

Creating Territorial Boundaries to Design the Political Order of Self- rule and Shared-rule of Federal Units: A Review

Desta, Aayehgn, Professor of Sustainable Economic Development, Barowsky School of Business, Dominican University of California
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Introduction

Trends in the formation of ethnic-national and regional federalism have recently spurred literature on political economy. Since these legitimate bases, contents, and divisions are the central themes of federalism, a number of researchers have addressed the dilemmas and opportunities faced by a number of federalist states. More specifically, researchers are attempting to articulate important exogenous and endogenous factors and then to examine them critically for their viability for federalism. The most profound issue that surrounds federalism is that unitary sovereign states are breaking into autonomous ethnic or cultural cleavages. Regions are seeking a combination of self-rule and shared rule without facing constrained control from the central government. Given the relationship between the doctrine of federalism and the diffusion of central governmental power to impose its norms upon the autonomous regions, the central focus of this study is to examine the modalities of federalism.

Federation involves a territorial division of power between constituent units – sometimes called provinces, cantons, possibly cities and states, and the central government (Watts, 1998). In other words, federalism may be defined as a form of governmental and institutional structure designed by the will of the stakeholders to maintain unity while also preserving diversity (Odion, 2011). The main characteristics of federalism include: 1) political power that is structurally dispersed among centers of authority to encourage both self and shared rule; 2) subordinate units prescribed by areas of jurisdiction that cannot be invaded by the central authority; 3) leaders of subordinate units who draw their power heavily from local sources independent of the central authority; 4) governmental institutions of the sub-units that have democratic rights to choose their own officials and develop (by forming their own constitution, symbols, anthems, etc) their own policies within their areas of jurisdiction; 5) leaders and representatives of each sub-unit who possess a legally protected base from which they can voice their opposition to the central authority; and 6) governors of each unit chosen not by the ruling political party but are elected by local residents (Feeley,1994).

Among other things, the political order of federalism requires: a) the definition of boundaries and the composition of the member units (i.e. along geographical, ethnic, and/or cultural lines); b) the distribution of power between the member units and the central institutions; c) the allocation of power-sharing or a form of influence by member units in central decision-

making bodies within the interlocking political systems; and d) maintaining sufficient democratic control over the central bodies (Stanford Encyclopedia of Philosophy, 2003).

A review of the literature indicates that there at least three theoretical frameworks that have been forwarded by researchers to examine the advantages and disadvantages of federalism. Proponents of federalism argue that instead of pursuing the goals of a national integration and political legitimacy that could exacerbate ethnic conflict, federalism accommodates the interests of different ethnic groups, enhances liberty, and promotes active citizenship. Since the structures are democratically interlocked, federalism alleviates cleavage tension (Bakke and Wibbels, 2006). According to proponents, ethnic or national federalism depends on: 1) allowing the self-rule of each ethnic-nation group and the sharing of political power with the central government; 2) the representation of various ethnic-nation groups to have a say in the various institutions of the state, and 3) the affirmation and preservation of the particular cultures (religion, language, etc.) of each ethnic-national group (Magnareila, 1993).

Opponents on the other hand, argue that the formation of ethnic federalism by dismembering an existing sovereign state is troubling. Rather than being a panacea for ethnically and nationally diverse states, when a centralized nation is divided by drawing borders and naming of regions, it Balkanizes the nation into ethnic states in the name of federalism that would most certainly contribute to the formation of endless unstable states. More fundamentally, if the issue of self-determination up to and including secession is warranted in the federal constitution, the viability and existence of federal states becomes highly questionable. Furthermore, opponents feel that fiscal decentralization contributes to the increase of inequality because resource strained regions would remain behind the most endowed regions in terms of generating funds necessary for the enhancement of their developmental stage. Thus, instead of Balkanizing the central unit into separate ethnic or cultural regions in the name of federalism, opponents strongly suggest that decentralization (i.e., the delegation of centralized authority to subordinate units) of authority may serve as a necessary step to restrain Balkanization and maintain a viable and a strong centralized sovereign nation.

In the light of the experience of the Soviet Union (which classified its ethnic groups into nations, national groups and peoples), another group of analysts are lukewarm about creating federal states that may emerge as a result of emotional demands rather than rational decisions. They state that the demarcation of border lines of various ethnic groups of a centralized state is difficult because they believe that ethnicity is a politically sensitive matter. Therefore, they suggest that to avoid this likely path to turmoil and ethnic ruptures in the future, policy makers need to create manageable regional, federal systems that have a common history and common culture. In addition, they claim that the viability of a regional type of federal state in order to effect the management of a unified sovereign state is an unattainable venture if the inhabitants are not willing to subscribe to democratic principles. Stated differently, the adherents of this

school of thought are of the opinion that a federal system is only viable and manageable if the existing emotionally charged ethnic group feelings are further sub-divided into manageable geographic regions. The Swiss model that consists of 26 cantons could serve as a useful starting point. While preserving the overall territorial integrity of its country, each canton in Switzerland enjoys dynamic workable levels of autonomy from the central government.

Despite the political and ideological stalemate apparent among the above mentioned three schools of thought, starting in the early 1990s a number of states have been governed under a federal system fully convinced that unitary sovereign states would become more efficient and could sustain stability if broken down into autonomous regions. That is, a number of unified sovereign nations have created their own autonomous ethnic or region-based federal states (provinces). Currently, the multi-national people of Ethiopia are predominantly administered under an ethno-federalist structure. Moreover, all the autonomous regions or subunits with the consent of their representatives are, on paper, democratically committed to belong to and build a unified Ethiopia.

The central questions of the study therefore are: 1) is the ethnic federalism process that was introduced to Ethiopia in 1991 designed with a coherent historical, geographical and cultural context? If so, 2) has the ethnic federal structure established in Ethiopia contributed to a government of self-rule, economic growth, stability, democracy and accountability that will prevail in the sub-states or regions? To answer these questions, section II of the study reviews existing secondary resources, such as reports and articles. Section III briefly narrates the formation of Ethno-federalism in Ethiopia. The last section of the study summarizes the main findings of the study and draws possible policy implications for the future.

Literature review

In view of the argument that federalism of a multination state is a reliable method of safeguarding stability in ethnically diverse countries provided it is established voluntarily, not imposed by interest groups or the government, proponents argue that the dismemberment of an existing unitary sovereignty into the formation of autonomous national or ethnic or regional federal states could empower all the inhabitants of a nation in its development process. As summarized by Bakke and Wibbels (2006), “the theoretical justification for federalism, is based on the combination of shared and self-rule: federalism offers the potential to retain the territorial integrity of the state while providing some of self-governance for disaffected groups.” In addition, supporters of federalism predict that federal states will tend to do better than unitary states to manages ethnic conflicts and stimulate social trust among the different forces in society, limiting discriminatory practices against other groups (Bermeo, 2002). Nonetheless, the proponents of federalism suggest that to be authentic, federalism needs to be grounded on the rule of law so that the constitutional division of powers and the rights of minorities are fully honored and respected. Prolonging their argument they say that the federal arrangement of

multination states will be necessitated by considerations of equity and the right to self-determination with a constitutionally entrenched right to secede under specific conditions and in accordance with a strictly defined process (McGarry, 2005).

Therefore, a "...republic that is too vast cannot save itself from despotism except by subdividing itself and uniting itself into so many federative republics," (Beccaria in Spolaore, 2008). From an economic perspective, proponents argue that federal subunits provide a necessary foundation for fostering economic competition and enhancing competitive efficiency for the nation as a whole. Politically, an ethno-national federation as a unit of self-government encourages local units to have a say in selecting their own rulers to bring about political stability, and also to select rulers of their counties who can be held accountable for their decisions. In short, supporters claim that federalism provides a system of checks and balances between ethnic, regional and national levels, and reduces the fears of minorities (Bergman, 2011). They also argue forcefully that creating an authentic, democratic federation allows the representatives of its national communities to engage in dialogue and effectively bargain for their interests, grievances, and aspirations. Such a dialogue mechanism is a prerequisite for the development of co-operative practices.

Federalism was practiced in the Soviet Union, Czechoslovakia, and Yugoslavia. However, in the early 1990s the Soviet Union split into fifteen independent nations. Yugoslavia gave way to seven sovereign states, and Czechoslovakia was broken into two separate states. These federated countries were managed tightly under centralized governments that had no representation (Spolaore, 2008). On the other hand, in Canada, India, Switzerland, and South Africa, federalism has flourished because these countries have heavily depended on democracy as means of managing their various groups. That is, each state has effectively been given self-rule to practice the principal linguistic and cultural values of its national communities. Following the examples of these federated nations; Spain is in the process of entertaining the formation of multi-ethnic federal states for its inhabitants. Belgium is now relying on voluntary agreements to reorganize itself based on ethnic federation. It believes that the formation of ethnic community contributes to the formation of a shared space that could provide individuals with a cultural context in which to establish relationships. As a membership in a community flourishes, so does the member's well-being and life chances.

To summarize, supporters of multi-ethnic federalism not only defend it as an effective operational device for granting autonomy to distinct peoples, but also will swear that federalism is indispensable for self-rule, encouraging shared governance, and giving each region the opportunity to enjoy a proportional share of economic investment to support development (McGarry, 2005). In short, ethno-national federation not only fosters deliberation and political participation but it also enhances the citizens' capacity to empathize with one another more readily than in a heterogeneous setting (quoted in Simoeon (1982).

Critics on the other hand argue that rather than being a panacea for ethnically and nationally diverse states, the dismemberment of a centralized state into a so-called multi-ethnic federalism would contribute not only to centrifugal, destabilizing effects but would also create a safe haven for guerrilla activities, eventually contributing to the formation of endless unstable states. Stated differently, the opponents of federalism as a stabilizing force are of the opinion that ethno-national federalism is neither workable nor suitable. Unlike living in a unitary state where diversity could bring about economies of scale and benefits stemming from learning and the exchange of ideas and innovation, ethno-linguistic fractionalization or federalism encourages each ethnic group or region or indigenous peoples to have the rights to self-determination. This is a fundamental vehicle for launching a secessionist movement (McGarry, 2005). For example, though ethno-nationalism asserts that a distinct ethnic group needs the rights to self- and shared rule, if its desire is to pursue an illegitimate end, it may contribute to genocide and ethnic cleansing. Thus, to the extent that claims of self-determination including ethnic federalism and secession are animated by nationalism, the moral legitimacy of those claims is “dubious” (Selassie, 2003). In terms of self-sufficiency, ethno-federalism impedes economic progress because it has the potential to restrict the mobility of labor, capital and goods. More specifically, ethno-federalism contributes to driving away other ethnic groups and also bars other non-natives (outsiders) from participating in the local economy. From a human rights perspective, the principles of a federal system are at odds with the fundamental and universal human rights norm of nondiscrimination. For example, the restructuring of a nation into ethnic-national origins nullifies or impairs other non-natives from participating on an equal footing with the natives and freely move or reside wherever they choose with the country (See Selassie, 2003).

Alluding to ethnic federalism in Ethiopia, Selassie (2003, p. 95) states that Ethno-national federalism is not only a threat to national unity, but its economic and political performance is marginal. Furthermore, selssaie argues that by deliberately and openly highlighting ethnic differences that would have otherwise faded in time, such a system corrals citizens into ethnic enclaves, encourages aggressive ethnic identification and separatism, and exacerbates ethnic distrust and social discord. While describing federalism in Nigeria, some scholars argue that the federal structure of 36 sub-state groups currently existing has exacerbated conflict and corruption and should be abolished rather than tinkering with the three regions that were purposely established by the British to fulfill the plurality of their colonial administration (Suberu, 2001). On the other hand, others are trying to justify the territorially delineated cleavages and historical legacy of division among various ethnic groups and regions in Nigeria that have been so imperative that even the centralist, hierarchical military regimes attached importance to Nigeria’s system of federal government (Odion, 2011).

Thus, conservatives highly prefer a unitary state with a dominant decision-making mode. Though slightly different, some conservatives would prefer the decentralization of the

centralized authority in favor of subordinate units of a geographical area, believing that administrators of the geographic unit are likely to have more knowledge and be more responsive than authorities located at some distant central office (Rubin, 1994).

In light of the experience of Switzerland (26 cantons), India (states), and South Africa (provinces), some analysts take a middle of the road perspective, a position between the two extremes – an ethnic-national federation at one extreme and a unitary form of government regardless of ethnic differences at the other extreme. They argue that while ethnic-federalism in theory is in and of itself a positive force for enhancement of peace and stability they are lukewarm about creation of a federal state that inadequately takes into account demands based on ethnic identity. As argued by Selassie (2003) “...it does not make sense to combine two or more regions into the same federal unit when the regions are otherwise separated by natural barriers such as harsh deserts, non-navigable rivers or high mountains, merely because those regions are inhabited by the same ethnic group.” Thus, this school of thought strongly advocates that a better method of forming units needs to be based on a coherent historical and geographical basis to provide stability rather than decentralizing the various groups based on ethnicity.

First, decentralization of federalism does not mean self-rule as all groups are represented within the federal government and the power of any unit is not relegated by the central government. Second, the demarcation of border lines according to various ethnic groups in a centralized state is difficult because ethnicity is by and large a politically sensitive matter that can avoid the likely path to turmoil and forgo ethnic ruptures. Third, in the absence of effective political mechanisms to integrate populations with diverse preferences, “...self-determination and voting outcomes tend to bring about excessive fragmentation and costly breakup. Such political costs tend to depend not only on the degree of heterogeneity of preferences but also the quality of institutions though individual preferences are turned into collective action,” Spolaore, (2008). Thus, to those whose opinions reflect the middle of the road, the federation of sub-national units is manageable and appropriate for the 21st century if the homogenous groups are mainly demarcated based on geographical units taking population into consideration. In addition to maintaining equality between resource-endowed units with other resource-poor units, the federal government needs to play a major role in bringing about fair allocation of resources. Thus to implement federalism effectively, a fiscal redistribution policy is necessary to allow for equal development of the nation a whole. Ensuing and instituting mechanisms of economic and financial adjustment will be important in ensuring more equal living standards among the subunits of the federal system.

To summarize, the literature seems to be clear that those who support federalism based on regional, ethnic, and national attributes equate federalism with stability and economic growth. In addition, federalism is seen as an appendage of democracy (see Duchacek, 1977). Critiques present counter examples and state that unlike a unitary state, federalism is a destabilizing force. Those in between the proponents and opponents are strongly skeptical about the viability of both

unitary and federal states without the existence of genuine democracy. They argue that ethnic federalism is a good starting point for accommodating the emotional (affective) sentiments of some disaffected groups. To them economic growth with stability is possible provided that there is a harmonious interplay between centripetal (centralized) and centrifugal (outward flying) forces. They forcefully argue that initially, ethnic federalism could act as a starting point for accommodating the demands of emotionally charged ethno-nationalist movements. To be viable for the future, however, it is strongly stressed that federalism needs to be based not only on unmanageable ethnic criteria but it has to be designed on a well-thought out historical, cultural, and geographical structures to demarcate the various sub-sets of centralized nation. In short, these federal subunits need to be located at a check point where the various units could exercise self and shared rule. Retrospectively, what does Ethiopia's Federalism look like? Empirical contribution of Federalism will be briefly discussed using Ethiopia as a case study. (To be continued)

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