Dimensions of Federalism in Developing Countries: A Comparative Analysis of India and Ethiopia (1991-2017)

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*Abstract***:** Federalism in literal sense means the division of power between the central government and the constituent states. The changing patterns of global political phenomenon have also changed the concept of political system and therefore in this regard the concept of federalism has also been changed from time to time. The newly independent countries like India and Ethiopia established federal system to maintain their diversity and cultural identity which can be distinguished with the traditional federal system. The understanding of federal system is not universal as different countries have different patterns of Federalism. Hence, developing countries like India and Ethiopia defined federal system in different ways. For instance, Ethiopian federalism acknowledges ethnic federalism, while India is quasi-federal and has co-operative federalism, but they follow basic features of the federalism. This paper seeks to understand the concept of federalism and its dimensions in the developing countries like India and Ethiopia with a comparative analysis.

*Keywords***:** Federalism, Ethnic Federalism, Quasi-federalism, Co-operative Federalism.

Introduction

The modern federal system of governance, with its roots in United States of America, originated after the constitutional convention of 1787, popularly known as American Revolution. Beyond geographical fault lines, this line of structural governance tradition is followed by many countries, albeit in their own ways in different parts of the world, for instance, Australia, Canada, Switzerland, and India. Fundamentally, federalism is best understood as a method of promoting 'self-rule' and 'share-rule', establishing balance with the interests of a nation and the regional power equation (Mitra & Phel, 2013). This federal structure enables a country to bolster its ability in spheres of decision making and in other important areas, without being opposed by larger sections of society. This mechanism of governance divides powers between the central government and its regional constituent parts like provinces, states and cantons where the national minorities are regionally concentrated,

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under one umbrella of federal system. Usually, the distribution of power and authority for national and its regional units have similar sources, which is the Constitution of the country. The Constitution is the source of power and sovereignty of the states. Sometimes scholars find it difficult to determine the exact nature and concept of "federalism"[1], and that is why they depend on the practice of federalism. The classical example of federalism of the United States defines its own features of the federal system which is not applicable to other prevailing governance systems of the world. However, it is customary with scholars on the subject to start with a model of the United States, the oldest (1787) of all the federal constitutions in the world, which is also known as classical federalism.

Federalism: A Conceptual Framework

There is a clear distinction between 'federation' and 'federalism'. A federation can be defined as a type of state, and federalism as a means to promote it (Burgess, 2006, p. 47). Federalism is instrumental in the distribution of powers and responsibilities, for providing an appropriate political stage, proper representation, and authority between the central and the regional governments. The concepts of federalism are varied in nature. Its extension in practice makes it more difficult to define. That is why it can be defined in various ways. The classical sense of federalism implies the grouping of many separate states in a single sovereign state. This type of federation is practiced by the governments of the USA, Canada, and Switzerland. After the Second World War, the political scenario of the World got changed to a large extent in which federalism evolved with lots of variations among the newly independent nations in European, Asian and African countries. In such countries, a new kind of federal structure was introduced. The African and the Asian countries like India, Nigeria, South Africa, Ethiopia, Nepal, Pakistan, Malaysia, West Indies and Myanmar have established a federal governance system in a different way.

The classical theory of federalism tries to explain features and symbols of a federal state. The noted exponents of the classical theory are Dicey, Harrison Moore, Jethrow Brown, Bryce, Robert Garran, and K.C. Wheare. The Australian scholar Robert Garran, who is an expert on federalism of Australia, defined federalism as a form of Government in which power and sovereignty is divided between the Central and local Governments, and each of them, being within its own sphere, is sovereign of the other. Similarly, Lord Bryce described the Federal and State Governments as separate and distinct in their own actions. Additionally, he states that "this system regulates like a factory where two sets of machinery are at work, their revolving wheels apparently intermixed, their bonds crossing one another, each doing their own work without any disturbing or harming to each other." Wheare (1963) tried to test whether any constitution is federal or not (p. 33). The test was based on analysing whether in a federal system of government, the nation and regional authorities coordinate with each other or and independent of them? Wheare stresses that federal government embodies divided powers and works and coordinates with each other without any interference. Similarly, Birch has emphasised that in a federal system of government, there is a division of powers between general and several regional authorities, each in its own sphere, coordinates with each other and directly interacts with the people by its own administrative system. The classical theorists have articulated some main features of federalism like constitution should be written, it should

be rigid, it should have an independent judiciary, have dual government, and should have provision for allocation of adequate sources of revenue for the government at regional and central level. (Palekar, 2006, pp. 303-310).

Apart from the afore-mentioned classical definition, there is an emphasis on the independence of the states to represent the federal structure. The critics of the classical theory suggest independent words for both regional and general governments so that they may be isolated from each other. Instead, the concept of federalism means every component should be coercively accommodated with federal. Wheare explained that the modern federation has a sense of military insecurity and of the consequent need for the common defence system and also desired for the independent foreign power and realisation for the economic development from union.

After the Second World War, the classical federal concept has been replaced by the new federal concepts but the core definition of federalism remains with the new trends being added according to requirements. New explanations of the federalism by normative scholars like Burgess and Daniel Weinstock emphasised more on values, norms, identity representation and every aspect of the society through the federal system. Federalism entered a new phase called "cooperative federalism"; another new aspect of federalism also introduced in this phase is called "Ethnic federalism". These new concepts have defined federalism by territorial (geographical base), ethnic and economic base. According to Parekar, there is an increase in popularity of federalism in recent years as a model of political system of governance. However, new challenges posed by changing circumstances like economic crisis and global wars, globalisation and international terrorism and has resulted in the addition of new features in federalism, for instance functional federalism which provides a strong justification for a re-examination of the different approaches to the definition of federalism (Palekar, 2006, pp. 303-310). The post war period after decolonisation, the newly independent countries had to face different circumstances to deal with their political structure, and that is why they adopted a new type of federalism which was suitable for their situations. Even developed nations have adopted new trends of federalism for improving their socio-economic and political system which is called "cooperative federalism".

The merit of political theory is that it has been able to explain federalism in different times and different situations. The theory explains the origin of older federations like the United Nations, Australia, Switzerland, and Canada as well as new federations like (since 1947) India, Nigeria, Pakistan, South Africa, and Ethiopia. Although there maybe differences among scholars over the definitions of the federalism but there is consensus over some essential features of federalism: dual government, the supremacy of the constitution, distribution of powers and authority of courts (Basu, 1976, pp. 46).

The theories explained one or other aspects of federalism, but not all aspects. Every federal system has its own features, but the core idea is the same. Most of the explanations of federalism focused on legislature, administrative and financial relations between the centre and the states. This study will research on how federalism has been changed in different times in the Ethiopian and Indian political systems.

Background and Evolution of India's and Ethiopia's Federalism

The non-western countries like India and Ethiopia reflect completely different phenomenon of federal system of governance, according to their respective social, political and cultural requirements and their own legacy of historical traditions along with geographical conditions. All federal systems maintain basic relation between the centre and its regional organs which results in smooth functioning and unity of a nation. However, the method of practicing and distribution of powers are different. For instance, the structure of Ethiopian and Indian federalism is different from that of American federalism because of their respective social, political, historical, and geographical preconditions. Each federal system is unique in the sense that the relationship between federation (national) and state (region) is not only determined by the constitutional rules and provisions, but also by the complex political, historical, geographical, cultural, and social circumstances. Although, there are different approaches for practising federal structure, but there are some common features and practices, viz. the supremacy of the government, independent judiciary, distribution of powers, and diarchal governments.

The Ethiopian federalism is known for its special character identified as "Ethnic federalism"[2] wherein centre and states are divided on the fault line of ethnicity for managing and balancing the interest of all ethnic groups. Yet, they all are united as one nation. It is also called multi-ethnic federalism; this type of federalism was introduced by Ethiopia during the period of Males Zenawi in 1990s, which is also known as "Zenawism"[3]. In other parts of the world, some constitutions embodied ethnic federation as well, for example, Nigeria, South Sudan, Pakistan, Nepal, and former Yugoslavia. Such other aspectsof ethnic federal system are also considered in a nation where the ethnic group is concentrated on basis of geographical division which are called "ethno-territorial federation" (a compromise model) that has largest ethnic groups divided among more than one sub-units; for example, Canada, India, and Spain. The non-western countries followed completely different trajectory of federal growth from the classical model of U.S. Federalism. For instance, Indian and Ethiopian federalism can be traced on the same timeline, but both have adopted peculiar features of federalism according to their needs. This uniqueness facilitates them to survive in a complex environment. The plan of Ethiopian federalism came in 1991, the country which had an ethnically divided society and had just emerged from authoritarian rule and brutality of civil wars. On the other side, India had thoroughly centralized rule till the Government of India Act, 1935, introduced the "diarchy-federal system" for the first time. The Indian Constitution adopted a federal system on 26 January 1950, and also experienced that the relationship between the state and centre was not cordial during the colonial time. Constitution makers suggested that the diversity should remain under the system of federal structure. It is found that both Federal Republic of Ethiopia and Republic of India have a huge diversity of people on the basis of language, ethnicity, religion, culture, and history. Keeping these facts in consideration, the constitutional makers of Ethiopia and India had decided to opt for unique federal structure of governance. Some sceptics opined that the ethnically divided country would not be able to sustain their federal structure for a long time. Tension remained among the ethnic groups. But Ethiopia has experienced federalism for twenty years without any ethnic violence or brutal attack on

its fundamental governing structure. And on the other hand, India has also experienced 70-years of federalism without any deviation from federal system.

However, India holds a longer experience of federalism despite being the largest democracy in the world, while Ethiopia has shorter living experience of federalism, despite being one of the ancient civilisations of the world. Both countries have faced a big political turmoil and transition post 1990s, Ethiopia has officially introduced 'ethnic federalism' whereas India had also introduced the 'co-operative federalism'[4]. Hence, the timeline and trajectory of political transition is quite similar, but the acting factors behind these changes are completely different. For instance, Ethiopia provided a living example of "ethnic federalism" to manage "ethnic conflicts" and India provided living example of "Co-operative federalism" to resolve centre and states' conflicts. Hence, the objective was same but the methods to resolve conflicts were not. This paper seeks to explore the differences between Indian and Ethiopian federalism. They have many similarities such as parliamentary system, parliamentary democracy, independent judiciary system, fundamental rights, cooperation and coordination between state and centre and others. There are also some dissimilarities between them as well. For consideration, one should pick unitary tendencies of Indian federation, Judicial Review and the President's veto power etc. Although, the purpose of federalism in Ethiopia and India is same i.e. to manage diversity and increase inclusiveness, their methods of practicing it are different.

Ethnic Federalism in Ethiopia: Realising Inclusiveness and Managing Diversity

The first time Ethiopia introduced "ethnic federalism", it was based on ethnicity. This is a new concept of federalism, not just for Ethiopia but for whole Africa. Ethiopia is multi-ethnic, multilinguistic, and a diverse country. When Ethiopian People's Revolution Democratic Front (EPRDF) took over power after overthrowing the military rule, it introduced the "self-determination for nationalities" which included secession and transfer of political, administrative, and economic power. The Ethiopian federalism ethnically defined regional states. That is why some scholars use the term "tribal federalism" for Ethiopia. According to Fessha (2017, p. 243) the new development not only marks a new political milestone in the postcolonial Africa, but also represents a major breach from the age of the centralisation that the Ethiopian State knew for most part of the its history.

The concept of the ethnic federalism is also considered in a nation where the ethnic group is concentrated on geographical localities which are called "ethno-territorial federations" (a compromise model). These are largest ethnic groups divided among some subunits. The same can be found in Canada, India, and Spain. The ethnic federalism is actually used as an instrument for uniting the diversity, and it helps reduce the ethnic tensions. It provides a larger representation and identity to those ethnic groups which have been suffering from suppression for a long time. According to Keller (2002), there are various types of federalism, but the basic line is that fundamentally all include self-rule and shared-rule. For Gurr and Harff (1994), ethnic federalism is a method to reduce ethnic group's differences and prevents secession of regions. It gives self-rule to ethnic groups and thus brings ethnic harmony. On the other hand, Wondwosen (2008) argues that, the "ethnic federalism emphasizes ethnic conflicts, increases secession, suppresses individual citizen's rights and eventually leads to

the disintegration of countries". According to Stephen, federalism can be achieved through two ways:

> "Coming-together federations" and "holding-together federations". The first one, "coming together federation" appears when sovereign states decide to form a federation voluntarily due to various reasons such as security purposes, governmental efficiency and so on. The second one, "holding together," mostly emerges after consensual parliamentary decisions to maintain a unitary state by establishing a multi-ethnic federal system largely to avoid or settle ethnic, regional and other type of group conflict (Stephen, 2001, pp. 320-323).

In May 1991, the EPRDF (Ethiopian People's Revolutionary Democratic Party) established a federal constitution in Ethiopia, based on ethnic line. Federal Democratic Republic of Ethiopia adopted a new constitution in 1995.It introduced a federal system of governance and established the Federal Democratic Republic of Ethiopia (FDRE). Article 1 of the 1995 Ethiopian Constitution reads, "This constitution established a federal and democratic state structure". Federalism has not only maintained the unity and peace among the diverse ethnic groups, but also enhanced public participations in national affairs. Moreover, it prevented the dominance of the ruling party.

The federal government is responsible for national security, foreign relations, inter-state commerce, currency, immigration, communication, inter-state water resources and general policy of common interest and benefits. The State Council has the powers of legislation on subjects under the state jurisdiction. It has power to make draft, adopt, and amend the state Constitution. Ethiopia has nine member states established on the basis of settlement pattern, language, identity and consent of the people concerned.

Ethiopian federalism has a dual governance system, there is central government, and state governments; dual judicial system, state judicial system and the Supreme Court. There is a written constitution which is important feature of federalism. Moreover, Ethiopians federation has organs of judiciary, executive, and legislative equally distributed between the federation and state. Ethiopian federation has many peculiar features as well, for instance the Article 39 Ethiopian Constitutions states, "every Nation, Nationality and People in Ethiopia has right to "Self – determination", including the right to secession".

Although there is a provision for right to secession, it requires approval by two third majorities of the members of the state parliament. Secondly, the federal government should arrange a referendum within three years after receiving the demand for secession. Third, demand for secession should be supported by majority vote in the referendum. According to Article 47 of the Ethiopian constitution, "member States of the federal democratic republic states of Ethiopia shall have equal powers and rights". Article 3(03) states, that each member state of the federation may have their own flag and shall be responsible by their respective parliaments. Ethiopian federalism has supremacy of constitution and equality of the states. It also provides human right and democratic rights, has separation of the state and religion.

Co-operative Federalism in India: Strengthening Federalism and Inclusiveness

The process of Indian federation started since Government of India Act, 1935. Under the rule of British Government, the regions were divided as provinces. The Indian Constitution has continued the federal system with some certain changed to fulfil the requirements of the

situations. Rao and Singh (2004) argue that India has federal system with a strong centrality to hold together the diverse economic, linguistic and cultural entities. Centrality was also found when the British ruled directly over to 216 princely states and territories. Hence, Article 1of the Indian Constitution states that, "India that is Bharat, shall be a Union of States". Even though the word "Union" does not connote the sense of a federation, India holds an essentially federal structure. The Indian federalism faces scepticism because it has a multi-ethnic society, structural asymmetry of constituent units, mass illiteracy and poverty, regional differences and many such issues (Mitra & Phel, 2013). Burgess (2006) is of the view that the accommodative or secessionist capacity of asymmetrical federal arrangement is actually based on the specific cultural and historical contexts of India.

The constitutional system of India is basically federal with some unitary features. According to Mitra and Phel (2013), Indian constitutions clearly guaranteed sharing of power between the Central and State governments, effectively established an independent Supreme Court, Supremacy of the Constitution, separate, direct election to the central and states legislature by an independent Election Commission. However, Indian Constitution has also embraced a large number of unitary features, like a strong power of Central Government, a single Constitution, single citizenship, flexibility of the Constitution, integrated judiciary, and appointment of the State Governor by the Centre, all-India services, and emergency provision. Since India has cooperative federalism some scholars called Quasi-federalism, it means federal in form with unitary sprit. Wheare (1963), defines Indian governance as, "a system of Government which is quasi-federal, a unitary state with subsidiary federal features rather than a federal State with subsidiary unitary features" (p. 63). According to Durga Das Basu "the Indian constitution is neither purely federal nor purely unitary but is a combination of both" (Basu,1976, p. 46). In India, federalism is quite similar with Canadian model of federalism, not the USA federalism which is often referred to as an "indestructible union of indestructible States". In the case of India, the Union is indestructible, and the states are not.

Since 1990s, Indian governance system took recourse to "co-operative" federalism in the wake of information boom and globalisation. It adopted such a measure to resolve conflicts. Nayar says that, "Co-operative federalism or marble cake federalism emphasises the value of co-operation". The U.S. federalism also adopted co-operative federalism since the early stages when U.S. constitution gave residual power to states. The conflicts in India are not ethnic, like Soviet Union, Yugoslavia, and Canada, but political in nature (Nayar, 1992, pp. 1-13). India had also been facing major conflicts between Union and States as well as demands for the more representation of local and states in the political system.

Ethnic Federalism in Ethiopia and Co-operative Federalism in India
The context of establishment of the Indian federations is different from of the Ethiopian federation. India had experienced colonial divide and rule. Ethiopia never experienced colonial rule, but did undergo military-based on authoritarian centralised rules in the past. Learning from the past experiences, the Ethiopian people decided to change their political system, and increase more representation from every ethnic group. They established the Federal Republic of Ethiopia. The Ethiopian People's Revolutionary Democratic Front (EPRDF) overthrew the military rule, and established federalism on the base of ethnic lines. According to Malakar,

the Ethiopia was the first African country to give recognition to the ethnic groups as the sole factor of political formations. People are grouped and addressed on the basis of their ethnic identities, the administration is also based on ethnicity; "multi-party" politics is the based-on ethnicity; and parliament is made of ethnic parties etc (Malakar, 2006, pp. 53-58).

The case of Indian federation is very different. The Indian Constitution does not regard ethnicity as a factor in the formation of the political system. However, the Constitution gives equal right to each and every section of the country. To enhance public participation, and strengthening the inclusiveness, the Indian governance adopted "Co-operative" federalism. According to Rao and Darasa (2015, pp. 15295-15298), there are some key similarities between Federal Republic of Ethiopia and India. The similarities are: first, both have written constitution and supreme constitutions; secondly, both federations have followed the Montesquieu theory of "separation of power" — there are three basic divisions: Executive, Legislative and Judiciary with the clear separation of the power. Thirdly, both constitutions have provided fundamental rights of its people. Fourthly, Ethiopia and India have Parliamentary form of the government, the procedure of forming the cabinet and electing the Prime minister is same in both countries. Fifthly, the mechanism of checks and balance has been maintained in both countries.

The following are a few dissimilarities between the two. The Ethiopian constitution is younger and shorter than the Indian; the EPRDF constitution was established by 1995, whereas the Indian Constitution was established on 26th January 1950. Originally, the India Constitution had 395 articles in 22 parts with 8 schedules. At present, it has 448 articles in 22 parts with 12 schedules. In comparison, the Constitution of Ethiopia is very short. It has only 106 articles. The Indian federation has total 29 states and 8 Union territories whereas the Ethiopian federation has founded only 9 states. The Ethiopian Constitution guaranteed right to self-determination up to secession, which is not the case with India. EPRDF has consisted 9 states and each has their own constitution, no Indian states have their own constitutions, even though they have own laws with include concurrent list given by constitution. The Indian federation has judicial review by the courts; courts do not give power of judicial review in Ethiopian. According to Fessha (2017, pp. 232-245), the most distinguishing feature of Ethiopian federalism is its organisation on the basis of ethnicities which is not the case in India. The process of amendment of the Constitution of India is easier comparable to Ethiopia. Another key dissimilarity is that the Ethiopian Constitution's character is more federal than India's.

Conclusion

In 21st century, federalism has become more relevant subject because this is an era of assertion of by different ethnic groups in the public participation which is mainly fulfilled by this mechanism. Both India and Federal Republic of Ethiopia are governed by the federal structure. Although both have some similarities and dissimilarities, but the purpose of the adopting ethnic federalism by Ethiopia and co-operative federalism by India is quite similar that is to manage diversity and bringing inclusiveness. Despite the failure of implementation of a federal structure in many countries in Asia and Africa, India and Ethiopia have maintained their ethnic diversity through the mechanism of the federalism but in different ways. Indian federalism as well as an Ethiopian federalism has their own advantage being a better model

for developing countries by holding together and giving new idea of ethnic federalism for multi-diverse ethnic countries respectively.

Notes

1   Ethnic federalism is a federal System of national government in which the federated units are defined according to ethnicity.
2   Ethnic federalism introduced by Males Zenawi in the early 1990s in the Ethiopia, which sometimes known as Zenawism is Scholarly.
3   Cooperative federalism, is a concept of federalism in which federal, state, and local governments interact cooperatively and collectively to solve common problems, rather than making policies separately but more or less equally or clashing over a policy in a system dominated by the national government. It is also known as marble-cake federalism.

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