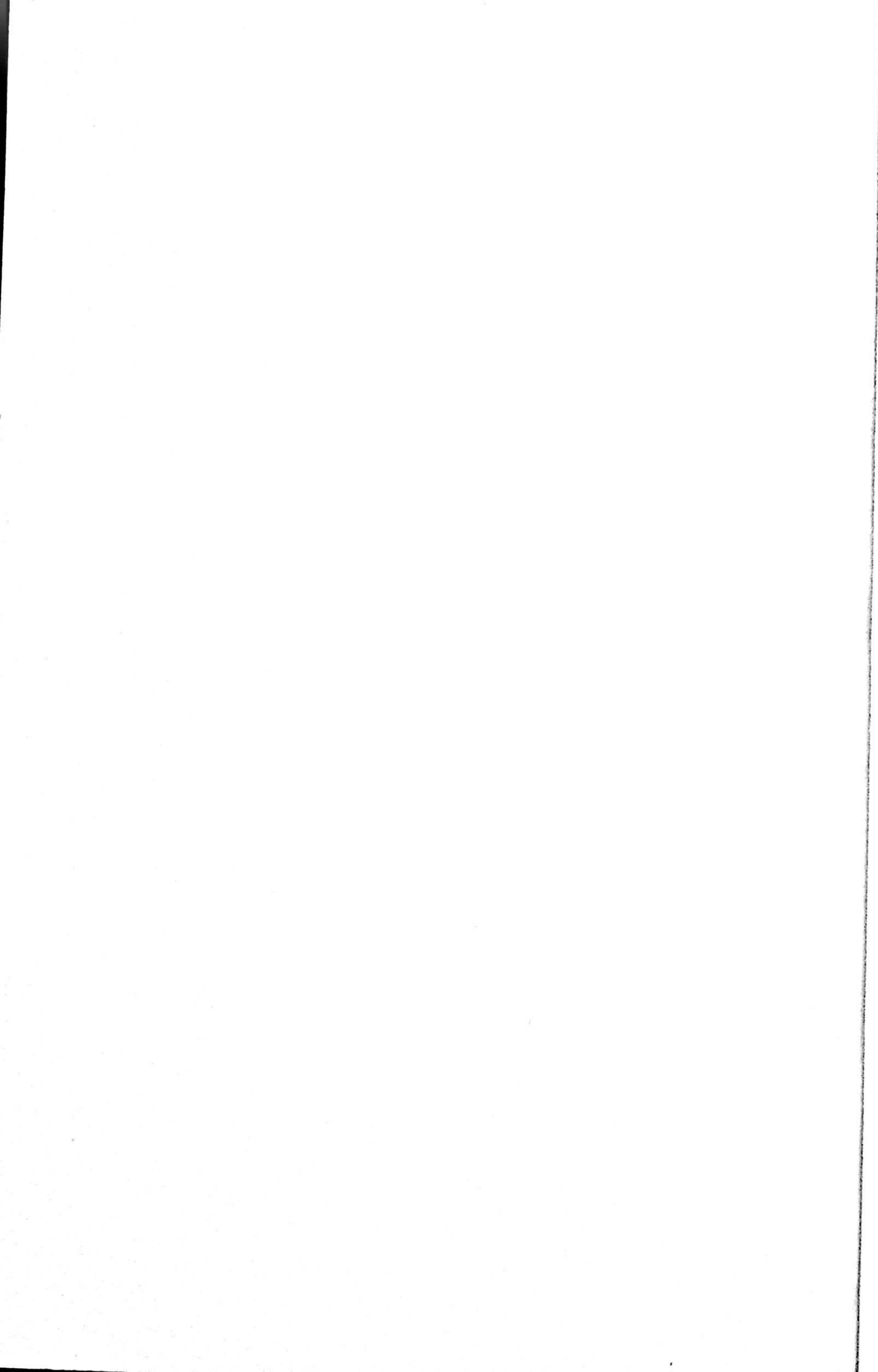


A Global Dialogue on Federalism

DIALOGUES ON DIVERSITY AND UNITY IN FEDERAL
COUNTRIES

EDITED BY KUNAK CHATTOPADHYAY AND ARIFALI OSMAN KARIM



DIALOGUES ON DIVERSITY AND UNITY
IN FEDERAL COUNTRIES

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A Global Dialogue on Federalism
Booklet Series
Volume 7

DIALOGUES ON DIVERSITY AND UNITY
IN FEDERAL COUNTRIES

EDITED BY RUPAK CHATTOPADHYAY
AND ABIGAIL OSTIEN KAROS

Published by



Forum of Federations

and

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INTERNATIONAL ASSOCIATION OF
CENTERS FOR FEDERAL STUDIES



© Forum of Federations, 2008
ISBN: 978-0-7735-3543-5

This publication was produced with generous financial support from the Government of Canada and the Swiss Agency for Development and Cooperation.

Library and Archives Canada Cataloguing in Publication

Dialogues on diversity and unity in federal countries / edited by Rupak Chattopadhyay and Abigail Ostien Karos.

(A global dialogue on federalism booklet series ; v. 7)
Includes bibliographical references.
ISBN 978-0-7735-3543-5

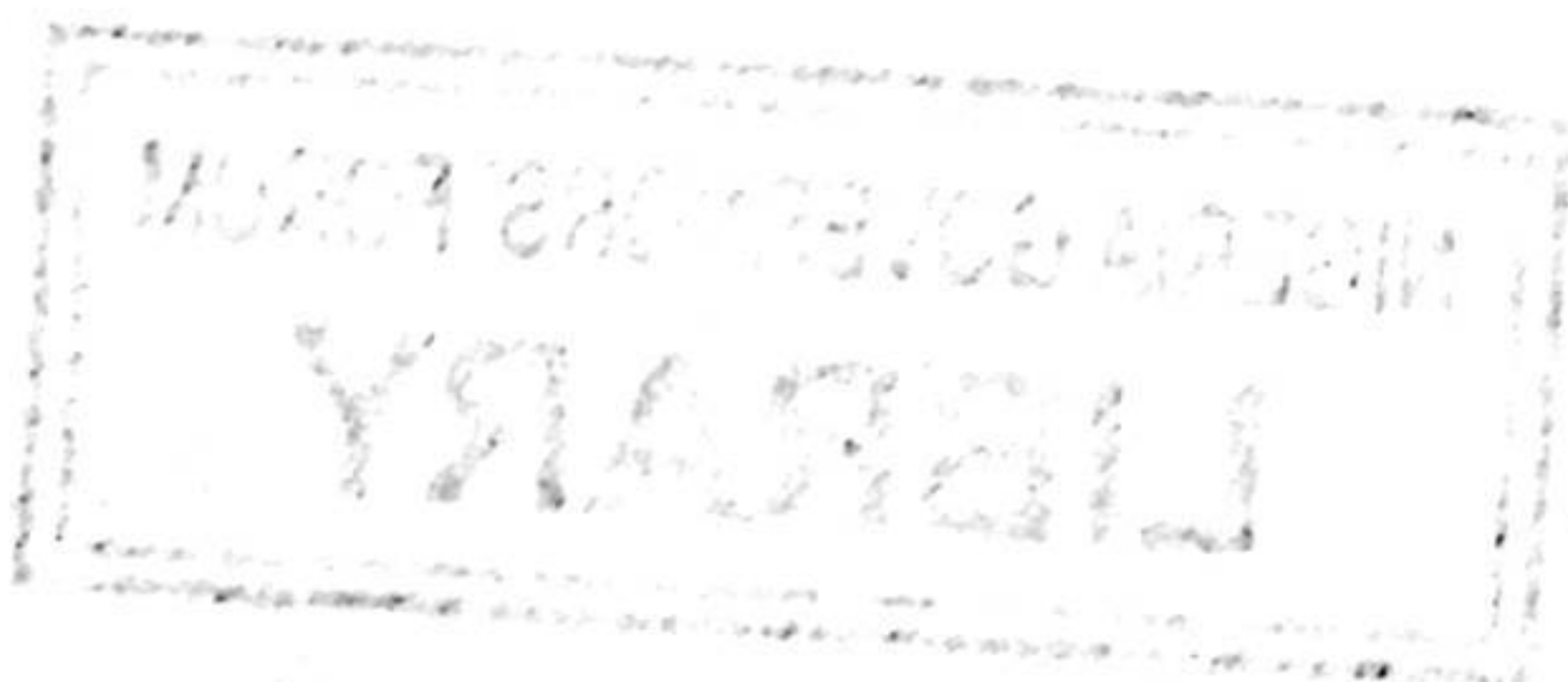
1. Multiculturalism. 2. Federal government. 3. Nationalism. 4. Cultural pluralism. 5. Minorities. I. Chattopadhyay, Rupak II. Ostien, Abigail, 1971- III. International Association of Centers for Federal Studies IV. Forum of Federations V. Series: Global dialogue on federalism booklet series ; v. 7

JC312.D52 2009

321.02

C2008-906738-X

Printed and bound in Canada by Imprimerie Gauvin



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Preface

We are pleased to introduce this booklet, Volume Seven in the Global Dialogue Booklet series, which is devoted to the topic of diversity and unity in twelve federal or federal-type countries. The featured countries are Australia, Belgium, Brazil, Canada, Ethiopia, Germany, India, Nigeria, Russia, Spain, Switzerland and the United States. Each of these countries has something unique to bring to the table of a topic that is often spoken of as “unity in diversity,” pointing to a way beyond what is often assumed to be an inherent tension between the two. Diversity and unity – often the underlying reason behind countries adopting a federal structure in the first place – is behind many of the world’s major news stories today. The theme’s importance is also echoed in its selection as one of the four main topics considered in the Fourth International Conference on Federalism, held in New Delhi, India in 2007.

In due course the booklet will be followed by a more comprehensive book on the same topic, wherein the authors of the booklet explore the theme in further detail. Both publications, which are part of the Global Dialogue on Federalism Series, are the outcome of a greater project led by two partner organizations, the Forum of Federations and the International Association of Centers for Federal Studies. The program explores federal governance by theme and aims to bring experts together to inspire new ideas and fill a gap in the comparative literature on federal governance. After presenting the seventh booklet in less than three years, we recognize that these handy publications are becoming an indispensable reference document on their own, delivering instant comparative information on various topics in a concise format. It is therefore not surprising that the previous volumes proved to be very popular and have been translated in numerous languages, including most recently Arabic and Kurdish. As much as these booklets have their own standing, they also continue to fulfill their original task related to the books. The number of books sold is steadily growing and will increase this coming year with the publication of Volume 5,

"Foreign Relations in Federal Countries" and Volume 6, "Local Governments and Metropolitan Regions in Federal Countries."

The various aspects of the practice and the comparative perspectives of diversity and unity are described in country chapters entitled "Dialogue Insights." The chapters are introduced by a text of comparative reflections written by Luis Moreno and Cesar Colino. A glossary at the end of the booklet contributes to the accessible and educative nature of this publication. It is expected that Volume Seven will be translated into Arabic, French, German and Spanish, following in the footsteps of previous volumes.

The overarching theme in each of these articles is how to balance diversity with unity. Within that framework arise important questions such as: How does each country's unique history affect the way in which diversity is accommodated via the conduct of public policy, including ongoing claims for rectification of past wrongs? How does a country manage secessionist movements? Is multiculturalism viewed as part of a country's identity or something that threatens it? In other words, is it associated with a flowering of federalism, as in many countries in this booklet, or, as John Kincaid puts it in his article on the United States, a "devouring" of federalism? On what factors is "nationality" based and do citizens sometimes possess compound nationalities within one country? Are linguistic, religious, and racial differences manifested in territorial terms and if so, how does this affect the issue? What conditions help to set the stage for successful management of difference (i.e., affluence, a democratic culture, etc.)? Can any of these be imported to other countries? What policies have been put in place to either restrict (e.g., assimilation, racist immigration policies) or enhance diversity (e.g., accommodation, asymmetry)? What order of government is responsible for handling such diversity hotspots as education and immigration legislation? What is the relationship between federalism and democracy? This is an area which the Ethiopian, Swiss, Russian, Nigerian, and Brazilian articles discuss in particular. Ending on a note of hope, what is the basis for unity in the countries under discussion in this booklet?

The distinctiveness of the booklet and book series is based on the unique process by which the publications are generated. Each theme process entails multiple stages, starting with the selection of a "theme coordinator." It is this person's task to create an internationally comprehensive set of questions covering institutional provisions and how they work in practice, based on the most current research. These sets of questions are the foundation of the program, as they guide the dialogue at the roundtables and ensure consistency in the book chapters. The roundtables themselves are led by a "country coordinator," and are organized concurrently in twelve chosen countries. To create the most accurate picture of the situation in each country, the country coordinators invite a group of practicing and academic experts with diverse viewpoints and experience who are prepared to share with and learn from others in a non-politicized environment.

At the end of the day, the coordinators are equipped to write an article that reflects the highlights of the dialogue from each country roundtable. The articles presented here have been generated from such an exchange. Once each country has held its roundtable, representatives gather at an international roundtable to identify commonalities and differences and to generate new insights. Such insights are incorporated into the country chapters in the aforementioned theme book. The chapters reflect the fact that their authors were able to explore the theme from a global vantage point, resulting in a truly comparative exploration of the topic.

The success of the Global Dialogue Program depends fully on the engagement of a variety of organizations and dedicated individuals. For their generous financial support we would like to thank the Government of Canada and the Swiss Agency for Development and Cooperation. The International Roundtable in Brussels was made possible with generous support from the Committee of the Regions, of the European Union. We also wish in particular to acknowledge the experts who took part in the dialogue events for providing a diversity of perspectives that helped to shape the articles themselves. Luis Moreno and Cesar Colino, the Theme Coordinators, John Kincaid, Senior Editor of the book series, and the rest of the Global Dialogue Editorial Board have offered their invaluable advice and expertise. Thank you to Alan Fenna for doing the painstaking work of creating the glossary. We would like to acknowledge the support offered by several staff members at the Forum of Federations: Rhonda Dumas, Libby Johnston, Roderick Macdonell, Chris Randall, and Carl Stieren. We would like to thank the staff at Imprimerie Gauvin for their important assistance in the printing process. Finally, we thank the staff at McGill-Queen's University Press for offering their support and advice throughout the publication process.

The Global Dialogue on Federalism Series continues the Forum of Federations' tradition of publishing either independently or in partnership with other organizations. The Forum has produced a variety of books and multimedia material. For further information on the Forum's publications and activities, refer to the Forum's website at www.forumfed.org. The website contains links to other organizations and an on-line library which includes Global Dialogue articles and chapters. The increasing body of literature produced by the Forum of Federations and the International Association of Centers for Federal Studies aims to encourage practitioners and scholars to use the knowledge gained to inspire new solutions, thereby improving federal governance, and to join the many active participants around the world to expand and strengthen the growing international network on federalism. We welcome feedback and suggestions on how these series can be improved to serve this common goal.

Rupak Chattopadhyay and Abigail Karos, Editors
Forum of Federations

DIALOGUES ON DIVERSITY AND UNITY
IN FEDERAL COUNTRIES

15

Comparative Reflections on Diversity and Unity in Federal Countries

CÉSAR COLINO / LUIS MORENO

Old and new diversities around the world

Diversity seems to be one of the hottest issues in contemporary domestic and international politics. Debates about ethnic, national, linguistic, religious and economic diversity and its accommodation in viable and legitimate polities feature prominently in discussions among academics and practitioners of comparative politics, conflict resolution studies, political sociology and political theory. The recent emergence of transnational migrant networks brought about by globalization and the growing inequalities in the world economy, together with the claims by old minority groups and new social movements based on nationality, ethnicity, language or religion, pose increasing demands for old and new federal countries to achieve: (a) the full and equal inclusion and recognition of differences; (b) the protection and accommodation of minorities; and (c) the promotion of equal citizenship and participation in a common public sphere.

A long-standing diversity responsible for the formation of majorities and minorities and, therefore, a need for the accommodation in plural societies is language. As an identity marker, language is crucial not only in the building and self-definition of different communities, but also in the creation of a common sphere of public discourse. Religion is also crucial in the making and shaping of diverse groups and heterogeneous polities. Not surprisingly, the protection of linguistic and religious minorities has been an original terrain for the expansion of minority rights. Likewise, ethnicity or the existence of politically mobilized territorial or national self-defined identities in multiethnic or multinational societies represent a paramount challenge for the governance and accommodation of differences. Both national minorities and indigenous populations in settler societies have increasingly demanded self-government rights and the setting of separate institutions in their homeland territories where they

often constitute the majority. They have also sought the establishment of reserved lands. In both cases, groups of this so-called deep diversity aspire to full jurisdiction over powers relevant to their cultural survival and nation-building projects. In many countries these diversities overlap with other non-territorial differences related to class, economic or gender, which can be more or less politicized.

Furthermore, the emergence of new diversities as a result of individual or group migrations can also be witnessed around the world. Consequently, new minorities seek greater recognition of their cultural differences and their inclusion in common institutions. In federal countries, immigration affects the cultural integrity of their various constituent units. These may feel threatened by new minorities, which may cause tensions between the demands of minority nations and the cultural rights of ethnic migrants.

Diversity in federal countries: multiple configurations of old and new diversities

As the 12 cases analyzed in this booklet show, not all federal countries reflect the same degree and types of diversity. Although not all traditional federations were originally designed to accommodate all these kinds of diversities or to empower ethnic or linguistic minorities, federal arrangements seem increasingly the preferred and most able means to conciliate respect for diversity with a common purpose or unity. Particular federal arrangements and policies based on particular configurations of social and political diversities deal differently with the accommodation of differences, the management of conflicts, and the establishment of a legitimate and stable order.

Historical and socio-political dimensions

Several factors such as history, geography, demography and economy have determined the evolution of the 12 cases presented in this booklet. There are several dimensions that constitute the social basis of federal countries and the main distinguishing features of each of them:

- i. The extent to which there is one predominant cultural / ethnic group or a variety of territorial minorities. In some cases, political identities are strong and socially mobilized (Switzerland) or are easily assimilated into the majoritarian cultural group (Germany or USA). In some cases federations face mobilized aboriginal people or indigenous populations ('First Nations' in Australia or Canada).
- ii. The extent to which diversities appear associated with territory and ethnic, linguistic or religious minorities or majorities within the federation's constituent units. In some instances, ethnolinguistic or cultural groups are concentrated within a particular geographic area and minorities are attached to identifiable territories of their own (Russia,

- Canada or Switzerland). In others, groups are dispersed throughout the territory of the federation (Brazil or the USA), or diversities may cut across different territories and groups (India or Nigeria).
- iii. The number of constituent units forming the federal country. Some federations have developed by increasing the number of units and some have remained with two or three units reflecting mainly bicomunal cleavages (US or Switzerland vs. Belgium).
 - iv. The extent to which there are significant regional or non-state-wide parties ruling in component units or represented at the federal parliament (Spain), and the extent to which those parties may form coalitions at the federal level and command enough legitimacy or fail to represent the whole population in the various units (Belgium).
 - v. The extent to which socio-economic resources and group interests are territorially concentrated – or controlled by specific groups – and economic development diverges sharply among the different constituent units (Brazil, Australia, Ethiopia or Nigeria).
 - vi. The extent to which different kinds of diversity in the federal countries reinforce – or cut across – each other. In Switzerland, for example, religious, language or communal identities do not necessarily overlap. In Ethiopia differences are compounded, which may make accommodation harder.
 - vii. The extent to which there are secessionist movements in the federal country and the extent to which they resort to violence or terrorism to achieve their demands (Russia or Spain).
 - viii. The extent to which different ethnocultural or territorial groups or individuals are over / under-represented in the institutions of the federation's public administration, military, judiciary, business or intelligentsia (Russia, Nigeria).

Diversity in diversity

The configuration of diversity is also diverse in itself. A review of the 12 cases included in this booklet show the shortcomings of the usual differentiations between homogeneous and heterogeneous, national and plural, mononational and multinational federations, as well as the distinction between ethnic and territorial federalism. The picture is one of diversity in diversity, which defies easy categorization. This notwithstanding, it seems useful to group several configurations of diversities in separate categories that may indicate an increasing degree of challenge for institutional design, stability and legitimacy. Ranging from less to more politicized old and new diversity, we may identify six distinct groups:

1. National federations with historical and newly created political units, mainly monolingual with new groups of immigrants unequally distributed across units. Political parties are predominantly nation-wide (Germany).

2. National federations with indigenous populations, old immigrant groups, different religions, a dominant *lingua franca* and predominant nation-wide parties, and where new diversities are not territorially concentrated (USA, Australia, Brazil).
3. Multilingual, multi-unit recent federal countries, with a dominant *lingua franca* and national identity but with several mobilized minority national groups and increasing new religious and cultural diversity. Strong nation-wide parties but also strong sub-national parties ruling some constituent units (Spain).
4. Multilingual and multicultural federations (largely bi- or tri-communal) with no national *lingua franca*, with strong local identities compatible with a nation-wide identity. There are weak – or non-existent – nation-wide parties and there is increasing new polyethnic diversity within the constituent units (Belgium, Switzerland).
5. Bilingual federations where several national groups, including indigenous populations, and with one of them dominant, are mobilized. Non state-wide parties are strong and there is an increasing polyethnicity due to new immigration (Canada).
6. Multiethnic, multilingual and multireligious federal countries with multiple constituent units which are designed mainly along ethnic or linguistic lines, although there may be one *lingua franca*. There are different configurations of party systems, strong socioeconomic disparities and large internal migration flows (Russia, India, Nigeria, Ethiopia).

The federal governance of diversity: design options and institutional responses

Basic federal institutional arrangements for self-government and shared government
 In response to the various configurations of diversity and in order to preserve unity and manage diversity, different institutional responses and strategies can be observed in the federal countries under analysis. The two basic functions that federal institutions aim to achieve; self government, autonomy and accommodation, on one side, and shared rule, integration and participation, on the other, vary in our 12 cases:

Self-government and autonomy arrangements

Among the various self-government arrangements for the management of diversity in the analyzed federal countries, the following can be identified: (a) a separation and exclusivity of powers and own-sources of revenue for the constituent units (Switzerland), (b) a decentralization of powers for cultural or nation-building policies (Belgium, Spain, Canada), and (c) an integration of the constituent units in constitutional amendment procedures (Switzerland, Canada). Asymmetries, the constitutionally entrenched special treatment or powers of some units, are also used to accommodate diversities (e.g. the special fiscal and tax arrangements for the Basque Country in Spain).

Integration and participation at the federal (central) institutions

In some federal countries second chambers directly represent constituent units at the federal level. In others they are designed to give voice to certain minorities. Also formal and informal – *de jure* or *de facto* – consociational arrangements are often put in place: (a) arrangements to guarantee various groups a place in national decision-making (Belgium), (b) the representation of all groups or territories in the federal cabinet (Canada, Switzerland, Belgium), (c) collective or rotating presidencies (Switzerland); (d) the conventional allocation of specific portfolios to politicians coming from certain units (Spain), or (e) electoral systems devised to produce a sufficient degree of proportionality to reflect existing minorities (Belgium, Switzerland, Spain).

Specific responses to multiple diversities and to the achievement of unity

Institutional responses to tackle specific types of diversity are also articulated in federal countries showing an array of strategies and values in their treatment of diversity. Two main approaches can be distinguished. When managing diversity some federal countries tend to emphasize integration and inclusion of ethno-cultural differences and its privatization by means of securing individual rights, while others seek to publicly recognize those differences and empower the groups with collective rights. The former promote citizens' equality before the law and generally oppose the institutional recognition of group identities, although accepting and respecting cultural or other diversity in private realms (US, Germany, Spain). The latter advocates the representation of groups and minorities as such, with full institutional recognition of differences (Ethiopia, Nigeria, Switzerland). Some federations use these two approaches in combination (India, Canada, Australia).

Ethnic/national diversity

Some federal countries disregard ethnic cleavages and, as a result, territorial boundaries of the constituent units cut across ethnic groups (USA, Brazil). Others make visible the territorial distribution of ethnic groups (Belgium, India or Ethiopia). In some other cases the boundaries of the constituent units reflect the territorial ethno-linguistic diversity, although the largest ethnocultural group is also distributed across many of those units (Canada, Nigeria, Russia, Switzerland). Some federal constitutions recognize the possibility and flexibility for re-designing the internal boundaries along ethnic or ethnolinguistic lines, or adding additional units to the federation which, sometimes, are carved out of existing units (India, Switzerland). Giving different constitutional status to the various types of constituent units is also an option for managing diversity (Russia). A further option can be labeled as one of 'constitutional ambiguity'. Leaving the constitutional definition of the federal arrangements ambiguous may

allow several groups to interpret their membership differently. This may avoid the 'swallowing' of a particular definition of diversity favored by majoritarian groups (Canada, Spain).

In federal countries where a minority group is a majority in a territorial unit, some citizens belonging to the federation's larger group may face a minority situation. In such a situation, constitutions can provide for a protection of the 'minorities within the minorities' (Canada). Likewise, and in order to 'pre-empt' forced territorial assimilation of the constituent units, the right of secession can be constitutionally recognized (Ethiopia).

Linguistic/religious diversity

Most federal countries aim at achieving unity in their shared political institutions by the establishment of one official language, or the promotion of a common *lingua franca*. In multi-lingual countries, beyond the constitutional recognition of the local languages, and the right for citizens to use their own vernacular languages, a common *lingua franca* is used widespread so that different peoples can easily communicate (Amharic in Ethiopia, Castilian-Spanish in Spain, English in India and Nigeria, Russian in the Russian Federation).

Other specific arrangements to deal with linguistic or ethnic diversity are of a non-territorial nature. They deal at an individual level disregarding citizens' place of residence (e.g. communities in Belgium or 'national-cultural autonomy' for some groups in Russia).

Concerning religion there is also a considerable variety of diversity, ranging from the secularist exclusion of all religious matters from the public sphere to corporatist forms of religious inclusion in the federal or constituent units' institutions. In some cases, some constituent units may recognize religious law (such as Sharia in Nigeria).

Migration and new diversity

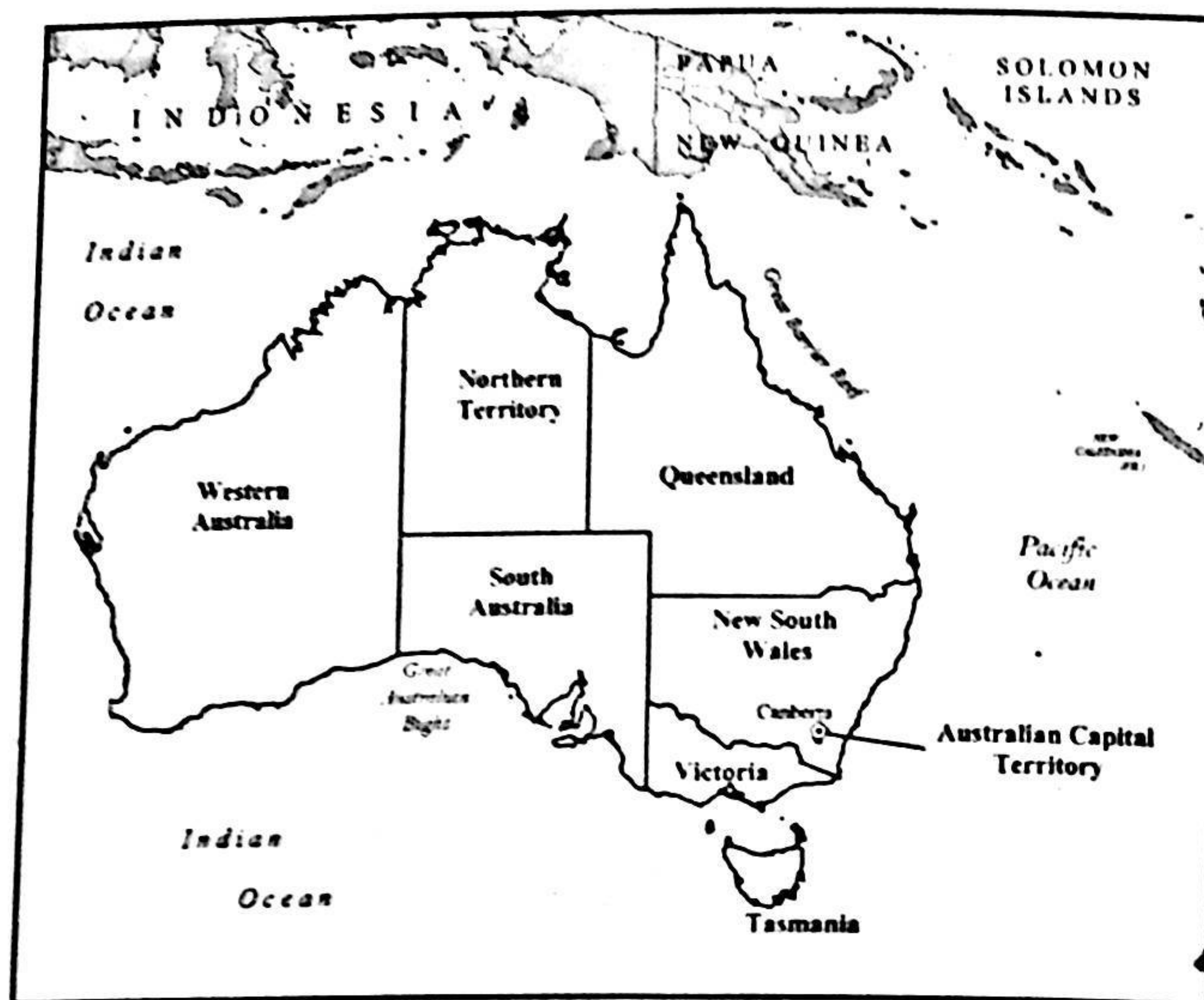
New diversity brought about by individual migrants is generally dealt with through the traditional mechanisms of minority rights – which may be constitutionally protected – and by citizenship regulations. In some cases different orders of government may grant citizenship status to immigrants (Switzerland). In recent times, an increasing number of federal countries have implemented policies of 'multiculturalism' so that individual inclusion and recognition of cultural differences can be simultaneously achieved. Such policies go beyond mere non-discrimination and seek: (a) to extend anti-racism policies; (b) to reform educational curricula to incorporate the inputs and contributions of immigrant groups; (c) to fund publicly the cultural practices of immigrant groups.

In many federal countries, some constituent units have been active in using their self-government powers to secure the incorporation and integration of immigrants by means of implementing their own education,

labor and language policies (Canada, Belgium, Spain). Along these lines, sub-national governments have often been keen in requiring migrants to learn the vernacular language of the constituent unit (e.g. Québec in Canada). In other federations, language and citizenship tests have been established for immigrants (Germany).

Concluding remarks

In sum, federal countries face a number of dilemmas when confronting old and new types of diversity. Other than the long-standing tensions between autonomy and cooperation, flexibility and stability, centrifugal and centripetal trends, federations have to reconcile one major challenge which is common to all cases concerned: the recognition of differences and the means to respect them while articulating unity, trust and solidarity among citizens and groups. Such a course of action implies that democratic federal polities ought to provide a common public space leaving room for diverse cultural practices and identities to exist and develop. Federal countries also seek to guarantee the conciliation of the rights of the individuals – no matter where they live – and the recognition of minorities as groups. Most federal countries have proved that diversity is not a threat for their survival and prosperity, and that the recognition, accommodation and integration of ethnic, linguistic or religious minorities are compatible with legitimacy, national unity and social cohesion.



Unity and Diversity in Federal Australia

NICHOLAS ARONEY

Australia is one of the oldest federations in the world. Formed in 1901 when the six British colonies of the Australian continent agreed to unite in a federal commonwealth under the Crown of Great Britain, the federation was largely modelled upon three earlier federal states: the American, the Canadian, and the Swiss. Like the United States and Canada, Australia is a nation of immigrants. Over the course of the nineteenth and twentieth centuries, successive waves of first British, then European, and more recently Asian migrants, have made the country one of the most ethnically diverse in the world. However, unlike many federations – such as the Canadian and the Swiss – Australia's ethno-cultural diversity is not, for the most part, territorially-defined. Regional differences in terms of socio-economic conditions are, by comparison, much more pronounced. Each of the six Australian states presents a roughly similar ethno-cultural diversity, whether this diversity is defined in terms of reported ancestry, religion, or language, whereas there are significant differences in the socio-economic conditions of the various states.

When the six Australian colonies federated in 1901, they did so in order to give effect to political diversity, rather than ethno-cultural diversity. The leading idea at the time was that federalism would enable the people of each state to continue to govern themselves in most matters, while having a share in a national government through which they could govern the

affairs of the continent as a whole. In 1901 the Australian states were populated by people almost entirely of British origin and the diversity that existed lay in the very real differences between persons of English, Scottish, and Irish ancestry, together with a not insignificant number of Chinese and South Pacific labourers, and what was already by then a relatively small proportion of indigenous peoples. As far as most of the voting population was concerned, it was believed that Australia should remain a country populated by people of mostly British origin. One of the very first policies to be implemented by the Australian Commonwealth government after forming the federation was to institute what became known as the "White Australia Policy," a policy intended to minimize non-white immigration in order to preserve Anglo Celtic culture and reduce competition for working-class jobs.

The White Australia Policy remained in place for the first half of the 20th century, but after the Second World War, Australia increasingly opened itself up to non-British immigrants, mostly from western and southern European countries such as Germany, Italy, and Greece. During the 1950s the government implemented an official policy of assimilation, under which migrants of non-British origin were expected to adopt the English language and the dominant culture. This policy also extended, in theory, to Australia's indigenous peoples, as previous tendencies to exclude and separate Australian Aborigines from the mainstream gave way to attempts to assimilate them through education and "protection," including the removal of many indigenous children from their parents. During the 1950s and 1960s, as various elements of the White Australia Policy were officially abandoned, Australian government policies in relation to both immigration and Aborigines became, formally at least, racially and culturally neutral. Pursuant to a 1967 referendum, the power to make laws with respect to Aborigines was transferred to the Commonwealth. The referendum result was widely seen as an acknowledgement that indigenous peoples were entitled to the same rights as all Australians.

Although Britain remains the major source of Australian immigration, increasing numbers of migrants from a wider range of countries in Europe and Asia form the context in which from the 1970s onwards opinion leaders advocated the adoption of multicultural policies to encourage immigrants to maintain and preserve their distinct ethno-cultural identities. Official multiculturalism coincided with the recognition of aboriginal land rights and the establishment and development in the 1980s and 1990s of institutions intended to accommodate indigenous peoples' aspirations for self-government. Yet throughout this period the basic living standards and economic opportunities of most indigenous Australians remained substantially lower than most other Australians. In response to allegations of corruption and misuse of power, the federal government has dismantled many indigenous self-governing institutions over the past decade and intervened recently in Aboriginal communities in the Northern Territory in order to

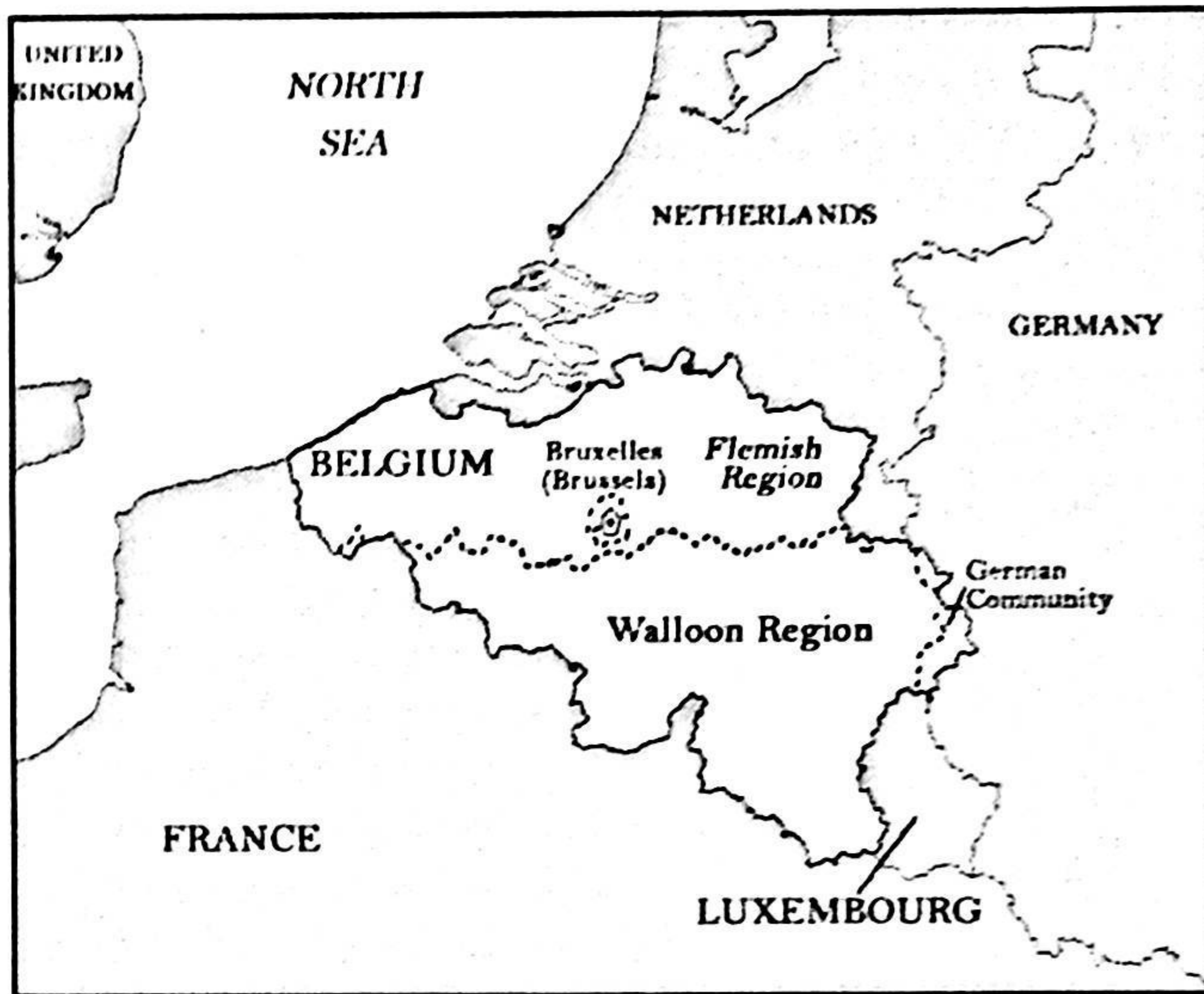
address reported problems of endemic abuse and deprivation. Moreover, even though by international standards there is a high level of cultural integration in Australia, in the last decade Australians have engaged in a renewed debate over multicultural policy and Australia's capacity to absorb comparatively large numbers of migrants from a wide variety of ethno-

Moreover, even though by international standards there is a high level of cultural integration in Australia, in the last decade Australians have engaged in a renewed debate over multicultural policy and Australia's capacity to absorb comparatively large numbers of migrants from a wide variety of ethno-cultural backgrounds.

cultural backgrounds. Maintaining an appropriate balance between ethno-cultural diversity and national unity remains a highly disputed question in Australian politics.

Today, there are only two major exceptions to the important general observation that diversity in Australia is non-territorial in character. The first exception can be observed in the fact that a quarter of Australia's indigenous peoples live in highly remote communities located in the vast inner reaches of the Northern Territory, New South Wales, Queensland, Western Australia, and South Australia, while another 20 percent reside in outer regional areas. In this context, and given the very substantial problems faced by indigenous peoples when measured in terms of basic living standards, physical health and economic opportunity, one of the more important diversity issues faced by Australian governments concerns the future of aboriginal autonomy and self-determination.

The second respect in which Australia's diversity has a territorial dimension concerns the significantly different economic capacities and prospects of the various states, regions, and localities of the country. In certain respects, these differences are related to the ethno-cultural characteristics of the regions or localities in question, but for the most part these areas are themselves ethno-culturally diverse. The federal government has taken over the main sources of taxation revenue and distributed money to the states, partly to equalize the financial capacities of the states and partly to advance federal government policies at the expense of the states. Equalization policies frequently give rise to complaints from the wealthier states – especially New South Wales – and the fastest growing states such as Queensland and Western Australia, that they are unfairly subsidizing poorer states like Tasmania and South Australia. There are also long-standing concerns about the lack of symmetry in the balance of power between the Commonwealth and the states. Indeed, fiscal imbalance, asymmetries of power, a lack of policy diversity, and unequal economic development represent what might be regarded as the most pressing issues confronting the capacity of the Australian federation to deliver genuine policy diversity in the context of a national economy operating in an increasingly global environment.



Belgium: Unity Challenged by Diversity

FRANK DELMARTINO / HUGUES DUMONT /
SÉBASTIEN VAN DROOGHENBROECK

Belgium is a newcomer on the scene of federal countries. Only in 1993 did the Constitution acknowledge the federal character of the institutional reforms that have fundamentally restructured the former unitary state. Structural reform, however, has been taking place since 1970 – a process that has not yet reached its final stage. Presently, Belgium is confronting a major political crisis that questions its identity as a federal country. The possibility of confederalism – a voluntary union – or, ultimately, secession, looms large in the public debate. Although the future of the country is unpredictable, Belgium remains an interesting case for comparative research, since it has adopted a wide variety of institutional innovations explicitly designed to accommodate diversity.

An ongoing process

From the very first years of the kingdom of Belgium, the dominant class that had instigated the revolution of 1830 was involved in developing a sense of national consciousness. However, this shaping of a Belgian identity centred on francophone culture to the neglect of the culture and language of the majority Flemish-speaking population. In the mid-19th century, Flemish cultural organizations began to contest the general disregard of their

cultural heritage. And by the turn of the 20th century, the Flemish movement had articulated its struggle for the recognition of a Flemish linguistic and cultural identity with a goal of the social and economic emancipation of Flanders. Since the 1930s, the Flemish have put forth claims for more and more political autonomy.

Although in recent years most of these demands have been met, the quest for autonomy has become more diverse and has spread to other component parts of Belgian society since the 1960s. In addition to cultural autonomy, social

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and economic development policies have been put on the agenda. In reaction to these broad demands, the state has responded by creating two types of overlapping federated entities: Communities, divided by the languages of Flemish, French, and German, and Regions, known as the Walloon Region, Flemish Region and Brussels-Capital Region. The former deals with education, language usage regulation, cultural and "person-related" matters; the latter focuses on economic and territory-related issues.

In spite of these accommodations, there are still demands – especially from the Flemish – for a more encompassing autonomy, thereby challenging the relevance of the federal order. This never-ending story of reform after reform is inevitably shattering the *Pax Belgica*. It signals that no consensus has yet been reached on a constitutional

model that accommodates the centrifugal tendencies in Flanders with the status-quo advocated by Brussels and Wallonia.

Asymmetry

Over the years Communities and Regions have developed into fairly well-functioning sub-national authorities, with their own governments. The main problem challenging the survival of this complex system is the emergence of a sense of nationhood in Flanders. Not coincidentally, the institutions of the Flemish-speaking Community and the Flemish Region have merged into a single framework, simply called Flanders, whereas the French-speaking Community and the Walloon Region are still separated from an institutional point of view. Moreover, by insisting on the interrelated character of different policy areas, Flanders is claiming an all-round competency for dealing with the manifold dimensions of governance. Therefore, the asymmetry between Flanders and the other Regions is not only of an institutional character; in its self-perception, Flanders is a full-fledged authority with the political profile of a nation-state. Recently, the Walloon and Brussels Regions have coordinated their policies and shared their political leadership. This alliance, called *Wallonie-Bruxelles*, is signalling the de facto bipolarity of the country.

Bipolarity

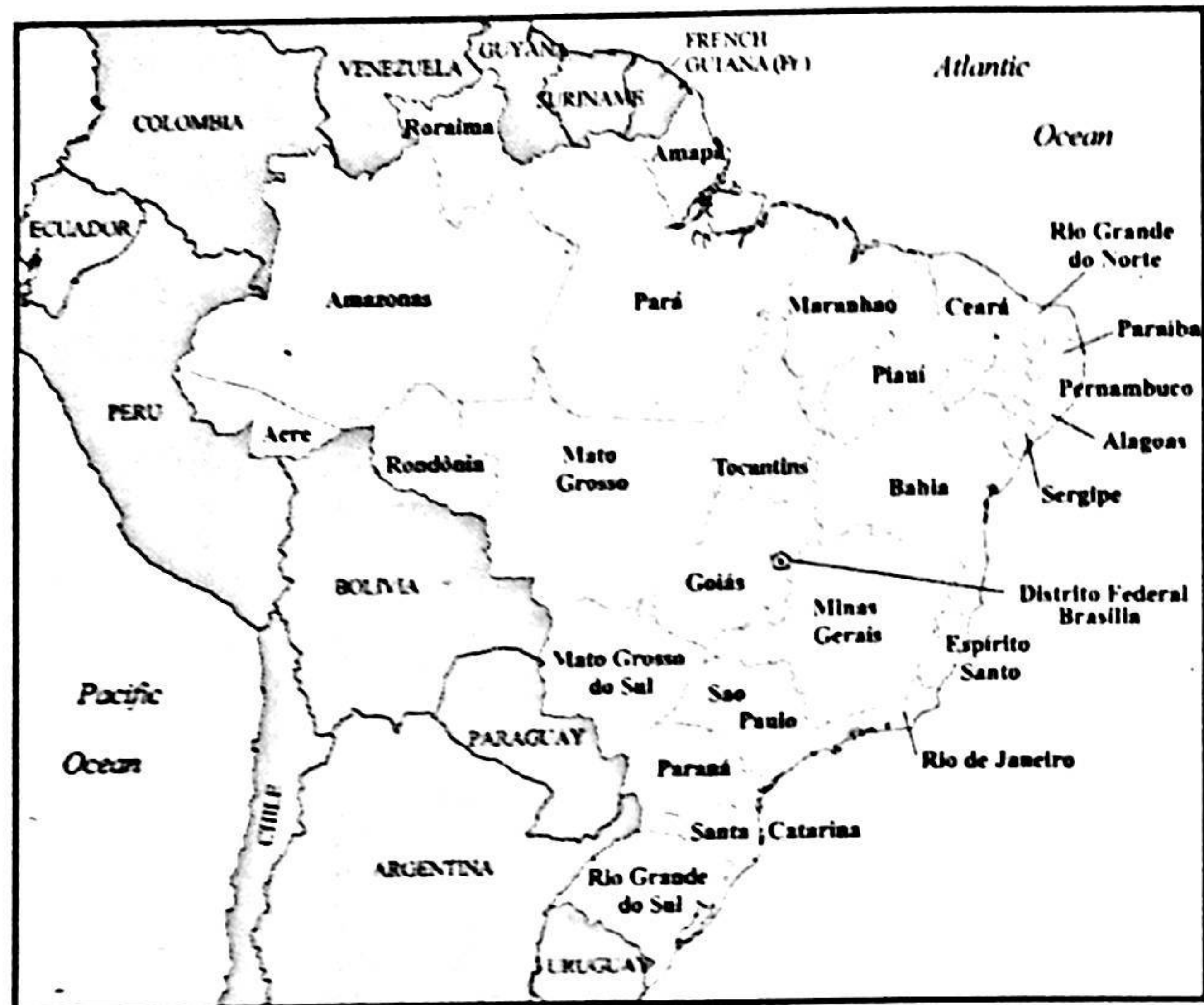
Belgium is perceived by the outside world and by most of its citizens as a bipolar country composed of Flemish speakers and *francophones*. The German-speaking community, while highly respected and a full-fledged partner constitutionally, is not considered a relevant actor on the national political scene. However, this bipolar nation is not only divided by the use of different languages. The cultural-linguistic cleavage is an epiphenomenon, hiding a deeper divide. What is the national character of Belgium? The northern and southern regions of the country would answer that question differently, pointing to their different political discourses and distinct styles of policy-making. It is significant that the former national political parties, including the ones with a clear ideological profile, all split up in the 1970s and 80s. The non-existence of national political parties results in a vulnerability for the federal system. No politician, not even the federal prime minister, is democratically legitimized in the country as a whole. This leaves the Belgian legacy politically unprotected. As a solution, many sides advocate the introduction of a federal constituency where political leaders can address the nation in its entirety.

Brussels

A Region of its own, the capital city of Belgium both unites and divides the country. Fittingly it is situated in the middle of the country serving as both a cross-road and dividing line between Flanders and Wallonia. However, if secession between the North and the South came to pass, it is quite clear that the *francophone* majority in Brussels would prefer to stay united with Wallonia. For its part Flanders is linked to the capital not only historically, but also economically and socially; relinquishing Brussels is not an option. The mere existence of Brussels is the best guarantee for the Belgian "marriage of convenience" to persevere. In spite of this, the complex institutional setting guaranteeing the Flemish representation in the Brussels Region, and the permanence of the current boundaries of the capital Region despite the marked presence of *francophones* in its periphery, are among the strongest disintegrating forces in the North-South dialogue.

Exclusive competencies and co-operative federalism

In Belgian federalism, the principle of jurisdictional exclusivity, or only one authority having jurisdiction for any given matter, is central. This policy has not prevented dialogue and cooperation between the different governmental actors. On the contrary, diverse forms of organic cooperation (i.e., joint bodies), procedural cooperation, and conventional cooperation (i.e., inter-governmental agreements), have been increasing significantly over the last 20 years. However, despite these forms of cooperative federalism, there is a demand on the Flemish side for a more encompassing autonomy. Given its policy of jurisdictional exclusivity, the Belgian system of division of powers may shift from a federal into a confederal model.



Brazil: Diversity and Unity beyond Territories

MARCUS FARO DE CASTRO /
GILBERTO MARCOS ANTONIO RODRIGUES

Although there are no secession claims by internal groups, and in spite of the fact that it has a single national official and *de facto* language, the Brazilian federation still faces regional socioeconomic inequalities and has continually failed to effectively promote broad implementation of minority rights.

The 1988 Constitution was adopted after two decades of military dictatorship. The 20 years of authoritarian rule were characterized by the deployment of economic policies that propelled economic growth but did not address concerns about equality. Economic development during these years benefited the few and not the many. Moreover the decision makers of the so-called "Brazilian Economic Miracle" during the 1970s and 1980s acted on the premise that minorities, and above all indigenous peoples, should be assimilated on the pretext of "unity." One of the main intentions of the drafters of the 1988 Constitution was that it should stand as a new symbol of the prevalence of inalienable rights and as an instrument that would recast Brazilian institutions in a fresh new democratic mould, thus leaving behind all institutional structures of the authoritarian past.

As part of the effort of such institution-building, the 1988 Constitution adopted a "three-tiered model" of federation, under which the central government, states, and municipalities were each granted the constitutional status of federal entities endowed with roughly symmetric powers. This innovative reform of the federal system included devolution of powers to the states, and especially to municipalities, in conjunction with redistribution schemes under fiscal federalism. In addition, the new emphasis on federal decentralization offered, together with other conditions, specific incentives for the addition of new municipalities, which in now number 5,562.

Yet, despite the new stress on federal decentralization, mainly by means of imparting federal status to municipalities, the new three-tiered federation has continued to suffer from difficulties inherited from the country's political past. The ongoing nature of such difficulties has to do with how national unity relates to sub-national diversity (and potentially to empowerment) through the federal institutional system. In its concrete practice and implications, the federal system becomes a means to keep significant minorities hostage to socioeconomic marginalization and political disempowerment. These minorities include Afro-Brazilians, indigenous peoples, *quilombolas* (communities of descendants of black slaves who escaped their plantations before slavery was abolished in 1888), and Roma, better known as gypsies.

One key issue to understanding the limitations of the Brazilian federation in promoting diversity rights is that devolution of powers has characteristically been territorial – states and municipalities were empowered but groups were not. Diversity rights refer to claims through which the assertion of one's social and economic rights and expression of one's identity are combined to promote self-worth. It is striking, though not unheard of, that territorially circumscribed local authority in Brazil has given rise to multiple forms of oppression that pre-empt the full enjoyment of diversity rights.

But why is it that the reform of the federal system, implying greater devolution to municipalities, did not bring about a deeper transformation of policy making in Brazil? The answers seem to point to the inability of local authorities in many regions, including the police, judicial courts, and prosecutors, to prevent widespread violation of basic human rights, such as torture in prisons and violent suppression of dissent in rural areas. Local authorities have also failed to come up with the appropriate institutional means of governing and carrying out programs in ways other than simple territorial devolution. In many instances territorially-based devolution has

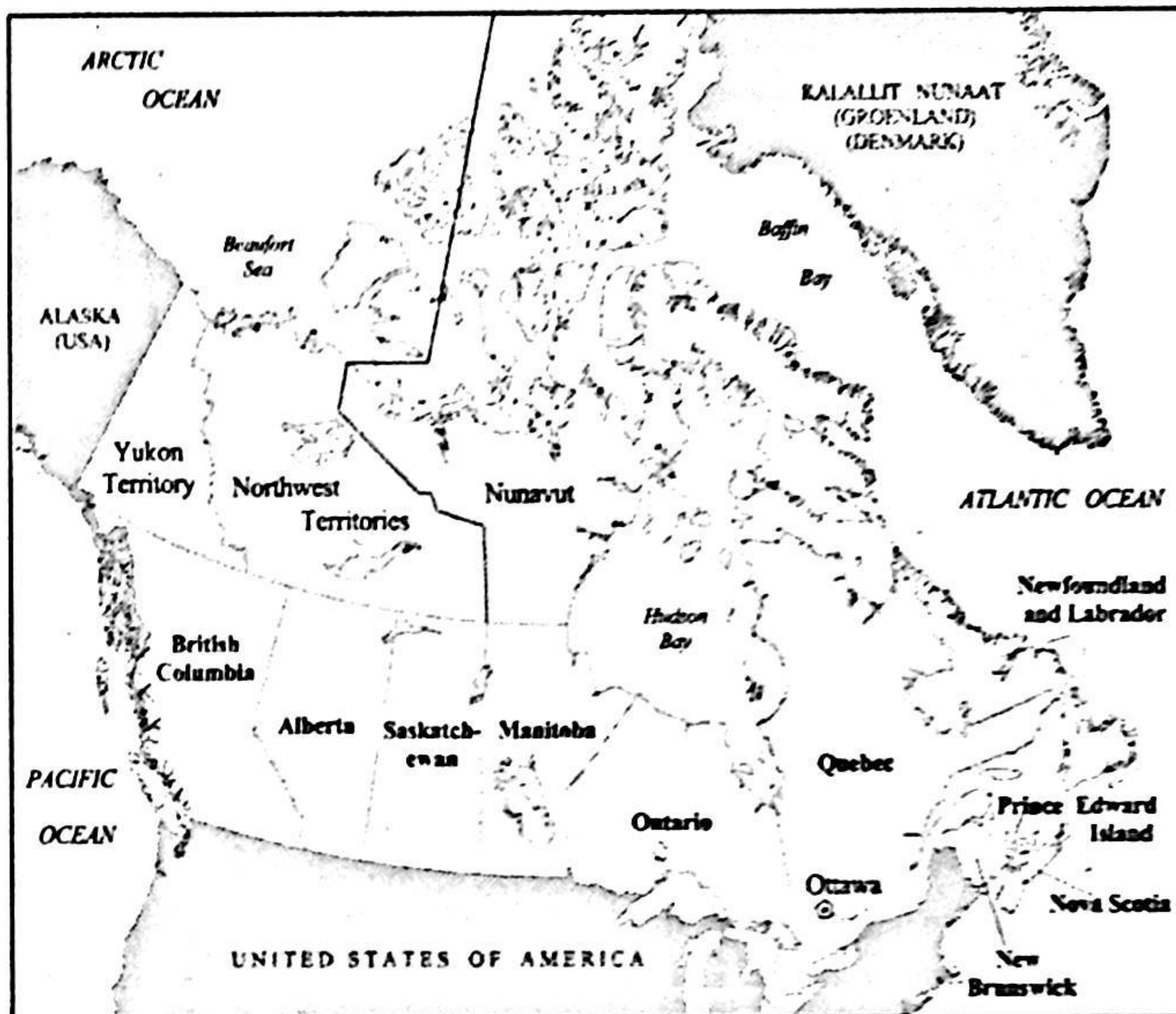
In its concrete practice and implications, the federal system becomes a means to keep significant minorities hostage to socioeconomic marginalization and political disempowerment.

only aided the spread of basic human rights violations. This has brought about an urgent need for the central government to establish a federal witness protection program in an attempt to curb the power of oppressive local elites.

Although the 1988 Constitution has formally recognized diversity rights in its structures of governance, it has failed to incorporate trans-territorial institutional arrangements that would foster substantive recognition and implementation of such rights. The 1988 Constitution sets out the existence of concurrent powers, which are shared by the central government, the states, and the municipalities; however, it does not adequately address the need to promote multi-level, trans-sectoral coordination of policies. One striking example can be found in the inadequate federal policies coordinated by the central government that are provided to indigenous populations. In practice such policies do not address the cultural and identity needs of such peoples. As a consequence, important content is lacking in policies that target indigenous communities, such as dietary requirements in right-to-food policies, bilingual education, culturally-sensitive health care approaches, and so on.

Brazil needs to effectively promote diversity rights without posing a threat to national unity. It could do so by implementing international treaties and human rights codes that Brazil had signed, especially if it implemented them in a way that was non-territorial or trans-territorial. Such a move would replace territorial devolution with alternative, trans-territorial arrangements. In this sense it is remarkable that, having signed many international treaties that could have generated internationally and federally articulated policies, Brazil did not take advantage of such opportunities – and in some cases actual legal mandates – to develop international, diversity rights enhancing programs in areas related to international legislation. These include: normative instruments of Mercosur (South American common market); Convention no. 169 of the International Labor Organization (Convention Concerning Indigenous and Tribal Peoples in Independent Countries); and Convention on Biological Diversity (traditional dependence on biological resources and protection of traditional knowledge).

Finally, one important innovation must be singled out that provides new possibilities of developing multilevel, trans-territorial federal cooperation. This is the creation of the so-called “public consortia,” introduced in 2005. Such public consortia seem to be a promising instrument of diversity-enhancing governance, since they create legal entities that congregate multilevel government representatives in more *ad hoc*, asymmetrical, and flexible efforts of trans-territorial cooperation for policy making, such as in the field of infrastructure services in metropolitan areas. The results of this form of cooperation may prove to be an important step forward in the promotion of diversity rights.



Unity and Diversity in Canada: A Preliminary Assessment

ALAIN-G. GAGNON / RICHARD SIMEON

Balancing unity and diversity has preoccupied Canadians throughout their history and continues to do so today. Yet by international standards, Canada is considered a success. As one of the world's oldest and most stable federations, Canada has managed to deal with several dimensions of diversity simultaneously. It is a multinational country, responding to the province of Quebec's sense of nationhood and to Aboriginal people's conception of themselves as First Nations. It is a highly regional country – a "federal society" – with important provincial identities, and with large regional differences in terms of demography, population, economy and wealth. It is a country of immigrants, increasingly characterized by a diverse, multicultural population.

Several elements of the Canadian model stand out. First, Canadians have debated their differences – even the possibility that one member state, Quebec, might secede from the country – in ways that are peaceful, civil, and respectful of democratic values. Second, in responding to diversity, Canada has been what we might call an ongoing "negotiated" country, rather than a country of revolution or single majority domination. Third, both Canadian law and historical political practice have been based on

the premise that unity is best achieved through the recognition and accommodation of difference. The fundamental values underpinning the Canadian model were well-stated by the Supreme Court of Canada in a landmark 1998 decision. The Court held that democracy, federalism, constitutionalism and the rule of law and respect for minority rights were, and must remain, the guiding principles of the Canadian federation. Many worry however that too much emphasis on diversity and not enough on shared Canadian values raises the question of social cohesion and solidarity; where is the "glue" that binds individuals and communities together?

Canada and Quebec, French and English

The only cleavage that could end the Canadian experiment is a rift between English and French-speaking Canadians, expressed as the division between Quebec and the "Rest of Canada." French-speaking Canadians make up about one quarter of the Canadian population. About 80 percent of those French-speaking Canadians live in Quebec where they constitute more than 85 percent of the population. Thus, while there are important linguistic minorities both within and outside Quebec, the linguistic division is primarily expressed in territorial terms.

Aboriginal Canadians

Canada, like the United States and Australia, was a classic settler society in which Europeans pushed the indigenous peoples to the margins. The legacies of this history remain today. Aboriginal peoples – Indians, Métis, and Inuit – make up only about three percent of the population but make a strong claim for long-delayed justice. This is based on the historic wrongs of their dispossession, and on historic social outcomes characterized by high rates of unemployment, poverty, disease, and social distress.

In the modern period, Aboriginal political mobilization began in the 1960s in reaction against proposed new Canadian policy to assimilate them fully into mainstream life. Aboriginal peoples reacted to maintain their societies and cultures, to regain control over land and resources, and to acquire a measure of self government. They defined themselves as First Nations, with an inherent right to self-government and with a desire to interact with other Canadians on a nation-to-nation basis. A Canadian Royal Commission strongly endorsed these views in the mid 1990s. A series of decisions by Canadian courts have supported Aboriginal claims and enhanced their bargaining power. The revisions to the Canadian Constitution of 1982 recognized Aboriginal status and provided for constitutional protection of past and future treaties. However, these changes have little effect on the majority of Aboriginal peoples, who now live in urban areas. Many Canadians view relations with Aboriginal peoples as the darkest stain on Canada's historical record of accommodation of diversity.

Region

Federalism, conferring considerable policy and fiscal autonomy to the provinces, is the primary institutional mechanism for managing regional differences. Intergovernmental relations conducted through the mechanisms of executive federalism have generally been a successful means of negotiating the accommodation of differences. But this process has become competitive and adversarial in recent years, with each order of government focused on protecting its own turf and bickering over financial arrangements. The underlying concern is that the Canadian form of federalism exacerbates rather than ameliorates matters at the regional level.

Multiculturalism

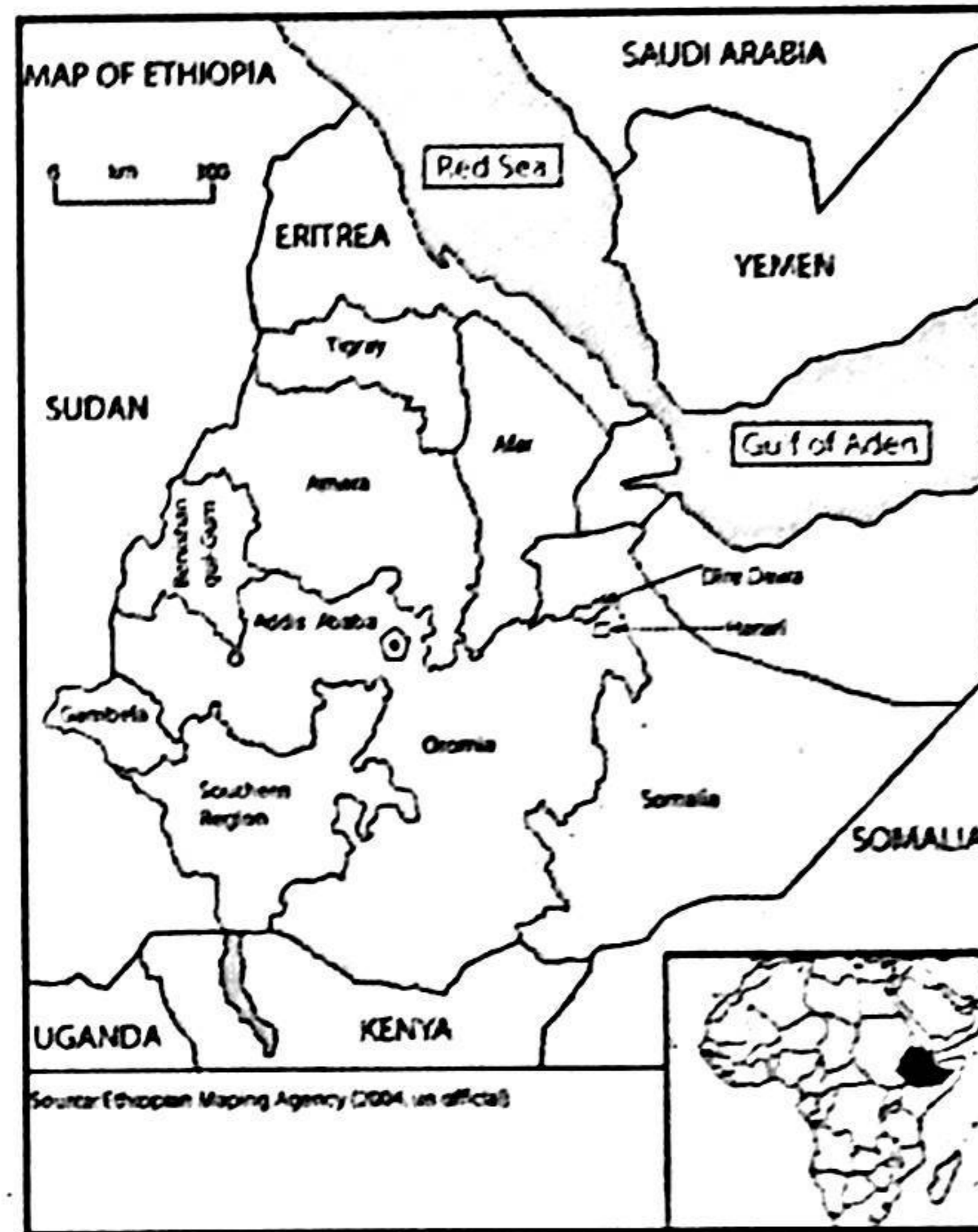
From its beginning, Canada has been a country of immigrants. For most of its history, Canadian policy favored immigration from Europe and was explicitly racist. In the 1970s, Canada, like other countries, removed most of the discriminatory elements from its policies and significantly increased the number of immigrants it welcomed. Today, Canada has one of the most open immigration policies in the world to the degree that it has embraced multiculturalism as a fundamental and defining characteristic of the country. This is reflected in the Constitution Act, 1982, which includes a clause requiring that the Charter of Rights and Freedoms be interpreted in light of the multicultural character of Canada, and in the Multiculturalism Act of 1988 that defines multiculturalism as fundamental to Canadian identity. With respect to social integration, these policies have been very successful.

These are major successes, but complacency is to be avoided. Some immigrant groups have done much better professionally and economically than others. Cities that have received the majority of immigrants continue to have difficulties in integrating new Canadians, and providing services in multiple languages. Cities need to play a larger role in immigration policy and need more support to enact their role in integration. Canadians are debating how to reflect the universal values and individual rights embodied in the Charter of Rights and Freedoms with the collective rights of Aboriginal peoples and Quebecers. There is some evidence that the celebrated Canadian commitment to multiculturalism may be fraying at least at the edges in recent debates, but there is little evidence of a fundamental shift away from a commitment to multiculturalism, or, as Quebec calls it, *interculturalism*.

There is some evidence that the celebrated Canadian commitment to multiculturalism may be fraying at least at the edges in recent debates, but there is little evidence of a fundamental shift away from a commitment to multiculturalism.

Conclusion and Lessons

Canada's is a good news story, despite its flaws. Multiple diversities can be accommodated and managed peacefully and democratically. Canadians' ability to manage their differences has depended on a number of benign conditions that do not necessarily prevail elsewhere, especially in developing countries, namely: a democratic culture; respect for the rule of law; a tradition of negotiation and compromise, affluence and a prosperous economy; extensive social infrastructure and high levels of education and peaceful relations with the neighboring U.S. Nevertheless, there are other elements in the Canadian experience that others might consider. These include the provisions of Canadian multiculturalism and Quebec's *interculturalism*; Canada's tradition as a welfare state; its ability to embrace asymmetrical federalism; and to have elaborated, with the help of the Supreme Court, clear principles that would prevail in the event of either a coming together or a dissolution of the country.



Federalism and the Management of Diversity in Ethiopia

MOHAMMED HABIB / ASSEFA FISEHA

Ethiopia is widely known for having successfully escaped western colonial domination. Over the last three decades, this ancient African state has gone through a wave of revolutionary changes leading to the demise of both the imperial era and the military regime of 1974 to 1991. Following the collapse of the centralized unitary era in May 1991, the country was restructured as federal, constituted by nine regional states and two autonomous cities, with a significant degree of commitment to accommodate ethno-linguistic diversity and related sub-national interests. The transition from a centralized unitary state to the current federal arrangement was brought about by liberation movements represented by ethno-linguistic groups in different parts of the country who forcefully dismantled and then rebuilt the nation's structure. These liberation movements dominated the process of restructuring the state into a federation.

But the "national question" has remained one of the major political challenges in Ethiopia for more than half a century. The excessive concentration of power and resources at the centre and the insistence upon ethnic homogenization resulted in a series of historical grievances on the part of the different ethno-linguistic groups and cultural communities.

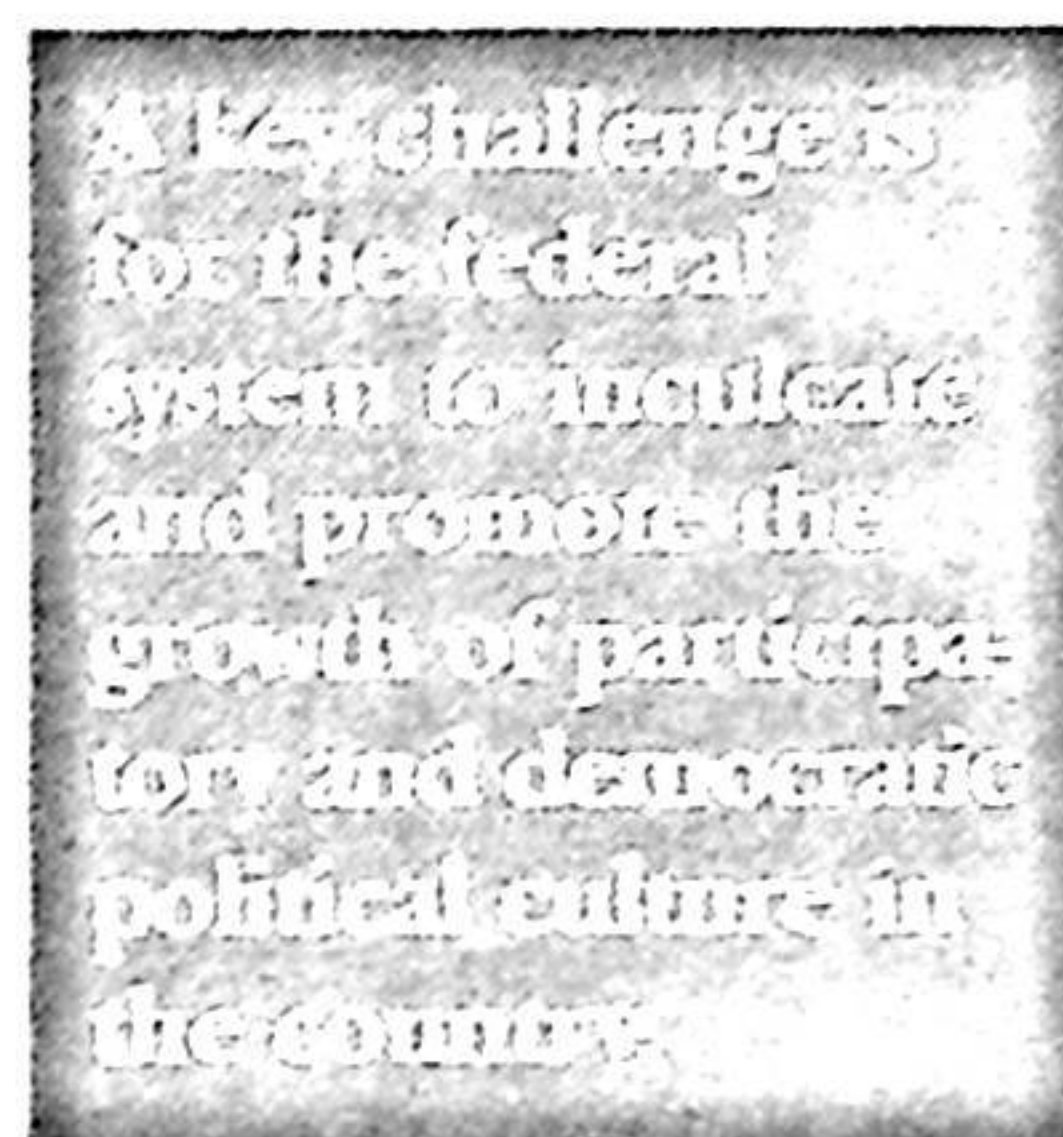
For a long period Ethiopia was incorrectly portrayed as a mono-cultural society and unified unitary state. In fact, Ethiopia has more than 80 ethno-linguistic communities inhabiting different parts of the country. None of these groups constitutes a majority. Previously, the central government used its institutions to assimilate diverse groups and communities into the culture and values of the ruling class. Political power and resources were largely distributed to members of the ruling class and specific ethnic groups or communities. The federal system is now meant to address these historical shortcomings and respond to the aspirations of the country's different ethno-linguistic groups.

Fortunately, federalism has become a point of national consensus; virtually all sides agree that the federal option is the only viable and reasonable alternative for Ethiopia. This consensus has come as a result of the change in attitudes toward the practical results of the system. In the initial stages, there was anxiety among some as to the possible consequences of the reforms introduced to address the grievances of the different ethnic groups. Now, it seems clear that the country will not fracture because of the increased freedoms of different ethnic groups to express their sub-national identities, cultures, and values. Meanwhile, differences of perspectives still exist on several issues such as the protection of minorities at both the regional and federal orders and the devolution of power and resources to the states.

A major concern relates to the interests and prospects of minorities in each of the nine federated regional states of the federation and is likely to remain a source of tension for some time. Given the inexperience of the state functionaries at the local order and the absence of effective democratic institutions and civil society in the country, certain measures are incumbent on the federal authorities to ensure uniform implementation of the rights enshrined in the constitution. On the other hand, the legitimate interests of the different ethnic groups to administer their localities need be respected as long as democratic rules and principles prevail. The challenge is in striking a reasonable balance between these competing interests.

Another topic of debate relates to the mechanism for protecting the interests of the different ethnic groups and communities at the federal order. Ethiopian federalism seeks to accommodate the interests of the different ethnic groups at the centre. Contrary to common practice, the second federal house, otherwise known as the House of Federation, does not take part in the legislative process. Thus, the smaller minorities are left at a disadvantage. The absence of pluralistic political participation in the House amounts to denying it of a vital resource to promote the interests of the peoples of the country. Consequently, some call for direct election of the members of the House as opposed to the current practice of state organs choosing the House delegates.

The issue of decentralization of power and resources to the regional states has attracted considerable attention. The federal Constitution grants considerable autonomy to the regions. Perhaps the most controversial is the right granted to the nationalities to secede. However, since Ethiopia is currently under the rule of one dominant party, there is some scepticism as to the freedom of state government actors in safeguarding the autonomy and interests of their constituencies within the frame of the Constitution. Some argue that despite the constitutional autonomy of the regional states, the political reality simply continues the traditional control by the centre. The existing financial situation of the states also shows an over-dependency on federal subsidies – due less to the Constitution itself and more to party structures. It has been argued that the prevalent political culture has not been in favour of power sharing and participation. This means that a key challenge is for the federal system to inculcate and promote the growth of participatory and democratic political culture in the country. Currently, there is clear and broad interest in protecting the autonomy of the states from unnecessary control and undue interference from the centre.



A key challenge is for the federal system to inculcate and promote the growth of participatory and democratic political culture in the country.

Ethiopian society also exhibits some important unifying factors and obvious potentialities for nation building. The preamble of the Ethiopian federal Constitution refers to the existence of “common interests and the emergence of a common outlook” resulting from centuries-long interactions among the ethnic groups and cultural and religious communities. This seems to be supported by some historical facts. For example, the history of all Ethiopians in defending the sovereignty of the country against colonial aggression at the famous Battle of Adawa in 1896 and other similar cases are cherished and respected symbols of a common legacy. Despite the considerable differences between the various ethno-linguistic groups, the two main religions – Orthodox Christianity (50 percent of the population) and Islam (40 percent of the population) – have served as unifying factors cutting across ethno-linguistic boundaries.

In the globalizing world, national strategies are needed for national survival. Many believe there can be no better option than federal democracy for countries like Ethiopia, which seek to promote national unity without undermining the values and interests of its constituent units. Such legacies and common interests in Ethiopia serve as a basis for its federal system. Indeed, Ethiopia’s federal arrangement could be a source of inspiration for others given its geo-political and historical importance and population.



Germany: The Growth of Social and Economic Diversity in a Unitary Federal System

PETRA BENDEL / ROLAND STURM

Federalism has a long tradition in Germany. The historical roots of German federalism go back to the Holy Roman Empire and still find an echo in the organisation of the Christian churches, civil society, as well as in the persistence of regional identities. However, German society has undergone major changes in the last few decades. The Federal Republic has, after unification with what was until 1989 communist East Germany, a much more asymmetrical economic structure. The differences in the standard of living between one German region and another were minor in the Federal Republic before 1989. All ten West German regions – known as *Länder* – were roughly the same economically. Yet after German reunification in 1990, despite all the aid to the East from the federal government in Berlin, Germany still consists of six poorer eastern *Länder* and ten richer western *Länder*.

Germany's East has retained economic problems inherited from its past such as high unemployment, a lack of investment, weak growth potential, below average numbers of small and medium-sized enterprises, and a

constant brain drain of the young and well-educated to the West and abroad. East/West-distinctions are only one element of the new diversity of German society. Germany has also had to learn from scratch the basics of multiculturalism – a sometimes painful process. Debates over “diversity” are about recent immigrants, as opposed to the poorer East Germans or their richer western counterparts. Generations of immigrant workers from many European countries and elsewhere have enriched German society, but for decades have found few political incentives to integrate.

Today many ethnic minorities live in Germany, the largest being the Turkish minority, with more than 2.4 million of Turkish ancestry living in Germany in 2008 (just slightly more than 1.7 million of these have Turkish citizenship). But there is also a migration by “ethnic Germans” mostly from Russia or other parts of the former Soviet Union. Most immigrants move to where the jobs are, which means to the more prosperous western *Länder*.

Immigration is closely connected with questions of identity. Germany has long based its definition of nationality on ancestry rather than place of birth, to distinguish between “us” and “them” until a reform of the Nationality Act came into effect in 2000. Interior Ministers agreed in 2008 on a national exam that prospective citizens must pass as one of the requirements of citizenship but the German *Länder* still retain some legal authority for determining naturalization prerequisites. At least 90 percent of naturalizations take place in the ten more prosperous western *Länder*.

While the German *Länder* can provide a framework for the integration of immigrants, the implementation of more detailed measurements is the duty of local authorities. In this context the control of education by the *Länder* is very important; their school and educational systems need to be improved in order to offer equal opportunities for immigrants. This is particularly important in eastern Germany since it suffers strongly from emigration and demographic regression.

Migration also has consequences for the social and religious diversity of Germany. Migrants make up an above average share of the unemployed, low achievers in schools, and the socially excluded. Christian migrants have so far not contributed to religious tensions and, with regard to their religion, are not very visible in German society. Muslim traditions or traditions related with Islamic countries, however, have provoked debates in society on the relationship between churches and the state, religious education, co-education, the wearing of religious headscarves and the building of mosques. Most of these are competences of the German *Länder*. It is possible to have religious instruction in German schools but as of mid-2008 there was not a single united Muslim community with whom the *Länder* governments could work to provide Muslim religious instruction.

Completely forgotten in the media and elsewhere in German public discourse are those who have been territorial minorities in Germany for more than a century and are now fully integrated: the Danes in

Schleswig-Holstein, the Sorbians in Saxony and Brandenburg, and the Frieslanders in Lower Saxony and also in Schleswig-Holstein. They are officially recognized minorities who have a guarantee of their cultural heritage. On the other hand, there are still no national minority rights for the 70,000 Sinti and Roma who also form a historically developed minority in Germany; German federalism provides protection for historic territorial minorities only.

This does not mean, however, that federalism is meaningless for other minorities. The *Länder* have the responsibility for public administration, for schools and the curricula. So the questions of religious education, strategies to cope with multicultural backgrounds of students, and the administration of immigration legislation are the responsibility of the *Länder*. Many impulses for such policies come from the local level.

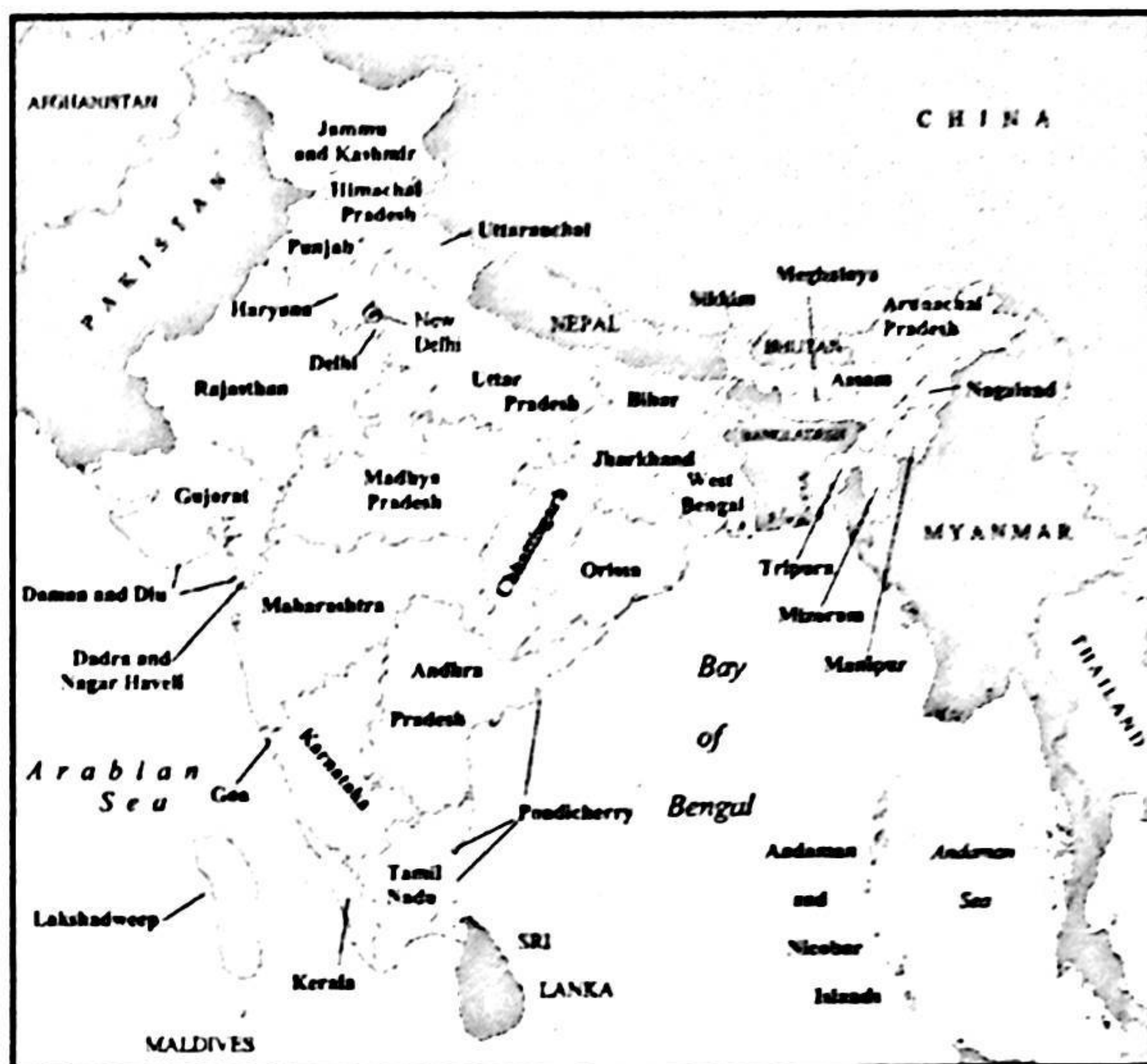
The *Länder* also accept some responsibility for the economic development of their territories. Research shows, however, that the ability of the *Länder* to influence economic data is limited. In the west of Germany a banana-shaped growth region extends from south to north. In the east the official policy is now to concentrate financial aid within clusters of economic growth, irrespective of *Land* borders.

German federalism lacks the flexibility that would make it possible for each *Land* to develop strategies for the new challenges of diversity. Some of this flexibility can be found on the local level, where, for example, innovative initiatives are used to integrate ethnic minorities or to solve the

problems of religious education for Muslims. This does not mean that the *Länder* are passive. Their policies are, for the most part, fully integrated in the interconnected decision-making system run by civil servants of the federal government and the *Länder*. Though the Federal Constitutional Court has now developed an interpretation of federalism which supports *Länder* rights more than ever before, the *Länder* still prefer cooperation and are sceptical about too much autonomy. By giving the *Länder* greater competences, the new Federal Reform Act has

furthered the disparity among them – especially in the educational system – and eroded their willingness to coordinate policies. So for Germany the debate on unity and diversity is less a debate about two alternatives for federalism, but more about the juxtaposition of federalism and social change.

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India: Diversity Unleashed and Federalised

BALVEER ARORA

The year was 1946. India's approach to its diversity was being passionately debated in its newly created Constituent Assembly, which was drawing territories into a new federal democracy. In the years previous, Mahatma Gandhi had mobilized a mass movement – termed nothing more than a “geographic expression” by Winston Churchill – through his non-violent strategies. Crafting a new union was now the task at hand, and it meant grappling with India's age-old linguistic, cultural, and religious diversities. Initially there was a reluctance to recognize diversity as an ordering principle, born of a fear of “excessive federalism.” The assertion and consolidation of movements with strong regional roots eventually brought diversity centre-stage, compelling leaders to rethink the foundations of India's unity.

The full force of linguistic and cultural diversities began to be felt in the early years of the Republic. The demand for the linguistic reorganisation of independent India was accompanied by an equally vigorous push for a common language to serve as a *lingua franca* for the Union. At a time when predictions of imminent disintegration and collapse of the Union were rife, political adjustments, mediated by the electoral process, saved the day.

The official language issue was resolved by a compromise which retained English indefinitely as a link language. The 14 states created in 1956 have grown to 28 today, and the 14 languages recognised by the Constitution have increased to 22. Diversity ceased to frighten; it had been federalized. The fear of federalism also gradually diminished as a strong Centre consolidated itself.

Despite its extraordinary lengthy detailing of many issues, the Constitution remained ambiguous and ambivalent when it came to the organisation of diversity. While it firmly endorsed the respect of diversity in the chapter on rights, it stopped short of detailing its institutional articulation in terms of federal structuring. It conferred the power to recognize diversity on the Union, but left it to the states to manage its socio-political consequences. Two key principles characterised India's approach to diversity: asymmetry and accommodation.

Not all ethnic identity related issues were resolved with ease and amicably settled, and many antagonisms persist. They concern mainly the frontier states of Kashmir and Nagaland, as well as the neighbouring states of Mizoram and Manipur. Resorting to asymmetrical federalism helped attenuate tensions in some cases, while special status provisions and generous financial concessions and incentives were also deployed to facilitate integration in the more intractable cases. The search for solutions was essentially a search for adjustments that could be made on both sides. For the Union, its sovereignty and integrity was paramount, and all solutions were worthy of being considered subject to this proviso. For the autonomy movements, the path of negotiations was open provided they did not seek militant secession.

Over the last two decades, the federalization of the party system has thrown up new challenges for governance, even as it gave more space to voice diversity. Regional political parties have succeeded in capturing power in many states, and their contribution to the consolidation of federal democracy is noteworthy. The consolidation of federal coalitions and the *de facto* emergence of proportional representation have given new strength to the unity in diversity principle.

While long established socio-cultural diversities still persist, they seem less threatening today than the growing income disparities generated by rapid growth of certain regions and sectors of economic activity. The crisis of agriculture in several states and related food security issues pose a new set of challenges and tensions under economic liberalisation. Vertical and horizontal fiscal transfers appear to be engaged in a constant race to contain emerging cleavages and disparities. Threats to internal unity due to strains on social harmony and cohesion are seen as new challenges for the federal polity.

What challenges for governance does the persistence of the caste system pose? The dream of a caste-less society seems as elusive as that of a class-less

society, partly because both are so closely linked. An intricate system of quotas and reservations in various sectors, designed to promote a more egalitarian society has not produced any significant threats for unity, although they continue to generate political tensions and disorder. In addition to the earlier quotas for scheduled castes and tribes, a new quota for other backward castes in educational institutions and government employment has been legislated.

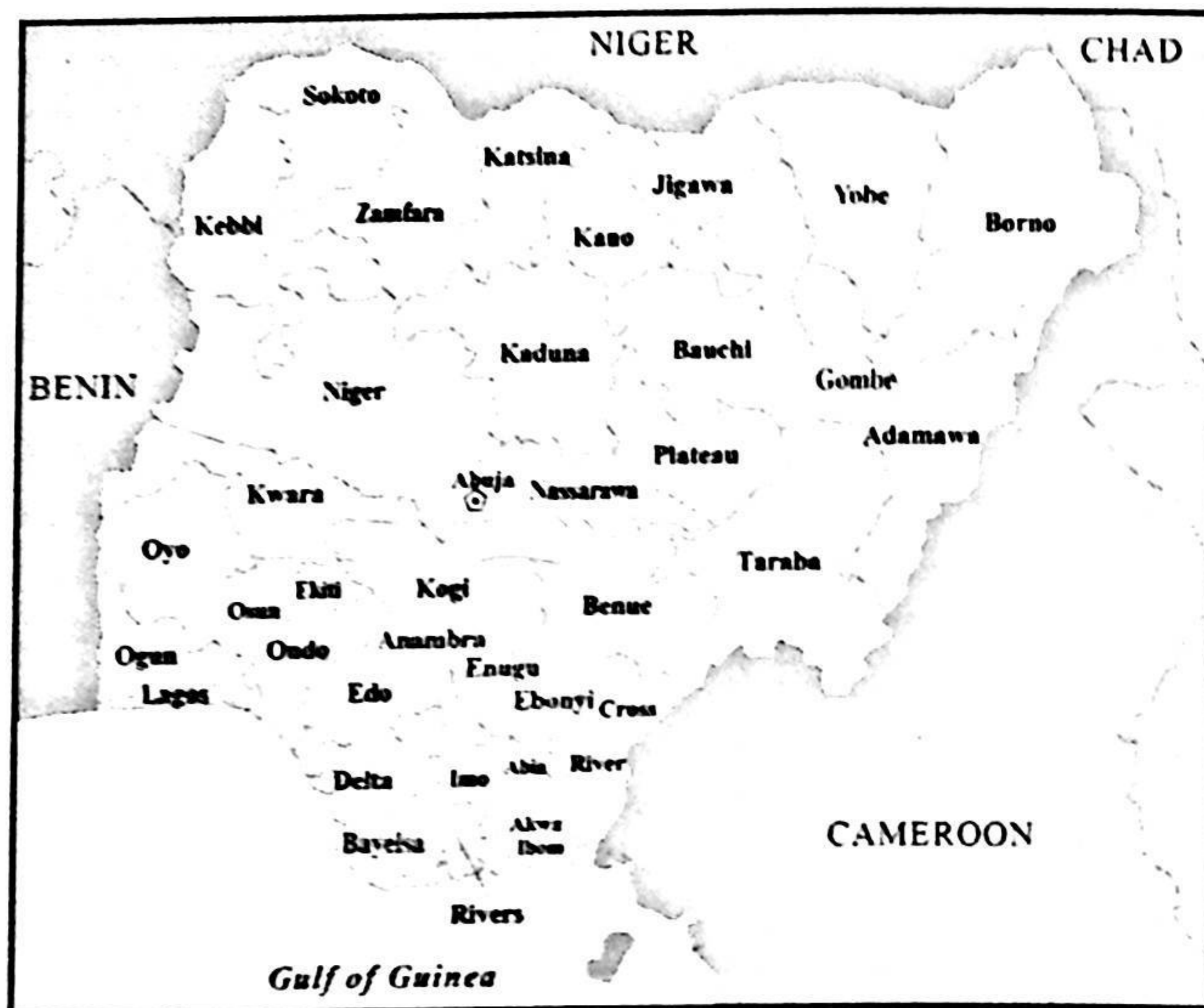
While it is relatively easy to detail India's diversity, it is far more difficult to explain the many ways in which its unity has been constructed and maintained. The solidarities engendered within the political class by six decades of intensely competitive electoral processes are one means by which an underlying order is preserved. Barring militant movements from the extreme-left, most identity-based parties have used their mobilization capabilities to capture power through the ballot. New connective tissues such as the national passion for cricket, the popularity of Bollywood films, and the rapid spread of telecom firms have given pan Indian discourse a new impetus. The contribution of a unified judiciary headed by the Supreme Court, which enjoys high public esteem, is also a reinforcing factor for unity.

India's search for unity in diversity has led it, with the help of a flexible and adaptable Constitution, to experiment with a wide range of devices available in the federalism toolkit.

It negotiates and grants asymmetry to constituent units, provided the basic framework of the Constitution is respected. In their negotiations with movements demanding greater autonomy, the recurring practice of central government leaders has been to allow extensive autonomy provided it is in conformity with the Constitution. Diversity has thus been federalized in diverse ways, retaining the essence of the federal principle but displaying remarkable pragmatism in adjusting it to suit Indian realities. This process of adaptation has been built on the bedrock of electoral democracy. Protest movements have gradually metamorphosed into political parties, assured that the election commission would give them a fair chance at the polls. Ancient diversities, celebrated through the ages, have been given a federal shape and form which enable them to survive and prosper.



India's search for unity in diversity has led it, with the help of a flexible and adaptable Constitution, to experiment with a wide range of devices available in the federalism toolkit.



Nigeria: Crafting a Compromise between the Accommodation and Integration of Diversity

ROTIMI T. SUBERU

Nigeria's current constitution of 1999 proclaims the country as "one indivisible and indissoluble nation." Yet, the federation is vexed by multiple sectarian challenges, including pressures for the extension of Islamic *Sharia* law in the Muslim North, a violent insurgency in the oil-bearing southern Niger Delta, internecine struggles between so-called "indigenes" and settlers within the federation's 36 states, and a broad nation-wide clamor for constitutional reform, decentralized federalism, or enhanced recognition of the country's multiple diversities.

Indeed, Nigerian federalism involves a perennial struggle to craft a viable compromise between the promotion of national integration and the accommodation of sectarian identities. The scale of this challenge is evident in the ethnic, regional, and religious fault-lines that fracture Nigeria: a country of 140 million divided into three major ethnic groups (the Muslim Hausa-Fulani in the North, Christian Ibo in the Southeast, and religiously bi-communal Yoruba in the Southwest), hundreds of smaller ethno-linguistic communities (the so-called "ethnic minorities"), and

roughly equal numbers of Muslim and Christian adherents. This is overlaid by regional socio-economic disparities and grievances, particularly in the resource-poor, but politically dominant North, and the ecologically and economically neglected Niger Delta.

These cleavages have tested the political ingenuity of Nigeria's successive rulers since the amalgamation of the country's diverse territorial communities by English colonizers in 1914. British colonial policy, for instance, sought explicitly to provide adequately for the country's diversities within a framework of Nigerian unity. This included the establishment of a decentralized three-region federation in 1954 built around Nigeria's major ethnic divisions. But this ethno-regional federalism aggravated sectional inequalities and animosities, leading to the collapse of parliamentary government in the post-independence First Republic lasting from 1960 to 1966, bloody ethno-military coups and conflicts, and an Ibo-based secessionist war occurring between 1967 and 1970.

This turbulence pushed Nigeria's military rulers and their civilian constitutional advisers and successors towards a more centrist or integrationist management of the country's diversities. This policy of national integration and political centralization was entrenched in the 1979, 1989, and 1999 Constitutions that the military, which ruled the country in those periods, bequeathed to the Second, Third, and Fourth Nigerian Republics, respectively. Its major features include: the dissolution of the three large ethnic majority-based regions into smaller and weaker sub-ethnic, multi-ethnic, or minority-ethnic states; the expansion of the legislative powers of the federal government, including the centralization of the revenue sharing, local government, police and judicial systems; the abandonment of the parliamentary model of government for a strong executive presidential system, in which a nationally elected president is expected to function as a putative symbol of pan-Nigerian unity; and the introduction of the so-called "federal character" principle, which mandates the equal representation of the "indigenes" (or ethnic groups which settled the various geographic regions of Nigeria) of the states in the government and public agencies of the federation, including the political parties. It is a form of affirmative action.

These integrative strategies have been remarkably effective in cross-cutting and attenuating sectional identities. They also prevented a recurrence of secessionist warfare and promoted a broad commitment to the idea of Nigerian unity, including the development by civilian politicians of innovative, but informal schemes for the sharing and rotation of key political offices (particularly the presidency) among ethnic, regional, and religious segments of the country. Yet, the strategies have engendered their own contradictions, which were aggravated by the despotic centralism of more recent (1984-1999) northern-led military governments.

Many Nigerians contend that the ethnic, regional, and religious tensions that currently plague the country represent a centrifugal backlash to the excessive centralization of powers and resources under the present system of unitary federalism. They call for the replacement of the current military-facilitated constitutional framework with a democratically or popularly negotiated people's constitution. This would return Nigeria to a modified form of the First Republic's "true federalism," or to a more pluralist accommodation of the country's diversities, including the decentralization of powers and resources to larger and fewer regional or ethnic states.

Yet, the ongoing agitations for major constitutional reforms in Nigeria are stymied by significant inter-regional differences over the precise details or scope of change, which impede the attainment of the concurrent federal-state legislative supermajorities required for amendments to the country's basic law. The predominantly Christian South, for instance, is suspicious of pressures for the accommodation of Islamic law in the Muslim North; the latter, in turn, sees southern demands for fiscal decentralization as contrary to the North's dependence on the effective inter-regional redistribution of resources.

Nigeria can perhaps learn from Canada's sobering experiences with the failure of mega-constitutional politics by pursuing non-constitutional political renewal or intra-constitutional legislative reforms as a pragmatic response to the difficulty of large-scale, fundamental constitutional change.

Alternatively, Nigeria can seek political restructuring through the pursuit of incremental – rather than comprehensive – constitutional change, with priority given to such relatively less ethnopolitically explosive, but governance-enhancing, issues as corruption control, electoral reform, and the promotion of the rights of women and children.

Indeed, a fundamental defect of the current practice of national integration and centralization in Nigeria is the failure of the approach to effectively advance political democracy and good economic governance as potentially robust bases for reinforcing Nigeria's unity in diversity. Rather, the continuing mismanagement of the country's oil wealth and the massive corruption of its electoral processes have sorely strained Nigeria's

federal unity. Specifically, the centralized redistribution of federal oil revenues to sub-federal governments has lacked transparency, serving to enrich a narrow local elite class rather than to alleviate the inter-regional

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inequalities and the mass poverty that fuel ethno-regional militancy and religious extremism. Similarly, the manipulation of electoral processes by dominant political elites has virtually foisted a single-party hegemony on the entire federation, thereby undermining even the modest political decentralization envisaged under Nigeria's centrist constitution.

Nigeria's current difficulties with federalism and diversity issues are, therefore, intricately linked with broader questions of economic governance and democratization in the country. As the country's rulers continually seek to fashion a sustainable balance between national integration and ethno-religious and regional accommodation, they will also need to creatively reconcile this federalist compromise with the imperatives of democratic development and economic progress.

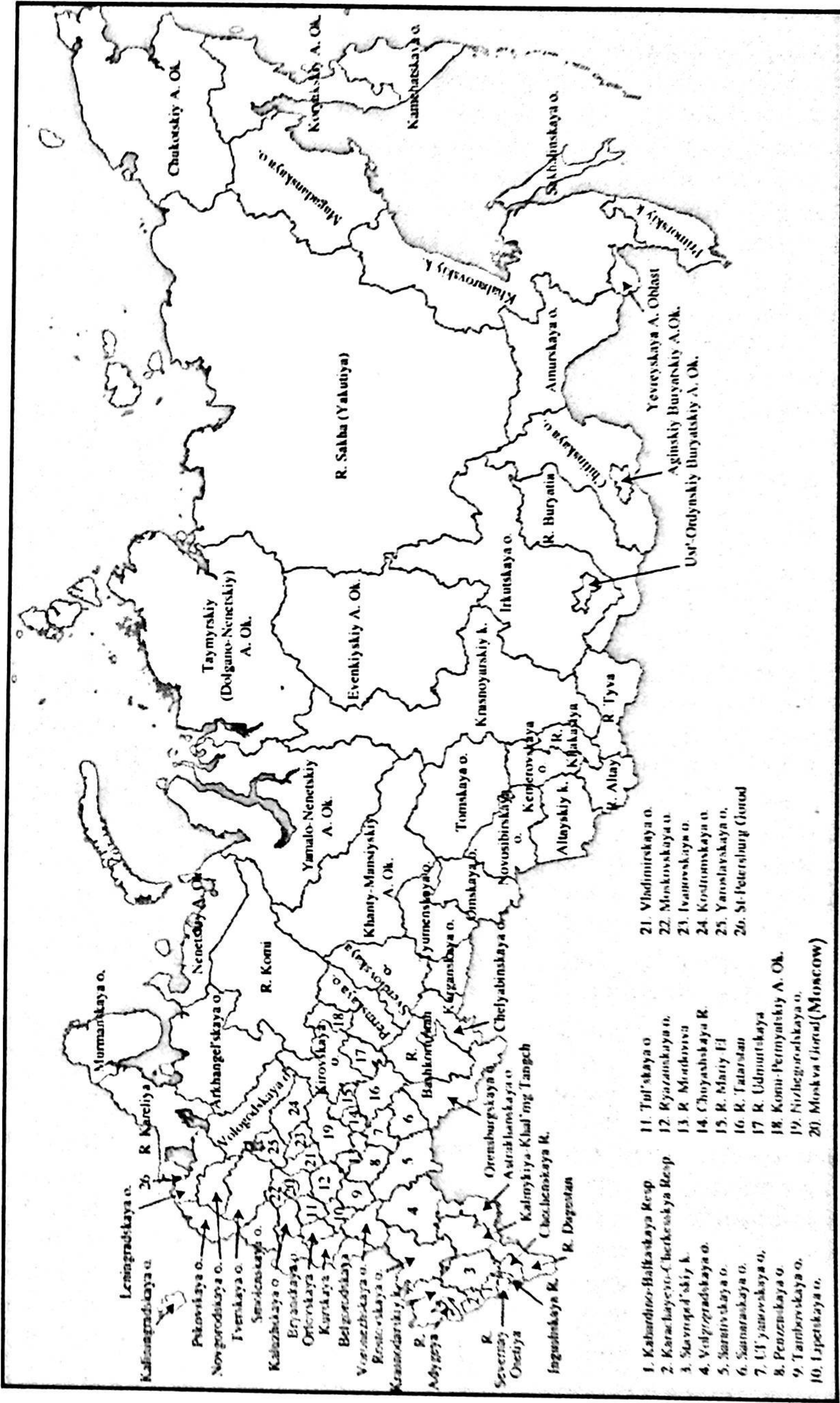
Minority Rights and the Impact of Authoritarian Regression in Russia's Federalism

IRINA BUSYGINA /
ANDREAS HEINEMANN-GRÜDER

Russia is ethnically and regionally very heterogeneous. Combining both ethno-federalism and territorial federalism, the country's 89 constituent units are divided into six different types: republics, autonomous districts, one autonomous region, territorial regions, districts, and two federal cities. During the 1990s, 32 out of its then 89 constituent units, 85 today, existed as ethnic autonomies – among them 21 republics, ten autonomous districts and the Jewish autonomous region. At the beginning of the 1990s, the republics pioneered federalization in Russia by forming loose coalitions; the then president Boris Yeltsin had addressed the leaders of these republics – mainly Tatarstan and Bashkortostan – with the famous phrase: "Take as much sovereignty as you can swallow." This message is a far cry from the de-ethnicization of federalism led by the centre in today's Russia.

Resembling nation-states in several respects, republics help to preserve and develop regional and ethnic identities. Conventional justifications for having been assigned the status of "republic" include traditions of settlement, the spiritual meaning of a given territory ("homeland"), and making amends for past historical grievances. Republics have the power to adopt constitutions and introduce their own state languages. They can also sign international treaties providing they respect the confines of the federal Constitution. With the exception of the Constitution and state languages, most other competencies are shared by the purely territorial entities, the *oblasti*, and the *kraya*.

At the time of the last census of 2002, there were 41 titular non-Russian ethnic groups, who individually or together provided the name for a region of the federation; however, in most of the ethnic regions native people are not predominant. All in all, in ten out of 21 republics the titular ethnic group forms the majority, but among the autonomous districts, not a single



1. Kabardino-Balkskaya Resp
2. Karachayevsko-Cherkesskaya Resp
3. Stavropol'skiy k.
4. Volgogradskaya o.
5. Saratovskaya o.
6. Samarskaya o.
7. Ulyanovskaya o.
8. Penzenskaya o.
9. Tambovskaya o.
10. Lipetskaya o.
11. Tul'skaya o.
12. Ryazanskaya o.
13. R. Mordoviya
14. Chuvashskaya R.
15. R. Mariy El
16. R. Tatarstan
17. R. Udmurtskaya
18. Komi-Permyanskiy A. Ok.
19. Nizhegorodskaya o.
20. Moskva Gorod (Moscow)
21. Vladimirskaya o.
22. Moskovskaya o.
23. Ivanovskaya o.
24. Kostromskaya o.
25. Yaroslavl'skaya o.
26. St-Petersburg Gorod

one has a majority of the titular ethnic group. Smaller populations of ethnic groups include the indigenous peoples of the far North, Siberia, and Asia – officially 45 registered peoples of roughly 275,000 individuals who are distributed over 27 regions.

Contradictions between the formal equality of Russian citizens and the actual implementation of laws often allow for *de facto* discrimination of non-dominant groups. For instance, ethnic groups are allowed to form associations, yet the 2001 “law on political parties” forbids the formation of parties on ethnic grounds. Some of the less numerous indigenous people receive assistance for the preservation of their means of survival. They may also be granted preferential taxation rights and privileged use of public property. However the *de facto* rights of indigenous people are far less protected than the list of formal rights would suggest.

Conflicts with and among non-dominant groups in Russia can be found in various forms: those between titular ethnic groups in ethnic regions and non-titular groups who feel under-represented or discriminated against; conflicts between non-Russian ethnic groups over the ethno-territorial boundaries inside or between autonomies; demands by ethnic groups who are part of existing autonomies for territorial autonomy of their own; conflicts between migrants, descendents of deported people, and refugees on the one hand and permanent regional residents on the other; socio-economic problems of non-populous indigenous peoples; intra-regional conflicts between Russians and non-Russians that led to an emigration of ethnic Russians (mostly in the North Caucasus); and violent conflicts with nationalist or fundamentalist militants. The conflict in Chechnya is certainly the most striking evidence of the inadequacies of the federal policy towards non-dominant groups: its inability to institutionalize conflict regulation, the rejection of negotiations with nationalist opposition, the excessive emergency powers of the president, poor development impulses, the inefficiency of inter-regional redistribution, and the unwillingness to cope with the repression under Stalinism, are among the most important deficits.

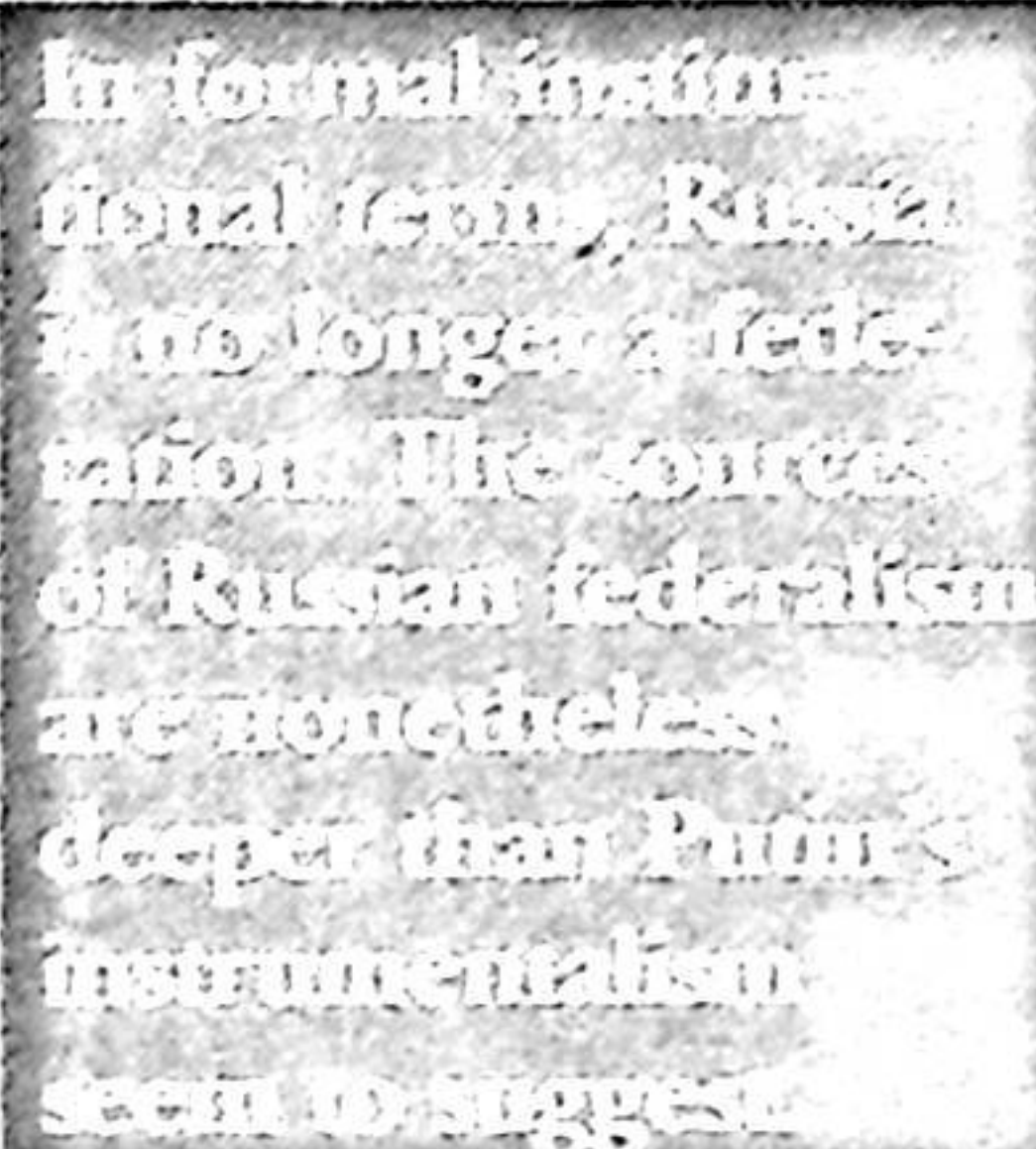
Whereas Soviet federalism was perceived as a mere means of symbolically solving the “nationality problem,” the re-foundation of Russia was originally characterized by the exporting of federal principles into state construction. With the end of the Yeltsin era in 1999, and the beginning of the Putin period, the prevailing views on federalism shifted. In order to justify his centralizing agenda, Putin’s supporters have pointed to deficits in Yeltsin’s federal system such as: sovereignty claims of the republics, contradictions between the Russian Constitution and the constitutions of the republics, hierarchy among regions, language legislation favouring languages other than Russian, problems of inter-governmental coordination, the alleged weakening of state capacity, as well as the potential for disintegration resulting from the heterogeneity of the country.

After a phase of ethnicization of federalism, the second half of the 1990s has produced a phase of de-ethnicization; economic and political expectations have superseded ethnic calculations. The de-ethnicization of federalism corresponds with a so-called "russification" of the state in the sense of an explicit and implicit preference for the attributes of the Russian dominant culture *vis-à-vis* non-Russian cultures. There has been no official farewell to federalism; the disempowerment of the regions is depicted instead as a strengthening of federalism. There has been a profound shift in the federal attitude towards republics. While during the 1990s they were treated as a special type of constituent entity, today the centre's relationship with the purely territorial and ethnic regions is mostly symmetrical.

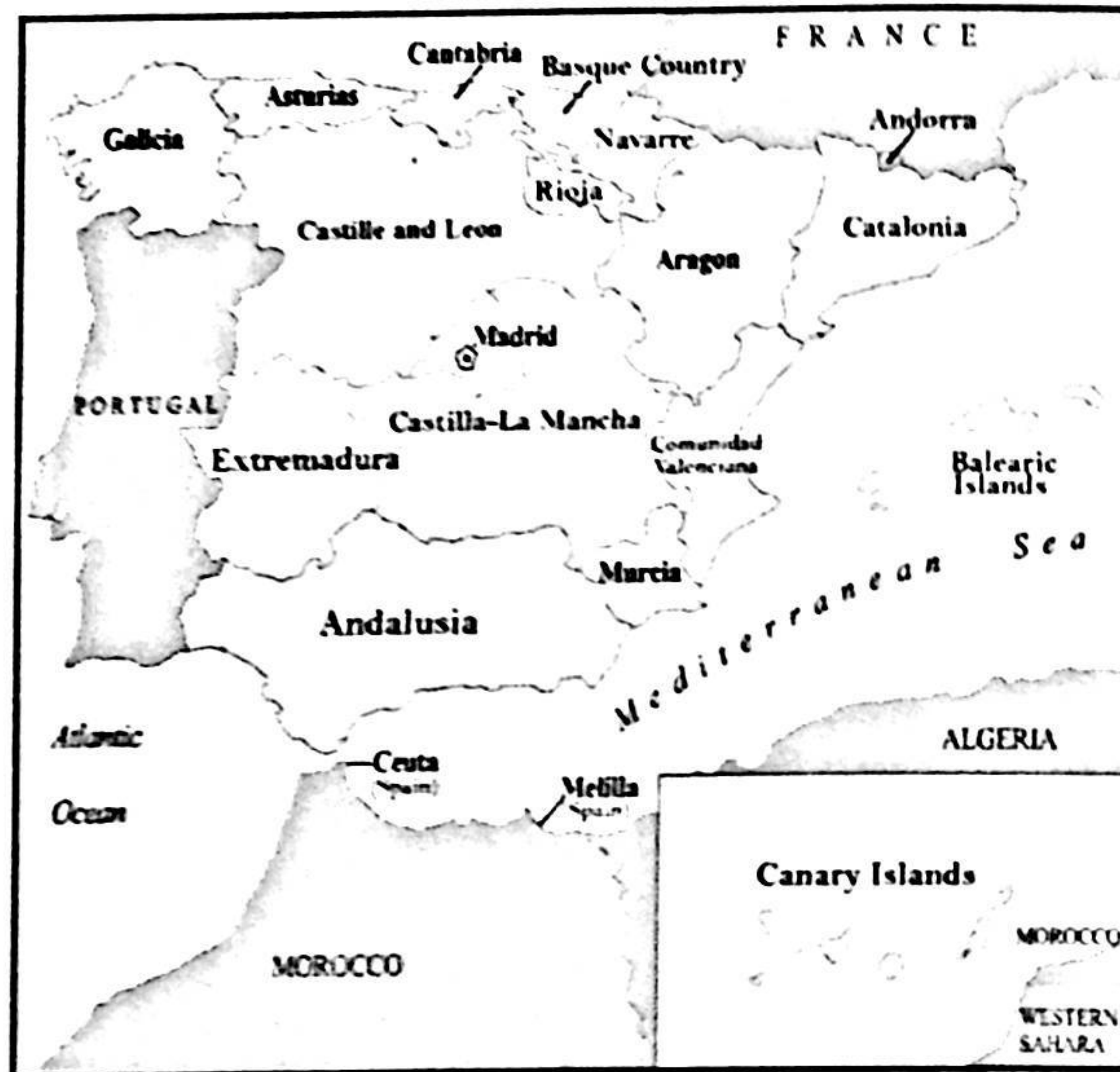
The official conception of federalism has to some extent made a return to its Soviet past. Regions are treated as mere parts of the inter-governmental, administrative-territorial machinery. The imposition of uniform rules under

Putin's presidency has led to neither a strengthening of the rule of law and of checks and balances nor has it curbed the authoritarian policy styles of governors or republican presidents. Rather, it has undermined the prerequisites for democratization. De-federalization and de-democratization have gone hand-in-hand.

The radical reduction of accessibility or institutionalized participatory rights *vis-à-vis* the central government has led to non-transparent, informal ways of pursuing one's interests, including a policy of favors. The political infighting over the institutional structure and division of competencies is still not resolved. In formal institutional terms, Russia is no longer a federation. The sources of Russian federalism are nonetheless deeper than Putin's instrumentalism seem to suggest. Putin's centralism, institutionally unstable and characterized by a disrespect for constitutional principles, repeats the mistake of the defunct Soviet system. It is systematically overburdened, unable to learn from its errors, extremely personalized, and displays a low degree of predictability.



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Diversity and Unity in Spain's *Estado De Las Autonomías*

CÉSAR COLINO / LUIS MORENO

Some countries face a national question. Spain has rather a question of nationalities and regions. Despite ongoing tensions in the functioning of its political structure, secessionist aspirations of some of its citizens, and diversity in language, socioeconomic status, and territorial identities, the case of Spain can serve as a model for other diverse countries facing similar challenges for accommodating long-standing diversity and unity.

Spain was established as the first modern state in Europe by means of a dynastic union of the Catholic monarchy in the second half of the 15th century. However, its constituent territories maintained their political existence. In the following centuries there were failed attempts at constituting a centralized polity along the lines of the French model. This failure was reflected in the emergence in 19th and 20th centuries of different local regionalisms and nationalisms claiming autonomy, home rule, or even secession. Efforts to accommodate them in the short-lived First Federal Republic (1873) and the Second Republic (1931-1939) failed. After the demise of General Franco's dictatorship (1939-1975) a wide social and political consensus was achieved with the 1978 Constitution.

The 1978 Constitution initiated a deep process of political and administrative decentralization that took place in parallel with that of democratization.

The democratic constitution opted for an open-ended model of territorial organization of a federalizing nature and established a "State of autonomous communities" or *Estado de las Autonomías*. Although the "f" word does not appear in the Constitution, it established provisions devised to accommodate a diversity of collective identities within Spain, as well as to address historical grievances and articulate a long-standing inclination for regional self-rule. The process of devolution of administrative and political powers started in the early 1980s in three territories that had previous experience with autonomy and a constitutionally recognized vernacular language in addition to the state-wide official Spanish (or *castellano*). These three territories – the Basque Country, Catalonia, and Galicia – are usually known as "historical nationalities." Soon after a second group of regions, Andalusia, Canary Islands, Navarre, and Valencia, mobilized in order to achieve the same powers of self-rule as those of the historical nationalities. Since then, all 17 nationalities and regions have engaged in a multiple horizontal competition for power and resources, some of them in order to maintain a special status and some to remain on the same footing as the others.

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The 1978 Constitution also sanctioned various asymmetries, among which the recognition and protection of a quasi independent fiscal regime in the Basque Country and Navarre, and a special economic-fiscal regime for the Canary Islands, should be underlined. Traditional civil law systems in Catalonia, Galicia, Navarre, Valencia, Balearic Islands, Aragon, and Basque Country were also recognized.

The functioning of the state has been underpinned by two main tensions. The first is a vertical tension between regional governments and the central government. The former have often sought after more powers and resources from the centre; the latter has strived to keep its policy-making role state-wide. Second, a horizontal tension exists among the autonomous communities themselves. Some have attempted to maintain a different status from the rest of the regions, while others have aimed to achieve the same institutional and political resources. These tensions have manifested in the evolution of the party system, with a relevant presence of local nationalist parties in some autonomous communities. Some of these parties advocate confederal or secessionist options, while others declare loyalty to the existing model of federal-like statehood, although they also claim a deeper degree of regional autonomy. In other *Comunidades Autónomas*, local nationalism is confronted by different versions of Spanish state-nationalism with strong ideas of equality, cohesion, and unity.

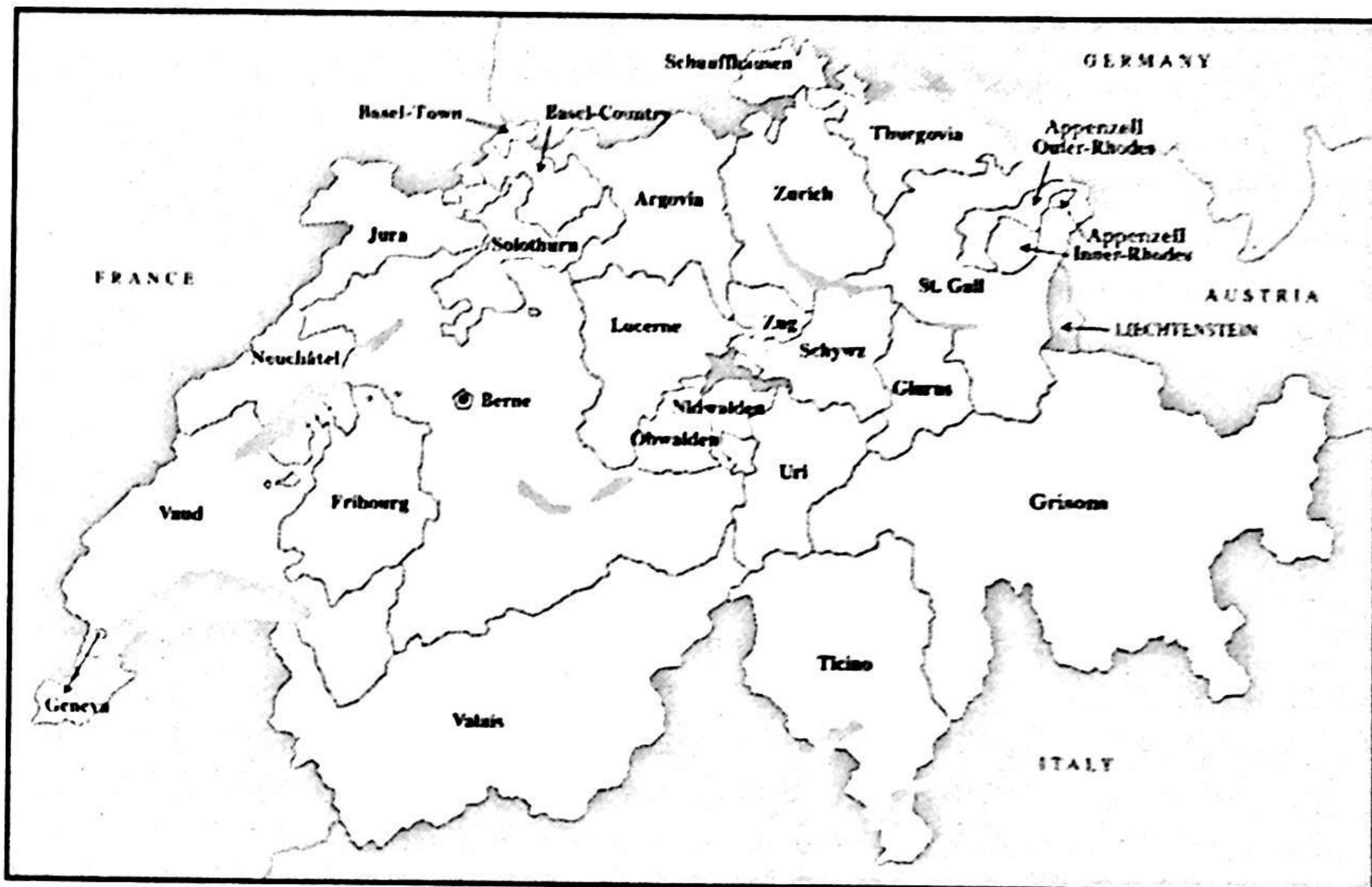
A minority of citizens in the Basque Country, Catalonia, and Galicia aspire to outright independence. In the Basque Country, some of them support the ideas of ETA, a Basque acronym for "Basque Homeland and Freedom,"

a terrorist group advocating secession with Navarre and the French Basque Country. In the whole of Spain, however, more than two-thirds of its citizens express a dual identity or compound nationality. This dual identity incorporates both regional and state-wide identities in various degrees and without apparent contradiction between them. Such a dual identity is at the root of the federalizing rationale of the *Estado de las Autonomías*, which has largely transcended previous patterns of internal confrontation.

Spain's linguistic diversity is at the base of many political claims put forward by local nationalisms. These language differences are often politicized in order to request a greater degree of autonomy in the running of policy areas such as education, health, planning, or social services, now fully devolved to the *Comunidades Autónomas*. Unlike the cases of Switzerland, Canada, or Belgium, in those Spanish regions with official local languages, virtually everyone can speak – and be understood – in Spanish. Some political parties and civil society groups have proposed the use of co-official local languages in nationwide institutions, to the detriment of the common language, as a way of recognizing diversity. For others, it seems unreasonable to renounce the use of a common and world language like *castellano* Spanish.

Spain is also socio-economically diverse. A majority of citizens (57.8 percent of the Spanish population) live in four *Comunidades Autónomas*: Andalusia, Catalonia, Madrid, and Valencia. The regional share of gross domestic product (GDP) by these four *Comunidades Autónomas* represents 59.9 percent of the total. Likewise, ten regions have a population of less than five percent of the total, and ten regions account for less than five per cent of GDP. Concerning religion, a majority of Spaniards profess to be Roman Catholics, including the majority of Basque and Catalan nationalists. The North African cities of Ceuta and Melilla now have large Islamic minorities. At present, Spain has around 4.5 million immigrants (ten percent of the total population), mainly from Latin American countries and Morocco, who work mainly in Catalonia, the Mediterranean coast, and Madrid. Changes in the demographic structure are bound to result in new political and constitutional tensions.

Through pacts at the political level and the successful accommodation of a diversity of interests through negotiation, Spain has had a relatively smooth transition to democracy since the late 1970s. Accommodation of regional interests in policy making has also been accomplished through intergovernmental relations among the national government and autonomous communities – mostly through ministerial sectoral conferences and, more recently, through the Prime Ministers' Conference. Internal negotiation of divergences within parties and other informal practices, such as building the Spanish cabinet with ministers coming from different regions, have also played an important role in accommodating regional interests. However, a main shortcoming of "federal" Spain is represented by the dysfunctional workings of the Senate – many Spaniards consider it a constitutionally ill-defined chamber of territorial representation.



Switzerland: Success with Traditional Minorities, Challenges with New Immigrants

THOMAS FLEINER / MAYA HERTIG RANDALL

In his humorous depiction of Switzerland called "Switzerland for Beginners," author George Mikes describes the Swiss Confederation as the biggest country in the world. He is referring to the Swiss phenomenon of moving to a neighbouring canton feeling like a move to another country. There is often a different language spoken, a different religion practiced, and a different culture in place. Put differently, despite a territory of only 41,290 km – less than a tenth of the size of Spain – Switzerland is a big country in terms of diversity.

The Swiss Federation was created in 1848 after a religiously motivated civil war, uniting 26 cantons, 2715 municipalities, four national languages: German (spoken by 64 percent), French (20 percent), Italian (6.5 percent), and Romansch (0.5 percent), as well as two major religions: Roman Catholicism (practiced by 42 percent) and Protestantism (33 percent), not to mention the tiny minority of Jewish and Old Catholic creeds. With 20 percent of the population, foreign nationals further enhance Switzerland's diversity.

In contrast to ethnic federations, such as Belgium, linguistic, religious, cultural, and economic boundaries generally do not coincide in Switzerland;

however the resulting cleavages tend to counterbalance each other, which is conducive to internal cohesion and stability. Switzerland distinguishes itself not only from ethnic federations but also from traditional nation states that are based on either the French or the German model of nationhood. The Swiss nation is known as "nation of will" or "nation by choice" and is conceived of as neither a unitary, indivisible entity based on a civic identity (the French model) nor as a homogeneous ethno-cultural unit (the German model). It is conceptualized as a composite nation, based on shared values and the citizens' will to live together within one state. Every Swiss national simultaneously holds a municipal, cantonal, and federal citizenship, each of which reflects one of three complementary identities. The Swiss Constitution explicitly recognizes diversity as a foundational value that is to be promoted, considering linguistic, religious, and cultural differences an integral part of an overarching Swiss political identity. As a consequence, the four traditional languages are all equally recognized as national languages of the Swiss Federation despite their numerical strength. Other constitutional and statutory provisions provide for fair representation of the linguistic communities in federal institutions. More generally, the proportional election system to the Swiss National Council (the chamber of Parliament representing the people), the egalitarian representation of the cantons in the second chamber (the Council of States), as well as power sharing and a consensus-driven political culture marked by self restraint, ensure that smaller communities are not outvoted. For instance, since 1959 the four major political parties represented in the federal parliament have shared power in the Federal Council and decisions are generally made by consensus.

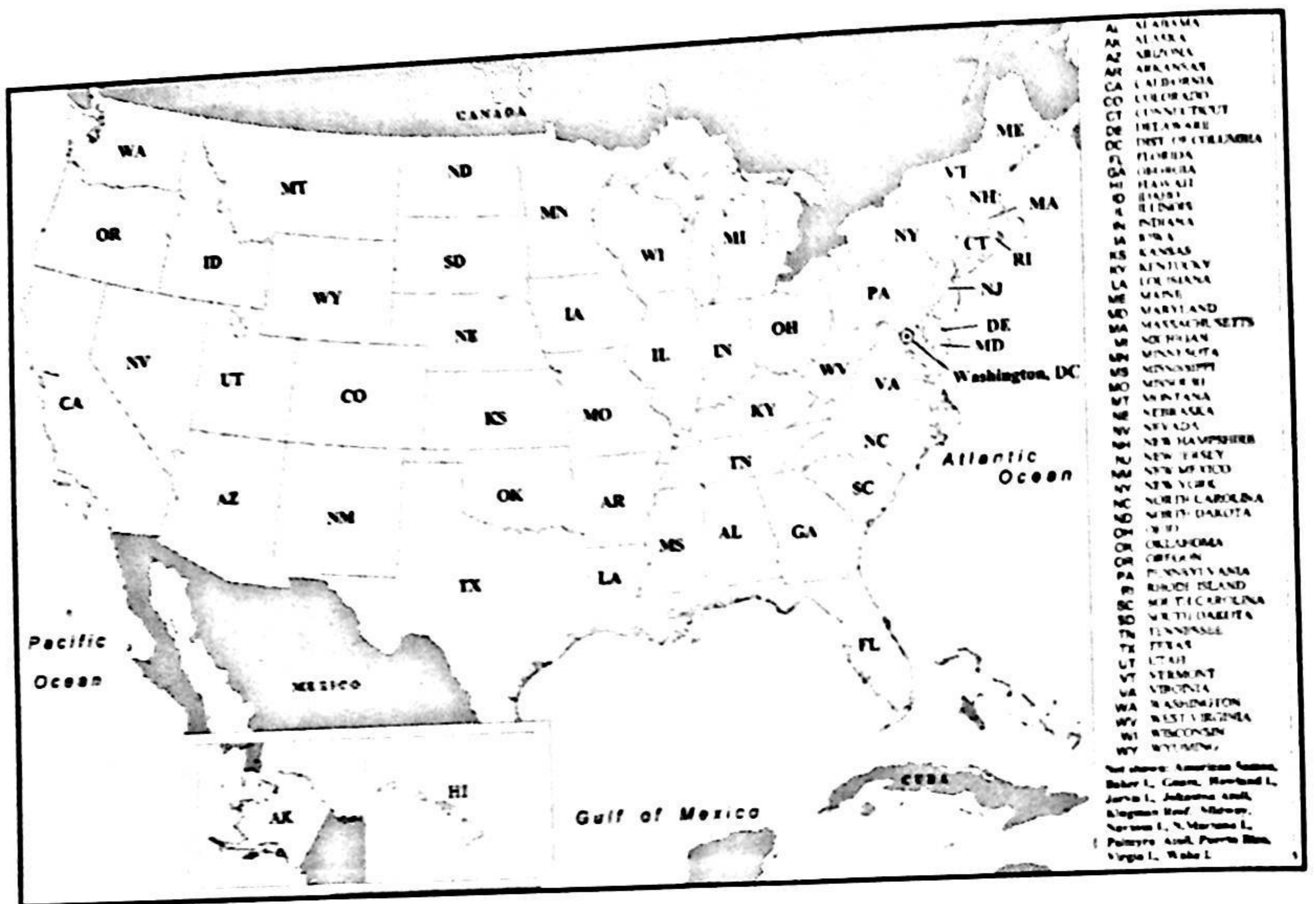
Power sharing and the quest for consensus have been greatly favoured by direct democracy, used frequently on all three levels of government and constituting an essential element of Swiss national identity. At the federal order, the popular initiative enables minorities to gain political influence by proposing a constitutional amendment and submitting it to a vote. Via the referendum, the citizens have the right to approve or reject federal statutes, international treaties, and constitutional amendments. The instruments of direct democracy also act as a safeguard against excessive centralization and guarantee the cantons a large degree of autonomy. At the cantonal order, they protect the substantive autonomy of the municipalities. The emphasis on collective autonomy of local communities rather than individual liberties is another typical feature of Swiss Federalism. Freedom is mainly understood in democratic and participatory terms. As much as possible, decisions are made at the level closest to the people in order to enhance individual voice. Federalism is thus understood as a prerequisite of democracy and not as an opposing principle. It is the key for a polity close to its citizens and governed by consent. A large amount of political, financial, and organizational autonomy is the main institutional and political means to accommodating Switzerland's diversity. This autonomy is the essential element of cantonal sovereignty, which is explicitly recognized in the federal Constitution, and also guarantees

that meaningful powers can be exercised at the municipal order. By granting local autonomy to cantons and municipalities, Switzerland ensures that different cultures are not ignored or confined to the private sphere.

The positive side of local autonomy is that it provides a homeland and a special identity for citizens and guarantees the right to be different. Based on their autonomy, cantons and, in many cases municipalities, decide on their official language for the administration, courts, and schools. They also define – within the limits of individual religious freedom – their relationship with the traditional churches, which leaves room for many different options. While some cantons recognize an official church, others follow a model of strict religious neutrality, based on the clear separation between church and state. Cantons, and sometimes even municipalities, have different religious holidays depending on the majority of their populations and their historical religious backgrounds. They are, moreover, free to grant their religious communities collective autonomy. Generally an asset for a multicultural federation, local autonomy empowers local democracies to develop their institutional, economic, and political solutions appropriate to their needs and interests. Moreover, local autonomy induces both competition among various polities and policy innovation.

Nevertheless, the fragmented Swiss polity confronts many problems. The roots of Switzerland's diversity are mainly historical and concentrated in clearly defined territories. Currently, Switzerland needs to face up to the challenge of a new influx of diversity caused by modern migration, which lacks a clear territorial basis. How can foreign nationals be integrated within the Swiss concept of a "nation of will" composed of traditional diversities with an accommodation strategy heavily based on territorial autonomy? Another challenge to Switzerland's diversity is the strong impact and standardizing pressure emanating from the global and the European markets. A democracy such as Switzerland risks paralysis from parochialism. The tendency is to reject new diversities, adopting a policy of differential exclusion in order to insulate against outside influence. Switzerland's rejection of European Union membership is a case in point. Moreover, the mechanisms of direct democracy, which have played a crucial role in accommodating traditional diversities, tend to be used by right-wing, populist parties as a vehicle for discriminatory and xenophobic policies. Today's complexities require quick, efficient, and often costly solutions. Switzerland will only be able to uphold its unity in diversity by its federal and democratic structure. Thus it will have to find the way to cope with future fundamental challenges by adapting, developing, and modernizing federalism without undermining it.

Federalism is thus understood as a prerequisite of democracy and not as an opposing principle. It is the key for a polity close to its citizens and governed by consent. A large amount of political, financial, and organizational autonomy is the main institutional and political means to accommodate Switzerland's diversity.



The United States of America: Multiculturalism without Federalism

JOHN KINCAID

The United States is one of the world's most diverse countries. Virtually every race, nationality, tribe, ethnic group, language, religion, and culture present in the world exists in the United States. Being the world's third largest nation in land area (9.83 million square kilometers) and population (304 million), the United States is geographically and socio-economically diverse, with considerable life-style diversity too. Yet, American federalism is remarkably homogeneous and hostile to ethnic- or linguistic-based territories. Instead, cultural diversity (except for the cultures of America's Aboriginal peoples, commonly referred to as "Indians" or "Native Americans") finds its expression primarily in the private sector, for which governments provide rights guarantees.

The founders of the United States invented modern federalism, but not with the intention of accommodating cultural communities seeking to create territorially based "homelands." The United States is a nation of immigrants. No one, except descendents of the original Indian inhabitants, can claim any ancestral homeland, nor has any immigrant group successfully claimed, like Quebecers in Canada, to be a distinct society entitled to occupy and rule a constituent state in perpetuity. Instead, territory is neutral. Only constitutionally and legally recognized geographic jurisdictions (i.e., states and localities), not the communities of people within them, are potentially perpetual.

The U.S. Constitution guarantees everyone free entry into and exit from all jurisdictions (except for some Indian lands) because the founders desired, foremost, to protect individual liberty and promote commercial prosperity. The control of any jurisdiction belongs to the majority that occupies the territory at any point in time. Given high levels of population mobility, majorities in most states and localities are fluid. For example, as the population composition of Los Angeles changed during the late 20th century, white mayors were replaced by black mayors and then by Latino mayors.

The creation of the federal system during the 1780s did, however, partly reflect a need to accommodate territorially entrenched geographic, socio-economic, and cultural diversities in the 13 original states. Most critical was the divide between the northern and southern states created by the existence of African slavery in the South. Even though white northerners and southerners shared the same language, religions, Anglo and northern European cultural heritages, and basic political principles, the southern "slavocracy" generated a distinct culture that gave rise, in effect, to a separate nation. In this respect, the United States came into being as two nations in one country – a *de facto* bicomunal federation – even though the Constitution is, arguably, against such a division. This *de facto* division sustained non-centralized federalism by asserting states' rights and limiting exercises of federal powers. However, the union experienced conflicts and instabilities often characteristic of bicomunal countries, including a horrific civil war from 1861 to 1865. John C. Calhoun, a U.S. Vice President and U.S. Senator from South Carolina, had tried to save the union by proposing amendments, such as concurrent-majority rule and a dual (North-South) presidency, which would have turned the Constitution into a union of two territories. But such a union, along with slavery, was anathema to most northerners.

At first, the South's defeat in the Civil War seemed to destroy slavery and the existence of two sovereign territories. Indeed, hostility to any territories based on religion, belief, or ethnicity was reflected after the war in the federal government's military war against the western Indians and legal war against polygamy in Mormon Utah. Both wars ended with federal victories in the early 1890s. Assimilation of Indians, Mormons, and millions of immigrants into an American "melting pot" was a corollary post-war response to ethnic diversity. As a result, federal power increased and, at times, degraded state powers. However, after federal troops withdrew from the South during the early 1870s, a *de facto* division of the United States was resurrected by southern white supremacists who, along with some northern white conservatives, defended states' rights again and opposed expansive federal power. Even during the New Deal of the 1930s when the federal government vastly increased its power over the economy, states' rights advocates blocked most federal threats to state powers important to them. In the early 1960s the black civil rights movement compelled massive federal-government intervention, including military intervention, into state and local affairs, putting an end to the North-South division.

This produced an exponential increase in federal power over the states and their local governments. Today, no territorially based political force has a sustained interest in asserting states' rights against federal power.

Subsequent liberation movements (e.g., women, Indians, Latinos, Asians, gays, and disabled people) also entreated the federal government to protect their rights. Other movements, such as environmentalism, argued that social problems spill across state and local boundaries, thus requiring federal intervention. Thorough nationalization and initial globalization of the U.S. economy led to calls for more federal regulation to override state and local regulatory barriers to intra-national commerce. In turn, political parties became more national in their organization and operation.

These liberation movements proposed multiculturalism as an alternative to what they believed was a historically racist, sexist, and homophobic melting pot. They demanded governmental and societal recognition of their identities; proportional representation in federal, state, and local government

Multiculturalism has been associated with a flowering of federalism in many parts of the world. In the United States, however, multiculturalism has been associated with a weakening or even dissolution of federalism.

institutions, plus government guarantees of their rights; protections against discrimination; equalizing affirmative-action, comparable-worth, accessibility, and social-welfare policies; and public services such as multilingual education and ballots to meet language needs. Yet only Indians today assert ancestral land claims and call themselves a "nation."

Another expression of multiculturalism was reform of federal laws in 1968 to admit more immigrants and abolish preferences for European immigrants. This reform produced massive increases of immigration from Latin America, Asia, Africa, and the Middle East. Foreign-born residents increased from 4.7 percent of the U.S. population in 1970 to

12.5 percent (totaling 37.5 million people) by 2006. Although immigrants retain many elements of their cultures, including language, most immigrants also pursue assimilation.

Multiculturalism has been associated with a flowering of federalism in many parts of the world. In the United States, however, multiculturalism has been associated with a weakening or even dissolution of federalism. This is so because American multiculturalism has no constitutional or legal bases for establishing territorial expressions that could demand federalist accommodations. On the contrary, contemporary multiculturalism is the product of a massive liberation of persons from the tyranny of states and small towns, a liberation fostered by a vast expansion of federal power over state and local governments. Those governments continue to play important roles, but diversity is protected predominantly by federal legal and social policies. Thus, whatever the future of American diversity, it will not likely include non-centralized federalism in which the states function as vigorously autonomous self-governing polities.

Glossary

ABORIGINALS 1. original inhabitants of a country or territory; replaces the expression Indians in Canada (though not in USA); also Aboriginal peoples; indigenous peoples, native peoples. 2. Original inhabitants of Australia; replaces Aborigines.

ABORIGINAL LAND RIGHTS rights of possession accorded to aboriginal peoples in Australia and elsewhere despite their lack of formal ownership.

ABORIGINES standard term until recently for the Aboriginal people of Australia.

AFFIRMATIVE ACTION policy of systematically favouring disadvantaged groups in access or employment, services and other benefits.

ASSIMILATION absorption of different ethnic, racial or cultural groups into the dominant culture.

ASYMMETRICAL FEDERALISM unequal or non-identical distribution of powers and responsibilities between the constituent units of a federal system; e.g. the greater autonomy accorded the Basque Country, Catalonia and Navarre than the other Autonomous Communities in Spain.

AUTONOMOUS DISTRICTS self-governing regions within OBLASTI (provinces) of the Russian federation.

CANTON name of the 26 constituent units of the Swiss federation.

CASTE SYSTEM traditional system of social stratification in India.

COMMONWEALTH GOVERNMENT central government of the 'Commonwealth of Australia'.

COMMUNITIES non-territorial divisions of the Belgian federation.

CONCURRENT POWERS responsibilities that are assigned to one order of government in a federation without being made exclusive; shared powers.

CONFEDERALISM decentralised form of union where sovereignty and most powers reside with the constituent units and the central government has little direct relationship with the people.

CONSTITUENT UNITS the constitutionally guaranteed territorial units of which a federation is composed – STATES, PROVINCES, CANTONS, LÄNDER, etc.

political system exercising considerable powers and enjoying full autonomy within their terms of reference.

SCHEDULED CASTES constitutionally recognised lower CASTES.

STATES name for the constituent units in the federations of Australia (6 States), Brazil (26 States), India (28 States), Mexico (31 States), Nigeria (36 States), United States of America (50 States).

SUPREME COURT final court of appeal at apex of judicial system in such federal systems as the United States, Canada and Australia, covering constitutional as well as other public and private law matters.

TERRITORIAL MINORITIES distinct social groups located or concentrated in particular geographic areas within a country rather than spread throughout the population.

UNION term for the central government in India.

VERTICAL FISCAL TRANSFERS intergovernmental grants between levels of government to compensate for FISCAL IMBALANCE.

WHITE AUSTRALIA POLICY legislation passed soon after Federation in Australia to restrict immigration of non-European peoples and abandoned in the 1960s and 1970s.

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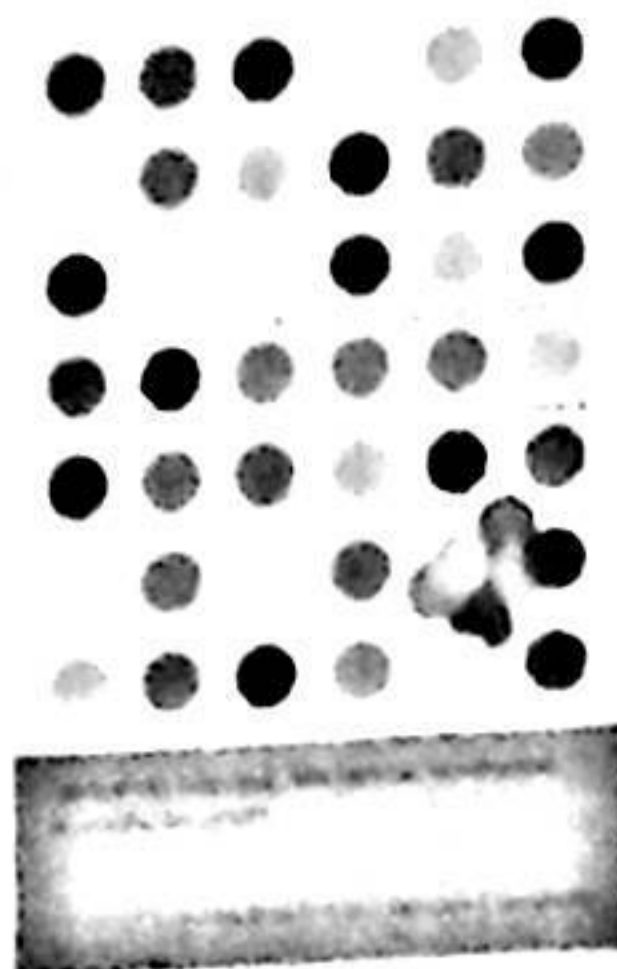
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Diversity and Unity in Federal Countries
Edited by César Colino and Luis Moreno
Senior Editor, John Kincaid

Published for the Forum of Federations and the International Association of Centers
for Federal Studies (LACFS)
Global Dialogue on Federalism, Book Series, Volume 7

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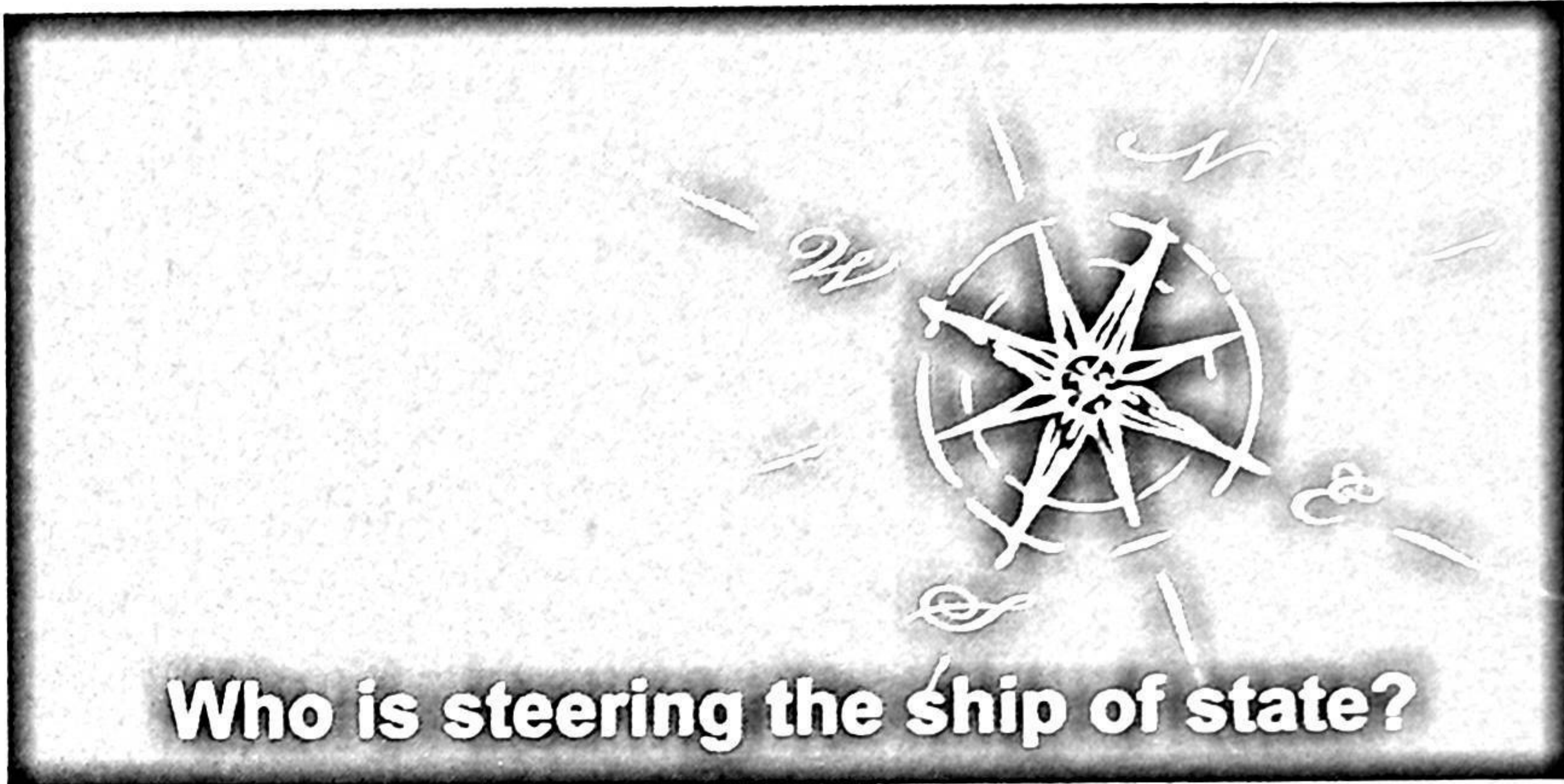
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December 2008
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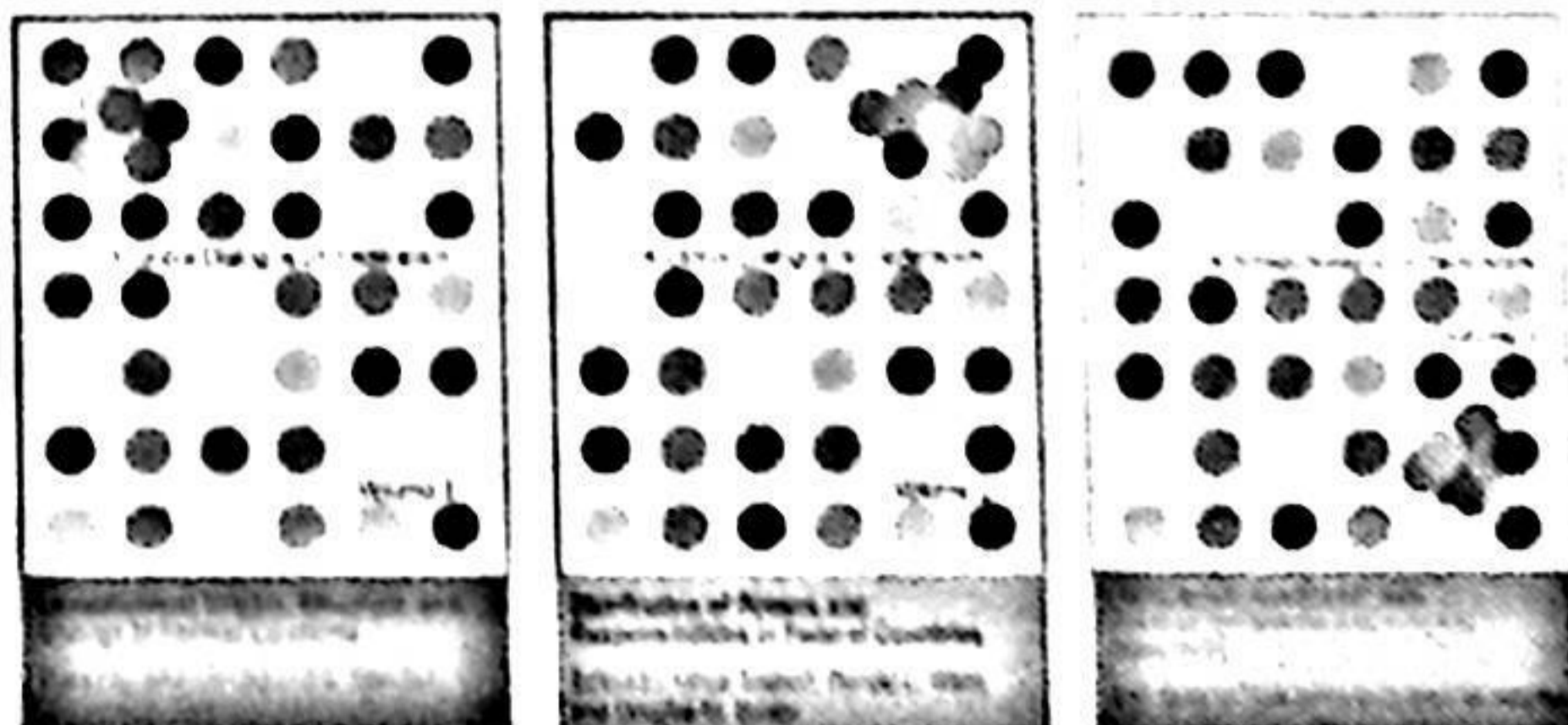
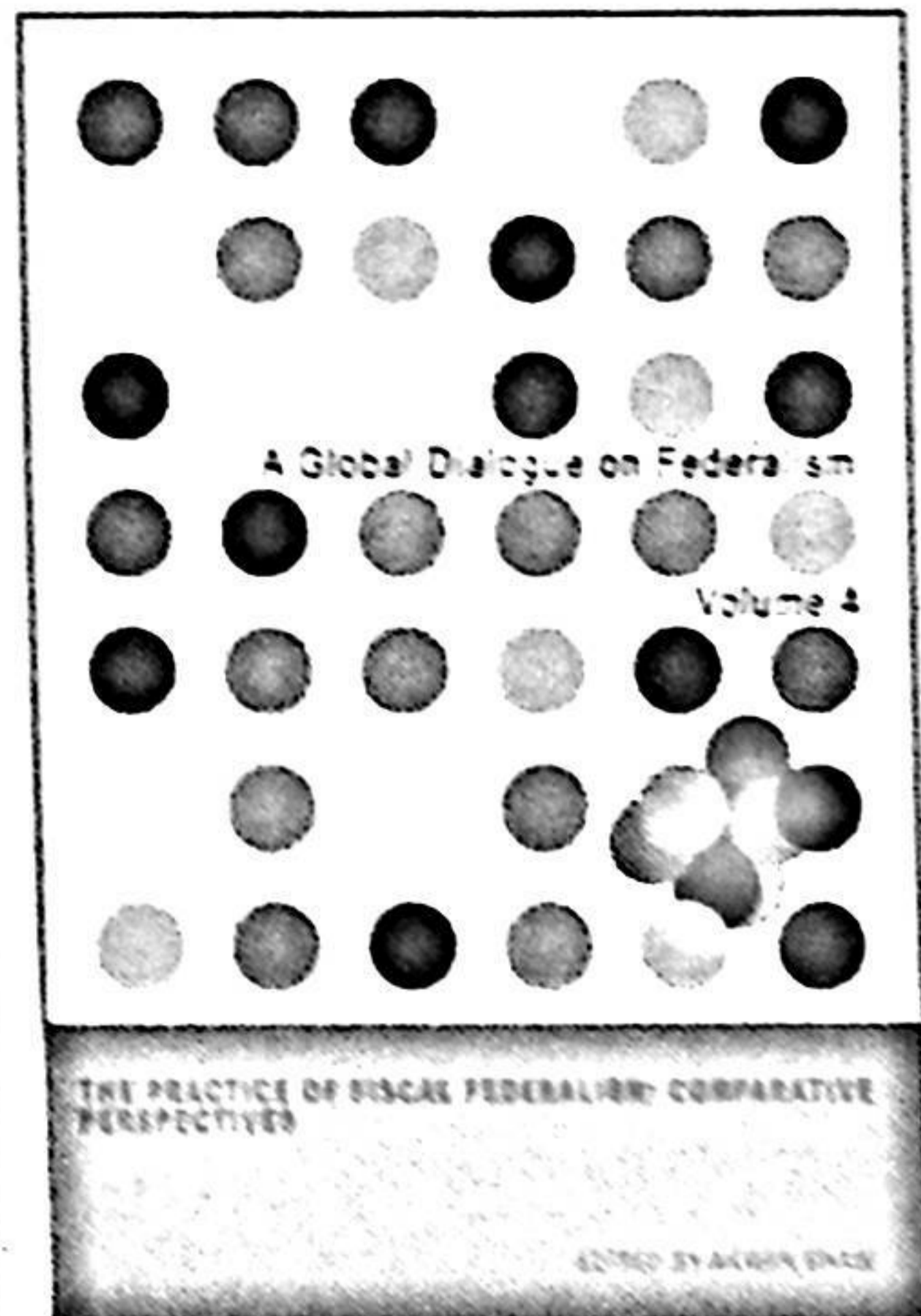
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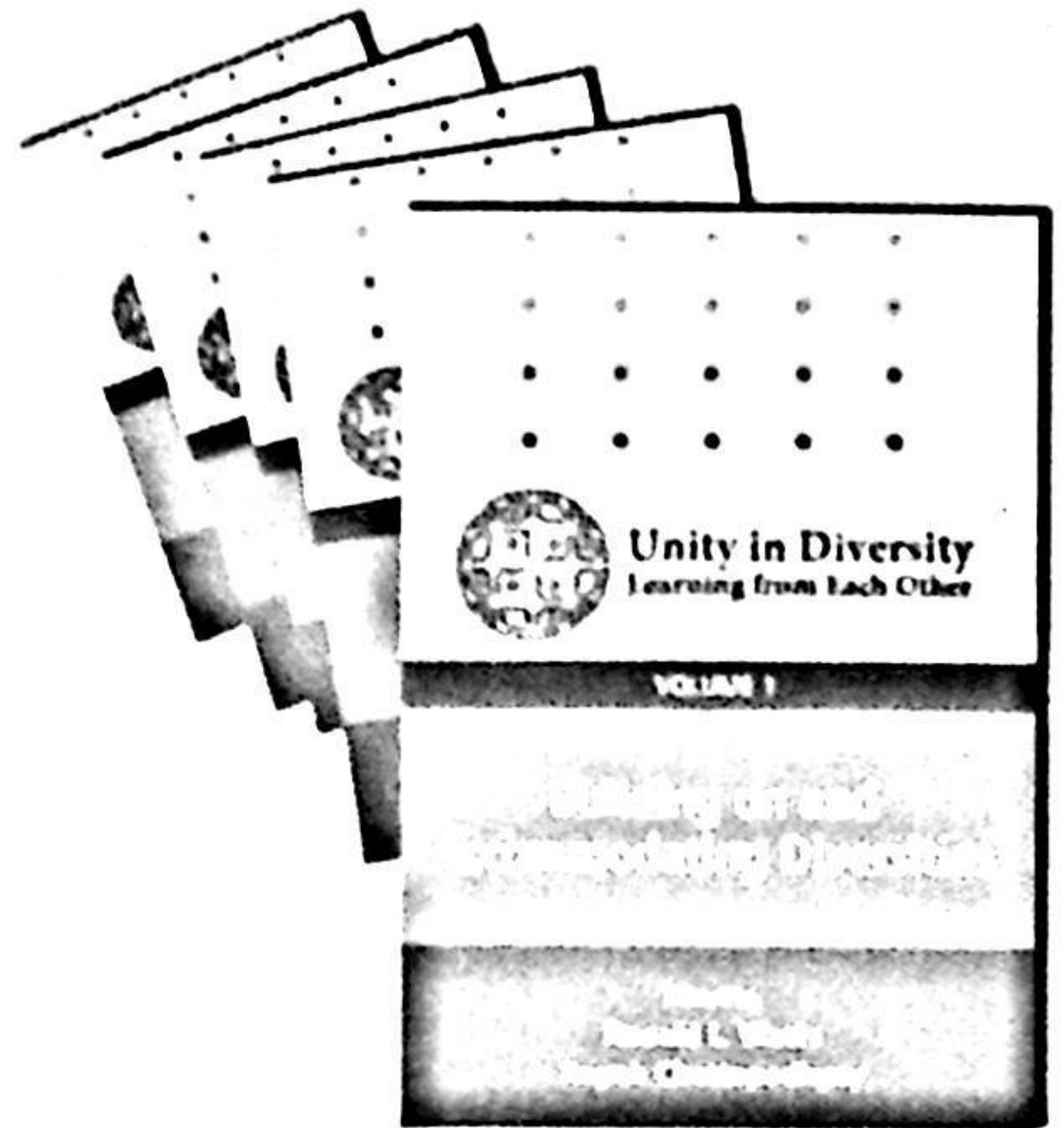
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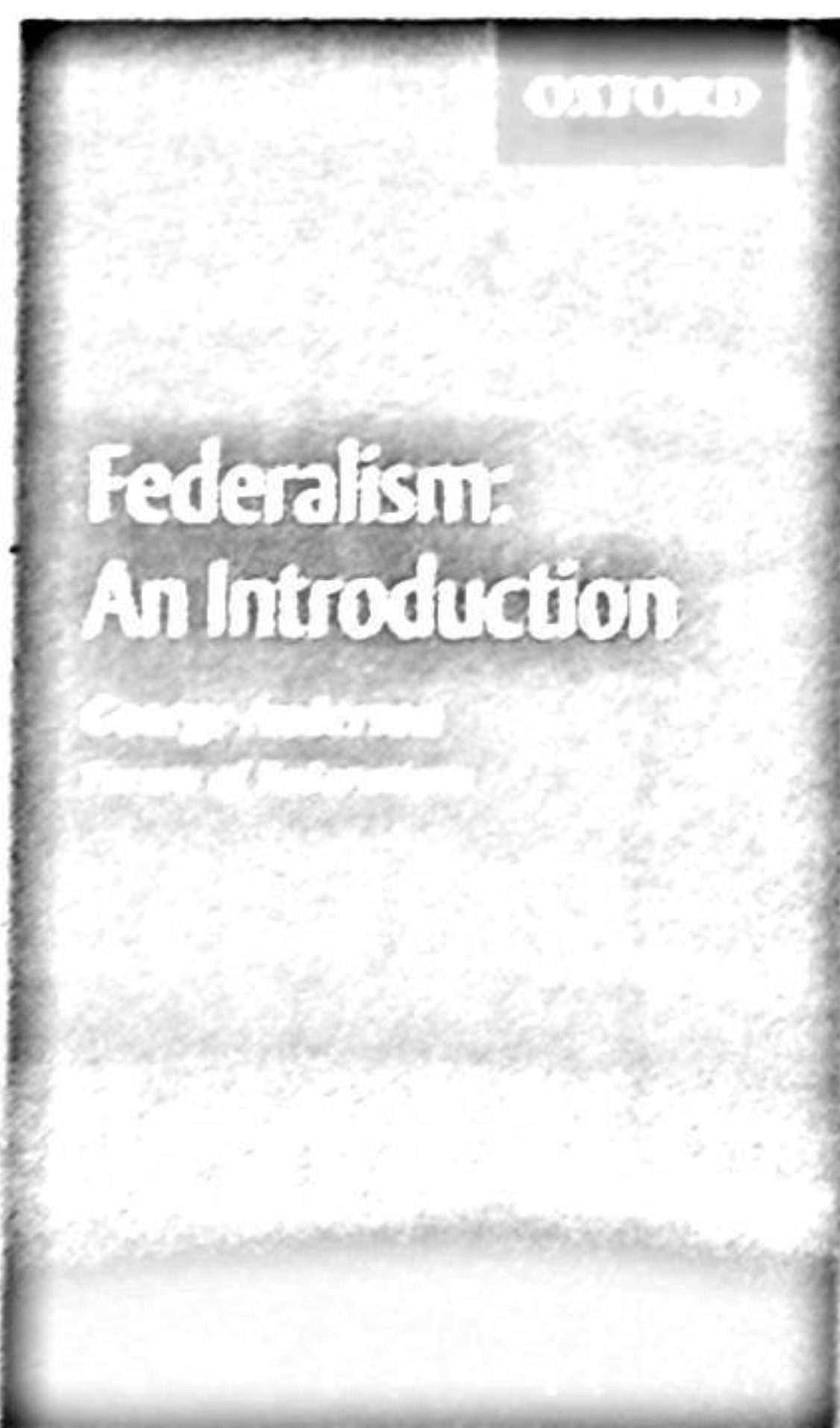
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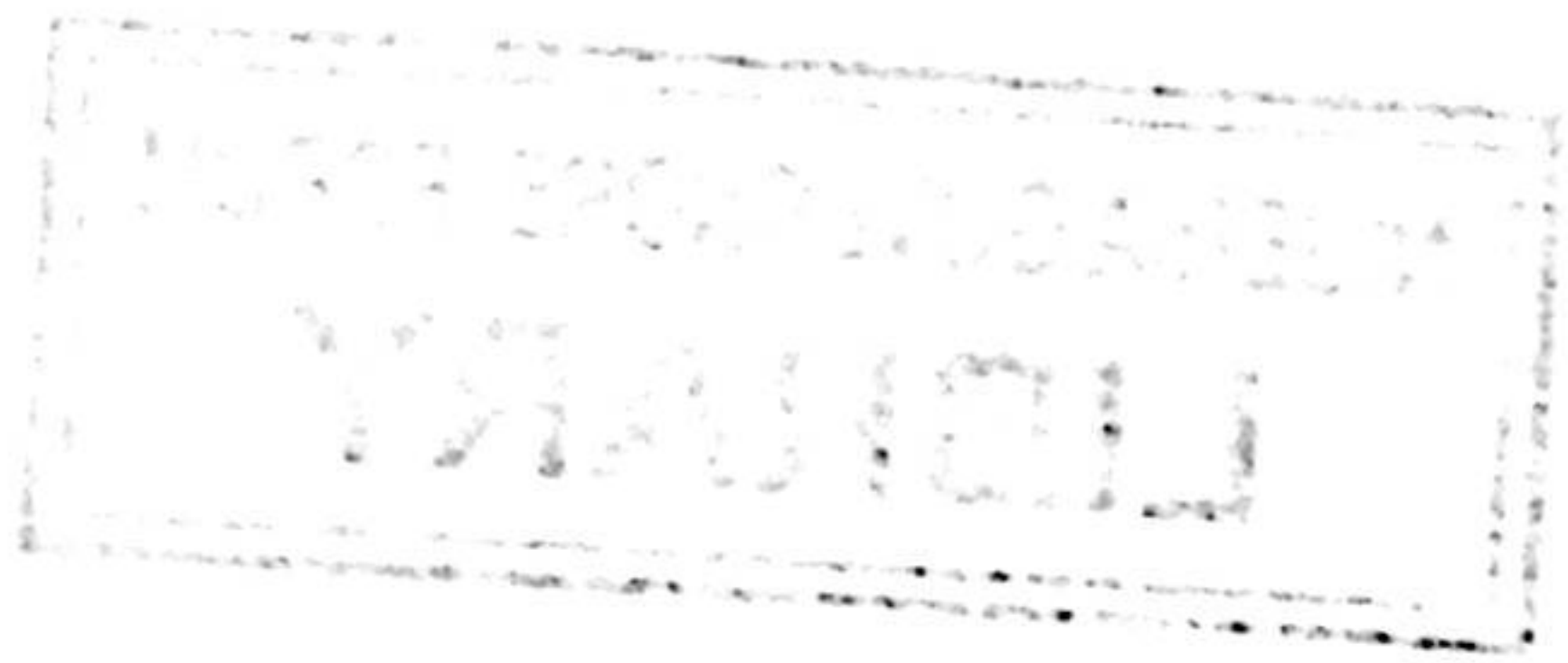
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ISBN 9780773536435



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