate the people in the process, the outcome can never be a basis for promoting any kind of good governance.

This is not just when you call yourself federal; you don't even have to call yourself federal when you have multi-level governance or government. Yes, there are issues to deal with. How do you protect minorities? How

do you deal with public service delivery, joint services? How do you deal with a quota system? How do you deal with representation? How do you deal with devolution of powers? There are several issues that come up. But it is in the process, the understanding, the nation building. The motivation is the process that enables us to deal with those issues without resorting to violence or (secession) referendum.

I want to say that, for me, looking at African politics and my own country, the current pathological drive to capture naked and raw power for primitive accumulation is a problem. Yes, we have a constitution, we have a parliament, we have a federal system; but like somebody mentioned just now all of these are deployed to capture power, preside over state resources, become very, very rich and put the money in Switzerland and in the West; and when the person dies his looted wealth is used to develop a small foreign country that produces chocolates and wrist watches and other things. But meanwhile, the ordinary people in the countries where the billions of dollars come from wallow in poverty and are fighting and killing each other out of hunger, poverty and disease. And we must put our hearts into this. These are very personal issues for me. It's not just a political or economic issue. This is a very personal issue. You cannot look at another African country that is oil producing, a member of OPEC, and you see people with children who should be in school. We drive in our air-conditioned and tinted cars and we say that we are human beings. We are not human beings. We are no longer human. We are now things. This is a process: a cultural process, a value process, for me a spiritual process. When we talk about political arrangements we must remember that at the end of the day we are talking about the lives of our people.

Thank you very much.

Yash Ghai

Well, there is so much agreement among the three of us that there is not very much that I can add to or certainly anything I can disagree with.

But I will make one or two more comments. One is on the issue that you yourself have raised, Ron, and other speakers; that is, about the nature of the constitution making process and what we can achieve through a process which engages a large section of the people and opens up a national dialogue. I think that this is very important; and I am very glad to say that in my country we have had an extremely participatory process. There are of course risks in a very open-ended process. But I think that if we believe in democracy and we believe in our values those conflicts can be dealt with within accepted parameters, which build in human rights and human dignity and respect for differences so long as they are consistent with that framework. I certainly think that it is extremely important to engage the people in these decisions about policies and structures of state. Certainly, I think that the processes of federating are not often particularly participatory. They are the decisions of a few leaders, often for good reasons; but people don't really get very much involved in the debates about the structures of the state.

The second point that I want to make is that of course there are positive elements of ethnicity. Luka has mentioned them and so has Julius. Sometimes in Kenya we make a distinction between positive ethnicity and negative ethnicity. Certainly, looking at the struggles of the people of South Sudan we have to acknowledge that ethnicity has been very emancipatory. But now that South Sudan may soon become independent we hope that those forces which brought people together because they suffered common oppression will not be transformed into the hegemony of one or another group. I know Luka is aware of that and I hope the leadership there will turn the new social forces that will emerge energized with independence to fruitful purposes.

I want to end, finally, with the point that both my fellow panelists have mentioned and that is the quality of leadership. Constitutions can do something about it. In Kenya now people are talking about Chapter 6 of our (Kenyan) constitution, which is called "Leadership and Integrity."

It's quite a long chapter and someone sent me an email the other day saying that they were about to start a Chapter 6 movement and would I join them, and I said yes with all my heart because its leadership, I think, which ultimately is critical. A constitution, however much we revere it, is a piece of paper. Ultimately, our civil society is not sufficiently widespread; it's active but a lot of people are not conscious of the mechanisms of the state so a great deal hangs on the commitment of leaders to produce a just and democratic order. Constitutions can do something about it, but as Ron also mentioned, this is the task for society. Society must nurture the constitution and the values of the constitution. So what we lacked in Africa until now is leadership. Thank You.

Luka Biong Deng

I think that it is very impressive that we have commonality in how we look at issues of diversity. I think that I want to focus more on what Julius said about the nature of the state. I think that there is a very big challenge facing Africa.

In the context of Sudan, it is even quite alarming because this country got its independence in 1956. It contributed in the liberation movements and contributed massively to the independence of many countries. Sudan today is at the lowest level in terms of development and even in terms of its image. It's a country that has been failed by its elite, a country that should have been setting an example to the continent. I fully agree with you, Julius, that the state and the elite played a very fundamental role in shaping the situation that we are in today in Africa.

The very fact that people just do not know that they are Africans, but were given the illusion of an identity that is very far distant from the reality: Africans who are saying that they are not Africans and trying to found a nation on that basis! In actual fact, even as we talk today the South is the victim of a northern elite domination and Sudan is a failed

attempt at forging a nation on a very weak basis. That's why I think that looking to the elites is very important, not only to the leadership but also to the elites more generally. These are the ones who are pushing the people to the level that the South is becoming so disappointed, no longer able to see themselves as part of this great nation called Sudan. So I fully agree with you about the real role of leadership and of the state.

I like also what you said, Julius, about the issue of constitutional processes. In Sudan, after having the Peace Agreement as a tool for reconstituting and changing the state, we are now in the process of the constitution. We call it an Interim National Constitution. Afterwards we are going to have a real constitution. I think that what Yash said about the experience of Kenya and other African countries, whether we can have constitution through a process, a participatory process that will allow the people to share their views, is critical. Even for South Sudan we have an Interim Constitution of South Sudan. We decided to widen the participation by having focus group discussions with all of the communities to talk to them about what are the things that they would like to see in their constitution. To a second degree, I could say that the constitution of South Sudan might have gone so far in terms of getting the people's opinion about this constitution.

I think, Yash, that what you said about taking away ethnicity from politics, but not all of it -- I think that's very important. Our people are victimized always because of this ethnic dimension of the conflict. It is not important that we should go to the reality rather than artificial issues that push people to violence. This is the thing that we need to think about thoroughly, especially we Africans. It is very interesting the way even religion is being misused by the elite to get into power. It is very shameful really what is happening in Africa. We need to question the fundamentalism that we are seeing today. The religions that we are talking about actually promote diversity. They recognize different ethnic groups. But when you come to the practice, the elite tend to see

themselves as if they cannot see a human people unless they are part of a specific religion or a specific ethnic group. This is really bad. It is even not consistent with the religion's values, although these people are using their religion in order to pursue their interests. So I think that what you said about the case of Kenya is very important.

I really want to go to this issue as it relates to South Sudan. We talk about how religious diversity and ethnic diversity are going to be a big challenge for South Sudan; and I agree with you, Yash, that we need to deal with ethnic diversity in the South so that we can contain the ethnic tensions, which could be easily used by others to destabilize or to make the South an unviable state. These are the issues that we may need to look at.

Here the tiers of government are important. The more that you have the concentration of power at the higher level the more you tend to have the main, major ethnic groups dominating power. The more we move the power to the lower level of government, especially the local governments, the more the people will be participating and they will see themselves in the government. These are the challenges that the South is going to face in dealing with the issue of major ethnic groups to be a source for building an effective government.

I really want to conclude with a hopeful note. By how much we describe ourselves as Africans, I think that we have a lot that to offer to the world. We are seeing very good examples of countries that have managed to come out from these disappointing pictures. Let us consolidate how much we have achieved as a continent and consider our successes, and not go to the frustration that does not allow us to look positively into the future.

Thank you very much.

Professor Ronald Watts

That's a good positive note to end on. We are well over time so I'm going to call a close to the panel, but I'm sure that you will all agree with me that all three panelists have been very interesting and have offered some very important advice on what issues should be focused on in the years to come here in Africa. So thank you very much, all three of you.

Equality and Unity in Diversity

ADDIS ABABA DECLARATION ON FEDERALISM

5TH International Conference on Federalism
16th December 2010

Equality and Unity in Diversity

ADDIS ABABA DECLARATION ON FEDERALISM

5TH International Conference
on Federalism
16th December 2010

Editor's Note:

The following statement was read at the closing of the Conference by H.E. Dr. Luka Biong Deng, the former Minister of Cabinet Affairs of Sudan's Government of National Unity, and unanimously endorsed by the full plenary.

Addis Ababa Declaration on Federalism On the Occasion of the 5th International Conference on Federalism Addis Ababa Ethiopia, December 2010

This is the 5th in a series of triennial conferences on federalism, the previous ones having been held in Canada, Switzerland, Belgium and India.

In November 2007, at the Fourth International Conference in India, the Prime Minister of Ethiopia, H.E. Meles Zenawi announced that Ethiopia would host the 5th International Conference on Federalism in 2010, the first ever to be held in Africa.

December 2010 marks the first global conference in Africa on federal governance. The conference theme, Equality and Unity in Diversity for Development, reflects the path that Ethiopia, the conference host, embarked upon almost twenty years ago.

The need, value and practicability of federalism in Africa in facing challenges of unity, peace, democratization and development were amply demonstrated at the Conference.

Federal values and institutional arrangements are today being explored in African countries ranging from Democratic Republic of Congo to Kenya, Somalia, South Africa and Sudan, as well as in countries elsewhere, such as Iraq and Nepal.

The international community of federal societies is growing and demonstrating constant innovation in adapting federal forms.

We have learned in Ethiopia and heard from speakers of several countries in this Conference that federalism can create a hospitable framework for promoting democratization and development, especially in societies with deep diversity.

The celebration at the opening of the Conference on Ethiopia's Day of Nations and Nationalities gave a vivid demonstration of the importance of democratic federalism to Ethiopian citizens and communities.

The Fifth International Conference on Federalism brought to the forefront important themes for understanding the practice of federal governance, most notably in Africa and in transitional environments. Throughout the Conference, common themes emerged in all discussions that were covered under five topics:

1. *Federalism and the Democratization Process*
2. *The Impact of Regionalization & Globalization on Federations*
3. *Unity in Diversity through Federalism*
4. *Federalism and Conflict Prevention, Management and Resolution Mechanisms*
5. *Fiscal Federalism & Equitable Development*

The common themes that emerged included:

Consensus – Even after federalism has been officially adopted, it continues to be critical that leaders work to build and deepen commitment to the basic federal values of accommodating diversity, equality, compromise and democracy across the political spectrum and throughout civil society.

Relevance – Federalism, including its implementation, must be judged on the basis of its effectiveness in serving other values such as social justice, and in building nation states that meet the needs of ordinary people and based on an inclusive vision of national unity.

Context – Federal arrangements must be designed to fit a society's needs in terms of their specific social, economic and political conditions, but also the historical context from which federalism emerges. Furthermore, transitions to a federal system in post-conflict environments require a sense of process and stages of development. Just as established federations are constantly adapting and evolving to their changing circumstances, transformation to a new federal system, let alone a federal political culture, does not happen overnight.

Capacity – When inheriting low levels of capacity, especially sub-national levels may not be capable of discharging all their constitutionally allocated functions, but this must not be abused for purposes of centralization; rather capacity building and commensurate resource transfers are primary obligations for those truly committed to federalism.

Innovation – The different social and historical contexts of those countries currently transitioning into democratic federalism or devolved systems, in Africa and elsewhere, call for experimentation with new ideas and institutional arrangements that build on the inheritance from the

established federations. This innovation is happening and indeed calls for even more intense efforts aimed at learning from each other across federal and other countries with multi-tiered governance.

We express our appreciation for the opportunity afforded by this Conference which illustrates the value of sharing ideas, experiences and practices of federalism.

Building on the success of this Conference in Addis Ababa, we look forward to the next International Conference and ongoing interaction and collaboration through the Forum of Federations.

CLOSING ADDRESS

PM Meles Zenawi

Equality and Unity in Diversity

CLOSING ADDRESS

H.E. Meles Zenawi

Prime Minister of the Federal
Democratic Republic of Ethiopia

5TH International Conference on Federalism
Addis Ababa, Ethiopia, December 16, 2010

Your Excellencies, Honorable Delegates, Ladies and Gentlemen,

Allow me to express how very pleased I am to join you today on the occasion of the closing of the 5th International Conference on Federalism. I wish to take this opportunity to thank our Forum of Federations for giving us the opportunity to host this conference and for providing us with invaluable support to make the conference a success. I also wish to thank each and every one of you for taking time to join us in these very instructive debates that we have had over the past few days. Last but not least, I would like to thank the organizers in general and Ato Solomon in particular for a job very well done.

Your Excellencies, Ladies and Gentlemen,

In hosting this conference, our hope was that Ethiopians from all walks of life would get the opportunity to learn from the experiences of federalism elsewhere, to share their challenges with experts and practitioners from around the world and learn valuable lessons to help them to continuously refine and improve their system of governance. The forty-five case studies presented at the conference and the lively discussions on the papers have made it possible for the conference to

exceed all of our expectations. We have indeed learned valuable lessons that will help us improve our federal system.

I thank you all for being such generous and persuasive teachers.

It was also my hope that this International Conference on Federalism to be held in Africa, on African soil for the first time, would allow Africans from all corners of the continent to consider the pros and cons of federalism as a means of embracing and managing the extraordinary diversity of all of our African states.

I am pleased to note that there has been a noticeable increase in the participation of Africans in the conference and that case studies that included African experiences have made it possible to give the conference a certain African character. I am convinced that all of us Africans have benefitted from the frank exchange of views; and in this regard too, the conference has exceeded our expectations.

For those of you who come from outside Africa, our hope was that the conference would help you understand that many African countries have embarked on a journey to define democracy and federalism in a manner that can effectively address their main concerns, and that, in this regard, Africans are making valuable contributions to the wealth of ideas on federalism. I am confident that you have indeed gained valuable insights into the challenges and practices of federalism in Africa.

The success of the conference will have a more lasting impact as the conference proceedings will be published, providing valuable reference material for practitioners and academics alike.

May I take this opportunity to thank all the presenters, moderators and rapporteurs on your behalf for their invaluable contributions.

I wish to conclude by, once again, thanking all of you for your participation and wishing you a safe return to your home countries.

Thank you very much.

Equality and Unity in Diversity

CONTRIBUTERS' BIOS

for Development

RUPAK CHATTOPADHYAY (Canada) is President and CEO of the Forum of Federations. He has master's degrees in economics and political science from the University of Ottawa and the University of Illinois (Urbana-Champaign) and did his doctoral work in political science at the University of Toronto. He was closely involved with the peace process in Sri Lanka and discussions on constitutional reforms in the Philippines in his previous capacity as Forum's Director of Asia-Pacific programs. He was also a member of the Consultative Group on the Study of Intergovernmental Relations and Dispute Resolution Mechanisms, Inter-State Council, Government of India. He co-edited the five-volume series covering the proceedings of the 4th International Conference on Federalism entitled "Unity in Diversity: Learning from Each Other". He is also co-editor of "Dialogues on Diversity and Unity in Federal Countries" and "Finance and Governance of Capital Cities in Federal Systems".

LUKA BIONG DENG (South Sudan) is Executive Director of Kush Inc., an NGO that builds bridges of solidarity between Americans and the people of Africa in support of economic, cultural, and social development. In 2010-11 he served as the SPLM-nominated Minister of Cabinet Affairs for Sudan's Government of National Unity before resigning on May 21, 2011. Prior to that, he served as Minister of Presidential Affairs in the Government of Southern Sudan after helping conclude the Comprehensive Peace Agreement. During 2003-2005 he was Executive Director of the Southern Sudan Centre for Census, Statistics and Evaluation (SSCSE) in Rumbek, Southern Sudan. Deng has also been a Senior Economist at the World Bank. He has a Doctorate in Development Economics from the University of Sussex.

ANDREAS ESHETÉ (Ethiopia) studied philosophy at Williams College and Yale University. He has taught at a number of American universities, among them: Brown, UCLA, UC-Berkeley and Penn. He has published work in moral and political philosophy. Outside

philosophy, he has written extensively on Ethiopia. Positions in public service include: Association for the Return of the Maqdala Ethiopia Treasures (1998-present); Chair, African Institute for Democratic Deliberation and Action (1999-present); Chair, Commemoration of the Centennial of the Battle of Adwa (1995-1996); Coordinator for Constitutional and Governance Issues, Inter-Africa Group (1992-1995); Chair, Interim Board of the African Union Human Rights Memorial Project (2011-); President of Addis Ababa University to March 2011. Andreas is Professor of Law and Philosophy, UNESCO Chair for Human Rights, Peace and Democracy (AAU), and now Advisor to the Prime Minister of the Federal Democratic Republic of Ethiopia with the rank of minister.

YASH PAL GHAI (Kenya) is a preeminent scholar in constitutional law. He has served in senior positions as (inter alia) head of the Constitution Advisory Support Unit of the United Nations Development Program in Nepal, as a Special Representative of the UN Secretary General in Cambodia on human rights, and as Chair of the Constitution of Kenya Review Commission from 2000 to 2004. He was the Sir YK Pao Professor of Public Law at the University of Hong Kong starting in 1989 where he has been an Honorary Professor since his retirement in 1995. He has also taught and done research at the University of Warwick, Uppsala University, the International Legal Center in New York, Yale Law School, and the University of Wisconsin Law School. He has been a Fellow of the British Academy since 2005. Ghai has also advised and assisted NGOs on human rights law-related work.

ALEM HABTU (Ethiopia/USA) is Associate Professor and Chair in the Department of Sociology at Queens College, City University of New York. He was Director of Africana Studies at the college for twelve years. His recent publications on federalism include an edited book on Ethiopian Federalism: Principle, Process and Practice

(Addis Ababa University Press, 2010) and articles in *Publius: The Journal of Federalism and Dialectical Anthropology*. Dr. Habtu has served as a reviewer for refereed journals on Africa, comparative politics, sociology, nationalism and federalism. He has also served as a consultant on governance issues with Global Integrity, the Carter Center, the Stanley Foundation, the United Nations Development Program (UNDP), the United Nations Economic Commission for Africa (ECA), the Inter-Government Authority for Development (IGAD), and the InterAfrica Group.

JULIUS IHONVBERE, OON (Nigeria) is the Nigeria representative on the Board of Directors of the Forum of Federations. He is the National Chairman of the Board of Trustees of the Lagos-based Institute of Corporate and Business Affairs Management. In Nigeria, he was awarded the title of Officer of the Order of the Niger. He was a Special Advisor to the President (Nigeria) on Program and Policy Monitoring. Prof. Ihonvbere holds a PhD from the University of Toronto and is also an alumnus of the University of Ife (Obafemi Awolowo University) and Carleton University. He has held appointments at universities in Nigeria, Canada and the United States and worked at the Ford Foundation in the fields of governance and civil society.

OLUSEGUN OBASANJO, GCFR (Nigeria) is a former Nigerian Army general and former President of Nigeria. Obasanjo was a career soldier before serving twice as his nation's head of state, once as a military ruler, between 13 February 1976 to 1 October 1979 and again from 29 May 1999 to 29 May 2007, as elected President. His current home is Abeokuta, the Capital City of Ogun State, where he is a nobleman as the holder of the titles of the Balogun of the Owu Lineage and the Ekerin Balogun of the Egba clan of Yorubaland.

KASSA TEKLEBERHAN (Ethiopia) is Speaker of the House of Federation, the second chamber in Ethiopia's bicameral

parliament. Previously, he's held various ministerial-level posts in the Amhara National Regional State Government, including Bureau Head for bureaus of: Public Relations & Mass Mobilization, Agriculture & Rural Development, Administration & Security, as well as Trade & Industry just prior to becoming Speaker.

RONALD L. WATTS (Canada) is one of the world's leading authorities on federalism. A former Rhodes Scholar, he is Principal Emeritus, Professor Emeritus of Political Studies and Fellow of the Institute of Intergovernmental Relations at Queen's University. He was Principal and Vice-Chancellor of Queen's University 1974-1984. From 1988 to 1993 he was Director of the Institute of Intergovernmental Relations at Queen's University. He has written or edited twenty-five books, monographs and reports and over one hundred articles in journals and chapters in books. From 1991 to 1998 he was President of the International Association of Centers for Federal Studies. He was a founding member of the Board of the Forum of Federations and is now a Fellow of the Forum. He is also on the Editorial Boards of various journals and the Global Dialogue series of publications on federalism. In 2003 he became the first recipient of the Distinguished Federalism Scholar Award of the International Political Science Association Research Committee. He is a Fellow of the Royal Society of Canada (1997). He became an Officer of the Order of Canada in 1979, and was promoted to Companion of the Order of Canada in 2000.

MELES ZENAWI (Ethiopia) has been Prime Minister of Ethiopia from 1996 to the present and previously held the office of President during the Interim Period after defeat of the Derg military government in 1991. He is recognized as the chief architect in the design and development of Ethiopia's federal system. He has been an official spokesperson for Africa in many important international fora.

Equality and Unity in Diversity

INDEX

Index

A

- Addis Ababa Declaration v, 83
- Allocation of responsibilities 29
- Article 39 (Ethiopian Constitution) 11, 12

B

- Belgium vii, xi, 11, 15, 16, 20, 25, 27, 83
- Border(s) xv, 22, 28, 66, 69

C

- Canada vii, ix, xi, 12, 15, 24, 25, 28–33, 54, 83, 94–97
- Capacity vii, 13, 28, 68, 70, 85, 94
- Christian, Christianity 66
- Citizen(s) xiii, 7, 24, 39, 43, 44, 46, 84
 - citizenship 67, 69,
- Civil society organizations (CSOs) 19, 21, 27, 56, 59, 65, 76, 85, 96
- Comprehensive Peace Agreement (CPA) 66–68, 70
- Conflicts vii – xvi, 13, 16, 21 – 31, 41, 50 – 51, 55 – 77, 84
- Consensus 85
- Constitution 9, 11, 50, 77, 95 – 96
- Context 85
- Corruption 62
- Court 20, 28, 36, 60

D

- Day of Nations and Nationalities xvi, 9, 84
Deep-rooted conflicts 27
Democracy vii, xv, 3, 8 – 14, 17, 35, 44, 47, 57– 58, 75, 85, 90
 Democratic vii, xiii, 5 – 9, 11, 84, 89, 95
 Democratic federalism xii – xiii, 5 – 8, 84 – 85

E

- Equitable Development ii, xvi, 1, 18, 29, 84
Ethiopia vii – ix, xii – xvi, 2– 6, 9, –21, 25 – 30, 36, 40 – 45, 64, 65,
 83, 84, 89, 94 – 97
Ethnic 17, 24, 25, 48, 49 –51, 56, 60, 63, 64, 66, 72, 77, 78
Ethnicity 60, 65, 66, 72, 75, 77
Ethno-linguistic 16

F

- Fiscal Federalism xvi, 1, 18, 29, 84
Fiscal imbalances 30
Fiscal responsibility 29, 30
Forum of Federations vii, ix, xi, 15, 55, 86, 89, 94 – 97
Functions 29, 85

G

- Germany 21, 28, 30
Globalization vii, 21, 22, 24, 28

H

- Horn of Africa 19, 22, 41

I

- Identity 2, 3, 6, 35, 36, 37, 38, 40, – 46, 49, 63, 64, 72, 77
- Innovation ix, 84, 86
- Intergovernmental 16, 28 – 30
- International cooperation 23
- Iraq 21, 27, 31, 84
- Islam 66, 67

J

- Jos (Nigeria) 56
- Julius Ihonvbere 3, 33, 54, 55, 71

K

- Kenya viii, xiii, 3, 22, 33, 37, 54, 60, 75 – 78, 84, 95, 96

L

- Last-resort mechanisms 27
- Leaders vii, 2, 3, 51, 63, 71, 73, 75, 76, 85
- Leadership xvi, 21, 27, 52, 53, 68, 72, 75, 76, 77
- Local xiv, 6, 21, 30, 31, 39, 50, 59, 67 – 70, 73, 78
- Logic 61
- Logic of federalism 60, 61
- Luka Biong Deng 3, 33, 54, 55, 64, 76, 83

M

- Meles Zenawi xi, xvi, 3, 5, 9, 16, 47, 83, 87, 89, 97
- Mexico 20, 28
- Minorities 24, 26, 49, 73
- Modernity 35, 46
- Multi-party political systems 19, 20

N

Nation-building xv, 3, 61, 72–74

Natural resources 29, 31

Nepal xiii, 27, 64, 84, 95

Nigeria v, viii, 2, 3, 17, 19, 24–31, 33, 47–59, 96

O

Obasanjo v, 33, 47, 55, 3, 96

Oil 31, 69, 74

Q

Quasi-federal xii, 17, 18

R

Racial 36, 39

 racism 36

Regionalization ii, xvi, 1, 18, 21–24, 84

Relevance 85

Religion 40, 56, 65–67, 78

 religious 16, 24, 25, 49, 52, 55, 56, 65–67, 78

Revenue xiv, 29–31, 50

Ronald Watts v, 33, 54, 71, 79

S

Security 21, 27–29, 50–53, 57

Self-determination 9, 11, 12, 25, 35, 42, 43

Social justice 3, 64, 71, 85

Somalia viii, 22, 27, 84

South Africa viii, xii, 17–21, 25, 28, 31, 36, 58, 59, 73, 84

South Sudan viii, xiii, 3, 55, 67–78, 94
Spain 20
Sudan xv, 3, 22, 25, 27, 55–79, 84, 94
Switzerland vii, ix, xi, 14, 15, 16, 28, 74, 83

T

Tanzania 17, 26

U

Uganda 25, 58, 59
UK/Scotland 27
United Nations 38, 95
Unity in Diversity 16
USA 28, 95