



Policy brief: In Support of Federalism Debates

Summary of the *Politorbis* 1/2017; No. 64

What it is all about

This Policy Brief is a short summary of the *Politorbis* edition 'In Support of Federalism Debates' (1/2017). It aims to provide a brief overview on key issues to consider – related to the concepts, context, process and substance – when supporting debates on federalism.

Debates on the introduction of federalism often take place in fragile and contested contexts with the hope that federalism will help prevent or manage conflict and strengthen democracy. Debates on federalism can be part of the path to a new shared vision for the country. Federalism – based on its combination of self-rule, which allows for some separate democratic decision-making as well as of shared rule, which allows for some common democratic decision-making – can be the basis for diversity in unity. Constitutional guarantees of self-rule and shared rule provide further stability and predictability. Federalism can contribute to enhancing democracy by instituting elections and democratic decision-making at regional and central level, leading to different elite combinations and the integration of different interests in decision-making.

This Policy Brief and the related *Politorbis* publication do not seek to promote federalism as such. In certain cases, there are good reasons to opt for federalism; in other cases there are a multitude of reasons to choose a different system. Depending on the context, the political dynamics and the federal design, debates on federalism can turn divisive and the introduction of federalism can produce new imbalances of power, create new minorities at the regional level, contribute to the ethnicisation of politics, or spread of corruption to the sub-national level. Federalism can be a good solution, but to what extent it can contribute to peace and democracy will depend on the context, the process of debating and introducing federalism, and the federal design.

Supporting federalism debates

The choice to support federalism debates will depend on several factors. These might include:

how does the support tie in with the overall support to the country, is there a request and if yes by whom, are there concrete entry points, could the engagement contribute to the overall goals, is there willingness for a longer-term engagement, are there capacities to engage on process and substance?

Goals and outcomes: From the programmatic perspective, overall goals or outcomes of support can be contributing to peacebuilding, state building and democratisation.

Part of good offices or in response to specific requests: Support to federalism for peacebuilding and state building can be part of good offices. Upon the request of national authorities, external support can also focus on legal reforms and democratic transitions.

Mandate: External supporters will not always receive an explicit mandate from the government or the different stakeholder groups. If there is a mandate, it is important to carefully consider who gave the mandate and based on what agenda. Working methodologies and visibility must be adapted to the specific situation.

Role: Ownership of the process and its outcomes must be with the concerned stakeholders. It is important to scrutinize one's own role and Theory of Change, to carefully watch how support is perceived by the different stakeholders, and to be transparent and clear in communication.

No advocacy for federalism: External supporters should not promote or be perceived as promoting federalism or any other specific system of state organisation.

Concepts: What is federalism, what are the alternatives?

In short, federalism is constitutionally guaranteed self-rule and shared rule. Coming together, holding together, asymmetric, territorial, two- or three-tiered federalism, decentralisation, devolution – the Politorbis will provide clarity on the meaning of these and many additional terms ([chapters 1-3](#)).

Clarifying concepts as an entry point: A shared understanding of the different concepts can benefit the quality of the debate. Building a common understanding of key terms is often an important entry point for engaging with different stakeholders.

Tailor-made: The variety of federal experiences is an opportunity for stakeholders to develop a tailor-made institutional design for their context, in line with their aspirations.

Alternatives: Being aware of alternative forms of state organisation and that federalism can be complemented with other approaches can further help in the development of options that correspond to the specific context.

Context: Take context as a starting point and maintain a systemic perspective

The understanding of federalism, the political feasibility of reforms or the best ways to discuss the future state organisation will depend on the context. Federalism debates often take place as part of peacebuilding and state building or transitions to democracy. The Politorbis describes these different contexts in more detail (chapter 4).

Processes are interlinked: When federalism debates are supported within a context of peacebuilding and state building or democratic transitions, the relation of the federalism debate to these processes must be carefully analysed and monitored. These processes are interlinked and impact on each other.

Context- and conflict-sensitivity: Support for federalism debates must be based on a good understanding of the context, its stakeholders and their (sometimes conflicting) interests as well as the debate dynamics. Dynamics will change over time. Support must be provided in a context- and conflict-sensitive way. While parts of the federalism debates will be highly technical, political issues are likely to remain at the forefront. There is a high probability that some federalism-related issues will be contentious.

Process: The frame of peace negotiations, national dialogues and constitutional processes

'Federalism debates' as used here are formal and rule-governed political processes. Federalism debates are often part of peace negotiations, national dialogues or constitution-making processes. The impact of conducting a federalism debate within these different kinds of processes is described in more detail in the Politorbis (chapters 6-7).

Engage on process: Whenever possible it is recommended to engage on process. Advice on process design, space for dialogue, assistance in the search for common ground, help in reframing and refocusing the debate on the vision and the challenges that should be addressed is needed. It will be important for external supporters to think about quality criteria for a good process, as the process will be key to the legitimacy of the federal design and its *chances* of being implemented.

Supporting stakeholders to build a vision: It is desirable that stakeholders discuss their reality and the challenges they are facing and develop their own visions of the state so that the discussion on state organisation can focus on exploring *options* (federal and non-federal) that contribute to achieving the vision. External supporters can contribute by providing the necessary space for these reflections.

Be aware of strengths and weaknesses of different processes: *Peace negotiations* can lead to an agreement among former conflicting parties; *national dialogue* can help broadening consensus on change, addressing the past and building a vision of the future; and inclusive and participatory *constitution-making processes* can entrench and further legitimise decisions that have been taken. Sequenced or in combination, for sustainable solutions, these processes must provide for elite buy-in and broad ownership.

Principles and specifics: If possible, decisions concerning federalism in peace negotiations or in a national dialogue should remain *on a level of principles* that show the underlying objectives (for instance a principle on the naming of federal units could be: the names of federal units shall be selected so that all communities within the federal unit can identify with it.) Any kind of federal design needs to be enshrined in a future constitution. If possible, specifics of a particular federal political design should therefore be left to a constitution-making process.

Monitoring of the process and regular assessments:

It is important for external supporters to think about quality criteria for a good process, as this strongly enhances the legitimacy of any federal design and, as such, the chance that such a reform will be implemented. Perceptions on federalism will change over time. Therefore, monitoring of the debates and regular assessments are needed.

Inclusiveness: To ensure broad ownership, debates must be inclusive. For assessing inclusiveness, a close look at the different interests that exist and how they are represented is needed. Always cooperating with the same groups and persons can create blind spots in the external supporter's understanding of the dynamics of the federalism debate.

Empowering groups: In many cases, external supporters want to contribute to empowering different groups. It is important to realise that 'politically disadvantaged' does not always mean disadvantaged in respect to knowledge on federalism. In many cases, it might be worthwhile to also work with the dominant group, which often has less knowledge of federalism and feels less inclined towards it.

Substance: Federal design options

The best form of federalism is the one that is embraced by all sides and that contributes to achieving a shared vision of the state. There are as many federal models as there are federations. Support for federal design can be directed at providing knowhow on different options, providing advice on methodologies, using inputs on substance to build relations and trust, creating a common understanding as a basis for dialogue, reframing and refocusing discussions, and contributing to informed decision-making.

In the Politorbis, external supporters will find advice in respect to issues that tend to come up and may turn contentious in federalism debates (chapters 8 - 15). In addition, Annex 3 provides a table with questions designed to help stakeholders agree on a federal design.

How to demarcate federal units? One of the most challenging issues tends to be the demarcation of federal units. There are no fixed rules on how to demarcate federal units or what criteria to use (capacity and/or identity-related); however as a rule of thumb, federations with less than 4 federal units

or with a federal unit that encompasses more than 50% of the population tend to be less stable than federations with more federal units. Often, reframing and broadening the debate to overcome competing demands is needed.

How to distribute powers and resources? The distribution of powers and resources is both politically and technically challenging and, in particular, the allocation of resources can be contentious. There are criteria, principles and methodologies that can be used to determine the distribution of powers and resources. Special emphasis must be placed on matching powers and resources and on organising issues related to natural resources.

What to consider in establishing a second chamber of Parliament? The second chamber of Parliament is important for shared rule. Nevertheless, it sometimes receives less attention in federalism debates though there are a variety of options on how to organise the second chamber with important impact on the power balance and overall functioning of the federation.

How much importance should federalism give to ethnic diversity? In many cases, federalism is advocated by ethnic groups. In such cases, it is likely that different features will be discussed that aim at accommodating ethnic groups, e.g. demarcation of federal units based on settlement patterns, or the composition of the second chamber of Parliament. It tends to be easier to come to an agreement when the discussion is broader than federalism alone, e.g. to also discuss the preamble, language provisions, and to find approaches that balance the interests of groups and the nation as such.

Should federal units have their own constitution? In many federal debates, the question arises whether federal units should have their own constitution. There seems to be only an either or answer here. It tends to be useful to look at comparative experiences and to explore underlying interests and avenues for reframing the debate.

Do federal units have a right to self-determination? The right to self-determination often comes up in federalism debates and causes controversy. Federalism can contribute to internal self-determination. Federalism as such does not provide a right to external self-determination or secession.

When do federations fail? There are not only successful federations. Unfortunately, some federations have disintegrated. Learning from failed federations adds credibility and can help avoid repeating mistakes.

What aspects of federal design determine how centralised or non-centralised a federation is? Not only the distribution of powers provides information on how centralised a federation is; other aspects of federal design matter. The Politorbis shows what to look at in order to determine whether federalism will lead to a shift in power.

Implementing federalism: It is important to consider early on who will be doing what and with what kind of resources in order to facilitate the implementation later.

Download the publication:

[Politorbis No. 64: In Support of Federalism Debates](#)

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