

FEDERALISM AND DECENTRALIZATION

Perceptions for Political and
Institutional Reforms



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Federalism in Europe, America and Africa: A Comparative Analysis

Jörg Broschek

1. INTRODUCTION

The historical roots of federalism are as old as the bible. In its broadest meaning, federalism captures different pre-modern arrangements as diverse as the partnership between man and God, ancient confederacies (such as the Aeolian dodecapolis) or the Iroquois Confederacy (Elazar 1987; Hueglin and Fenna 2015; Koselleck 1972). In its contemporary use, however, the notion of federalism became inherently intertwined with the rise of the modern state. Accordingly, federalism refers to an organizing principle of the state that often (although not always) has a normative connotation. The institutional manifestation of federalism is the federation, which can be defined as “a particular species in which neither the federal nor the constituent units of government are constitutionally subordinate to the other, i.e. each has sovereign powers derived from the constitution rather than from another level of government, each is empowered to deal directly with its citizens in the exercise of legislative, executive and taxing powers, and each is directly elected by its citizens” (Watts 2008: 9).

In its modern form, federalism came into existence with the United States’ constitution in 1789. The appeal of federalism in other state-building processes was ambivalent, to say the least, and has waxed and waned over time. While the three North American states Mexico, Canada and the United States of America all adopted federal constitutions, federalism remained the exception rather than the rule in other world regions. Although a large share of the world’s population today lives in a federal state, only a small portion of all sovereign states are federations. And despite the fact that the federal idea seems to have gained currency during the second half of the twentieth century, resurfacing in many contemporary discourses on state reforms, successful federalization has been rare. New federations often have been short-lived,



and most ongoing federalization processes have become stuck half way in the transition from a unitary to a full-fledged federal state.

Federalism itself, moreover, is a highly diverse political phenomenon. While the experience of the United States in the late eighteenth century has influenced other state formation processes especially in the Americas and Europe, state-builders always construed the federal idea against the backdrop of the local situation and the historical context that informed their political universe. These initial conditions prompted different evolutionary pathways of federalism in the modern world, which were themselves reinforced over time through distinct developmental logics. As a consequence, we can observe not only the emergence of varieties of federalism, but also varieties of federal dynamics since the nineteenth century (Benz and Broschek 2013).

The purpose of this paper is to provide a broad comparative-historical overview of the evolution of federalism in America, Europe and Africa. The analytical framework that informs this comparative analysis highlights three aspects that appear to be of particular importance. First, federalism is conceptualized as a multi-dimensional phenomenon. It features—at least at the time of its emergence within individual countries—a macro-societal foundation, which needs to be “activated” in the discourses surrounding federalization processes (the ideational dimension) before it might manifest itself as a constitutional principle (the institutional dimension). Second, the paper shows that federalization processes follow different patterns, which can be important to understand the subsequent evolution of a federal system. Third, the article sketches the main contours of federal dynamics in three world regions: the Americas, Europe and Africa. It argues that different developmental pathways result from the interplay of ideas (the commitment to federalism within a country) and institutional characteristics (the relative weight of self-rule and shared-rule mechanisms within a federation).

2. COMPARING FEDERALISM: AN ANALYTICAL FRAMEWORK

Conceptualizing Federalism

When we talk about federalism, we often refer to a constitutional principle for the organization of the state. Federal states, then, are seen as the main alternative to the unitary state. While unitary states can have sublevel units, just as in the case of federal states, legal theory suggests that both state forms are



rooted in different conceptions of sovereignty. In unitary states, sovereignty is assumed to be indivisible and concentrated within one governmental tier. In federal states, in contrast, sovereignty is divided and shared between the federal level and constituent units.

Legal discourses on the nature of sovereignty in unitary and federal states tend to obscure, however, that federalism itself is a highly ambiguous and multi-dimensional phenomenon. Three dimensions seem to be of particular importance if we want to capture the core features of federalism for comparative analysis. First, federalism is rooted in territorially defined social cleavages. The formation of the modern state is a process driven by the effort of cultural, economic and political elites to create a new centre through the concentration and territorial expansion of political authority (Bartolini 2005; Rokkan 1999). Almost inevitably, the concentration of political authority prompted resistance from groups who feared to become culturally and/or economically marginalized within the new polity. Centre-periphery conflicts, therefore, represent a macro-social foundation of federalism.

While all state formation processes generate some form of centre-periphery conflict, however, such macro-social structures do not automatically produce a federal constitution. In fact, federalism has been the exception rather than the rule. Only about 25 countries out of approximately 200 states worldwide are formal federations. Federalization, therefore, depends on the presence of actors who actively promote federalism as a viable solution for establishing legitimacy in the new polity, and who engage in collective action to create a federal order. Although the presence of federal ideas per se does not guarantee successful federalization, it is a necessary condition for the creation and maintenance of a federation. As Preston King (1982: 76) has aptly put it, “[a]lthough there may be federalism without federation, there can be no federation without some matching variety of federalism.”

On the ideational level, federalism prompts two central questions: First, is there a general consensus in federalism as an organizational principle of the state and, second, what is the nature of this compact, and how is the delicate balance between unity and territorial diversity to be established?

Federalism is derived from the Latin word *foedus*, which means treaty or agreement. It is also associated with the similar word *fides*, which indicates a supplementary connotation: trust and confidence. At the heart of federalism, therefore, lies the idea of a voluntary, treaty-based agreement on the creation of a union consisting of previously autonomous entities. The rational idea of



a treaty, however, is more than just motivated through utilitarian calculation. It is buttressed by a mutual relationship of trust, confidence and solidarity among the constitutive parts (Elazar 1987; Hueglin 2003; Hueglin and Fenna 2015; Koselleck 1972).¹ This “contingent consent” (Levi 1997), in turn, serves as the basis for a constitutional settlement that variously balances two goals: autonomy and interdependence.

This balance between autonomy and interdependence, third, finds its institutional manifestation in the federation. Because the relative importance constitution-builders attach to territorial autonomy on the one hand, interdependence on the other hand, differs, federal institutional architectures vary profoundly in terms of their outlook. In essence, they are composed of two basic institutional mechanisms that constitute the main building-blocks of any federation. Self-rule mechanisms promote autonomy as they concentrate power resources on each governmental tier, allowing them to act rather independently from each other. For example, competencies and fiscal resources can be allocated dualistically, and intergovernmental cooperation and representation of sublevel units at the federal level can be kept at a minimum so as to increase the scope for autonomous action. Shared-rule mechanisms, in contrast, distribute power resources in a way such that both governmental tiers are required to collaborate. For example, an integrated allocation of competencies where one level legislates while the other level is responsible for the implementation, as well as a strongly institutionalized system of intergovernmental relations or a powerful second chamber create interdependencies. Accordingly, they limit the scope for autonomous action for each governmental tier.

While both institutional mechanisms always appear in combination, federal architectures vary in terms of how they balance autonomy and interdependence through self-rule and shared-rule. Depending on how both mechanisms shape the institutional configuration of a given federation, it is possible to locate it on a continuum between self-rule/autonomy on one end, and shared-rule/interdependence on the other end. While some federations tend to tilt towards either pole due to the predominance of self-rule or shared-rule mechanisms, others feature a more balanced juxtaposition of both mechanisms (Broschek 2015).

¹ The German word for federation, *Bundesstaat*, does reflect this deeper meaning: it implies a state created and sustained through an ongoing relationship built on mutual commitment and trust (Koselleck 1972).



Federalization and Federal Dynamics

Federalization is an instance of transformative institutional change, producing a profound authority shift within a polity. Federalization creates authority relationships between previously independent territorial units, or sublevel units that had lacked constitutional status, on a constitutionally entrenched basis. To qualify as a federation, this institutional outcome has to feature at least two equipotent governmental levels, each constitutionally endowed with primary law-making authority (Barrios-Suvelza 2014). At the same time, while the primary law-making authority delineates each level's capacity to exercise self-rule, both governmental tiers also need to be connected institutionally through mechanisms of shared-rule.

Two questions are particularly interesting from a comparative viewpoint: Why and how do countries federalize? The first question refers to the causal mechanisms that are responsible for producing a federal outcome, either in the wake of state formation or in the context of a fundamental process of constitutional change. The causes of federalization processes are complex, and federation is more than just a voluntaristic exercise. As Daniel Ziblatt (2004) has aptly put it, "wanting federalism is not enough". Federalism is a historically contingent outcome, and federations emerge through the contextualized interaction of ideational and institutional mechanisms (Broschek 2012).

The second question refers to the patterns of institutional change. Federalization processes, for example, can be fruitfully compared in terms of their duration as well as the direction of authority migration they involve. As for the latter, it is possible to distinguish between different types of federalization (Stepan 1999). In case of aggregative federalization (or "coming together federalism"), political authority moves upwards, from the bottom to the top, as previously independent and sovereign political units create a new governmental tier on a higher level. Accordingly, the scope of political authority is extended from smaller territorial communities to a larger scale, covering a greater population and geographic area. In case of dis-aggregative federalization, in contrast, authority migrates "top down" from higher to lower level political units. The scope of authority previously exercised by the political centre shrinks while lower-level authorities are endowed with new capacities to make collective decisions within their smaller scale. Empirically, both types of federalization often (but not always) correlate with different temporal properties. While most aggregative federalization processes have occurred in the wake of a critical juncture, generating institutional transformation within



a relatively short period of time, dis-aggregative federalization often unfolds through a process of gradual institutional change.

Understanding the formation of federal systems is crucial because they set federations on a distinct trajectory and, therefore, have a long-lasting impact (Broschek 2012). This includes early developments that occur after the federal principle has been formally adopted. Positive feedback effects, for example, can reinforce and amplify certain institutional features while negative feedback can contribute to undermining them. More specifically, institutional and ideational alignments that happen early in a historical sequence affect the configuration of self-rule and shared-rule mechanisms within a given federal institutional architecture and can influence the sustainability of a federation more generally.

As for the latter, if it is not possible to establish and solidify a compromise in federalism as a constitutional principle early on, it will be difficult to sustain a federal outcome in the long term. As we know from scholarship on the sustainability of policy reforms, it is crucial to create constituencies that form the basis for political support over the long term (Patashnik 2008). In addition, principles of federal design embody different incentives for those actors who are working within these institutions, thereby making federalism more or less self-reinforcing (Bednar 2009; de Figueiredo and Weingast 2005; Filippov, Ordeshook, and Shvetsova 2004). These mechanisms are, however, contextualized. While in one setting a strong emphasis on self-rule mechanisms might be warranted, in another contextual setting the opposite might be true.

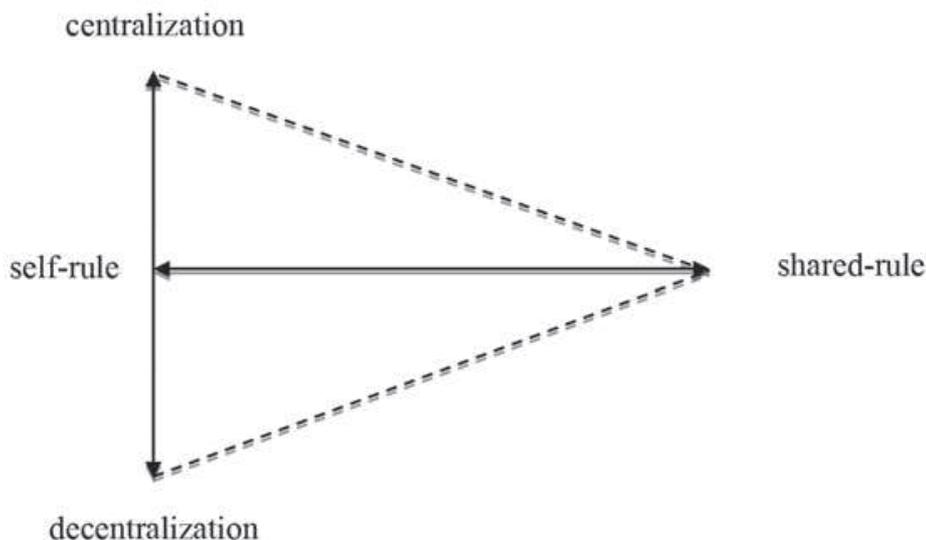
Failure to establish conditions that promote the sustainability of a federal outcome can lead to the break-up of a federation, sooner (like in the case of Czechoslovakia) or later (like in the case of the United States in 1861). Institutional break-up, however, does not necessarily mean that federalism gets lost once and for all. Institutions can be sticky, and ideas might survive and become reactivated in light of changing contextual conditions. Re-federalization, therefore, refers to a process of institutional transformation in which federalism becomes re-institutionalized, after having been suspended for a certain period of time.

Finally, early institutional alignments lay the groundwork for the evolution of different institutional architectures. They are important to understand the varieties of federalism, or types of federalism, as well as the dynamic patterns of federal evolution. Institutionally, it is possible to trace dynamic patterns on



two analytically distinct, yet related dimensions (Figure 1). First, change in federal systems leads to a readjustment of self-rule and shared-rule. Self-rule and shared-rule mechanisms each tend to produce certain pathologies, such as unilateralism, competence duplication and overlap on the one hand, lowest common denominator outcomes or even deadlock on the other hand. As a consequence, change-seeking actors usually attempt to tackle these problems through rebalancing both institutional mechanisms (Broschek 2015). Second, the relative weight of self-rule and shared-rule has important implications for the potential of a federation to become more centralized or decentralized. The more an institutional architecture of a federation tilts towards the self-rule pole, the greater is its potential for becoming either centralized or decentralized. Only if either level of government has the discretion to act autonomously through self-rule, is it able to expand its policy scope relative to the other level. Vice versa, the more a federal system tilts towards the shared-rule pole, the less likely is a centralizing or decentralizing dynamic. Pronounced shared-rule mechanisms perform as a check: they enforce governmental tiers to collaborate and, therefore, reduce the scope for either level to move the federation unilaterally onto a decentralized or centralized pathway.

Figure 1: Gauging Institutional Dynamics in Federations



3. FEDERALISM IN AMERICA

State-formation in America emerged in the context of de-colonialization processes between the late eighteenth and late nineteenth century. These processes involved the creation of a new domestic centre of political authority, which in turned sparked resistance from actors who feared peripheralization within the new polity.

Federalism offered one possible solution to accommodate institutional centre-periphery conflicts. However, the appeal of the federal idea varied significantly. While all three North American (United States, Mexico and Canada) states became federations, there is no single federal system in Central America.² In South America, only three out of twelve countries are formal federations: Venezuela, Argentina and Brazil (see Tables 1 and 2).³ Federalization processes in America emerged in a rather abrupt pattern in the wake of critical junctures. De-colonialization created a context where political authority was in flux. Order-shattering events like the revolutionary war in the United States as well as ongoing political conflict between centralizing and peripheral forces in postcolonial settler societies indicate the presence of such permissive conditions. Such conditions facilitate punctuated forms of institutional change as they reduce constraints otherwise in place.

² With the exception of St. Kitts and Nevis, a micro-federation.

³ Historically, Colombia was part of two rather short-lived federations during the second half of the nineteenth century: the so-called Granadine Federation (1858-1863) and the Unites States of Colombia (1863-1886).



Table 1: Federalism in America: North America

	Type and Mode of Federalization	Re-federalization	Federalism as an Idea	Institutional Architecture	Dynamics
United States (1789)	aggregative, abrupt	1865	strong; fundamental controversy concerning the nature of federalism (largely) resolved after 1865	dualistic allocation of competencies, relatively strong shared-rule mechanisms (Senate)	rel. stable, moderate centralization, but also decentralizing dynamics
Mexico (1824)	aggregative, abrupt	1857, 1917	weak-moderate; traditionally conflict between liberal and conservative forces	dualistic allocation of competencies, but weak shared-rule mechanisms	strong centralizing dynamic until the 1990s, since then decentralizing dynamic
Canada (1867)	aggregative and dis-aggregative, abrupt	-	strong, but separatist threat from Quebec	dualistic allocation of competencies, shared-rule mechanisms weak	rel. stable, two larger waves of decentralization since late 19th century, but also counter trends



Table 2: Federalism in America: South America

	Type and Mode of Federalization	Re-federalization	Federalism as an Idea	Institutional Architecture	Dynamics
Venezuela (1811)	aggregative, abrupt	1830; 1864; 1961; 1999	weak	dualistic allocation of competencies, but very weak shared-rule mechanisms (Senate abolished in 1999)	highly centralizing; decentralization reforms initiated in the 1990s largely counterbalanced by re-centralization after 1999
Argentina (1853)	aggregative, abrupt	No, but temporary suspension of constitution	rather weak	dualistic allocation of competencies, shared-rule moderate (Senate)	centralizing; decentralization reforms since the late 1970s, partly reversed through re-centralizing dynamics
Brazil (1891)	aggregative, abrupt	1945, 1988	moderate-strong	dualistic allocation of competencies, but strong shared-rule mechanisms (Senate); strong over-representation of less populated regions	centralizing (esp. 1964-1985); extensive (fiscal) decentralization since the late 1970s, with some re-centralizing dynamics



In its modern reincarnation, federalism emerged first as a highly contingent ideational construct in the United States. Alison LaCroix (2010) has shown how the federal idea grew out of a conjuncture of different ideational currents during the second half of the eighteenth century. Preoccupation with the Federalist Papers, as LaCroix argues, has prevented scholarship on the origins of federalism in the United States from fully acknowledging the broader historical context from which the federal idea had emerged. Rather than popping up like *deus ex machina* during the Philadelphia Constitutional Convention of 1787, in a “unique moment of genius that set the terms of debate” (LaCroix 2010: 2), federalism gradually took shape as an idea that would animate the direction of institutional change as early as the 1760s. As a concept guiding entrepreneurial actors in the colonies towards an innovative institutional solution, federalism was forged out of at least four different ideational sources that variously influenced the contemporary horizon of experience: Anglo-American constitutional debates and European political thought on the philosophical nature of sovereignty, as well as the practical experience of union-building in the North American colonies and within the British Empire.

Federalization in the United States has had multifaceted repercussions on other state-building processes. Nowhere, however, was American federalism simply emulated. The diffusion of ideas was processed against the historical background of individual settler societies and shaped deliberations in constitutional assemblies in various ways. In South America and Mexico, ideas gleaned from the United States experience were blended with ideational currents derived from the Spanish colonial legacy, while in Canada the federal idea had to be reconciled with the British legacy of Westminster-style democracy. Federalism advocates had to defend the federal idea against other viable institutional solutions, most notably confederal arrangements or a unitary state. Debates revolving around the question of sovereignty represent one important manifestation of this problem. The question of whether or not sovereignty is something that could be divided and, if so, with what implications for the nature of authority relationships between the federal level and constituent units, often remained contested.

On the institutional level, a dual distribution of competencies offered a potential solution to this problem. However, although constitution-builders often attempted to exclusively assign jurisdictions to each governmental tier through single or dual lists while keeping concurrent areas at a minimum, it is notoriously difficult to clearly demarcate the boundaries of competencies.



Rather than finding agreement on the concrete meaning of constitutional provisions, constitution-builders often settled on a compromise that was fraught with severe ambiguities from the beginning.⁴ As a consequence, successful federalization usually did not mean the end of institutional change, on the contrary. Within the framework of a federal constitution, the six American federations embarked on rather different institutional trajectories.

First, there is considerable variation in terms of the sustainability of the federal outcome. Despite the fact that Canadian federalism, for example, rested on a highly fragile compromise from the very beginning, and despite the fact that tensions within the federation have increased considerably over the course of the twentieth century, it represents the only case where the original constitutional scheme has been in place without interruption. All other cases have witnessed major regime changes, which led to the temporal suspension of federalism and/or episodes of re-federalization. Venezuela is the oldest federation in South America, with the first federal constitution created in 1811. However, while federalism has formally been an ongoing constitutional feature since 1864, there have been numerous episodes of constitutional transformation and change (Brewer-Carias 2002). Similarly, in Argentina and Brazil federalisms survived major regime changes (Patroni 2002; Costa 2002). In the United States, secession of the South and the civil war demarcate an important turning point. Re-federalization under the auspices of the North ultimately resolved the fundamental dispute over the question where sovereignty lies (in addition to the “people” as the main source of legitimate authority). This critical juncture put the United States federation on a more robust pathway that allowed for moderate centralization during the twentieth century.

Second, in terms of their overall dynamic, all federations experienced centralization processes in the aftermath of federalization. These dynamics, however, differed profoundly in terms of their scope, duration and depth. Centralization was most pronounced in the South American cases as well as in Mexico, where federalism often survived in the context of authoritarian regimes. In the United States, centralization was less encompassing and affected individual policy areas in different ways. While the federal level assumed more competencies and was often able to fully deploy its authority

⁴ As Paul Pierson (2004: 163) has aptly put it in a more general sense: “Where demarcations of authority are ambiguous, original designers may be less capable of sustaining control over long-term paths of institutional development”.

in many jurisdictions, creating a form of “coercive federalism” in some areas of state activity, the states simultaneously retained a considerable degree of autonomy in others. The prevalence of capital punishment in several states as well as more recent developments like the legalization of same-sex marriage and marijuana possession demonstrate that centralizing and decentralizing dynamics are often simultaneously at work. The Canadian case stands out in so far as the high degree of centralization entailed in the British North America Act of 1867 was partially reversed through two larger waves of decentralization. However, this has never been a unidirectional dynamic, as the federal level often attempted to counteract (Broschek 2012). Also, all cases underwent decentralization reforms since the late 1970s in the context of state restructuring, again with profound differences in breadth and scope.

Third, the interaction of ideational and institutional factors is crucial to understanding varying trajectories. If federalism only has a weak ideational foundation, there is no incentive for actors to oppose the centralizing dynamic which is inherent to all state-building processes. However, ideas alone are not sufficient. Peripheral actors who attempt to slow down or even reverse centralizing dynamics need institutional resources that allow them to put a brake on centre-building processes. In this respect, shared-rule mechanisms are important to temper centralizing dynamics. Abolishing the Senate of Venezuela under the 1999 constitution, therefore, was an important step to remove potential obstacles for future reforms initiated from the centre. In contrast, the strong US senate and the strong representation of substate actors in Brazil have often constrained the federal level from assuming a more dominant role in many areas (Gibson 2004; Falleti 2010). Finally, the weakness of shared-rule mechanisms in Canada historically have allowed for both centralizing and decentralizing dynamics to play out (Broschek 2009; 2010).

4. FEDERALISM IN EUROPE

The history of federalism in Europe is highly ambivalent. The prevalence of federalism has waxed and waned over the course of centuries. On the one hand, federal ideas have a long history, preceding the origins of federalism in America and elsewhere. As Thomas Hueglin (1999; 2003) has shown, the roots of early modern federalism in Europe can be found in the practice of politics in the Holy Roman Empire, which were reflected and theoretically elaborated in the work of Johannes Althusius. On the other hand, this rich



federal tradition barely left an imprint on the political landscape in the era of modern state formation. In fact, only two federations emerged during the nineteenth century: Switzerland in 1848 and Germany in 1866/71. Austria adopted a federal constitution in 1920, after the break-up of the Austrian-Hungarian Empire. In the majority of cases, however, centre-periphery conflicts emanating from modern state formation were accommodated within the framework of a unitary state like in the case of the United Kingdom (Bulpitt 2008).

During the second half of the twentieth century, federalism appears to have gained considerable currency, especially in Western Europe. While the federal idea remained insignificant in the democratic transformation of Central and Eastern European countries (with the notable exception of Russia), federalism implicitly or explicitly shaped many discourses surrounding the “rise of regional authority” in Western Europe (Hooghe et al. 2010). In addition, the European Union has emerged as a new type of federation beyond the nation-state.

Yet, while these developments are remarkable, one should be careful interpreting them as indicative of a “federalist revolution” (Elazar 1987). Although federalism has animated an increasing number of reform debates in contemporary Europe, its practical implications have been rather limited. Until today, there exist only five formal federations in Europe: Switzerland, Germany, Austria, Belgium and Russia (Table 3). Belgium represents the only case of a successful transformation of a unitary state into a federation. Russia is a special case for it became a federation in 1993, but the principles of federalism have continuously been violated since the 2000s, leaving the federation de facto in a highly precarious state. Besides, we currently observe four ongoing—and therefore uncompleted—federalization processes:⁵ in Spain (since 1978), Italy (since the mid-1990s), the United Kingdom (since 1998) and on the level of the European Union (since 1987/1993) (Table 4).

⁵ I am not including here the federal experiment in Bosnia and Herzegovina.



Table 3: Federalism in Europe: Established Federations

	Type and Mode of Federalization	Re-federalization	Federalism as an Idea	Institutional Architecture	Dynamics
Switzerland (1848)	aggregative, abrupt	-	strong	integrated and dualistic features, with relatively strong shared-rule mechanisms	moderate centralization, while cantons retained considerable autonomy
Germany (1866/1871)	aggregative, abrupt	1919; 1949	moderate	integrated allocation of competencies with strong shared-rule mechanisms	neither centralized nor decentralized (since 1949), but strong "Unitarismus"
Austria (1920)	aggregative and dis-aggregative, abrupt	1945	weak-moderate	integrated allocation of competencies with moderate shared-rule mechanisms	strong centralizing dynamic
Belgium (1993)	dis-aggregative, gradual	-	strong	dual allocation of competencies with weak-moderate shared-rule mechanisms	de-centralizing dynamic
Russia (1993)	dis-aggregative, abrupt	-	weak	dual allocation of competencies with weak shared-rule mechanisms	highly centralizing dynamic since 2000s

Table 4: Federalism in Europe: Federalizing Countries

	Type and Mode of Federalization	Re-federalization	Federalism as an Idea	Institutional Architecture	Dynamics
Spain (since 1978)	abrupt (Franco's death) and gradual (since early 1980s), dis-aggregative	-	weak-moderate	dual allocation of competencies, shared-rule rather weak	asymmetric decentralization
European Union (since 1987/93)	abrupt and gradual, aggregative	-	weak-moderate	integrated and dualistic features, with relatively strong shared-rule mechanisms	moderate centralization with some reversals more recently
Italy (since the mid-1990s)	gradual and dis-aggregative	-	moderate-strong	dual allocation of competencies, shared-rule rather weak	asymmetric decentralization
United Kingdom (since 1998)	gradual and dis-aggregative	-	weak	dual allocation of competencies, shared-rule mechanisms almost non-existent	asymmetric decentralization



Federalization processes in Europe have displayed considerable variation. The two oldest federations, Switzerland and Germany, have followed the rather typical pattern of abrupt aggregative federalization during unification wars. Federalization in Austria is more difficult to capture analytically as it combined both dis-aggregative and aggregative elements (Pernthaler 1979). With the notable exception of the European Union, all other contemporary cases are dis-aggregative federalization processes. As for the duration, it is noteworthy that while in the past federalization occurred in a rather abrupt mode, all contemporary processes display a gradual pattern of institutional change (with the exception of Russia).

In terms of their institutional architecture, European federations differ among themselves as well as in comparison to their American counterparts in three important respects. First, an important institutional characteristic of the three traditional Continental European federations Switzerland, Germany and Austria, as well as of the European Union, is the integrated (or functional) distribution of competencies. In many important respects, the evolving distribution of labour between both governmental tiers provided that the federal level was (and still is) primarily responsible for legislation, while the sublevel units implement federal legislation. The degree to which sublevel units enjoy autonomy in the way they implement federal laws varies, however, significantly, being substantial in the European Union and Switzerland, moderate in Germany and rather low in Austria. This institutional trait sets these federations apart from the American cases as well as from the dis-aggregative federalizing countries, where legislative and administrative functions tend to be fused on either governmental tier. Historically, the integrated distribution of competencies is a consequence of sequencing: The new federal level was layered on top of constituent units which had already developed highly institutionalized bureaucratic state capacities, which provided them with an important historical advantage (Lehmbruch 2003).

Second, this foundational institutional characteristic created incentives for collaboration early on. Accordingly, shared-rule mechanisms have always featured more prominently in the classic Continental European federations, creating a distinct evolutionary pathway. This is reflected, for example, in a more densely institutionalized system of intergovernmental relations where executive actors co-ordinate, co-operate and often collaborate horizontally and vertically. In addition, in Switzerland, Germany, and the European Union regional interests are strongly incorporated in federal decision-making through



the second chamber. While Switzerland followed the American Senate model, in Germany and in the European Union the institutional legacy of the Holy Roman Empire prevailed as executive actors from the constituent units are directly represented through the *Bundesrat* and the Council of the European Union, respectively (Hueglin and Fenna 2015).

Third, dis-aggregative federalization processes, in contrast, often tend to lack shared-rule mechanisms. This is a consequence of a process logic that prioritizes the transfer of authority from the centre to the sublevel units, without the simultaneous development of institutional mechanisms that foster co-operation among and between governmental tiers, both vertically and horizontally. In this respect, the Russian federation initially differed markedly from the Western European cases of dis-aggregative federalization because shared-rule was ensured to some extent through the Federation Council. Institutional reforms under Putin, however, successfully weakened the role of regional governors and heads of regional legislatures in federal decision-making (Zhuravskaya 2010).

The interplay of ideas and institutional mechanisms has generated different federal dynamics over time. The Swiss federation has been in place since 1848. It has successfully adapted to changing contextual conditions through four major revisions of the constitution, in 1866, 1874, 1999 and 2008. In Austria and Germany, re-federalization replaced previous federal constitutions in the wake of regime transitions (Austria: 1945, Germany: 1919 and 1949). In both cases, the basic principles on which both federal architectures were established have been remarkably stable. While Switzerland has remained a rather decentralized federation, the federal level was nevertheless able to assume a number of important competencies over the course of the twentieth century. German federalism in its contemporary form is neither centralized nor decentralized due to the high degree of interdependence between both governmental tiers. Constitutional reforms, in combination with several landmark decisions of the constitutional court since the mid-2000s, have somewhat strengthened *Länder* autonomy, but joint-decision making is still the defining feature of German federalism (Scharpf 2009). Austria has become a highly centralized federation. A rather weak ideational foundation of federalism within the population and on the level of political elites and the weakness of the *Landeshauptmänner* (the Land governors) made this centralizing dynamic possible. A similar combination of factors apply to the case of Russia, where President Putin has continuously targeted the power resources

of territorial interests to weaken federalism. Among other things, he was able to take advantage of the Beslan hostage crisis in 2002 to make the Federation Council more dependent on the interests of the centre. Ongoing institutional reforms have thus facilitated a highly re-centralizing dynamic over the last decade (Zhuravskaya 2010).

Vice versa, the power of the member states represent an important obstacle for the federalization process in the European Union. On the one hand, reforms of the treaties since the late 1990s are indicative of a process that has strengthened the federal traits of the European Union. In addition, supranational institutions have been able to utilize the power resources at their disposal to become more autonomous in many areas of policy-making. On the other hand, however, the European Union still has a “federal deficit” (Trechsel 2005) that needs to be overcome in order to pass the threshold to become a full-fledged federation. In light of the more recent political responses to the European debt crisis, moreover, conditions appear to be more conducive to further accentuate a dynamic of re-nationalization, partially reversing previous patterns of authority migration towards the centre.

Finally, the four cases of dis-aggregative federalization—Belgium, Spain, Italy and the United Kingdom—also display interesting differences. As mentioned above, Belgium represents the only case where this process has finally ushered in an institutional transformation from a unitary to a federal state in 1993. Successful transformation, however, does not mean the end of institutional change. State reforms have continued since 1993, now within the framework of a federation (Swenden et al. 2006). In all other cases, the federal principle has not yet been formally adopted. Spain is often considered to be a *de facto* federation. However, despite ongoing federalization reforms since the early 1980s, the Spanish state is still unitary. Until more recently, in addition, federalism has not resonated well as an explicit idea for constitutional reform. Major political actors, such as the *Partido Popular*, have been strict opponents of federalism. The same holds for the United Kingdom, where federalism has traditionally been promoted only by the Liberal Democrats. This has changed, however, in light of the 2014 Scottish Referendum. Since then, a growing number of prominent politicians have more openly called for federalization as a way out of the current constitutional crisis. In Italy, most major parties have, in principle, endorsed federalism as a leitmotif for constitutional reform. However, federalization has not yet been completed, which is mainly due to the numerous government shifts since the 2000s (Palermo and Wilson 2013).



5. FEDERALISM IN AFRICA

State-formation in Africa is inherently intertwined with the legacy of post-colonialism. It has proven to be an extraordinary difficult challenge to establish and consolidate sustainable state structures that enjoy both specific and diffuse support, and which generate legitimacy and effective policy outputs, regardless of whether the formal state structure was unitary or federal. Although federalism seems to immediately suggest itself as a useful governance mechanism for the establishment of lasting political institutions for the highly complex, conflict-laden post-colonial societies, previous experiments provide a rather disillusioning picture. In fact, with the notable exception of Nigeria, all experiments with federalization during the 1950s and 1960s largely failed. These included attempts to create both (quasi-)federal structures within (like in Uganda) and between states (like in Ethiopia and Eritrea) (see Burgess 2012: 9). Today, only three out of more than 50 African states are federations: Nigeria (1963/1999), Ethiopia (1995) and South Africa (1993).⁶

⁶ With the exception of the Comores, a micro-federation.



Table 5: Federalism in Africa

	Type and Mode	Re-federalization	Federalism as an Idea	Institutional Architecture	Dynamics
Nigeria (1963, but constitutions under colonial rule quasi federal: 1946, 1954)	dis- aggregative, abrupt	1999	rather weak	dualistic allocation of competencies, shared-rule mechanisms weak	centralizing dynamics, but sublevel units enjoy a certain degree of autonomy
Ethiopia (1995)	dis- aggregative, abrupt	-	rather weak	dualistic allocation of competencies, shared-rule (de facto) weak	centralizing dynamics
South Africa (1994/1996)	dis- aggregative, abrupt	-	rather weak	dualistic allocation of competencies, shared-rule moderate (National Council of the Provinces)	centralizing dynamics



In its current form, all three federations are products of constitutional change in the 1990s. Nigeria is the only country which has a long and continuous history of federal constitutions (Suberu 2015). The first quasi-federal constitutional arrangements emerged when it was still under colonial rule in 1946. While the so-called Richards Constitution put strong emphasis on self-rule by dividing the country into three regions, with regional legislative assemblies for each, the 1951 constitutions strengthened shared-rule mechanisms by introducing a Council of Ministers which was made up by representatives from each region (Nze 2002). Ethiopia and South Africa, in contrast, lack a similar federal constitutional legacy.⁷

All three federations share interesting similarities. First, they all represent cases of dis-aggregative federalization processes (Dickovick 2014). However, in contrast to the dis-aggregative federalization processes in Europe, which—by and large—represent instances of gradual institutional transformation, the African cases have emerged in an abrupt mode. In all three countries, the adoption of the federal principle occurred in the wake of critical junctures. The (quasi-)federal constitution of South Africa demarcated the end of the apartheid regime; in Ethiopia, a federal constitution was agreed upon after three years of negotiations after the fall of the communist military regime in 1991 and the current Nigerian constitution emerged in the context of the democratic transition from the Third to the Fourth Nigerian Republic in 1999.

Second, despite the fact that all three cases represent dis-aggregative federalization processes, where authority migrates from the centre downwards to the sublevel units, in fact all three federations have remained highly centralized political systems. Again, this paradox sets the African federations apart from the European cases, where competencies have continuously been devolved to lower levels of government. While federalism was primarily considered as a constitutional option to accommodate ethnic diversity, the centre retained considerable power to exercise control over sublevel authorities. Tyler Dickovick (2014) emphasizes three factors that mainly contribute to this trend:

- The existence of dominant parties, which in case of Ethiopia and South Africa operate as highly integrated organizations on all levels of government: The Ethiopian Peoples' Revolutionary Democratic Front

⁷ Aside the fact the Ethiopia and Eritrea had co-existed as a federation between 1952-1962.



(EPRDF) and the African National Congress (ANC). In Nigeria, the People's Democratic Party (PDP) is somewhat less dominant, and even lost the general election in 2015, but was nevertheless capable of shaping politics on all governmental tiers in the past.

- The existence of highly centralized (however weak in international comparative perspective) state bureaucracies, often under the control of dominant parties, which exercise considerable control over the administration of public expenditures.
- The high degree of fiscal centralism, which also makes sublevel units extremely dependent on the centre.

Put somewhat differently, the historical dynamics of federalization in the context of critical junctures, in combination with the historical legacy of autocratic regimes, allowed dominant actors from the centre to pre-empt a large amount of political space within the federation early on. This initial advantage is difficult to reverse at later points in time. Although formally all three federations combine self-rule with shared-rule mechanisms in various ways, and thus open up different avenues to develop autonomy or influence decision-making at the centre, it is difficult to effectively make use of these provisions in light of the centre's ongoing predominance.

Third, another common feature of all three federations is the weak ideational foundation of federalism. Even the South African constitution, which operates in a comparatively stable democratic environment and under advanced economic conditions, avoids the explicit use of the label *federalism*. While in all three cases a federal solution was primarily chosen rather pragmatically for its potential to accommodate complex ethno-cultural and ethno-linguistic conflicts, constitution-building was not accompanied by a credible, deliberate ideational commitment to the value of federalism itself (Burgess 2012: 12). Federalism in the sense of *foedus*, which also refers to confidence and trust, appears to be largely absent in the African federations.

6. CONCLUSION

The prevalence of federalism varies considerably in the Americas, Europe and Africa. While it is the defining feature of the three North American states, only three states in South America are federations, with Venezuela representing a federation on paper rather than in practice. Federalism plays no role at



all in Central America. While in Europe the federal principle indeed enjoys increasing prominence, it is, at the same time, a highly contested idea. As a consequence, most recent reform processes have remained incomplete, and the eventual outcome is still open. In fact, Belgium represents the only case of successful federalization. Most federalization processes in contemporary Europe have gotten stuck, and newly established federations such as Serbia and Montenegro or Czechoslovakia have been short-lived and turned out to be non-sustainable. In Africa, the historical and contemporary experience with federalism is also ambivalent, to say the least. A considerable number of federalization processes have failed, and only three contemporary African states have adopted a (semi-)federal constitution, with varying success.

In light of these empirical observations, one should be careful not to overestimate the promises of federalism as a principle of governance for the twentieth century. To be sure, many contemporary reform discourses in rather different contextual settings, including countries such as Bolivia, Italy, Sudan, Yemen and the Philippines, have been animated by the federal idea. Moreover, the federal traits of the European Union have become more clearly discernible since the early 1990s. At the same time, however, a federal organization of the state is still the exception rather than the rule. There exist different options to modernize relationships between the centre and sublevel units, and federalization only represents one pathway of institutional reform. Others, such as administrative, legislative or fiscal decentralization, can also be achieved within the framework of a unitary state. Moreover, federalism does not represent a decentralized variant of the modern state per se. Unitary states can be, in effect, more decentralized than federal states, and federal states are not necessarily either decentralized or centralized (Broschek 2015a).

There exists, therefore, a variety of federalism, which is rooted in different institutional principles and different ideational prerequisites. As has been argued, the evolution of diverging federal trajectories is largely a consequence of different initial conditions that are present at the time of federalization. The subsequent interaction of ideational and institutional factors, moreover, shapes the sustainability of federalism in individual countries, and allows for different institutional adjustments over time. If anything general can be gleaned from the above analysis, then one could possibly suggest that a healthy and sustainable federation depends on two conditions: A broadly shared commitment to federalism as an idea as well as an institutional architecture that carefully balances self-rule and shared-rule mechanisms. This institutional



balance can vary, and is contingent upon the contextual conditions of the state and the peculiarities of its society. Understanding these contextual variations is thus crucial to critically assess the potential promises of federalism as a means of constitutional reforms for the Philippines and beyond.

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