# Are multi-national federations viable?

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In the latter half of the twentieth century, ethnic violence in societies throughout the world has become more pervasive, its cataclysmic effects increasingly lethal and its societal repercussions more disruptive than at any earlier time in modern history[1]. At the historical pinnacle of liberal democratic values, one would prima facie presume that these horrifying manifestations of violence in multinational societies can best be averted by pursuing self-determination scenarios in which mono-national states are created. Yet, the reality is that advocates of federal, multinational state-arrangements and their arguments resonate louder than ever before in lecture halls, ministerial offices and public squares alike. Debates evaluating the merits of federalism as a constitutional strategy to cope with territorially based diversity and accommodate intra-national tensions have gained increasing salience both in developed and developing countries (Bermeo, 2002, p. 96-97), and such shouldn't actually be of any surprise. As an amalgamation of constitutional-legal principles, a political bargaining rationale, and impetus for cross-national identity building, federalism is potentially the most comprehensive political vehicle with which to overcome deep-entrenched societal divisions. Nonetheless, amidst all this 'federal enthusiasm', it is worth considering exactly how successful multinational federations are in overcoming ethnic threats, and hence whether they represent a viable model. Resolving this matter requires asking whether federalism can in effect render political cooperation between antagonized groups feasible and facilitate state-building in multiethnic societies. Through a normative-theoretical exploration into the raison d'être of multinational federations and their modus operandi under various circumstances, this is essay will advance the thesis that viability of any federal model is ultimately conditional upon an explicit recognition and stimulation of a civic federal identity[2]. The main line of argument will then be that states which manage to foster asymmetric minority identities (e.g. Flemish, Quebecois) alongside with a symmetric intra-group power distribution will succeed at binding their citizens because of a common current and future interest in sustaining the state. This will then culminate in a state that allows minority expression and self-governance in relevant domains, with an incentive towards cooperation on the federal level.

**The conceptual raison d'être of federalism**

When discussing etho-national conflict, John McGarry and Brendan O'Leary classify federalism as one of the different-managing methods of resolve – that is, methods not meant to eliminate differences, rather just to remove the hazard those may pose to the state (1993, p. 2). In essence, the federal model is mostly, if not wholly, a constitutional one[3], defined by a guaranteed division of power between central (state) and regional (national) governments. Because of this original meaning, many authors have alas limited their analyses to the manifest features of federations: written constitutions, legal recognition of differences and various levels of local autonomy (Burgess, 2009, pp. 2-3). From various federal experiments in Belgium, Canada, Bosnia-Herzegovina and post-1995 Ethiopia, it increasingly appears however that such purely technical descriptions severely underrepresent those political dynamics of federalism upon which its success depends – and it shall be those that this essay discusses.

The most prominent work in this field was performed by Arend Lijphart via means of his "consociational theory", first proposed in his seminal "The Politics of Accommodation". Through an account of Dutch politics as a paradoxical case in which a strongly segmented society is "eminently stable and effective" (Lijphart, 1968, p. 15), he explores the importance of a spirit of "accommodation" (pp.103- 104) amongst the key political actors sharing state-power in divided societies. Henceforth, any work dealing with the non-constitutional aspects of federalism must, as an unwritten rule, position itself vis-a-vis Lijphart's opinions. Though cognizant and grateful for the insights generated by

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consociational theory, the line of argument presented here does diverge because it recognizes that a top-down, elite-centrist approach is victim to an inherent flaw of reason – namely that of affirming a disjunction. After all, however valuable elites are in steering the actual legislative process, one must never forget the role of the citizenry in democracy. It is simply not true that a legitimate multinational federation can ever be formed without a continuing, active popular support.

Based on the understanding that the ultimate goal of federal polities is to deliver political goods to all citizens in exchange for political legitimacy, the following section will explore if the concept of multinational federal is 'viable' (i.e. whether it can withstand the centrifugal pressures typically applied upon it).

### Multinational federalism – a constitutional arrangement under siege?

Compared to other forms of representative democracies, federal systems face a number of discrete threats, which can be summarized as either belonging to disintegration as a result of irrelevancy or separation because of political antagonization or, perhaps the worst, prolonged political dysfunctionality. Assuming the classical readings are right, and the solutions are thus at the core constitutional, such must surely reflect itself in how some of the world's recently formed multiethnic federations have written and implemented their constitutions. In this case, an example would be the constitution of the post-1995 Federal Republic of Ethiopia, which addresses ethno-national minority rights in Chapter 3, Articles 13-44 and Article 39 (a fully fledged Bill of Rights)[4]. From the text, it clearly arises that Ethiopia has at the very least the intention to function as a parliamentary federation with constituent nations as its political subunits coexisting in a system of symmetric power-relations. Additionally, the constitution also clearly regulates the process of separation for individual nations within the state – one of the key conceptual principles so characteristic to liberal-democratic multinational federations. Despite this rhetoric of reconciling differences and state-building efforts, constitutional practice is ridden with deficiencies and malpractices, most notably the political domination by the minority Tigray People's Liberation Front (TPLF), which is only possible because the federal intrastate boundaries have been drawn up as to cross-cut ethnic lines and leave the Tigray as are a significant minority in each strategically important or rich state (Habtu, 2005, p. 314). Additionally, as the executive power in the federation is dominated once again via the TPLF's coalition of ethnic parties, the Ethiopian People's Democratic Revolutionary Front (ERDRF). The combination of these two effects (minority domination of the ruling party and the government) have given rise to the dysfunctional nature of modern Ethiopian politics.

Similarly, Bosnia-Herzegovina's 1995 Dayton Constitution has created an ultra-decentralized, dyadic governmental structure with two constituent units – Federacija Bosne i Hercegovine (the Croat-Bosniak 'entity') and Republika Srpska (the Serb entity). In the asymmetric and strongly decentralized Bosnian federal model both entities have their own fiscal and administrative structures, their own written constitutions and extensive responsibilities, as imposed by the international community. The issue in terms of state-building and implementing rule of law in a pluralistic way is nonetheless that the system is in some senses void of any incentive to cooperate across ethnic lines – just as it lacks any type of federal culture focussing on human rights and citizenship. Hence, the federal political level (with is already limited responsibilities and dependency on Entity-funding) is gradually hollowed out and incapable of "undertaking any type of action that would bolster its role" (Spahn, 2002, p. 20), while only exacerbating the tense relations between the two entities.

The failure of Bosnia-Herzegovina and Ethiopia to adequately resolve the challenges posed by ethno-national discord are of course not wholly to blame on the institutional structure, but it does probe the question as to which factors have been instrumental in ensuring functional polities in successful multinational federations as Canada and pre-2009 Belgium. Could it be possible that these states have not only survived, but also thrived democratically because of their conception of federalism as a process of building a federal political and civil culture? At least for Canada, this appears to be true to a larger extent. Smiley, for example, notes that "the requirements of the Canadian political nationality are that Canadians find and commit themselves to a group of common objectives, which they pursue in equal partnership together" (1967, pp. 128-29). It would indeed appear that any acknowledgment of the formal limits of the federal model[5] can and should be accompanied by a recognition of the integrative power that common, supranational identities can exert over the members of a polity. The following section will explore how extra-constitutional factors, particularly the development of a shared civic identity, can not only render federalism

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functional, but also preferable.

**The rational federal community – successfully combining quasi-symmetric power relations with asymmetric conceptions of identity**

As mentioned earlier when discussing consociationalism, the role of the citizenry in making and sustaining nations cannot be underestimated. Particularly in relation to multinational state-building, where the thread of ethno-cultural national identities must be woven into the very fabric of the state itself [6], the simple reality must be faced that members of the minority group must consent to being a part of the nation. In other words, as a sine qua non, the benefits to the minority group of staying must be on balance greater than the potential advantages of separation. The institutional justification for this argument stresses the need for a collective desire of national actors to be integrated into the constitutional framework of the multiethnic state at hand. For in case they have no such desire, internal nations are likely to construe themselves over time as unitary actors pursuing self-determination, the pressures of which can amount over time to a serious challenge for the federal system. In a postmodern vein, we could thus claim that the political national identity must be re-defined through a joint pro-federational effort of the bureaucracy, the dominant group and the intelligentsia – the vernacular mobilization of the lower strata, if you will, in service of the greater goal of state-survival. One must be careful to note though, that such a redesigning of the identity paradigm need not, and in fact, must not represent what Miller refers to as "self-annihilation" (Miller, 1995, p. 133), but rather as a recognition of the fact that national identities "encompass both a cultural and a political identity" (Smith, 1991, p. 99), and that only the latter is of importance to sustaining a multinational federation.

The idea of the "rational federal community", as I refer to it, is very akin to civic nationalism and Renan's conception of the political nation as a "daily plebiscite". More than anything else, it is a recognition of shared and equal political rights and allegiance to liberal-democratic political procedures which respect individual differences and protect the rights of minorities under threat. As opposed to the conceptually confusing 'shared civic identity', the rational federal community is concerned prima facie with the shared conception of federal citizenship and multilevel governance rather than that of assimilating identities. Because of that, it is a community of consenting citizens co-existing because of democratic and rational convictions that they are mutually better off within the state, and that their future interests lie within the sphere of that state. Concerns over asymmetries in national identities should then be of no relevance, since these are not mutually exclusive to the federal community and, even more, can be actively accommodated by it. After all, the reason for an overarching political identity should, in this ideal-type, not be any form of cultural imperialism; rather, it fills the void of national culture as a driving force for state-formation as referred to by both Gellner (1983) and Breuilly (1982). In short, multinational federations can stabilize themselves against the threat of disintegration by consolidating their national project – a commitment to the integrity of the state and a recognition of national rights and cultures within the community.

The gravest conceptual danger is then to equal asymmetry in national identities with an automatic asymmetry in power relations. While the formal can bolster state-building efforts, the latter can undoubtedly pose a great threat to it. As Kymlicka correctly asserted, there is an inherent "paradox of asymmetry" in federations: while it can function as an alternative to secession, it can also render secession "a more realistic alternative to federalism" (Kymlicka, 2001, p.118). Political asymmetry has a lethal disintegrating pouvoir to send minorities that form a constitutive part of the federation down a slippery slope to disintegration or secession because the antithetical juxtaposition (or subposition, if you prefer) of federal representation and national political autonomy allows secessionist powers to pursue such a policy on two levels. Furthermore, as Elster rightly points out, asymmetry's very nature will incentivize bargaining rather than arguing (1991). As a baseline, symmetrical compositions thus ought to be preferred, though in reality uniformity of powers is not realistic in the context of majority-minority dynamics. Instead, federalism should use its natural advantage as a constitutional model to establishing specific thresholds to political autonomy in combination with a common dialogue in the political (Tully, 2001, p.14) and civic spheres of life. It is this combination between plurality in the form of asymmetric identities and a degree of uniformity in political powers that will avoid federal constellations becoming a "poor disguise for majority dominance" (Henderson, 1999, p. 108) and that will once and for all rule out the idea that "negotiations at federal level are a zero sum game" (Lijphart, 1977, p. 56).

**Conclusion**

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When former Canadian PM Pierre Trudeau expressed his hope that the federal model could once "create a truly pluralistic and polyethnic society" (1968, p. 177), he was not blind to the harsh realities of the federal system. It is, after all, an admittedly complex system that can easily produce suboptimal political results, particularly in comparison with the swift and effective decision-making seen in unitary states. However, taking into account Gellner's ever-so-relevant adagium that "the number of potential states […] is much larger than the number of viable states" (1983, p. 2), federalism can provide an adequate answer to the often thorny exercise of balancing differences in multiethnic societies. By successfully accommodating diversity in asymmetric national identities in a 'rational federal community', the relationship between federalism and nationalism can function as an imaginative, constructive and imaginative impetus for political change that benefits all citizens of a state. The biggest danger to federalism hence seems to lie in the possible conceptual confusions, misinterpretations and the deliberate abuses of linguistic ambiguities, particularly in the field of asymmetry. It is ever so important to stress the differences between constitutional-legal considerations, where asymmetry must be seen as a last resort rather than a first-choice, and social considerations, where asymmetry must be seen as an asset to the civic federal identity. Hence, are multinational federations viable? Yes, they are. But ensuring their survival is a work of continuing effort towards understanding and  accommodation. Quite like any relationship, as a matter of fact.

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**Appendix I: "Constitution of the Federal Republic of Ethiopia" (1995), Article 39**

1. Every Nation, Nationality and People in Ethiopia has an unconditional right to self-determination, including the right to secession

2. Every Nation, Nationality and People in Ethiopia has the right to speak, to write and to develop its own language, express, to develop and promote its culture; and to preserve its history

3. Every Nation, Nationality and People in Ethiopia has the right to a full measure of self-government that includes the right to establish institutions of government in the territory that it inhabits; and to equitable representation in the state and federal governments

4. The right to self-determination, including the secession of every Nation, Nationality and People shall come in effect:

5. When a demand for secession has been approved by a two-thirds majority of the Members of the Legislative Council of the Nation, Nationality or People concerned;

6. When the federal government has organized a referendum which must take place within three years from the time it received the concerned council's decision for secession;

7. When the demand for secession is supported by a majority vote in the referendum;

8. When the federal people will have transferred its powers to the council of the Nation, Nationality or People who has voted to secede; and

9. When the division of assets is effected in a manner prescribed by law

10. A "Nation, Nationality or People" for the purpose of this Constitution, is a group of people who have or share a large measure of common culture or similar customs, a mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory.

[1] Since 1945, ethnic violence of all sorts has turned more than 12 million people in refugees and caused at least 11 million deaths. Estimates taken from David Welsh, "Domestic Politics and Ethnic Conflict," in Michael E. Brown, ed., Ethnic Conflict and International Security (Princeton: Princeton University Press, 1993). 43 ; Donald Horowitz, Ethnic Groups in Conflict (Berkeley: University of California Press, 1985). xi

[2] Which is, for the sake of clarity, not to be confused with an assimilatory efforts that attempt to construct a single, exclusive identity that overrules national differences within the state. Rather, the idea relies upon an extension of the liberal-democratic concept of civic nationalism, hence civic federal identity.

[3] As opposed to other difference-managing methods proposed, such as hegemonic control, arbitration and consociation.

[4] For the full text, please refer to appendix I.

[5]

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E.g. The work done by Wheare on the structural limitations of Canadian federalism (Wheare, 1962, pp. 29-30).

[6] Rather than being naturally congruent as they are in pure nation-states.

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