

15. Federalism and conflict resolution: mixed success?

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EXPLANATION OF FEDERALISM AND CONFLICT RESOLUTION

Federalism is often studied as a form of democratic government where powers are divided between a national government and regional (and local) governments. Based on the experience of such classic federations as the United States, Australia and Switzerland, federalism has often been studied through the lens of the division of powers, as a tool to support democratic decision-making and as a way to ensure decisions are made as close as possible to the citizens (referred to as subsidiarity). What has been, for a long time, neglected, is the increasing use of federalism as a tool of conflict resolution.

The reasons for this are manifold. While traditional federations, with the exception of Canada, are mainly mono-ethnic (i.e. relatively homogenous demographically), their evolution, despite the conflicts linked to their federalization (e.g. the Swiss federation emerged from a civil war in 1847, and Germany's most recent federal system was implemented after World War II), has not been studied through the lens of federalism as a conflict resolution tool. Moreover, peace (i.e. the absence of violent conflict and presence of a commitment to the peaceful solution of any conflicts) has long been seen as a *conditio sine qua non* for the creation and survival of any federal system.

However, in recent years, many federal systems have emerged from violent conflicts. Here, peace is not a precondition but an objective, an overall aim for implementing a federal political system (Burgess 2012). Some examples for this trend include Bosnia and Herzegovina (1995), Ethiopia (1995), Nigeria (1997), Sudan (2005), Iraq (2005) and Nepal (2015). In these countries, violent conflict involving different ethnic, religious, cultural, linguistic and political groups was often mixed with regime change, especially a transition from authoritarianism to democratic rule. This transition set off important questions about the state, such as: Who should be included? Should the rights of different groups be protected, and if so, how? How can institutional arrangements

provide justice for past marginalization and oppression? In the absence of the ability of many groups to seek independence in a world where territorial integrity remains a key principle of international law, federal solutions ensuring not only democratic decision-making but also self-governing rights for different communities became an often-thought solution to these pressing issues. In the study of federalism and conflict resolution, therefore, questions are being asked about the conditions under which federalism can contribute to a peaceful solution of a violent conflict, as well as questions related to the functionality of any agreed-upon arrangement.

The study of federalism and conflict resolution moves away from some of the major assumptions of traditional federalism scholarship by asking how federalism can hold countries together in the face of secessionist demands from certain groups (Stepan 1999), how federalism as an offer for a peace-settlement can change the dynamics of the conflict and open the door for negotiations amongst a variety of actors (Brancati 2009), and which elements of federalism, including different territorial arrangements, provide the most incentives for a peaceful solution to violent conflict (Anderson 2017). Moreover, while federalism studies traditionally focus on the management of different degrees of social, cultural and economic diversity, federalism and conflict resolution studies examine the mechanisms that might end violent conflict, that is, the tools of conflict resolution beyond federalism that are needed to implement a peaceful solution. Unlike literature on classic federations, case studies examining federalism and conflict resolution often look at federalism as one element of a peace process, but link it to other elements, including other institutional provisions such as traditional consociational power-sharing, the role of external actors in peace mediation and implementation, and the linking of federalism to democratization, institutional reforms and the ability to overcome some of the results of the violent conflict, for example through refugee return, re-building and economic recovery. In this context, it is important to highlight that the ability of federal solutions to contribute to the peaceful resolution of previously violent conflicts is mixed. While examples such as Bosnia and Nepal might highlight successes, South Sudan, Ethiopia and failed federal negotiations in countries such as Myanmar show that federalism as a conflict resolution instrument is not a panacea. Yet, studying and aiming to understand the conditions of its successful use as a conflict resolution tool, as well as its failure to pacify conflicts in numerous cases, allows for a better understanding not just of the conditions needed for peaceful change but also wider questions about federal theory and its ability to transform war-torn and post-authoritarian societies.

REASONS TO STUDY FEDERALISM AND CONFLICT RESOLUTION

The study of federalism as a conflict resolution tool is interesting and insightful for three main reasons.

First, contemporary federal systems emerge and function distinct from the classic federations of the United States, Canada, Germany, Switzerland and Australia. Instead, their origins in violent conflict and the different perspective of how they have been adopted, often as part of peace negotiations – as in Bosnia and Herzegovina and Sudan – raises important questions that go beyond our traditional understanding of the emergence and operation of federal states. For example, the questions that Riker (1964) asked about the reasons and conditions for the emergence of federal states, using the United States as an example, do not apply when looking at countries such as Iraq, Ethiopia or Nepal. Instead of asking why these countries federalized and how party preferences affected the federal design, contemporary federations are heavily influenced by legacies of authoritarianism, ongoing conflicts, demands for secession, and the involvement of international actors both as peace mediators and as midwives to federal solutions.

This highlights the second reason why studying federalism and conflict resolution is worthwhile. Unlike the traditional study of classic federations, combining federalism and conflict resolution goes beyond ‘domestic’ politics and combines conflict studies, international negotiation and mediation, and comparative politics. This requires also a wider methodological and conceptual framework – something that has been challenging for most scholars. In order to understand the conditions under which federalism can contribute to a peaceful solution to violent conflict, one has to understand when peace emerges in conflict. One has to study conflict resolution and management in more detail. Likewise, most conflicts in which federal solutions emerge as an option are not traditional civil wars in one country; they often involve external actors, either directly (e.g. neighboring countries) or indirectly (e.g. the United Nations as a body supporting peace negotiations). Understanding the role of these external actors and their influence on the federal debate is often vital, and requires further study of mediation and negotiation, as well as techniques from foreign-policy analysis. In short, if one is looking for a wider understanding of the domestic–international relation of federal solutions to conflict, and wants to expand their methodological and theoretical framework, then studying federalism and conflict resolution is a good way to achieve this.

Third, the examination of federalism and conflict resolution opens the door to many new case studies that are underrepresented in federalism scholarship. Much scholarly ink has been spilt examining federalism in the United States

and Germany, but only a handful of good works exist on the federal debate to overcome conflict in Cameroon (Johnson 1970), for example. The federal systems of Switzerland and Canada have been studied to their last detail, whilst similar research on federal structures in Ethiopia, Iraq and Nepal is only beginning. The study of federalism and conflict resolution is vital to understanding not only these new federations and how they work, but also what potential federalism might have in other, ongoing conflicts worldwide.

HOW FEDERALISM AND CONFLICT RESOLUTION FITS INTO FEDERALISM RESEARCH AND STUDY

The study of federalism and conflict resolution both challenges the mainstream federalism literature and adds to it. It contributes to it by raising important questions about the emergence of federal states, going beyond the traditional assumptions made by scholars such as Riker (1964), Stepan (1999), Watts (2008) and Ziblatt (2008). While the focus on actors remains vital, external actors become much more important, and the priorities of groups shift as well, because they are engaged in violent confrontation.

The study of federalism as a conflict resolution tool augments and challenges existing scholarship because fundamental federal questions, such as on the design of self-rule (i.e. autonomy) provisions and shared rule institutions need to be studied not just in the light of the creation of a new federal system, but also for their ability to contribute to conflict resolution and peace-building. Hence, new issues might emerge, such as in the design of self-rule – who should have control over the security services? This is often vital in a post-conflict society. The question of which autonomy arrangements should be put in place and how shared rule provisions should be designed is also relevant for other areas, including questions over taxation, income from natural resources, language rights, and veto rights for specific groups. These issues have been vital in the discussions, and aftermath, of the federal solutions for Bosnia and Herzegovina, Iraq, Sudan and Nepal, and remain vital for countries discussing federalism as a solution to ongoing conflicts, such as Cameroon, Syria, the Philippines, Myanmar, Moldova, and Ukraine (before Russia's 2022 invasion).

LEARNING OBJECTIVES

There are three types of learning objectives related to the study of federalism and conflict resolution. The first focuses on the normative relationship between federalism as a theory of self-rule and shared rule (Elazar 1987) and conflict resolution. Here, an important debate of conflict studies can be linked to ongoing discussions in the federalism literature, namely, should we talk

about conflict resolution or conflict management? In the federalism discourse, there is also an ongoing debate about federalism's contribution either to the solution or the management of societal diversity through federal structures (Smith 1995). The normative nuances help to focus on the question of identity and diversity, and federal structures' ability to transform violent confrontation into a peaceful political confrontation in the appropriate political arenas through its emphasis on self-rule and autonomy on one side, and shared rule and compromise-seeking on the other.

A second learning objective focuses on the conditions under which federalism can help end violent conflict. Here, the debate about what federalism and what conflict resolution are (objective 1) is taken further to ask how federalism and its practical institutional provisions can shift priorities and options for actors in a violent conflict so that a chance for a peaceful solution might emerge. Building on the traditional focus of 'federal bargaining', students can be sensitized to the complex nature of such bargaining in the context of violent conflict, the role of external mediators and negotiators, and the need to look at the outcome specifically through the lens of security, as this is often vital in post-conflict societies.

The final learning outcome focuses on understanding a variety of case studies where federalism has been used as a conflict resolution tool. The aim is to familiarize students with the more theoretical discussions from learning objectives 1 and 2 to demonstrate how they have been applied in numerous cases. There is, for example, literature on the use of federalism in Bosnia and Herzegovina (Keil 2013), Iraq (Shakir 2017), Nepal and related discussions in Myanmar and Sri Lanka (Breen 2018). Based on this, students can apply the theoretical ideas on federalism and conflict resolution to concrete examples by discussing the federal bargaining and peace processes in the specific cases and by analyzing the resulting federal structures and their functionality in the post-conflict period.

HOW TO STRUCTURE AND TEACH FEDERALISM AND CONFLICT RESOLUTION

Similar to other topics discussed in this book, federalism and conflict resolution can be treated as a cross-cutting theme, touching on a variety of issues discussed in the wider federalism literature. Due to space limitations, the focus here will be on three main areas.

1. Federalism and Conflict Resolution: Theoretical Perspectives

Students can be introduced to specific theoretical issues through the existing federalism literature and research on federalism and conflict resolution

and management. The theoretical discussion can focus on the usefulness of self-rule and shared rule provisions in situations of violent conflict, and how they may affect the position of the conflicting groups and parties. Moreover, based on existing research, particularly Canada, lessons from conflict management in multinational societies can be used and discussed in the context of emerging federal states. For example, the framework of Liberal Nationalism (Kymlicka 2001; Tamir 1997) can help highlight how the normative agenda of federalism and its focus on unity in diversity can contribute to peaceful relations in diverse societies where different groups have different perspectives on the common state.

2. Federalism and Conflict Resolution: Empirical Challenges

In a second part of the teaching sessions, students can be encouraged to think about the normative discussions from part 1, and what they would mean for a variety of institutional arrangements. Key questions to consider include: How can antagonized groups work together? And under what conditions can federalism and other institutional mechanisms contribute to social peace in divided post-conflict societies? These questions allow for a stronger focus on institutional mechanisms (i.e. the concrete design of self-rule and shared rule provisions in post-conflict societies). It is vital in this part of the curriculum to go beyond a simple focus on traditional federal institutions such as autonomy provisions and second chambers, and expand to include other forms of power-sharing such as consociationalism. Evidence from most post-conflict federations suggests that federalism is likely to contribute to peace if it is connected to other institutional mechanisms that ensure inclusion, provide groups with veto powers and enhance the need for consensual decision-making. Therefore, students should learn about links between different forms of power-sharing and federalism, as well as the impact and design of arrangements, such as electoral rules, in post-conflict federal systems. This provides an understanding of how federalism is one instrument amongst many, which need to link together to ensure violent conflict is transformed into positive peaceful interactions.

3. Federalism and Conflict Resolution: Case Studies

A variety of case studies can be chosen to study federalism as a conflict resolution tool. If educators are interested in a geographic spread, Bosnia and Herzegovina, Sudan, Iraq and Nepal offer good cases in which federalism was used to end violent conflict. It is important to distinguish between countries that have adopted federal systems in response to violent conflict and regime change, and countries in which federalism is still discussed and debated as

a potential solution to end ongoing conflicts. In the second category, cases such as Cameroon, South Sudan, Syria, Ukraine, the Philippines and Colombia can be mentioned. It is important to highlight in the study of these cases not only the conditions under which federalism was (or was not) adopted, but also to examine how these federal systems operate; that is, what challenges does federalism as a tool of conflict resolution pose in the post-conflict implementation phase? Important lessons can be learned about the functionality of these systems, especially when looking at Bosnia and Herzegovina and Iraq.

In a final session, students could be asked if the combination of federalism and conflict resolution changes the meaning and understanding of federalism more generally. In other words, especially advanced students in postgraduate classes can be motivated to engage with the theoretical implications of the emergence of new federal models for our traditional understanding of federalism.

QUESTIONS FOR CLASS DISCUSSIONS OR ESSAYS

1. Can federalism contribute to conflict resolution? Why or why not?
2. Why is it so difficult to apply federalism as a tool of conflict resolution in countries such as Myanmar, the Philippines and Syria?
3. What are the normative and the empirical challenges in the application of federalism as a form of conflict resolution in societies characterized by violent conflict?
4. Why does federalism work as a tool of conflict resolution in some cases but not in others?
5. To what extent can the application of federalism as a tool of conflict resolution in Bosnia and Herzegovina and Iraq be considered successful?
6. Select any country in which federalism has either been applied as a tool of conflict resolution or is discussed as a potential solution to an ongoing conflict. What are the main issues related to the federal debate? What implementation problems can you identify or foresee?
7. Has the evolution of new federal models in the post-Cold War era substantially altered our understanding of federalism in theory and practice? Why or why not?

READINGS FOR STUDENTS

Introductory Texts

Anderson, P. and S. Keil (2017), 'Federalism: a tool for conflict resolution?', *50 Shades of Federalism* online, available at: <http://50shadesoffederalism.com/federalism-conflict/federalism-tool-conflict-resolution/>.

- Keil, Soeren (2019), 'Federalism as a tool of conflict resolution', in John Kincaid (ed.), *A Research Agenda for Federalism Studies*, Cheltenham, UK and Northampton, MA, USA: Edward Elgar Publishing, pp. 151–61.
- Keil, Soeren and Paul Anderson (2018), 'Decentralization as a tool of conflict resolution', in Klaus Detterbeck and Eve Hepburn (eds), *Handbook of Territorial Politics*, Cheltenham, UK and Northampton, MA, USA: Edward Elgar Publishing, pp. 89–106.

Specialized and More Advanced Texts

- Anderson, Liam D. (2017), *Federal Solutions to Ethnic Problems – Accommodating Diversity*, London and New York: Routledge.
- Brancati, Dawn (2009), *Peace by Design: Managing Intrastate Conflict through Decentralization*, Oxford and New York: Oxford University Press.
- Keil, Soeren and Sabine Kropp (eds) (2022), *Emerging Federal Structures in the Post-Cold War Era*, Cham: Palgrave Macmillan.

TEST/EXAMINATION QUESTIONS

Undergraduate Level

1. Can federalism be used as a tool of conflict resolution? Why or why not?
2. What is 'new' about emerging federal systems in the post-Cold War period?
3. Select any two examples in which federalism has been used or discussed as a tool of conflict resolution and compare and contrast the position of the proponents and opponents of federalism in the two cases.
4. Conflict resolution is not about federalism but about security. Security, however, is about federal arrangements in practice. Discuss this statement with reference to relevant cases.
5. Select any case in which federalism has been discussed or implemented as a tool of conflict resolution and highlight the evolution of the federal debate, the adoption or rejection of federalism and its contribution or failure to contribute to peace-building.

Postgraduate Level

1. Are we witnessing the emergence of a new federal tradition in the post-Cold War era? Why or why not?
2. Why is it wrong to blame the failure of post-conflict transformation in Iraq on the federal system alone?
3. To what extent are external actors now a key element of the federal bargaining in conflict-torn societies? Discuss with reference to at least two examples.

4. Assess the linkages and challenges of the processes of democratization and federalization. Where do you see interconnections, where do you see potential conflicts?
5. Could federalism be the solution to world peace as promoted by Immanuel Kant (Riley 1979) and others (Elazar 1994)? Why or why not?

POINTS FOR EVALUATION

The overall aim for evaluators should be to sensitize students to the evolution of new federal models that have come out of violent conflict and in which traditional discussions on self-rule and shared rule are overshadowed by the desire to maintain peace and make each group feel safe. The three learning objectives above highlight how to teach this. Students should first be introduced to theoretical linkages between federalism and conflict resolution, before a focus on institutional design choices and case studies allows evaluators to deepen these discussions. Evaluators are free to select a variety of case studies; some are mentioned in this contribution, but others could be added easily. These might include federal models not traditionally associated with conflict resolution, such as the European Union.

To assess the first and the second objective, evaluators should ensure that students are aware of the theoretical implications and the complex institutional choices in situations in which a federal discourse is part of a wider peace process. Moreover, students should show an awareness of the changing dynamics during the federal bargaining and the challenges of implementing federal arrangements in post-conflict states.

In relation to the third objective, evaluators should ensure that students understand the role of federalism in the peace negotiations and discussions in a variety of cases including some without a successful implementation or agreement on federalism (such as Myanmar, Syria, Cameroon and Ukraine). There are three main issues related to this learning objective. First, students should be able to apply the theoretical and empirical discussions to specific case studies and highlight how these are reflected in the cases. Second, students should be able to demonstrate how the federal bargaining has changed, identify the main actors and their main positions (including on federalism), and how these dynamics evolved once the federal system was implemented. Finally, students should be able to link the discussions on federalism and federal institutions in emerging federal systems back to wider discussions on federal theory, and to appreciate how these new models pose a challenge for our traditional understanding of federalism.

SUGGESTIONS FOR FURTHER READING

More Advanced General Readings

- Scholte, Felix (2020), *Peace Through Self-Determination – Success and Failure of Territorial Autonomy*, Cham: Palgrave Macmillan.
- Walsh, Dawn (2018), *Territorial Self-Government as a Conflict Management Tool*, Cham: Palgrave Macmillan.

Selections for Case-study Discussions

- Aasland, Aadne and Sabine Kropp (eds) (2021), *The Accommodation of Regional and Ethno-cultural Diversity in Ukraine*, Basingstoke: Palgrave Macmillan.
- Belser, E. M. (2020), 'A failure of state transformation rather than a failure of federalism? The case of Iraq', *Ethnopolitics*, **19** (4), 383–401.
- Breen, Michael G. (2018), *The Road to Federalism in Nepal, Myanmar and Sri Lanka – Finding the Middle Ground*, Abingdon: Routledge.
- Grgic, Gorana (2017), *Ethnic Conflict in Asymmetric Federations – Comparative Experience of the Former Soviet and Yugoslav Regions*, London and New York: Routledge.
- Keil, Soeren (2013), *Multinational Federalism in Bosnia and Herzegovina*, Abingdon and Farnham: Ashgate.
- Shakir, Farah (2017), *The Iraqi Federation – Origin, Operation, Significance*, Basingstoke: Routledge.

REFERENCES (WORKS NOT CITED ABOVE)

- Burgess, Michael (2012), *In Search of the Federal Spirit – New Theoretical and Empirical Perspectives in Comparative Federalism*, Oxford and New York: Oxford University Press.
- Elazar, Daniel J. (1987), *Exploring Federalism*, Tuscaloosa: University of Alabama Press.
- Elazar, Daniel J. (1994), *Federalism and the Way to Peace*, Kingston: Institute of Intergovernmental Relations, Queen's University.
- Johnson, Willard R. (1970), *The Cameroon Federation: Political Integration in a Fragmentary Society*, Princeton, NJ: Princeton University Press.
- Kymlicka, Will (2001), *Politics in the Vernacular – Nationalism, Multiculturalism, and Citizenship*, Oxford and New York: Oxford University Press.
- Riker, William (1964), *Federalism: Origin, Operation, Significance*, Boston, MA: Little, Brown.
- Riley, P. (1979), 'Federalism in Kant's political philosophy', *Publius: The Journal of Federalism*, **9** (4), 43–64.
- Smith, Graham (ed.) (1995), *Federalism: The Multiethnic Challenge*, London and New York: Longman.
- Stepan, A. (1999), 'Federalism and democracy: beyond the U.S. model', *Journal of Democracy*, **10** (4), 19–34.
- Tamir, Yuli (1997), *Liberal Nationalism*, Princeton, NJ: Princeton University Press.

- Watts, Ronald (2008), *Comparing Federal Systems*, 3rd edn, Kingston and Montreal: McGill-Queen's University Press.
- Ziblatt, Daniel (2008), *Structuring the State – The Formation of Italy and Germany and the Puzzle of Federalism*, Princeton, NJ: Princeton University Press.