

## **Ethnofederalism and the Mismanagement of Nationalism**

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Recent discussions of federal solutions to ethnic conflict have focused on ethnofederal arrangements; in these the constituent units are homelands for ethnic minorities. Like autonomy arrangements in non-federal states these institutional arrangements structure subsequent politics in ways that increase the likelihood of escalating conflict that results in nation-state crises. Tinkering with the institutional details of these arrangements will not exorcise these problems.

Federal solutions to ethnic conflicts have received surprisingly favorable attention in the past decade. For example, on 26 September 2007 by a vote of 75-23 the United States Senate adopted the Biden-Brownback amendment to the defense spending bill; this had 17 sponsors from both the Democrat and Republican parties.<sup>1</sup> The authors of the amendment explained that it should be seen as a call for the Iraq government to establish a federation of autonomous ethnic regions. The amendment's principal proponent, Delaware Senator Joseph Biden, writing in the *New York Times*, explained, 'The idea, as in Bosnia, is to maintain a united Iraq by decentralizing it, giving each ethno-religious group—Kurd, Sunni Arab, and Shiite Arab—room to run its own affairs.' He told reporters 'A federal Iraq is a united Iraq.' In a parallel but not entirely independent effort, Edward Joseph of the Nitze School and Michael O'Hanlon of the Brookings Institution appeared on television and in print to explain their case for a federal Iraq that would comprise three ethnic states; they label their proposal

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<sup>1</sup>'Biden Plan for Iraq Passes Senate' on [www.biden.senate.gov](http://www.biden.senate.gov) (accessed October 17, 2007); 'Biden Defends Senate Vote on Partitioning Iraq' on [www.cqpolitics.com](http://www.cqpolitics.com) (accessed October 1, 2007); Helene Cooper, '(Political Equations) Iraq Math: From One, Make Three,' *The New York Times* July 29, 2007, Section 4, pp. 1, 12.

‘soft partition’ (Joseph and O’Hanlon, 2007). And in American newspapers and periodicals there was a well-funded public relations campaign behind such proposals for a federal Iraq<sup>2</sup>

But what is still more remarkable is the wide array of conflicts around the world for which federal solutions have been proposed over the past decade: Some, like the English-Scottish conflict, seem nowhere near coming to blows—except in sports arenas. Others like the so-called frozen conflicts in the Soviet successor states have already escalated to the level of civil wars at least once (Coppieters, 2001). For example, in July 2002 members of the Organization for Security and Cooperation in Europe drafted a Project of Agreement that would establish a federal Moldova in which Transdniestria would exercise extensive decision rights. They reasoned that a federal arrangement would better protect Transdniestria from unilateral recentralization by the Moldovan government and would expand the voice of Transdniestria in the policymaking of Moldova (International Crisis Group, 2003: 14-15). Months earlier (November 2001) in negotiations over the Georgia-Abkhazia conflict the Group of Friends of the Secretary General of the United Nations presented the so-called Boden Paper that proposed a federal agreement to guarantee Abkhazia ‘broad powers’ as ‘a sovereign entity . . . within the State of Georgia’ (quoted in International Crisis Group, 2007: 9). The non-governmental sector has advanced still more imaginative federal solutions for this and other frozen conflicts in the Caucasus, such as a ‘dual federation’ that would link Nagorny Karabakh to both Armenia and Azerbaijan but keep the latter two states separate or a Transcaucasus federation of Armenia, Azerbaijan, Georgia, Abkhazia, South Ossetia,

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<sup>2</sup>For example, in the Israeli-Palestinian conflict, proposals have once again been advanced for a “bi-national state” linking Palestine and Jordan in a confederation; see Ian Bremmer, ‘A Difficult Plan Whose Time Has Come,’ *International Herald Tribune*, June 15, 2007.

Nagorny Karabakh, and perhaps still more constituent entities (Abasov and Khachatrian, 2006).

Almost all of these proposals entail a specific type of federalism—ethnofederalism in which at least some, if not all, the constituent units of the federation are homelands controlled by their respective ethnic groups. This ethnofederalism is more akin to the autonomy arrangements found in non-federal states than simple (that is, non-ethnic) federalism: The former privilege membership in a select group of minority communities as the defining dimension of many citizens' inclusion in the larger state (what I will label the common-state). All devolved powers are concentrated in jurisdictions that become proto-nation-states within the common-state. Rather than capturing the benefits of simple federalism in an ethnically plural society, ethnofederalism like autonomy arrangements shapes politics within ethnic groups, among ethnic groups, and between ethnic groups and the common-state government in ways that increase the likelihood of escalating challenges to the common-state from alternative nation-state projects.

This enthusiasm for ethnofederalism as a solution to conflicts in ethnically divided societies is a recent phenomenon—particularly in democracies. In the first half of the past century ethnofederal and autonomy arrangements were typically attempts by dynastic or communist autocracies to forestall the processes of national liberation; thus, the most commonly cited examples were the Austro-Hungarian, Ottoman, and Russian empires and China, Czechoslovakia, the Soviet Union, and Yugoslavia (see Table 1). Only one democracy—Canada—maintained an ethnofederation in which one province was based on a minority homeland; one other democracy—Switzerland—maintained a federal state within an ethnically plural society but no canton (with the possible exception of Ticino) constituted a

homeland for one of the major ethnic groups. Following World War II more ethnofederations were born in the process of decolonization, usually in an attempt to hold together previously autonomous jurisdictions, including Burma (1948), Indonesia (1949), India (1950), Ethiopia (1952), Pakistan (1956), Nigeria (1960), Malaysia (1963), and Tanzania (1964). It was only in the last decades of the twentieth century that European democracies borrowed this institutional innovation with the introduction of ethnofederal arrangements in Spain (1978), Belgium (1980), and Bosnia (1995). The introduction of autonomous homelands for ethnic minorities within non-federal states also only took off after World War II.

The enthusiasm with which ethnofederalism and autonomy arrangements have been embraced in the past decade is all the more remarkable because it appears to run headlong into a substantial body of expert opinion warning against this. Eric Nordlinger (1972: 31) not only excludes federalism or ethnofederalism from his list of six conflict-regulating practices, but warns that this ‘may actually contribute to a conflict’s exacerbation and the failure of conflict regulation.’ John McGarry and Brendan O’Leary (1993: 34-5) conclude that, although federalism has ‘obvious moral advantages over pure control,’ ‘unfortunately federalism has a poor track record as a conflict-regulating device in multi-ethnic states. . . .’ Ronald Watts (1999: 110) warns that when several divisions such as ‘language, religion, social structure, cultural traditions, and race’ reinforce the territorial divisions of federalism—a correspondence that is inherent in ethnofederalism—stresses may grow within federations to the breaking point—as in Malaysia, Pakistan, Nigeria, Yugoslavia, and the USSR. Referring to this type of ethnofederal arrangement, Will Kymlicka (1998: 112-13, 138-9) concludes, ‘in general, it seems to be unlikely that federalism can provide an enduring solution to the challenge of ethnocultural pluralism.’ Moreover, ‘the very success of federalism in

accommodating self-government may simply encourage national minorities to seek secession.’

Consistent with this academic skepticism, the policy community previously had been reluctant to embrace ethnofederalism or autonomy as measures to protect the rights of minorities. As Ruth Lapidot (1996: 11-19) notes, there is no endorsement (and at most only a passing mention) of either institutional arrangement in the 1966 International Covenant on Civil and Political Rights, the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities, or the 1995 Council of Europe Framework Convention for the Protection of National Minorities. Only in the Lund Recommendations of 1999 did the OSCE give fuller attention to either institutional arrangement (Wolff and Weller, 2005: 3).

This skepticism was supported by substantial evidence that ethnofederalism or autonomy arrangements seldom succeed when faced by serious divisions. Ruth Lapidot (1996: 29) ends with the sobering assessment that the preponderance of her evidence shows that autonomy cannot heal a society already deeply divided: ‘So far, no arrangements of autonomy have succeeded in a hostile atmosphere. . . . If there is hatred and frustration, it is too late, and autonomy will not be able to soothe the strained atmosphere.’ Data presented by David Lake and Donald Rothchild (2005: 110-12) show that among the eleven ethnofederations or non-federal states with autonomy arrangements five subsequently split through de jure secession (Czechoslovakia, Malaysia, and Pakistan) or de facto secession (Azerbaijan and Georgia).<sup>3</sup> Two more (Nigeria and Uganda) became centralized states. Only

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<sup>3</sup>This uses the classifications employed in Table 1.

four (Belgium, Canada, India, and Papua New Guinea) survived. They conclude that their evidence shows that even in the absence of a previous civil war ‘territorial decentralization is a fragile political institution that . . . is often quickly abandoned.’ Where conflict has already escalated to the level of a civil war the prospects for ethnofederalism are grimmer still: they ‘find no evidence of successful institutionalization of these provisions in any postwar constitutional order’ between 1945 and 1999.

This initial skepticism was prudent. Ethnofederal and autonomy arrangements in ethnically divided societies structure post-settlement politics inside ethnic communities, among ethnic communities, and between those ethnic communities and the central government in ways that bring political instability. These institutional arrangements are more likely than simple federal or unitary institutions to empower ethnic entrepreneurs who threaten the peace, the survival of democracy, and the unity of the state. These institutions privilege some identities and interests and distribute coercive capabilities in a way that increases the likelihood of escalation of conflict into acute nation-state crises. Particularly after civil wars ethnofederalism and autonomy arrangements represent imprudent institutional choices: Ethnofederalism or autonomy arrangements are frequently proposed as a compromise between the demands for independence from the secessionists and the desire for a unitary state on the part of the common-state loyalists. And for this reason ethnofederalism and autonomy arrangements represent a quick solution to the current conflict. Yet its intermediate and longer-term consequences include the greatest likelihood of re-escalating conflict, democratic failure, and state breakdown—in a second round in which the stakes have become much higher.

These consequences inhere in the institutional arrangements of ethnofederalism and autonomy and, thus, distinguish these from simple federalism. Contextual constraints may delay these consequences of ethnofederalism and autonomy in ways that will be explained below, but only the most forceful presence of a third party guarantees that these consequences can be forestalled for long. Tinkering with the institutional details of different forms of ethnofederalism or autonomy is unlikely to exorcise the demons, for the devil is to be found in ethnofederalism and autonomy arrangements themselves. As I develop this argument I will draw on examples from Central Eurasia—that is, the region that was once the Soviet Union and now consists of the fifteen Soviet successor states. This provides a consistent body of evidence over an extended period of time—indeed, one of the few sets of cases that permit us to observe long-term processes in a variety of contexts. I will draw on examples and summary data from other parts of the world to suggest that the processes identified by this process-tracing in Central Eurasia are at work in several other ethnofederations as well.

### **I. Weaknesses in the Case for Ethnofederalism and Autonomy**

The argument for ethnofederalism and autonomy usually focuses on two immediate, interdependent concerns in an ethnic conflict—negotiating a compromise acceptable to secessionists as well as central governments so as to reduce the current level of conflict and balancing power so as to protect the rights of the secessionist community from predatory policies of the central government. First, when conflict between a minority community and the central government has already taken a turn towards competing nation-state projects in which leaders of the minority community seek to secede, ethnofederalism or autonomy is supposed to give the leaders some of what they demand in the form of a dependent but

autonomous state and to permit the leaders of the central government to keep their common-state together (Lapidot, 1996: 9; Gurr, 2000: 209). Michael Hechter (2000: 142-52) argues that ethnofederalism ought to reduce the demand for sovereignty by giving the local governments a voice in the provision of some collective goods, such as requiring a local language as the medium of instruction in schools or supporting one religion over others. Kymlicka (1995: 30, 196) stresses that ethnofederalism can be a means to satisfy 'self-government claims,' and adds that this compromise may be necessary where secession is not 'possible or desirable' because the successor state would not be viable.

Second, even when conflict has not yet taken a turn to competing nation-state projects, ethnofederalism is often defended as the best way to satisfy demands for political empowerment from ethnic entrepreneurs, to create a separate space for minority communities to flourish, and to provide them the defensive resources to stay the hand of the central government if it should try to diminish that space (Gurr, 2000; Horowitz, 1985; and Lijphart, 1996). Ian Lustick, Dan Miodownik, and Roy Eidelson (2004) argue that regional autonomy permits extensive representation of ethnic groups in the local bureaucracy and that this in turn may prevent the spread of secessionist identities. Jacob Levy (2007) argues that ethnofederal provinces, when large and powerful enough, can protect individual liberties by acting as 'bulwarks' that check the central state and by creating a 'separation of loyalty' that checks any 'unhealthy veneration' of the common-state. Donald Horowitz (1985: 613-19) adds that ethnofederalism may have a quarantine effect so that even when small conflicts arise, they do not spread so rapidly or so far throughout the political system (also see Cohen, 1997).

These arguments for ethnofederalism and autonomy typically suffer from five related weaknesses. First, they tend to focus on the short-term problem of finding a compromise to

satisfy the demands of the parties to a conflict, but to give less consideration to ‘the days after’ the new institutional arrangement is in place. This may be a smart approach for politicians seeking to muddle through a crisis and pass the problem on to their successors, but may leave the successors with a still worse problem. Second, these arguments tend to focus on finding an institutional compromise that will satisfy the greed and grievances on both sides in the current conflict, but to give less consideration to ways in which greed and grievances are endogenous to the institutional arrangements. Ethnofederal compromises may actually lead to the escalation of demands in the next round of play. Third, these arguments give little consideration to the ways in which these institutions not only structure greed and grievances, but also identities, capabilities, and opportunities for escalating conflict and competing nation-state projects in the next round. Fourth, to the extent they look to ‘the days after’ these arguments tend to focus on avoiding one type of assault that may challenge post-settlement politics—predation from the common-state government and recentralization. These arguments give less attention to predation by the homeland governments once they are empowered and the common-state government is weakened. Fifth, these arguments fail to appreciate how ethnofederalism and autonomy arrangements trap politics between two perils with no easy escape: Once ethnofederalism or autonomy is institutionalized typically the only responses on the bargaining table entail steering directly toward one peril in order to avoid the other.

## **II. Ethnofederalism and Escalating Nationalist Conflict**

Ethnofederal and autonomy institutions tend to create or to keep alive conflicts among competing nation-state projects.<sup>4</sup> In these conflicts the issue is not simply about rights of

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<sup>4</sup>This section draws on Roeder (2007) and Chapman and Roeder (2007).

different ethnic communities within a common-state, but whether the communities even belong in a common-state at all or should go their separate ways as distinct sovereignties. In nation-state crises the possibility of secession by the homelands is on the bargaining table. In the absence of autonomous homelands ethnic entrepreneurs are far less likely to have the support, resources, and opportunities to press their claims successfully against a common-state government. Thus, if we look at the 45 years from 1955 to 1999 and if we estimate the frequency with which ethnic groups became locked in nation-state crises with their central governments we find that ethnic groups with autonomous homelands became locked in such crises about three times more often than other ethnic groups. That is, in an estimation of the frequency of nation-state crises involving ethnic groups of average size—and adding the three qualifications that the ethnic group was a cultural minority, had not previously been the titular nationality of an independent state, and did not have an autonomous homeland—about 17 percent became a party to a nation-state crisis at least once per five-year period between 1955 and 1999. Alternatively, for ethnic groups of the same size with the same characteristics except that they each had an autonomous homeland the frequency jumped to 51 percent. (This estimation controls for other factors such as GDP per capita and regime-type; see Roeder, 2007: 284.)

The explanation for this pattern can be discerned by a closer look at the domestic politics that develop in this institutional context. Ethnofederal and autonomy institutions structure politics both on the periphery (that is, inside and among the ethnic communities) and between the periphery and the center (that is, between those communities and the common-state government).

### *Politics on the periphery*

The creation of official homeland governments privileges one set of nation-state projects over the alternatives on the periphery and the creation of official homeland governments privileges the political elites associated with these nation-state projects (also see Rousseau and van der Veen, 2005: 694, 705-6). The introduction of official homeland governments is likely to reduce competition from alternative nation-state projects (the cross-sectional effect) and to freeze in time one set of national identities (the temporal effect).

The Central Eurasian cases underscore this relationship: In the absence of homeland governments there is likely to be more competition among nation-state projects and the nation-state projects that might otherwise grow to challenge the common-state are more likely to be fluid over time. In the absence of homeland governments there is likely to be a proliferation of nation-state projects as intellectuals compete with original new formulations, but each project is likely to garner only a limited following, to remain a pet project of its author and only a small circle of students, and to have a short half-life. Consider the example of the specific region of Central Asia prior to the creation of the five union republics in the so-called national delimitation that began in 1924. Intellectuals offered a variety of alternative projects that would have divided the population and territory of Central Asia in various and inconsistent ways (such as projects for a united Turkestan, separate Sart and nomad states, and separate states for various linguistic communities). Most of these projects were little more than the pet projects of alternative conspiratorial groups that met in parlors and cafes. Few gathered followers outside the walls of their salons.

The introduction of homeland administrations, based on one of these alternative ways of dividing the population and territory, changes this profoundly. The national delimitation of

1924 in Central Asia created conditions for one set of nation-state projects to become hegemonic over the alternatives. The very existence of these new states (designated soviet socialist republics, SSRs, or union republics) within a common-state (the Union of Soviet Socialist Republics) focused national identities, but the process was helped by more tangible support from the homeland governments themselves. The leaders associated with these homelands used their powers to establish the hegemony of the homeland's nation-state project which in turn supported the leaders' own political hegemony within Central Asia. The leaders of the union republics offered inducements for other intellectuals to abandon their separate nation-state projects and to join the new homeland. They created institutes to invent and to elaborate the cultures, traditions, and histories of these peoples imagined by their nation-state projects. They established universities and pedagogical institutes to develop an official curriculum that propagated these cultures, traditions, and histories among the young. No alternative nation-state projects enjoyed these advantages and the alternatives for the most part withered away. In Central Asia it is truly remarkable how hegemonic the official nation-state projects became: When the Soviet Union began to dissolve in 1990 the only other nation-state projects on the table were the union-republics; the few alternative projects kept alive or rediscovered by isolated intellectuals had become curios to be collected by ethnographers.

### ***Politics between the periphery and center***

Ethnofederal and autonomy institutions also structure relations between ethnic communities on the periphery and the common-state government at the center. Several students of simple federalism have documented the potential for recentralization in

federations (Bednar, Eskridge, and Ferejohn, 1999; Lake and Rothchild, 2005); ethnofederations also suffer from this more usual form of instability. We have witnessed this recentralization take place in India (Lijphart, 1996) and more recently in the Russian Federation (Roeder, 2007). Ethnofederations and autonomy arrangements, unlike simple federations, also have a unique potential for the opposite form of break-down, however—successful secession. That uniqueness is underscored by data that show there have been no successful secessions from simple federations in the past one hundred years. Between 1901 and 2000, 38 new states were created by secession. Over 78 percent of these successful secessions (and 96 percent of the 23 secessions after 1945) resulted from the elevation of a pre-existing ethnofederal or autonomous jurisdiction to sovereign independence such as the elevation of the Ukrainian SSR to independence in December 1991. Alternatively, none came about by elevating a simple federal jurisdiction that was not also a homeland for an ethnic group.

Indeed, the designers of ethnofederations and autonomy arrangements and the politicians who subsequently conduct politics within these institutional frameworks are caught between the Scylla of overcentralization and the Charybdis of overdevolution; lying between the perils of recentralization that extinguishes autonomy and devolution that dissolves the common-state is a hard-to-identify knife-edge equilibrium of the properly designed and balanced constitution. Finding and maintaining that equilibrium is complicated because the parties at the bargaining table of constitutional design and post-settlement politics usually have short-term incentives to push the ship of state in opposite directions. And the state rocks perilously as a recurring crisis of politics focuses on the competing nation-state projects that pit homeland governments against the common-state government. Ethnofederalism in

particular and autonomy arrangements to a somewhat lesser extent so shape the subsequent agenda of politics that the discussions come to focus almost exclusively on whether the state can avoid these perils by strengthening the central government or by further devolving powers to the homeland governments; thinking outside this box crafted by the constitutional designers and reinforced by the politics empowered by the constitution becomes very difficult. Yet, it remains unclear how an alternative that avoids these perils might be found once non-federal solutions, like empowering cross-cutting interests, have been taken off the bargaining table or have simply been put out of mind (for an illustration see Watts, 1999: 111-12).

The Central Eurasian cases point up how ethnofederal and autonomy institutions increase the likelihood of four developments in center-periphery politics that in turn increase the likelihood of a nation-state crisis—creating national-identity conflicts, focusing the political agenda on constitutional and sovereignty issues that express this nation-identity conflict and divide common-state from homeland governments, strengthening politicians associated with secessionist claims, and weakening the common-state government. First, ethnofederal and autonomy institutions create or reinforce conflict between identities associated with competing nation-state projects supporting the sovereignty of the homelands and the sovereignty of the common-state. Typically, ethnofederal and autonomy institutions create dual national identities; this is very different from dual or multiple ethnic identities found in most political systems because dual national identities constitute competing claims to membership in nations with rights to sovereign states of their own. Where dual national identities exist, the homeland leaders may come to play a critical role in mediating between the competing demands of the citizen's roles as members of two nation-states. This 'switchman role' is particularly important when the claims of the citizens' two roles come

into conflict and the homeland leaders are the primary or sole point of contact that many in the homeland population have with the common-state—particularly for that part of the population that is not fluent in the languages of the rest of the common-state. In the late Soviet Union, when the demands of their citizens' roles came into conflict, the homeland leaders determined whether most would act as citizens of the union republics or citizens of the Soviet Union.

Second, ethnofederal and autonomy institutions risk focusing increasingly more interactions between the ethnic community and the common-state on constitutional and ultimately sovereignty issues that mirror this nation-identity conflict. The agenda of politics, which is now set by the officials of the common-state and homeland governments, comes to focus on the allocation of decision rights between these governments. Interests within the homelands seeking the most efficient ways to get their issues on the policy agenda of the common-state have strong incentives to re-cast their demands in terms of the rights of the homeland. Cross-cutting claims that are not recast as homeland rights are often threats to the hegemony of homeland elites and so hegemonic elites within the homelands use their privileged positions to co-opt or silence the voices of these competitors. Most clearly this is true when these entail alternative nation-state projects. Yet this suppression is not limited to competing nation-state projects: In the last years of the Soviet Union the issues of environmental protection and economic reform were on the table of central decision-making organs in Moscow. The leaders of union republics worked to transform discussions of environmental protection and economic reform into debates over whether the common-state or homeland governments would exercise decision rights in these policy areas and which

ultimately exercised the sovereign power of the people to reallocate these decision rights and to dissolve the union.

In the Central Eurasian experience the agendas of common-state politics structured by ethnofederalism or autonomy arrangements have tended to focus on three sets of demands by homeland governments—limiting the power of the common-state government to write the rules of (or even to intervene in) the political life of the homelands, transferring more decision rights from the common-state to the homeland governments, and expanding the decision rights of homeland governments within the common-state government. In the context of competing national (and not simply ethnic) identities this competition over decision rights becomes linked to competing nation-state projects. The incentives to engage in these confrontations over decision rights and to link these confrontations to competing nation-state projects that can escalate to sovereignty claims inhere in ethnofederal and autonomy arrangements; thus, escalation to nation-state crises is endogenous to these arrangements. Homeland leaders demand a greater share of decision rights in order to shore up their positions within their homelands and extend their stay in office. For example, the autonomy to design the rules governing homeland elections is one of the most important tools used by homeland leaders to exclude their opponents from elections (often by language requirements for office holding) and for establishing a homeland political machine to extend the homeland leaders' political lives. Homeland leaders demand a greater share of decision rights controlling the allocation of economic resources in order to skim rents; they free ride on the federation by claiming control over locally generated taxes and valuable resources like oil and gas that give homeland leaders resources to distribute to their own population at the expense of the common-state. Homeland leaders demand a greater share of decision rights in order for

their homelands to develop in divergent ways in politics and economics as well as culture and to isolate their societies from competitive and potentially homogenizing pressures from common political parties, a common economy, a common media, or inter-regional migration (Ghai, 2002: 158). Yet, as divergent development moves the homeland further along its separate path homeland leaders see less reason for common-state policy and may even see common-state policy as threatening to their continued separate development; so they demand a still larger share of decision rights. Homeland leaders attempt to privilege their claims over the claims of other interests and against the counter-claims of common-state leaders with the assertion that the homeland claims represent the rights of a nation that is sovereign and possesses a right to a state of its own. By framing their claims in this way homeland leaders transform the stakes in center-periphery politics.

Third, ethnofederal and autonomy institutions are more likely than simple federal or unitary institutions to shift the balance of coercive capabilities to the advantage of the secessionists. They expand the coercive leverage that leaders associated with secessionist nation-state projects exercise over the common-state government. The proponents of most nation-state projects lack access to the enormous coercive capabilities exercised by a state and so are unable to induce common-state governments to concede or even pay attention to them. Ethnofederalism and autonomy hand over some of the powers of the states to the proponents of a select set of such projects. The decision rights given to homeland governments can become institutional weapons—that is, decision rights that are then used to pry still more powers from the common-state government. In Central Eurasia this leverage has included the ability to tip the outcome or even to disrupt the holding of common-state elections, to embargo taxes collected on the territory of the homeland, to embargo the flow of goods and

energy within the common-state economy, and to force a showdown between police or troops controlled separately by homeland and common-state governments. Thus, ethnofederalism in particular and autonomy arrangements to a lesser extent tip the balance of leverage in the direction of an advantage for the homeland governments.

Fourth, alongside the shifting balance of coercive capabilities is often a shifting balance of opportunity: The transfer of decision-making rights to homeland governments strengthens them against pressure from the common-state government, but weakens the common-state government so that it may no longer be able to defend itself (also see Mansfield and Snyder, 2002: 301). Leaders of homeland governments who have used their autonomy rights to consolidate their own hegemony within their homelands are in much better positions to withstand counter-pressure from the common-state government. Where homeland governments exercise vetoes in common-state decision-making they can force deadlock in the common-state government. This in turn weakens the common-state government's ability to defend itself against the demands and even predation by homeland administrations. In the last months of the Soviet Union, for example, as decision-making powers were transferred to union-republic governments from Mikhail Gorbachev's government and as decision-making within what remained of Gorbachev's government was held hostage to unanimity rules in the Council of the Federation (later the Council of State) that gathered the leaders of the union republics, the ability of the common-state government to defend itself withered away.

### **III. Context May Matter Only in the Extreme**

These processes appear to be common in ethnofederations, rather than the exception, and do not appear to be limited to communist or autocratic ethnofederations. The number of

failed ethnofederations is most impressive. Of the eighteen ethnofederations listed in the first column of Table 1, eight broke up through secessions (Austro-Hungary, Czechoslovakia, Ethiopia, Malaysia, Pakistan, Serbia-Montenegro, the USSR, and Yugoslavia). Another five saw recentralization or never actually implemented the devolution of powers due to autocratic rule (Burma, Indonesia, Nigeria, Tanzania, and Russia). One remained under international administration (Bosnia). Only four remained whole, independent, and democratic—the usual four of Belgium, Canada, India, and Spain. Among the nineteen non-federal states with autonomies outcomes were only modestly better. Seven autonomy arrangements were terminated by imperial collapse (the Ottoman and Russian Empires), recentralization (South Africa, Sudan, and Uganda), or de facto secession (Azerbaijan and Georgia). Another five were never implemented because power remained in the hands of the central government (China, Moldova, Tajikistan, Ukraine, and Uzbekistan). Only seven survived (Denmark, Finland, France, Italy, Papua-New Guinea, the Philippines, and the United Kingdom).

Even in the four ethnofederations that have survived, the step-like escalation in identity conflict, privileging of the agenda of allocating decision rights and sovereignty among competing nation-states, expansion of the coercive capabilities of the homeland administrations, and weakening of the common-state government can be seen. In India, Ramesh Dikshit (1975: 237) laments, ‘despite a large number of apparent diversities, language has come to be recognized as the only cleavage-forming factor in the national life at the level of the common man. As internal political boundaries have now coincided with the linguistic ones, the cleavage lines between states have hardened, and language has begun to play divisive mischief.’ In Canada the nation-state crisis exploded within less than five years of the granting of full sovereignty by the Constitution Act of 1982. Belgium survived the

months-long deadlock over the formation of a common-state government in 2007 only because the common-state government had become so insignificant that the burden of governance was carried by the separate regional governments. With each new constitutional reform the Belgian common-state appears to be withering away. In Spain the Basque Parliament on 30 December 2004 pressed its claims for greater autonomy in yet the next step of a slow progression of escalating claims on the Spanish common-state by approving a measure calling for a still looser relationship with Spain in a 'free association' and declaring the region's right to secede. In a parallel move the Catalanian Parliament pressed Madrid for extensive expansion of the region's decision rights. The socialist government of Jose Luis Rodriguez Zapatero, echoing the claim of Mikhail Gorbachev, has rationalized that further devolution is the best way to avoid violence, save ethnofederalism, and keep the common-state whole.<sup>5</sup> In each of these cases observers have debated whether they are on a death watch for these ethnofederations; the inconclusive nature of this debate and the very uncertainty surrounding the answers to that question are signs of the nation-state crisis in each country.

One contextual constraint that may significantly affect the ability of ethnofederations to survive is a foreign threat. William Riker's (1964) finding concerning the conditions for creation of federations may also identify a condition for the survival of ethnofederations particularly in their early fragile years. A common enemy, but not one that appeals to one segment of the ethnofederation against the others, may be a key to survival (Dikshit, 1975: 219-42). Since few would advocate that the international community begin threatening new

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<sup>5</sup>Renwick McLean, 'Spanish Basques Approve Secession Measure,' *The New York Times* (December 31, 2004), A8; Renwick McLean, 'Voters in Catalonia Approve a Plan for Greater Autonomy,' *The New York Times* (June 19, 2006), A8.

ethnofederations in order to help them survive, this does not provide much guidance for policy without significant, imaginative reinterpretation.

A closely related external constraint that may make ethnofederalism and autonomy arrangements work in ethnically divided societies is an external overlord or guarantor to serve as a check on both common-state and homeland governments. Since we have only three cases of this—Canada until 1982, Czechoslovakia until 1989, and Bosnia since 1995—we must be cautious in drawing too many confident conclusions. Nevertheless, the more than century-long British overlordship that gave Canadian provinces a right of appeal to the Imperial Parliament in London, the four-decade Soviet domination of communist Czechoslovakia, and the more than decade-long NATO-EU overlordship in Bosnia produced otherwise improbable successes for ethnofederalism. The right of appeal to a higher authority may restrain the common-state and homeland governments from exceeding their authority. An overlord can impose policy when the indigenous leaders deadlock, as in Bosnia. By extension and more speculatively, some analysts propose that a new common-state uniting the old common-state and secessionist state as equals or an inter-governmental collective security arrangement may add a superordinate layer of governance that removes the poignancy of the identity conflict and sovereignty grievances and deters the post-settlement common-state and homeland governments from overstepping their authority. For example, in the Caucasus a new common-state, such as a Transcaucasian federation, or European inter-governmental organizations, such as the EU, could play this role: Bruno Coppieters (2001) proposes that in the short term the European Union could transform the power balance among the parties in the Caucasus region and offer immediate financial carrots and sticks to induce cooperation, and in the longer term it could foster social learning that transforms the identity conflict and sovereignty

grievances among parties. Gergana Noutcheva et al. (2004: 10-11) elaborate that these incentives offered by the EU might include ‘financial and technical assistance, institutional ties, market access, and an invitation to begin accession negotiations’ (also see Danspeckgruger, 2005; Ghai, 2002: 157). It is still unclear, however, whether ethnofederalism that begins under overlordship can keep a country together in a transition to full independence: Bosnia has not yet made this transition and the nation-state crises that exploded immediately after Canada and Czechoslovakia made their transitions should give us pause.<sup>6</sup> Alternatively, for outside powers seeking to design a political arrangement that legitimizes and necessitates this overlordship for an extended period of time the evidence from Bosnia (and even Canada) may make ethnofederalism a more attractive option.

#### **IV. A Caveat about Time**

The debate between proponents and critics of ethnofederalism may reflect a variant of what Rothchild and Roeder (2005: 6) label the dilemma of powersharing—ethnofederalism is the solution most likely to bring an agreement to reduce current conflict but it is also the institutional arrangement most likely to bring a re-escalation of conflict in the future. This distinction involves a temporal dimension between shorter-term and longer-term consequences. This distinction may be reinforced because during the initial stage of implementing ethnofederalism and autonomy arrangements, homeland leaders often become so preoccupied with consolidating their new governments’ hold on their homelands and consolidating their own positions within those governments that they give less attention to conflict with the center. This caveat concerning time inconsistency in the effects of

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<sup>6</sup>Steven Weisman, ‘U. S. Urges Bosnians to Revise Constitution,’ *New York Times* (November 21, 2005), A12.

ethnofederalism and autonomy arrangements is supported by Dawn Brancati's (2006) finding that in democracies decentralization has the direct (and immediate) effect of reducing secessionism and violence by bringing government closer to the people and expanding opportunities for representation. Alternatively, she finds, decentralization has the indirect (and longer-term) effect of increasing secessionism and the potential for violence by encouraging growth of regional parties that in turn foster separatist identities, press separatist agendas, and possess mobilization capacity. The danger emerges in the longer term, but this begs the empirical question: how long do ethnofederalism and autonomy arrangements forestall the re-escalation of conflict? It also begs a second question: can we use ethnofederalism and autonomy arrangements in the shorter-term but replace them with more stable institutions before the longer-term effects set in? Rothchild and Roeder (2005) warn that institutions are sticky because they empower politicians who come to have a vested interest in the institutional arrangement under which they have consolidated their control within homelands. Thomas Chapman and Roeder (2007) find that the time before resumption of civil wars may be very short in the presence of autonomy arrangements—within two years in most cases.

### **V. Institutional Details That Are Unlikely to Exorcise the Demons**

Since at least the time of Horowitz's (1985) pioneering speculations about the role of federalism in an ethnically divided society, many institutionalists advocating ethnofederalism or autonomy arrangements have insisted that constitutional designers need only 'get the institutions right' in order to avoid the dangers described previously in this article.<sup>7</sup> Yet, the accumulation of evidence in recent years suggests that institutional variations on

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<sup>7</sup>I label Horowitz's discussion 'speculations' only because he had so few empirical cases to examine at that time, not to detract from the contribution of his propositions.

ethnofederalism and autonomy arrangements do not profoundly change the consequences for post-settlement politics. Most of these variations simply entail adjusting the allocation of powers (decision rights), but this tinkering with the details highlights a variation on the central dilemma just discussed—ethnofederal and autonomy arrangements box subsequent politics into a narrowing range of options that limit subsequent reformers to a choice between the Scylla of recentralization and the Charybdis of secession. This also highlights that the devil is not in the minor details that distinguish one form of ethnofederalism or autonomy arrangement from others, but in the fundamental institutional difference between ethnofederal and autonomy institutions, on the one hand, and simple federal and unitary institutions, on the other. The former institutionalize and nest proto-nation-states within a larger nation-state, creating the conditions for a subsequent nation-state crisis.

Four of the most commonly proposed tinkering reforms seek to guard against break-up by strengthening the common-state government and weakening the homeland governments, but by avoiding Charybdis they sail headlong into Scylla. First, constitutional designers can weaken the homeland governments and strengthen the common-state government by curbing the decision rights of the homeland governments (Watts, 1999). They may limit the threat of deadlock in the common-state government by curbing the voting rights of homeland governments within common-state organs. Institutional arrangements can also limit the opportunities of regional leaders to free ride on the federation (also see Rodden and Wibbels, 2002). In many of the autonomy arrangements (compared to the ethnofederations) in Table 1 the balance of power is relatively more favorable to the common-state government and this may account for the relatively lower break-up rate among the non-federal states with autonomy arrangements. Yet this reallocation of decision rights simply increases the

likelihood of recentralization. As Jacob Levy (2007) notes, in the logic of ethnofederalism the regional governments must have a plentitude of powers to become a bulwark against common-state predation on minority rights.

Second, constant change in ethnofederal jurisdictions can disrupt the processes by which regional leaders consolidate identity and political hegemony within their homelands and this may keep their homeland governments weaker relative to the common-state government. Several students of Nigerian federalism have noted that the multiplication of ethnic entities has prevented new secessionism from gaining traction (Horowitz, 1985: 604): The very fluidity and impermanence of states may have weakened secessionism. Nigerian federalism has not permanently privileged one configuration of ethnic identities, but has progressively empowered more, smaller ethnic identities at the expense of larger, more inclusive groups. Nigeria began independence with three homelands, but in 1963 this became 4, four years later this became 12, eight years after that this became 19, twelve more years and it became 21, then four years after that it became 30, and after another five years it became 36. Yet, this is probably not a practice that could be implemented in too many ethnofederations; this seems a procedure that is hard to implement except under autocratic rule. The regional governments empowered in the initial ethnofederal settlement, if they are powerful enough to defend the interests of their communities against common-state predation, are likely to resist the threat to their power from further division. But when this resistance can be overcome this second form of institutional tinkering simply creates an opportunity for recentralization, as it did in Nigeria.

Third, ethnofederalism can be used to disrupt the most divisive nation-state projects by empowering alternative ethnic communities that have not yet developed strong national

identities. In India at the time of independence the most active nation-state projects that challenged unity were associated with religious communities and with the princely states like Hyderabad. The introduction of ethnofederalism with boundaries drawn along linguistic lines had the immediate effect of creating cross-cutting categories of empowerment that dissipated the immediate threat of secession. By contrast, Burma/Myanmar did not create cross-cutting jurisdictions to eliminate the princely states, but empowered these through ethnofederalism, and has faced continuing secessionism from these ever since. Yet, this strategy may only work for a while before the new ethnofederal jurisdictions become the source of secessionism. In India the linguistic nationalisms have grown in political strength. In the Soviet Union cross-cutting ethnofederalism was the strategy that the Soviets used in Central Asia in the national delimitation of 1924. Moscow thought the union-republics based on the projects they favored would disrupt the most threatening nation-state projects of the day—notably the Turkestan, Bukhara, and Khiva projects. With time, however, the union republics themselves became the major Central Asian threat to the unity of the Soviet Union.

Fourth, various forms of asymmetrical federalism, in which only some ethnic groups enjoy uniquely empowered homeland governments, may strengthen the common-state government. Henry Hale (2004: 166-7) argues that the threat of secession can be contained if the core nationality in an ethnofederation, such as the Russians in the Russian Federation, is divided among several federal units: In the Russian Federation during its first decade of independence the 89 constituent units of the federation included only 32 that were formally homelands of some minority group; 57 of the constituent units were provinces or federal cities with Russian majorities. The provinces did not enjoy the same rights to self-government exercised by the republics based on ethnic-minority homelands. This, Hale argues, prevented

the developments that he contends brought the break-up of the Soviet Union—fosterage of an alternative nation-state project for the core nationality (Russians within the USSR), emergence of a revolutionary ‘dual power’ crisis between the governments of the common-state and the homeland administration of the core nationality (Gorbachev versus Yeltsin in Moscow), and reduction of the capacity of the common-state government to credibly commit to protect minority rights. Yet, asymmetry may be difficult to introduce and maintain and may itself generate conflicts. As Yash Pal Ghai (2002: 160-2) notes, asymmetry that grants minority homelands greater powers of self-government creates resentment within the numerically larger core nationality. Pressure from the Basque Country, Catalonia, Corsica, and Quebec for greater autonomy than enjoyed by other regions, departments, or provinces has already brought a backlash from the majority populations and their many regional governments in each country (Kymlicka, 1998: 128-36). Any scheme to represent the homeland governments in central decision-making is likely to become caught up in a bruising fight between the provincial governments of the core nationality that press for equal votes for all regions, which would guarantee the core nationality many more votes than any one of the minorities, and the homeland governments of the minorities, which demand that their votes be weighted so that the minorities (individually or collectively) are closer to parity with the core nationality in common-state decision-making. In Russia this very issue brought the federation to a nation-state crisis in 1993: The demand from republics to weight their votes above those of provinces in the Council of the Federation and to extend greater powers to the republics produced a backlash among the province leaders who threatened to proclaim their jurisdictions republics; several republic leaders threatened to separate their homelands further from the Federation if the center gave in to the demands of the province leaders. This was

resolved only by a presidential coup in fall 1993 that imposed a solution denying the republics' demands. Moreover, asymmetry does not appear to be a guarantee against secession: the de facto secessions of Abkhazia and South Ossetia from Georgia and of Nagorny Karabakh from Azerbaijan as well as the de jure secessions of Singapore from Malaysia and of Eritrea from Ethiopia suggest that even asymmetrical arrangements may break up—or at least pieces of an asymmetrical federation may break away.

## **VI. Restatement: Ethnofederalism Is Not Simply Federalism**

This discussion underscores the fundamental differences between federalism and ethnofederalism—both in their structure and in their consequences for politics in ethnically divided societies. Indeed, simple federalism can be used to disrupt the processes described previously that lead to nation-state crises: Various forms of cantonization or federalism that divide ethnic communities may prevent the consolidation of national identities on the periphery that compete with the foundations of common-state unity and may block the conflation of political agendas into a conflict over alternative nation-state projects (McGarry and O'Leary, 1993).<sup>8</sup> Ethnically homogeneous cantons that divide ethnic communities may encourage inter-regional competition within ethnic groups. Ethnically heterogeneous cantons that divide ethnic communities may also 'quarantine' inter-ethnic conflicts and encourage cross-ethnic cooperation on behalf of the region's interests in inter-regional conflicts. This was the logic of the Vance-Owen project for Bosnia and part of the logic for preserving the eighteen provinces of Iraq in a federal arrangement rather than concentrating power in three

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<sup>8</sup>In addition to federalism, however, there are alternative forms of territorial devolution that may protect the rights of minority communities without creating a knife-edge equilibrium (Roeder, 2005). The multiple-majorities or power-dividing strategy devolves power both horizontally and vertically to multiple, overlapping, functionally specific jurisdictions rather than a single layer of general-purpose homeland administrations (also see Hooghe and Marks, 2003).

ethnic regions. In Nigeria after 1976 Hausas were divided among six states, the Yoruba among five states, and the Ibo between two (Horowitz, 1985: 604-13). This discouraged consolidation of a pan-northern ethnicity uniting Hausa and Fulani, and it empowered still smaller ethnic distinctions, such as Kano Hausas, within the major ethnic groups. To the extent that it becomes harder to form cross-province coalitions among ethnic kin this weakens the ethnic groups against the common-state government and may forestall the consolidation of a nation-state project that challenges the unity of the common-state. To the extent that any new ethnic hegemonies that emerge within the smaller states are proportionately weaker in any confrontation with the common-state government, the threat of break-up declines.

Of course, cantonization brings the familiar risk associated with weakening the challenge of alternative nation-state projects: The threat of recentralization vis-à-vis the ethnic minorities rises. To the extent that regions are weaker and are heterogeneous, they may be less effective at protecting the rights and autonomy of minority communities. Indeed, majorities as well as minorities within the multinational republics of the Russian Federation—Chechen-Ingushetia, Dagestan, Kabardino-Balkaria, and Karachai-Cherkessia—complained loudly that their rights had not been protected by the governments of these heterogeneous homelands and many demanded creation of new homogeneous republics. In the last of these multinational republics conflict between Karachais and Cherkesses became so violent that the republic became a virtual ward of the common-state government in the 1990s.

This use of federalism to avoid the dangers of ethnofederalism highlights the key difference between the two institutional arrangements: When the constituents of a federation are homelands, these constituents are more likely to become alternative nation-states within the common-state and are more likely to press successfully for independence. In

ethnofederalism the concentration of devolved powers in homeland governments increases the likelihood that a select set of national identities will become privileged over other identities on the periphery and come into conflict with the national identity that binds the common-state, that greed and grievances will come to focus on conflict over competing nation-state projects, and that the balance of leverage will shift to the advantage of the secessionists who use their powers to weaken the common-state government. Because institutions empower politicians whose careers depend on these arrangements, once ethnofederalism or autonomy arrangements are in place homeland and common-state leaders are likely to limit constitutional options on the bargaining table to tinkering with the ethnofederation in ways that rock the state precariously between centralization and dissolution.

Table 1

**Ethnofederations, Non-Federal States with Autonomous Ethnic Regions, and Federations, 1901-**

<u>Ethnofederations</u>	<u>Non-Federal States with Autonomous Ethnic Regions</u>	<u>Federations</u>
Austro-Hungary (1867-1918)	United Kingdom (1707- )	United States (1789- )
Canada (1867- )	Russian Empire (1809-1917)	Switzerland (1848- )*
USSR (1922-91)	Ottoman Empire (1832-1913)	Argentina (1853- )
Yugoslavia (1945-92)	Finland (1922- )	Venezuela (1864- )
Pakistan (1947- )	Denmark (1948- )	Germany (1867-1938, 1949- )
Burma / Myanmar (1948-62)	Italy (1948- )	Brazil (1891-1934, 1946- )
Indonesia (1949-50)	China (1951- )	Australia (1901- )
Ethiopia (1952-62)	Uganda (1962-67)	Mexico (1917- )*
India (1953- )	Sudan (1972-83, 2005-)	Austria (1918-38, 1945- )
Nigeria (1960- )	South Africa (1972-94)	Libya (1951-63)
Malaysia (1963-5)	France (1982- )	Malaya (1957-63, 1965- )
Tanzania (1964- )	Philippines (1990- )	Mali (1960-60)*
Czechoslovakia (1969-92)	Azerbaijan (1991- )	Cameroon (1961-72)*
Spain (1978- )	Georgia (1991- )	United Arab Emirates (1971- )
Belgium (1980- )	Tajikistan (1992- )	Comoros (1978- )*
Russia (1991- )	Ukraine (1991- )	St. Kitts-Nevis (1983- )
Serbia-Montenegro (1992-2006)	Uzbekistan (1991- )	Micronesia (1986- )*
Bosnia (1995- )	Moldova (1995- )	
	Papua New Guinea (2000- )	

The dates in parentheses indicate the year of establishment of the first ethnofederal or autonomous entity that was still in existence after 1900.

\*The society is ethnically diverse (that is the indigenous minority population constituted at least 25 percent of the total population in 2000), but the constituents are not minority homelands.

Source: Based on data in Elazar (1994), Lake and Rothchild (2005), Lemco (1991), Roeder (2007), and Watts (1999).

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