Understanding Federalism: Different models - Different Challenges
Advantages - Disadvantages

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Sevgili arkadaşlar
Hanımlar ve Beyler
Merhaba!
Sizinle birlikte olmaktan büyük mutluluk duuyorum!
Systems of government
Unitary-federal-confederation: definitions

- **Unitary**: A unitary state, is a sovereign state governed as a single entity. The central government is supreme, and the administrative divisions exercise only powers that the central government has delegated to them.

- **Federal**: A federal state is a sovereign complex state where the power is shared between the central government and the governments of the constituent units (at least two). In a federal state there are two levels of government, the central or national and the regional, each of which has specific powers/competencies (legislative, executive, judicial) to be granted by the Federal Constitution. The single international legal personality of the federal state is a subject of rights and obligations under international law.

- **Confederation**: Is a union of sovereign independent states which through a treaty they delegate some powers to common institutions, usually for coordination of policies or actions in some strictly defined areas (usually defence and foreign policy) regarding their relations with third countries. Each member unit preserves its autonomous international legal personality, in addition to the functional personality of the confederation, (former examples are the North American States during 1776-1787, Switzerland during 1291-1847 and today the Commonwealth, the European Union, the CIS).
Federal Countries in the World
and in the EU (in red)

1. Argentina
2. Australia
3. Austria
4. Belgium
5. Bosnia and Herzegovina
6. Brazil
7. Canada
8. Comoros
9. Ethiopia
10. Germany
11. India
12. Malaysia
13. Mexico
14. Nepal
15. The Federated States of Micronesia
16. Nigeria
17. Pakistan
18. Russia
19. St Kitts and Nevis
20. South Africa
21. Spain
22. Switzerland
23. United Arab Emirates
24. United States of America
25. Venezuela
Map of Federal Countries
Models of Federal Countries

• **“Classic” model**: USA (1780), Switzerland (1848), Canada (1867), Australia (1901), formerly unions of independent states that evolved into federal countries.

• **Evolution from Unitary systems**: Belgium (1993), Ethiopia (1995)

• **Emerging from ethnic conflicts**: Bosnia & Herzegovina (1995), South Africa (1996)

• **Latin American federations**: Venezuela (1811), Mexico (1824), Argentina (1853), Brazil (1891). Started as federal states, fell into dictatorships and then returned to democracy around the end of the 20th century as federal countries.

• **Post colonial federations**: India (1949), Nigeria (1954), Pakistan (1956), Malaysia (1957)
Variety of federations

- 25 countries and **40% of world population** and **50% of surface of earth**.
- Some have very **large territories**: The largest is the Russian Federation (17m km$^2$), Canada (9.9m km$^2$), USA (9.3m km$^2$), while others have very **small territories**: The smallest is St Kitts and Nevis (261 km$^2$) followed by Micronesia (702 km$^2$).
- Some have very **large populations**: The federal country with the largest population is India (with 1.3 bn) followed by USA (324m), while others have very **small populations**: The country with the smallest population is St. Kitts and Nevis (52,000) followed by Micronesia (108,000).
- They vary with regard to the **number of the constituent units (CU)**: 2 CU (Bosnia & Herzegovina, Saint Kitts and Nevis), 3 CU (Belgium), 6 CU (Australia), 10 CU (Canada), 16 CU (Germany), 28 CU (Switzerland), 28 CU (India), 50 CU (USA), 89 CU (Russian Federation).
Variety of Federations

- They vary as to the **name of the CU**: Republics, States, Provinces, Cantons, Emirates, Länder, Regions and Communities, Autonomous areas, Territories.
- They vary as to the **size of the area and the population of the CUs**
- They differ as to the **official languages**: 1 official language (USA, Brazil, Mexico, Germany, Austria), Bilingual (Canada, Pakistan), 3 languages (Belgium, Bosnia & Herzegovina), 4 languages (Switzerland), 11 languages (South Africa), 18 languages (India).
- Some federations are **highly centralized**, concentrating power in the central government, while others are **decentralized**, with extensive autonomy and discretion granted to the CUs.
- Some have **Prime Ministers and Parliamentary governments**, while others have **Presidential systems**.
- Some countries have very **homogeneous populations**, others have very **diverse populations**.
- Some are **rich** and others are **poor countries**.
Variety of Federations

• Variations as to the **residual powers**: In the majority of federal countries the **residual powers** lie with the CUs, with the exception of Belgium, Canada, India, South Africa and Spain, where **residual powers** rest with the federal government.

• Variations as to the **distribution of powers** between the federal government and the governments of the CUs. Nevertheless, in all federal countries External Relations, Economy, International trade, citizenship, defense, currency and monetary policy, treaty ratification, belong to the federal government.

• The majority of federal countries are **symmetric federations**, where the CUs have the same powers, while in **asymmetric federations** the powers may be different among constituent units, with some having special rights regarding language or culture (e.g. Russia, Canada, Spain, India).
Basic characteristics of federal states

• Constitutionally guaranteed distribution of powers between the central federal government and the governments of the CUs

• Constitutionally guaranteed autonomy of the CUs, while the unity of the country is safeguarded under one central government with one sovereignty and one international personality, which represents the country as a whole abroad.

• In a federal state there is one common citizenship for all the citizens of the country.

• There is unity of the people and the economy.

• There are at least two CUs, each one of which has its own executive, legislative and judicial institutions.

• The federal state is the only subject of international law and not the CUs. Responsibility under international law for actions or omissions of the federal state lies with the sole legal personality of the federal state and not with the CUs.
Fundamental characteristics of successful federal democracies

- Continued inter-governmental consultation and negotiation within and outside of the formal institutions of government.
- Inter-governmental cooperation, especially a pragmatic approach towards solving public problems.
- There is a need for federal loyalty, which is defined as a moral commitment to work together to achieve the objectives and fulfill the needs of the federal polity.
- There is also a need for promoting and nourishing federal comity which is viewed as a willingness to compromise, exercise forbearance and understand the point of view of the other.
- At the same time some inter-governmental competition is vital to restrain power, promote efficiency and foster innovation. Such competition is enhanced when there is freedom of mobility and establishment of citizens and freedom of movement of capital and services.
Advantages of Federal states

1. **Distribution of power:** The classical horizontal division of the powers of state (legislative - executive - judicial) is complemented by a vertical division of power between the state as a whole and the individual CUs. This ensures that there are checks and balances, helping to prevent abuse of power.

2. **Competition:** The CUs are always competing. This competition fosters progress and helps to avoid undesirable developments at the national level.

3. **Balance:** Through aiming at mutual control, reciprocal consideration and the need to seek compromises, extreme positions are curtailed. Federalism has a balancing and thus a stabilizing effect.

4. **Diversity:** The division of the country in CUs guarantees that many economic, political and cultural centers develop. This provides a more favorable environment to preserve and develop specific regional, historical, economic and cultural features.
5. **More democracy**: Each citizen has **two opportunities** to exercise the most fundamental democratic right, namely **the right to vote**; in a federation, elections are held both for the national parliament and for the parliaments of the individual federated units.

6. **Citizen-oriented action**: Citizens enjoy more rapid access to the public authorities. It is easier for them to contact politicians and the public authorities than in a unitary state with a remote and anonymous centre. **The government remains closer to the people**, providing more say in issues that directly concern them at both levels.

7. **Identity**: The identity and culture of CUs is protected and preserved.

8. **The autonomy** of the CUs is being safeguarded, while important issues like foreign affairs, national defense, economy, citizenship, immigration, etc are being handled jointly at the federal level.

9. **Development** of the country is encouraged through decentralization and a regional manner. It allows for unique and innovative methods for tackling social, economic and political problems.
Disadvantages of federal states

1. **Lack of uniformity:** The CUs’ autonomy necessarily means there are differences between the units. Citizens living in different parts of the country may be treated differently, not only in spending programs, such as welfare, but in legal systems that assign in different places different penalties to similar offenses or that differentially enforce civil rights laws.

2. **Complicated:** As decisions are taken in many different centers in the Federal Government and power is shared between the Federation and the CUs, it is essential that the various levels of government co-operate and show consideration for each other. This interweaving of responsibility is complex and sometimes hard for citizens to understand.

3. **Time-consuming:** The parliaments, governments and administrations of the Federation and the federated units have to wait for initiatives, decisions or consent from each other and engage in lengthy negotiations in order to arrive at joint solutions. This can be a time-consuming process.
4. **It can lead to duplication** of government and inefficient, over-lapping or contradictory policies in different parts of the country.

5. **It can lead to inequality** between the federated units and lead to unhealthy competition and rivalry between them.

6. **It can lead to neglect** in important areas of public policy. A solution depends on co-operation between the administrations of the federated units.

7. **It can lead to over-government**. It is often argued that nations, especially small ones, cannot afford to have multiple legislative bodies and multiple local governments.

8. **It can lead to disputes** over power/national supremacy versus state’s rights
Conclusions

• Federalism is **not a panacea** and it does not solve all problems
• It is important to **create a federalist culture**, as well as a culture of **consensus-building**, cooperation, tolerance, mutual understanding and respect of differences, diversity and multiculturalism, devotion to the common institutions and creation of a shared identity
• There is **no specific model of federation** which could be copied from one and implemented in another country
• Every federation has its own special characteristics and it adapts to the needs of a specific country and a specific people
• In the **21st century** it is expected that more countries will move towards federalism, especially federations emerging from post conflict situations (both international and ethnic)
• A **great challenge** for many countries facing separatist threats, remains the adaptation of the political system of the country in order to meet the needs of different groups of the population (ethnic, linguistic, culturally diverse).

• In fact, in societies with histories of **interethnic tensions** or **powerful secessionist sentiments**, a federation may be the only way to avoid partition and to sustain democracy through power sharing at the centre, while preserving the territorial integrity of the federation.

• A federal arrangement has the potential of **fostering peace** and preventing recurrence of conflict and war in deeply divided societies.

• Federal arrangements can accommodate **ethnic communities’ aspirations** by preserving their culture, language and religion, through an autonomous administration of a territorial space.
• What remains cardinal in a European Union environment is to safeguard the protection of individual human rights and fundamental freedoms, through the primacy of European Community law, as enshrined in the Treaties and the basic principles upon which the EU is founded.

• This is more so in the cases of ethnic federations where functionality is also of vital importance for the viability and sustainability of the federal arrangement.

• Federalism, by allowing power to be at once divided and coordinated, enables respect for different identities, accommodation, multicultural co-existence, tolerance and cooperation to take place and acts in a positive way for keeping a country together rather than divided.
Thank you!
Teşekkür ederim!