

FEDERALISM, FRUSTRATION AND DEMOCRATIC GOVERNANCE

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An ethno-federation is a federal country in which the units have a distinct identity, based on history, religion, language or any other marker of difference between people. These ethno-federations have a poor reputation. In too many cases the federal solution of granting ethnic subgroups autonomy in a federal-type construction has proven to be a failure. Quite prominent in this list of failures are the former Communist federations, where the transition to post-Communist rule has often been accompanied with bloodshed and final disruption of the state.

The reasons why ethno-federations are so vulnerable, are nicely set out in what is called the paradox of federalism. It asks the question whether the granting of autonomy to strong identity subgroups is likely to pacify or to the contrary exacerbate the conflict. It is a paradox, because there are good arguments for both potential outcomes. Those warning against the ethno-federal solutions refer to the danger of the slippery slope. If groups in society claim that they are different and if that difference is accepted and formalized into state institutions, the feelings of identity will not be reduced. To the contrary: they will become legitimate. The subgroups with different identities will have their own substate, their own political system, their own administration, possibly their own flag, their own national holiday or other significant markers of identity. The differences between the citizens of the same state will then be essentialized. Belonging to a specific group becomes an essential part of the way in which one is a member of society and a citizen of the state. That increases the chances that many if not all political conflicts in the country will be framed in the terms of the ethnic differences (especially if the mass media are also organized per subgroup). And the end result will not be a pacification of the ethnic differences, but a strengthening of them.

There are however also good arguments in favour, and good arguments against the choice for ethno-federations as instruments of conflict management. The first and most evident argument in favour states that doing the opposite – i.e. ignoring differences and imposing one single meaning of citizenship and one single identity in a society that manifestly does not display it – will in the end fuel demands for territorial autonomy. For territorially divided societies unitary state solutions are thus not the best thing to do. There is no point in keeping the illusion of a single nation state when it is not there. Having sub states as part of a federal union gives the subgroups living on the different territories also the possibility to express their demands and preferences in a more subtle way. The sub state levels have their own electoral competition for power and can have their own specific party system and if they prefer also a different electoral system. Voters can vote differently at different levels, depending on the

policies controlled by each of the levels. Another advantage of federal solutions is that they are flexible. A federal state is not a fixed and final structure. There is always room and need for negotiation and recalibration of the distribution of powers, the financing of the levels and their policies and the procedures for shared decision making.

Another argument in favour of the ethno-federal solutions is that it does work in a number of countries. The literature in this respect then refers to Canada, or Spain, or the UK, or Belgium. In the first three countries there are of course strong separatist movements, but (except for the Basque Country) the strategies used to bring separation about have not been violent but have used legal devices like referendums. In Belgium there is not a strong separatist movement, but referring to the country as a successful ethno-federation might be grossly exaggerated.

There was a time when Belgium was referred to as a model (potentially to be followed) of peaceful co-governing of a country by two language groups that have both received far-reaching degrees of autonomy. Yet after the federal elections of 2010 Belgium rapidly lost its model status. It took no less than 18 months to put together a new federal government – a world record that will be difficult to break – because parties of the French speaking south and of the Dutch speaking north were not able to find the necessary compromise on internal language boundaries and on the distribution of competences and fiscal powers for the substates.

One might therefore add Belgium to the list of failed ethno-federations. Yet that raises the question of the criterion to be used to distinguish between failure and success. The outcome of the long political crisis in Belgium was the formation of a new federal coalition government, and an agreement on a sixth constitutional reform that was subsequently accepted by a two-thirds majority in the parliament and by a majority of the representatives of each of the two language groups. The Belgian ethno-federation is indeed also a consensus model that requires the two language groups to govern together or not to govern at all. The consequence of that – the price to pay – is a widely shared frustration. It is frustration because political battles can never be fully won. It is frustration because compromises result in institutional complexities that are difficult to explain. It is frustration because electoral promises can never be fully met. Compared to violent conflict though, this accumulation of frustration does not seem to be an extremely high price. It might even be seen as being the very essence of democratic governance.

There was a time when the 'Belgian model' was a potential source of inspiration for a resolution of the Cyprus problem. And yet while the details of the Belgian constitution might today not be the first source of inspiration, a settlement of the Cyprus problem is quite likely to be some sort of ethno-federation. It will then be confronted with the paradox. It can be the beginning of further tensions, or it can pacify the conflict. One

outcome is perfectly predictable though: the federal-type solution will fuel frustration. Yet frustration (and being able to live with it) because the settlement is not perfect is – as said – the very essence of democratic government.