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### Summary

While member-state structures—the number, relative sizes, and demographic characteristics of states in federal regimes—could be thought to be one of the defining features of different federations, the comparative literature has paid relatively little attention to this important topic. There is the well-known distinction between “coming together” and “holding together” federations, but this has not led to comparative examinations of how these different formative experiences relate to the member-state structure of a federation, its evolution over time, and the processes for defining new or revised member-states. There has been more comparative attention to differences between “ethnic” and “territorial” federations, but often with limited linkage to other variables, such as the number and relative sizes of the member-states. For example, the literature on consociational power-sharing arrangements in central federal governmental institutions has largely neglected consideration of how the member-state structure and the pattern of territorial cleavages in the society affect the likelihood or form of power-sharing arrangements. This relates to the need to see the political geometry of federations in their broader social context: how the member-state structure compares with the underlying social and territorial cleavages in the country. While these cleavages may affect the member-state structure of the federation, they will certainly affect the political dynamics as institutional arrangements and societal pressures interact.

## Keywords

federation creation, federal member-state structure, ethno-federalism

## Introduction

This article addresses how member-states<sup>1</sup> in federations have been created and the implications of the member-state structure for federations. A federation's member-state structure is as defining a characteristic as the division of powers; the legislative, executive, and judicial institutions; the fiscal arrangements; intergovernmental mechanisms; and the formula for amending the constitution. However, how state structures have emerged and evolved has been a “much-neglected issue in comparative federalism, but it is critical in the design of new federations. Once drawn, boundaries quickly become very difficult to change as interests and identities coalesce around them” (Simeon, 2009; see also O’Leary, 2001). This article’s main aim is to address the lacunae of comparative work on the creation and evolution of member-state structures by providing a series of narrowly focused cases studies, because such basic information is often neglected in discussions of the constitutional origins of federations (Kincaid & Tarr, 2005).

This article adopts the minimalist definition of the term *federation* as a system of government with a constitutionalized division of legislative powers between the central and territorial governments.<sup>2</sup> The variety of federal forms is considerable—in the form and extent of devolution of powers, in their institutional arrangements, and in the number, sizes, and character of their states. There are approximately 25 federations in the world.

Some countries (such as India, South Africa, Spain, and perhaps Italy) that are not designated as federal in their constitutions are considered to be federal by most political scientists, while others that are constitutionally federal (such as Russia and Venezuela) have such limited democracies and such extensive centralization that they are seen as only marginally federal at best. Yet other countries with significantly devolved regimes (e.g., Indonesia and Kenya) are not normally considered to be federal, but the issues discussed here apply equally to them.

In this article, the term *member-state structure* is used to communicate the following characteristics of a federation:

- The character of the states: culturally homogeneous, heterogeneous, or a mix of the two
- The number of states
- The relative sizes of states (e.g., one or two very large states relative to the others or most states' being of reasonably comparable size).

*Member-state structure* is a neologism that reflects the relative neglect of the subject; it is narrower than *state structure*, which would normally be thought to include the major institutions of a federation.

The article starts with capsule histories of member-state structures in 17 federations, of three failed attempts to create functioning federations, and of rules governing, and some experiences of, boundary changes.<sup>3</sup> It then offers some comparative analysis of different experiences in creating member-state structures before concluding with

consideration of the implications of member-state structures for the functioning of federal systems.

### **Creating Member-State Structures in Early Federations**

The United States, Argentina, Canada, Brazil, and Australia all emerged from a colonial context of territories settled and dominated by European immigrants, where Indigenous people were disempowered and displaced. The United States and Canada started federalism with 13 and four states, respectively, that grew progressively to 50 and 10, respectively, as new lands were acquired and new states joined and were created (or enlarged) in territories that were settled by non-Indigenous populations. In contrast, Argentina, Australia, and Brazil embarked on federalism with their eventual territory largely determined. Australia's original structure of six states remains, while in Argentina and Brazil a few new states were created over time.

### ***Switzerland***

The only early federation still extant that was not of the postcolonial, settler type is Switzerland.<sup>4</sup> It had been a loose confederation of 22 sovereign cantons until they came together after a brief civil war to adopt a federal constitution in 1848. The member-state structure of Switzerland, comprising 26 cantons and largely defined by the country's three main languages and two major religions, remained unchanged until 1979, when the canton of Jura was created by secession from Bern.

## *United States*

Under the Articles of Confederation in 1781, the thirteen colonies formed a weak United States of America. This included extensive lands west to the Mississippi, some of which were outside any state, while others were claimed by various states. With the transition to federalism in 1789, the western boundaries of states were determined. It was agreed that new states could be admitted by a joint resolution of Congress on the same constitutional terms as the original states. Established states would need to accede to any loss of territory in the creation of a new state. Vermont and Kentucky were admitted in 1791 and 1792 with the consent of New York and Virginia, respectively. After that, 31 of the new states admitted were from the organized federal territories created as the country expanded westward. Territorial governments could express their interest in statehood (usually by referendum) as their population became large enough, after which Congress would authorize a convention for the territory to draft a constitution and apply for statehood. Seven new states were admitted on this basis between 1796 and 1819. This resulted in 11 slave and 11 nonslave states. The application for admission by Missouri, which would be a slave state, led to a major political crisis and an eventual compromise by which Maine (carved out of Massachusetts) would also be admitted to maintain the balance between slave and nonslave states. Furthermore, slavery was made illegal north of a defined latitude. The issue of slavery continued to shape the politics of state creation right up to the Civil War. Other issues also affected state creation and delimitation (e.g., Texas ceded lands in exchange for debt forgiveness), and partisan politics affected the timing and even creation of certain states. Leaders of five tribes in the last Indian

Territory attempted to have it turned into a state, but their effort was rejected and the Territory was absorbed into the new state of Oklahoma in 1907. The last state to be created was Hawaii, in 1959 (Smith, 2004). Since then, the possibility that the District of Columbia and Puerto Rico could become states has become a major partisan issue because both would be strongly Democratic, so their admission would affect the balance of power in the U.S. Senate.

### ***Argentina***

Argentina declared independence in 1810 after Napoleon's conquest of Spain, but it fell into a long period of civil war, which federalist forces finally won in 1852. Its territory had been part of a large Spanish viceroyalty organized into provinces, and the federal constitution was drafted in 1853–1860 by 14 provinces, which were largely based on the old colonial divisions. Large, thinly populated regions in the West and South outside the provinces were designated as national territories, and in 1884 they were organized into nine governorates. All of them became provinces between 1951 and 1990.

### ***Canada***

Canada became an internally self-governing federation in 1867, when the formerly united province of Canada was split into English-predominant Ontario and French-predominant Quebec and joined the colonies of New Brunswick and Nova Scotia to found a new country. In 1870, the United Kingdom transferred to Canada the vast North-Western Territory and Rupert's Land, a small part of which included the new province of

Manitoba, while the remainder became the Northwest Territories. Ten years later, the British transferred the Arctic Archipelago to Canada, which added them to the Northwest Territories. British Columbia and Prince Edward Island joined as new provinces in 1871 and 1873, respectively. In 1905, Alberta and Saskatchewan were created from the Northwest Territories. Local opinion had favored a single province, but for political reasons the federal government opted for two provinces. In 1912, Quebec, Ontario, and Manitoba were extended geographically to include the large territories to their north. The area north of the 60th parallel and west of Hudson's Bay was divided into the Yukon and Northwest Territories, and a third territory, Nunavut, was carved out of the Northwest Territories in 1999. In 1949, Newfoundland, then a British colony, joined as Canada's tenth province, after two referendums.

## ***Brazil***

Brazil proclaimed its independence in 1822, and since then it has had seven constitutions. It first became a republic in 1889, when the constitutional monarchy was ousted, and it adopted its first federal constitution in 1891. The territorial extent of this vast country was already much as it is today. Its initial federal structure of 20 states was a direct inheritance from the captaincies that were created in colonial times and were converted to administrative provinces in 1821. In 1903, after a border war, Brazil acquired the region of Acre from Bolivia, and Brazil administered Acre as a territory until it was given statehood in 1920. The most significant change in the state structure came during World War II, when, for strategic reasons, the Vargas regime carved six border territories out of

existing states, which it then administered directly. In 1946, two of the territories were returned to their states of origin, while the other four had become states by 1977, when, in addition, the new state of Mato Grosso do Sul was carved out of Mato Grosso.

### ***Australia***

In 1901, the six colonies of Australia came together to form a federation. The only significant changes in the state structure since then came in 1911, with the separation of the Northern Territory from South Australia and, as provided for in the Constitution, the creation of a Capital Territory on land in New South Wales.

### **Creating Member-State Structures in Postwar Federations**

About 20 federations have been created since World War II.<sup>5</sup> With the partial exception of Malaysia (and some tiny island federations), none resulted from formerly separate units “coming together” to create a new, federal country; rather, they all were cases of “holding together” an existing country through a transition to federalism. This section reviews, first, the experience of federations that successfully completed a transition to federalism with a defined state structure and, second, the experiences of India, Nigeria, and Pakistan, which undertook major revisions of their state structure after they had adopted federalism.

### ***Concluding the Member-State Structure in the Transition to Federalism***

Belgium, Bosnia-Herzegovina, Ethiopia, Germany, Malaysia, Nepal, South Africa, and Spain are postwar federations that basically resolved their state structure when determining their federal constitution—although in a few cases there have been minor modifications since.

### *Belgium*

The driving force in Belgium's federalization has been tensions between the Dutch and French linguistic communities, along with regional differences over social and economic policy. In 1932, the still unitary country moved toward territorial unilingualism in Flanders and Wallonia and bilingualism in Brussels and areas with significant linguistic minorities. Linguistic boundaries were to be adjusted after each language census, but technical adjustments proved impossible, so in the early 1960s a political deal was negotiated to resolve several of them. There was consensus on the need for structural reform, but deadlock over its form: some in the north wanted to incorporate Brussels into the Flemish community, while the south wanted autonomy for three regions, including Brussels. By 1970, the country started five staged constitutional reforms, and with the fourth of these, in 1993, it became formally federal, with a unique structure of three territorial regions and three cultural communities. The boundaries of the regions followed those of the old administrative provinces, with the exception of the province of Brabant, which was divided in 1995 between the Flemish and Walloon regions and Brussels. This split led to a major dispute over an electoral district that straddled borders, and the dispute was only resolved, by consensus, in 2012. The central institutions of the

federation are largely consociational, in that a majority of each of the two major linguistic communities must agree on important issues (Hooghe, 2004).

### *Bosnia-Herzegovina*

The state of Bosnia-Herzegovina has a complex structure that resulted from intense negotiations in 1995 to end 3 years of war. Ethnic cleansing during the war changed the demographic map, with more homogeneous communities. The first international proposal for resolving the conflict was for nine provinces and a federal district, with Bosniaks, Serbs, and Croats each being the majority in three provinces. But the Dayton Peace Accord steered by the Americans divided the territory into two Entities, the Bosnian-Croat Federation of Bosnia-Herzegovina and the Republika Srpska—with the former being a 10-unit federation within a larger, two-unit federal structure. The national government is based on highly consociational arrangements giving each of the three communities a veto on matters of vital interest. Negotiation of the major territorial boundaries—notably contiguity for each of the two major units—was aided by advanced digital technology. The small, mixed territory of Brcko sits between the two parts of the Republika Srpska, and it took several years to resolve its status as a separate political unit, although not a full federal entity, so the Republika Srpska never achieved contiguity. Bosnia-Herzegovina has a highly consociational, and dysfunctional, central government, with each of the three major communities having equal rights (Zahar, 2019).

### *Ethiopia*

Ethiopia's civil war was won in 1991 by a coalition of ethnic liberation fronts that were hostile to the preceding centralized, Marxist regime. The victors opted for a strong version of "ethnic federalism." The Constitution provides every nation, nationality, and people with common culture, language, and identity with an "unconditional right to self-determination, including the right to secession" (Article 39). However, in practice, the process of defining the new states was essentially internal to the coalition. Language played "a key role for drawing internal political boundaries, not only for establishing the regional states but also in the establishment of local-level self-rule, as in the SNNPRS [Southern Nations, Nationalities and Peoples Regional State]." The original plan had 14 regional states, but these were reduced to nine when five states were brought together into the extraordinarily heterogeneous SNNPRS, which formed a quasifederation within the federation. Only five regional states had strong ethnic homogeneity. The provision on self-determination also applied to creating special local governments, but the government became concerned by the proliferation of these and rejected calls for more (Fiseha, 2019). However, in 2020, Sidama regional state was carved out of the SNNPRS after a referendum.

### *Germany*

After its defeat in 1945, Germany, whose territory was greatly reduced by the decision of the Allies at Potsdam, was divided among the four occupying powers into zones. Each power restored or restructured the territorial units of government within its zone, with the land or province being the highest unit that would be part of the federal structure. The

units adopted by the occupying powers were strongly influenced by the states of the Weimar Republic, but with notable exceptions, including some amalgamations and boundary adjustments. The four powers abolished Prussia, which had dominated past German politics and was seen to be militaristic; its former territory was assigned to several laender (Clark, 2009). The Basic Law of the new federal republic was drafted by representatives of the laender created by the western Allies, but it provided for the possible merger of three particular laender, which happened after an advisory referendum. The Saarland was established as a French protectorate in 1945, and in 1954 France and West Germany agreed to a plan for an independent Saarland, but this was soundly rejected in a referendum, which led to Saarland's joining the federal republic as a new land in 1957. After the collapse of the East German regime and reunification, the five laender of East Germany that had existed in 1952 were reconstituted with minor boundary revisions and were integrated into the federal republic. There were referendums in Berlin and Brandenburg on their possible merger, but the merger was defeated (Gunlicks, 2003).

### *Malaysia*

The Federation of Malaya was created out of the Malayan Union in 1948, which preceded independence in 1957. The federation's states were based on the traditional Malaya monarchies or sultanates, as well as Penang and Malacca, which were British colonial territories. In 1963, Malaya was reconstituted as Malaysia, with the addition of Singapore, Sarawak, and North Borneo. There were tensions from the start between

Singapore and the Malays over policies favoring ethnic Malays and economic policy, and the Malayan Prime Minister decided to expel Singapore in 1965. Later, there were minor territorial changes in the state structure. The new directly administered federal territories of Kuala Lumpur, Labuan (a small offshore financial center), and Putrajaya (the new federal administrative center), were carved out of existing states by federal–state agreement. Kuala Lumpur’s status changed because the federal and Selangor governments were controlled by different parties, which was seen as a source of potential conflict. The federal government paid the state of Selangor for the territory of Putrajaya, which is very near Kuala Lumpur.

### *Nepal*

Nepal became federal through a long and difficult constitutional transition following its civil war, which ended in 2006. The Maoists, who emerged as the largest party in the 2008 elections, strongly advocated ethnic federalism as a way to empower marginalized groups. The Congress and Marxist-Leninist parties opposed identity-based federalism, although they would accept a form of territorial federalism. A consensus emerged in 2008 around adopting federalism, but there was no shared view regarding the criteria for provinces. The lack of traditional subnational units of any political significance and the extensive overlapping of ethnic and caste groups made defining new provinces especially contentious, and it was only in 2015 that a new federal constitution with seven provinces was agreed by the major parties. This was partly informed by earlier agreement on five criteria for defining provinces: geography, ethnicity, population, language, and culture;

each province was formed from a cluster of the former 75 districts. Marginalized communities, such as the Madhesi and Tharus, strongly objected to their not having provinces; they see their communities as having been divided and made minorities in all the provinces. Provinces initially had no name or capital—these issues are being settled by the new provincial legislatures and no province can be named after a single ethnic group (Ghale, 2015; Malagodi, 2019).

### *South Africa*

A major issue in South Africa's transition to democratic rule in the 1990s was the debate over a unitary versus federal regime: the African National Congress (ANC) strongly favored the former, while the National Party and Inkatha Freedom Party wanted strong subnational units. The compromise was a centralized federation, although the term federal was not used. This required a process of provincial demarcation. The apartheid regime had glaring disparities between White provinces and Bantustans, so those units were rejected. The Multi-Party Negotiating Forum (MPNF) established a multiparty commission to make recommendations on the new provinces. The commission's criteria fell under four headings: economic aspects, geographic coherence, institutional and administrative capacity, and sociocultural issues (Makgetla & Jackson, 2012). A supporting technical committee proposed eight provinces largely based on the existing economic regions. This proved highly contentious, and after heated discussion, the commission recommended nine provinces, with the proposed Eastern Cape province being split. After some further work by the commission, the MPNF agreed to the

proposed nine provinces, while brokering a number of compromises. There was significant public resistance, notably among populations that considered that their area should be in the next-door province, but the ANC was anxious to avoid any delay in elections, so it argued for adjustments later, with only a few immediate changes. After the election, the new Constitutional Assembly voted the Constitution by a two-thirds majority. In practice, all but two of the provinces have a majority of one ethnic group, but boundaries were not adjusted to bring ethnic groups into largely homogeneous provinces. The Constitution provided a procedure, but not substantive criteria, for future revisions to provincial boundaries: revisions to provincial boundaries require a two-thirds majority in the lower house and six of nine provinces approving in the second house. There have been three revisions of provincial boundaries affecting seven provinces. One of these generated opposition and was subsequently reversed (Steytler, 2019).

### *Spain*

Spain's transition to democracy and federalism in the late 1970s marked a major break from the highly centralized dictatorship of Franco. However, regionalism had deep roots in the country, especially for the historic nationalities of Catalonia, the Basque Country, Galicia, Navarra, and Andalucia. The second republic of the 1930s had provided special autonomy for Catalonia, the Basque Country, Galicia, Navarra, and Andalucia, so one of the first steps after Franco's death was to restore Catalonia's executive and to create an interim Catalan legislature. During the Franco era, Spain was organized into 50 administrative provinces, but these were not considered appropriate as the principal units

of devolution, so the Constitution (Article 143) established criteria for the creation of Autonomous Communities (ACs). Two or more bordering provinces with common historic, cultural, and economic characteristics could form an AC. Also, single provinces with a historic regional identity and offshore island territories could be ACs. A separate provision giving the Cortes Generales discretion permitted Madrid to become an AC. The process of amalgamation into the ACs was led by municipal representatives within each province; two thirds of all municipal representatives accounting for at least a majority of a province's population were given the initiative to decide on the amalgamation of their province with other provinces into a new AC. In some cases, there was a referendum. The decisions at the provincial level were reviewed by the Cortes in Madrid to ensure that they met the criteria. Any province that did not decide to join a region within a set time (6 months) would lose the opportunity to become part of an AC for 5 years and would remain under central administration during that period. This gave provinces a strong incentive to join together, and no province failed to become part of a new region. In the end, 17 ACs were created from the 50 provinces. Their populations vary from over 8 million to just over 300,000 (Moreno et al., 2019).

### ***Revising the Member-State Structure after the Transition to Federalism***

#### ***India***

At the time of independence in 1947, India inherited what had been nine provinces and some 550 princely units during British rule. They were reconfigured into 27 states in

three classes, as well as one Union Territory. This partition made little sense, but the longer-term state structure was put off when the federal constitution was adopted in 1949. However, it was recognized that the issue would need to be addressed, so the Constitution gave Parliament the power to create new states, after consulting the states affected, by simple majority votes in the two houses. Within a year, there was an internal recommendation within the Congress Party for the creation of a linguistically based state of Andhra, which finally occurred, after extensive demonstrations and a fast-unto-death, in 1953. This opened the floodgates of demands for other linguistically based states, so the Union government created a three-man States Reorganization Commission (SRC), which held extensive hearings and received thousands of submissions over a 2-year period.

The SRC's report essentially opted for states organized based on the country's main linguistic communities, but it expressed reservations about the implications of linguistic division for national unity and stressed the need for administrative efficiency and efficacy. It recommended a much-consolidated structure, with only one class of states and a few Union territories. Parliament largely accepted these recommendations, and in 1956 it created 14 states and four Union territories. Several new states were essentially linguistically based, but others had two or more significant language communities. Given the size of the Hindi-speaking population, there were several Hindi majority states. Over the next 60 years, an additional 15 new states were progressively created. Bombay and Punjab, both effectively bilingual, were divided in 1960 and 1966, respectively. Assam in the northeast was home to many tribal and linguistic communities with a long history of

conflict; its special character had been recognized in the Constitution, which established Autonomous District Councils for its hill tribes. After independence, there were violent disturbances among some Naga tribes, which eventually led to a peace agreement that provided for the creation of a state of Nagaland in 1963. Other groups in Assam then called for their own states, so in 1972, two more new states and two Union territories were created out of Assam—and by 1987 the two Union territories had become states. The Union government hoped these changes would strengthen India's position in these border areas relative to China. In 2000, there was a third round of state creation, with three new states created for the first time in the Hindi heartland of mainland India. Party political considerations were important in this, but different interests and caste structures also mattered. The proponents of a large Jharkhand wanted it to be created out of four states, but three of the states refused, so its territory was carved out of Bihar alone. The most recent creation is of the state of Telangana, created out of Andhra Pradesh in 2014. While this was a concession to a very long-standing demand, its timing was tied to partisan considerations related to the elections for the Union Parliament. While the Union government honored its constitutional obligation to consult the state affected by the loss of territory, it proceeded despite the strong objections Andhra Pradesh, thus breaking an informal practice that had been respected since the 1950s. There are many more demands for new state creation; for example, the huge state of Uttar Pradesh has voted that it wants to be divided into four states. This has led to proposals for a new SRC to bring some order to the criteria and method of proceeding. Many of India's 29 states have

populations on par with those of large countries, so there is a strong case for further division (Bhargava, 2001; Bhattacharyya, 2019; Tillin, 2013).

## *Nigeria*

At independence in 1960, Nigeria was a three-region federal state based on the three-region structure inherited from the British. The dynamics of this structure were difficult from the outset, with the Northern state having over half the population. In 1963, the ruling parties created a fourth state in a partisan maneuver, but this did not address the fundamental problem. In 1966, the country entered a long period of military dictatorship, during which the generals progressively redrew the federal map by decree. The first such change came in 1967, when General Gowon created a 12-state federation, one aim of which was to avoid having one dominant state. This reform, which was designed to address major structural flaws in the federal design, generated its own demands for new states. Gowon's successor, General Mohammed, established the Irikefe Panel to review 32 demands for new states. The panel recommended a 19-state structure as a way to promote political stability, which the government adopted with some adjustments. The next military leader, General Obasanjo, established a Constituent Assembly to draft a new constitution to prepare for a return to civilian rule. The new constitution established a very high threshold for the creation of new states, with several steps, including a required two-thirds support in a referendum in the area concerned, a majority of state legislatures, and a two-thirds majority in the National Assembly. The return to civilian rule in 1979

lasted only 4 years, but the very restrictive rules for state creation meant that no new states were approved, despite strong demand. The issue would not die, so when General Babangida became President in 1985, he established a political bureau on the country's future, which presented options on new states; President Babangida created two more states in 1987 and then an additional nine states in 1991 in response to strong political pressures. If anything, this stoked yet more demands, so Babangida's successor, General Abacha, formed a committee, which received requests for 85 new states. Its recommendations were not published, but in 1996, Abacha created six more states, bringing the total to 36, plus the federal capital territory. Agitation for new states has remained strong since the return to civilian rule in 1999, but no proposal has even reached the point of a duly certified request at step one. Minorities push for their own states (22 states are dominated by the three largest ethnic groups), and the fiscal regime provides strong incentives for new state creation. There has been some countervailing agitation to consolidate into a six-state structure (Suberu, 2019).

### *Pakistan*

At independence in 1947, Pakistan was formed from the widely separated East and West wings, with the latter consisting of four existing provinces and 15 princely states. While over 50% of Pakistanis lived in the East, the national government was controlled by the West. There were no national elections in the 1950s, but in the provincial elections, the Muslim League dominated in the West and the United Front in the East. Given this polarization, the prime minister tried to strengthen the West by imposing its unification

into one unit. This was maintained in the constitution of 1956, which established a two-unit federation, but it was quickly superseded by a military coup in 1957. After a return to civilian rule and in the first general elections in 1970, the Awami League swept the East and won an overall majority of seats in Parliament. Western leaders resisted the Awami League's taking power at the federal level, and the situation escalated into civil war and the secession of Bangladesh. Following breakup, the West, now the Islamic Republic of Pakistan, adopted a new federal constitution, which essentially restored the four historic provinces. Adjacent to the state of Khyber Pakhtunkhwa (KP) were the Federally Administered Tribal Areas, which were integrated into KP in 2018. In 1960, the Islamabad Capital Territory, slated to house the new capital, was created from land transferred from Punjab province.

## **The Challenge of Determining a Member-State Structure in Unsuccessful or Incomplete Transitions to Federalism**

Iraq nominally adopted federalism in 2005 but has stopped implementing it, and Somalia approved a federal constitution in 2011, but it leaves important issues unresolved. The various proposals for ending the division of Cyprus are all based on a bicomunal federalism, but no agreement has been reached. And Yemen concluded a draft federal constitution in 2014, but it has fallen victim to the civil war.

*Somalia*

Somalia, which collapsed as a functioning state in the mid-1990s, has gone through a slow process of reconstruction with much international assistance and many setbacks. The country had fallen into a patchwork quilt of local political orders, often run by warlords. A breakthrough political settlement came in 2004, when leaders of key factions agreed to create a transitional federal government. A Parliament was named, and in 2012, it approved the constitution of the Federal Republic of Somalia. This document had obvious lacunae; it did not resolve the distribution of powers or the number and boundaries of states. A key focus since then has been putting in place the new regional states, which are meant to combine three or more previous administrative regions, but the process has been contentious and the results are fragile. Puntland, which had existed since 1998, was recognized immediately. There were two competing processes for the formation of a Southwest state: one advocated six regions, the other three regions. The issue was finally resolved in favor of a three-region state through a conference and a power-sharing arrangement. That opened the way for the formation of Jubaland, but it took international mediation to resolve the conflict between competing militias and to form the interim government there. Galmudug, which had existed informally and comprised only two regions, was recognized in 2014. Hirshabelle state has a tenuous existence, in that its two regions both wish to be states on their own. The boundaries of at least three states have not been resolved, and neither has the eventual status of the capital, Mogadishu. Somaliland, which Somalia claims, is effectively independent, although without international recognition.

## *Yemen*

In 2011, the Arab Spring brought down Yemen's dictator Saleh and led to a national dialogue that was to produce the main lines of a new constitution. Two major challenges were deep southern alienation and a growing insurgency in the north by militants of the Zaidi sect, called the Houthi after their late leader. The dialogue developed a weak consensus around "federalism," but there was no shared view of what it meant. A major stumbling block was the number of states. The dialogue did not resolve this, so the president set up a committee to recommend a solution. The committee opted for the president's preferred option of six regions plus a special district for Sanaa, the national capital. In addition, the constitution created a three-tier federation, because delegates were attached to the existing 20 governorates. The southern Hirak movement strongly objected, because it wanted a two-state federation, while the Houthis were outraged that they would be a minority in a state with poor resources. By the time a new draft constitution was presented to the president, the Houthi insurgents had captured the capital; shortly thereafter, the regime collapsed, and the president went into exile. The lack of agreement on the member-state structure was a significant factor in the failure of the regime and subsequent outbreak of civil war (Anderson, 2019).

## *Cyprus*

The Republic of Cyprus became territorially divided in 1974 after a failed coup, sponsored by Greece's military regime, and Turkey's subsequent invasion. After several unsuccessful diplomatic attempts to address the dispute, Cyprus's application to join the

European Union in 1997 created a new context for an intensive UN-led peace process. In 2004, this produced the comprehensive Annan plan for a settlement, which was based on the concept of a bicomunal, bizonal federation that would have extensive power-sharing at the center and significant devolution. A key issue was the boundary between the new federal states and related property claims because there had been massive transfers of populations. The Turkish Cypriots, who are 18% of the population, control 37% of the territory; moreover, much of this territory had been owned and occupied by Greek Cypriots prior to division. The process of drawing the new map was led by a UN representative, whose main criteria included minimizing the number of Turkish Cypriots to be displaced by the boundary and avoiding the transfer to the Greek zone of villages with a historically significant Turkish population. After consultations with the parties, Secretary General Annan made the final choice among alternative maps. The map Annan chose would reduce the Turkish Cypriot territory to 27% of the island's territory. A breakthrough was in linking the boundary and property issues: affected properties in areas not subject to territorial adjustment could have alternative remedies, such as financial compensation, or alternative properties, rather than the return of the original owner. While settlement of the Cyprus dispute remains elusive for other reasons, should there ever be a settlement, it would likely follow the proposed resolution of the boundary issue quite closely (Loizides, 2016).

*Iraq*

Iraq adopted a federal structure in 2005, following the invasion that brought down Saddam. The federal state accommodated Kurdistan, which had had a functioning government under the protection of the no-fly zone that it was not going to give up. The constitution acknowledged that Iraq is a “country of multiple nationalities, religions and sects,” so there was a logic to federalism. The new constitution adopted federalism with “regions” as the key federal unit. Kurdistan was recognized as a region, and others were to be composed of one or more of the administrative governorates that had been inherited from Saddam following a procedure, including a referendum, to be set out in a federal law. Baghdad was to remain a governorate. In practice, the law on creating regions has never been applied because the Shia-dominated governments have been opposed to federalism. Thus, the current structure is highly asymmetric, with Kurdistan having semi-independence and the Arab governorates little political autonomy. The constitution required the resolution of the allocation of disputed territories, including Kirkuk, between regions or governorates, but neither the census nor the referendum called for on Kirkuk has happened.

### **Member-State Boundary Revisions in Established Federations: Rules and Examples**

Once established, the state structure of a federation is usually very resistant to change. This is partly because most federal constitutions require, at a minimum, that a state that is losing territory must consent to such a loss. India is the great exception in this regard because of its founders’ understanding of the need to redesign the original federal

structure; the Indian constitution requires only that states be consulted about a territorial loss, but they have no veto. In practice, states' wishes have largely been deferred to, as in the formation of Jharkhand; the one case of a state's wishes being overridden was the formation of Telegana over the objections of Andra Pradesh. Many federations have additional, higher requirements for approval of the creation of new states:

- Belgium requires a majority of representatives of each language community, plus two thirds of those voting.
- Canada requires a majority in the federal parliament plus majorities in two thirds of provincial legislatures, representing 50% of the population.
- Germany requires a majority referendum vote in the proposed new province and in the affected provinces; where an affected province votes against, then there must be a two-thirds majority in the proposed territory.
- Nigeria requires support from two thirds of members from the proposed area of a new state in national and existing state legislatures and local government councils, followed by a referendum needing a two-thirds majority; then it requires the approval of a majority of state legislatures and two thirds of the members of each house of the National Assembly.

Article 53 of Switzerland's constitution requires that any change in the number of cantons requires the consent of both cantons concerned and the consent of majorities of voters and cantons in a national referendum. The Jura, a small francophone area in central Switzerland, had been attached to the canton of Bern in 1815. Starting in 1917, there

were various initiatives to create a separate canton, and in 1949 Bern established the procedure for secession. A first referendum was held in the seven Jura districts in 1974, and a slim majority voted in favor. The next year, a second referendum resulted in the three Catholic districts' voting yes, while the three Protestant districts and the one German-speaking district voted no. In 1977, the population of the new canton voted to approve a constitution, and then the population of Switzerland voted to accept the creation of the new canton. But the village of Vellerat was still in Bern, even though it could only be reached through Jura. It declared itself free and campaigned successfully to join Jura. In 1975, the Moutier district voted narrowly to stay with Bern, but sentiment has been strongly divided, so there have been three further referendums—the first two confirmed the affiliation with Bern, while the third narrowly favored Jura, but it was declared invalid.

An increasingly important aspect of Canadian federalism is the self-governance arrangements for its Indigenous communities. In the 1970s, the federal government committed to negotiating “comprehensive claims settlements” with Aboriginal populations that had never agreed to treaties. Twenty-six such settlements have been concluded, often in the large, thinly populated northern regions of the provinces and territories. These settlements create a new class of constitutionally protected self-government that is distinct from the federal provincial structure; these governments are territorially based, but their authority differs according to the classification of different territories. A unique settlement created the new Nunavut territory, which was carved out of the former Northwest Territories. The process of division went through several steps

over many years, including a referendum in the Northwest Territories, agreement of the territorial legislature, a detailed boundary proposal by a federal commissioner, and a referendum in the Eastern Arctic endorsing the claim settlement and the new boundary. Nunavut, which is the size of Western Europe, has 39,000 inhabitants, who are predominantly Inuit. The territorial government functions as a public government for all its inhabitants, while there were additional provisions for the Inuit in the claims settlement. Thus, the federal government was able to create a new territory without the approval of the provinces.

### **Factors Shaping Member-State Structures**

A large literature has grown up around “constitutional design,” but Donald Horowitz (2007) has objected that:

Constitutions that have been *designed*, as opposed to merely constructed, are difficult to find. The sheer proliferation of participants makes it less, rather than more, likely that a design, with its consistent and interlocking parts, will be produced at the outset and adopted at the conclusion.

His statement exaggerated. It is true that even the more deliberate constitution-making processes have difficulty in delivering a totally coherent and integrated federal model, including for the member-state structure and boundaries. However, in most federal transitions, there are conscious design elements that reflect key societal characteristics and the political forces at play.

In older federations, the initial member-state structure was determined by the units' "coming together" to form a federation (Stepan, 2004). However, even here, in Canada's case, the whole federal idea was premised on the importance of dividing the dysfunctional United Province of Canada into English-speaking, Protestant Ontario and French-speaking, Catholic Quebec, while inviting the other colonies in British North America to join. The United States began with a "coming together" of former colonies, but as it expanded westward, state creation became tied up with the critical "design" issue of the balance of slave versus nonslave states. After the Civil War, the main design issue in state creation was the similar territorial size (and minimum population requirement) for new states between the Mississippi River and the Rockies, but the partisan leaning of potential new states could affect the timing of their admission (and partisan considerations are central to the current possibility that the District of Columbia and Puerto Rico could become states). The boundaries of new American states created out of territories were largely determined by the federal government, mainly on the basis of geographic features and arbitrary straight lines. The same was largely true for the provinces created out of territories in Argentina and Canada. Brazil became federal out of a unitary regime, and its original states were based on colonial units; the new states created in the 1940s were carved out of existing states for military security reasons. Even with their small populations, they have affected the political balance within the federation, due to the highly disproportionate weighting given to small states in both houses of the National Congress.

Both the United States and Canada added huge territories after their founding and fundamentally changed not just their member-state structure but the whole scale and nature of their countries. In the United States until 1913, Senators were named by their state legislatures, so states had an indirect say over state creation through their Senators—which was critically important prior to the Civil War. The creation of Vermont, Kentucky, and Maine required the consent of the neighboring states whose claims were affected. In Canada, the federal government alone decided on additions to the territory and the creation of provinces, although this right was finally constrained by the Constitution of 1982, which requires the use of the general amending formula to create provinces.

The story of federation formation shifted dramatically after World War II, with formerly unitary regimes (or colonies) “holding together” as they transitioned to federalism. Some writings on federal origins focus heavily on the founding of the early coming-together federations (Riker, 1964; Ziblatt, 2004), paying less attention to the subsequent growth of those federations or the federalization of unitary regimes. The transition from a unitary to a federal regime requires a determination of the new member-state structure. This may be relatively straightforward, if the pressures for federalism come from communities that are clearly associated with territories, but in other cases it may require deciding the state structure where a range of options are possible. Thus, determining the state structure was among the most contentious aspects of the transition to federalism in some cases, while in others it was quite straightforward or only mildly controversial.

Germany's federalization in 1948 was both special—in that it was emerging from an occupation—and straightforward—in that the Allies had already modified the state structure, most notably in breaking up Prussia, so that drafters of the Basic Law essentially confronted a *fait accompli*. And when the country reunified, the five eastern *laender* were already being re-established, so they integrated smoothly. The constitution provided for referendums on state secession or mergers, and three such referendums were held, but they did not result in change. The referendum in Saarland was on the issue of its special independence, but the negative vote had the indirect result of leading to Saarland's reintegration into Germany. Federal Malaya's map was also straightforward, in that it simply adopted historic internal units. When Malaysia was created with the addition of the new states Singapore, Sarawak, and Sabah, their boundaries were a given (although the marriage with Singapore lasted only 2 years).

Spain and South Africa did have to determine a new state structure, but in both cases, it proceeded smoothly and involved using existing maps as a starting point. In Spain, criteria were established for which provinces could become Autonomous Communities (essentially, historic “nationalities,” islands, and Madrid), while other provinces had a locally driven process for deciding with which neighboring provinces they wished to amalgamate. In South Africa, a commission based its recommendations for new states on existing economic development regions, and this plan, with one major change to accommodate strong political pressure, was basically followed.

Belgium, Bosnia-Herzegovina, and Ethiopia all adopted forms of ethnic federalism. In Bosnia, this was driven from the top by the external powers who shepherded the

Dayton Accord. There was technical work in drawing a new map of the two main territorial entities, one of which had several cantons; a major concern was achieving physical contiguity for the two main units (which was not quite achieved) and drawing lines to create units with clear ethnic majorities where possible. Ethiopia's experience was also very top down: the new leaders were committed to a radical form of ethnic federalism, but in practice they created ethnic states for only the largest minorities and forced the highly diverse south into a single unit. Belgium had been divided into linguistic zones prior to federalization, so the federal territorial structure largely followed established lines, with provinces being assigned to one region or the other, with one province being divided among the three regions. There were a number of crises over boundary delimitation, but they were solved more by political compromise than by technical criteria.

India's founders called the state a "Union" because of their concern to manage the centrifugal forces in their vast and diverse country, but they recognized the strong desire of many for "linguistic" federalism. In due course, the SRC's recommendations largely accommodated linguistically based states. Over time, India created additional states—some linguistically based, some (in the Northeast) more tribally based, and when Punjab was created for the Sikhs, it was ostensibly linguistically based but really was more a religiously based state (as was Kashmir). In Nepal, the Maoists had advocated ethnic federalism, but given the number and intermingling of ethnic and linguistic groups and the importance of caste, the deal finally struck by the major parties rejected ethnic federalism and was based on a number of criteria, including historic communities and

administrative factors. Key minorities continue to protest this state structure, which they see as marginalizing them and maintaining the power of high-caste Hindus.

Nigeria's initial three-state structure was seen as amplifying conflict among the largest tribal groups, so successive military leaders progressively broke it up, eventually creating 36 states. Their main aim, in addition to accommodating political pressures from regional elites, was to create a structure with many states, which would be weaker relative to the federal government and have fewer rigid lines of conflict. Now some critics contend that the states are too numerous and too weak, with little cultural coherence, and so they advocate clustering the states into six zones (Suberu, 2019).

In summary, state creation in "holding together" federations often made exclusive or extensive use of preexisting internal administrative or political boundaries, but in some cases, especially linguistic or ethnic federalism, this was secondary. The processes varied from participative and consensual to highly directive and top down.

## **The Influence of Member-State Structures on the Political Dynamics of Federations**

The main objective of this article is to address the paucity of comparative work in the federalism literature on the origins of member-state structures. This final section turns briefly to consider not origins, but the implications of state structures for the functioning and nature of federations. We have seen how very different state structures have arisen in highly varied social and political contexts. State structures are thus very much a

dependent variable in each federation's story, but once established, they become an independent factor in a chain of social causation.

As stated at the beginning of this article, member-state structures can be distinguished along the following key dimensions, which together might be said to form the “political geometry” of federations:

- The character of the states: culturally homogeneous, heterogeneous, or a mix of the two.
- The number of states, which range from three or two in Belgium to 50 in the United States.
- The relative sizes of states: in some cases, there are one or two very large states relative to the others, while in other cases most states are of reasonably comparable size.

In addition, the total population of the country, while not directly an aspect of member-state structure, should be borne in mind given the very different population dynamics that are possible; for example, India, with 1.4 billion people, has different dynamics than Bosnia-Herzegovina, with 3.3 million people. This concluding section illustrates some issues and argues that there is a need for more systematic comparative research into the implications of the three dimensions of political geometry for the functioning of federal systems, notably in terms of how they contain and manage conflict, particularly in culturally pluralistic federations.

### ***Communitarian versus Territorial Federalism***

The aspect of member-state structure that has generated the most debate in the federalism literature is the implications of culturally homogeneous states versus heterogeneous states in countries with distinct communities of a national, linguistic, ethnic, tribal, or religious character that form the majority in significant territories of the country. Some of this literature is highly normative, with authors staking out positions for or against “accommodation” versus “integration” and tying their views to conceptions of democracy. McGarry et al. (2008), themselves strong advocates of accommodation, have usefully identified 14 institutional instruments that can, depending on their design, aim either to accommodate or to integrate minority communities in a political system. These include: constitutional recognition of one “nation” versus several peoples; official language policies; individual and communitarian rights in bills of rights; laws governing elections, political parties, and civic associations; laws on church–state relations; representation and decision-making rules in the legislature, judiciary, bureaucracy, and executive; and, of course, the centralization versus the territorial dispersion of powers—and if the latter, whether states are to be relatively homogeneous communities or “territorial” and defined without regard to communitarian identities.

Writing in 1985, Horowitz suggested “there is little more than dogma available about the utility of federalism; and even then the dogmas are equally divided between those who assume that territorial boundaries should follow ethnic boundaries and those who counsel that they should cross cut them.” However, increasingly, scholars see federalism as part of any successful accommodation of multiple nationalities, although its effectiveness is contingent on the interaction of institutions and society (Simeon, 2009),

the depth of cleavages (Bermeo, 2004), and the electoral and party system (Brancati, 2009). Too often, authors have not pushed their analyses of the potential implications of federalism to include consideration of the role of member-state structure. There are exceptions, although they are often superficial. For example, Diamond (1987) argued that “the greater the number of states, the weaker and less viable individual states will become” (p. 211). Horowitz argued that most stable federations have equality of powers among units, equality of size, a reasonable number of units, and units based on preexisting boundaries, and he saw Nigeria’s member-state restructuring as a way to break the hegemony of a dominate group and thus restructure conflict into a more manageable pattern (Horowitz, 1985, 2007). Hale (2004) suggested that having one state with more than half the population or with a population 20% larger than that of the next state can lead to a situation of one-state dominance and potential failure of the regime.

The most extensive comparative review of these issues was by Watts (2008), who presented a table of 27 federations, showing the number of states, total population, and the relative sizes of the largest and smaller states. He argued that federations with many states (more than 20) usually don’t have one state that can dominate politics, while in federations with six to 13 states, individual states have been able to exert more influence, and that federations with only two to four states often have one dominant state and quite unstable politics—especially when one unit has more than half the population. He suggested that federations with significant territorially based ethnic or national communities have rarely followed the approach of trying to avoid national minorities’

becoming majorities in states—including in Nigeria’s restructuring, where several states are largely reflective of linguistic, ethnic, and religious groups.

Watts’s approach was highly comparative, whereas many other authors based generalizations on relatively few cases. It is easy, for example, to show that Diamond’s generalization about more states making for weaker federations needs revision: small Switzerland with its 26 cantons remains highly decentralized, so some other factors must be at play, such as ethnic pressures for decentralization. Horowitz’s suggestion that stability is enhanced by equality of size among states, a “reasonable number of units,” and reliance on preexisting borders is refuted by many examples, not least his own country, the United States, but also in highly pluralistic India, which has huge disparities in state sizes. Hale’s claims about the consequences of the largest state being 20% larger than the next state is easily refuted by examples like Canada, India, Switzerland, and the United States, among others. These examples illustrate the need for more focus on the key questions around member-state structures and for a more rigorously comparative approach to seeking answers.

### ***Federalism and Consociationalism***

One statement that does get almost universal agreement among federalism experts is that two- or three-unit member-state federations face special challenges. Pakistan, Czechoslovakia, Sudan, and Serbia-Montenegro were all two-unit federations that failed, while Nigeria was a three-unit federation that suffered a coup and radical restructuring. Belgium and Bosnia-Herzegovina are the two most notable cases of two- or three-state

federations now,<sup>6</sup> and they both have consociational regimes at the center. In addition, negotiations in Cyprus have sought to develop a bicomunal, bizonal federation that would also be consociational at the center, but there is still no agreement. The only other federation that might be called consociational is Switzerland, which seems to be an outlier, given its 26 cantons.

So does member-state structure affect which federations adopt consociational decision-making? If there are only two or three member-states, and they are antagonistic to one another, with one being potentially dominant, and breakup not being possible, there is a logic to the smaller states' insisting on power-sharing at the center (Anderson & Choudhry, 2019a). None of the "failed" federations above had power-sharing at the center (although Sudan was meant to), and "exit" was possible. Consociationalism can take many forms, but each community's having a veto over decisions that are vital for its interests is one key element. Consociationalism was imposed on Bosnia-Herzegovina, and, given the depth of tensions, it has proven dysfunctional (Zahar, 2019), but it is hard to imagine its being abandoned. Consociationalism in Belgium was negotiated and seems deeply entrenched, but it has proven difficult to manage on occasion (e.g., with year-long delays in forming a government). The most stable of the two-state, consociational federations is Belgium, where the two main linguistic communities are in a 60:40 ratio. The Cyprus case may prove more difficult, in that the ratio of Greek Cypriots to Turkish Cypriots is 4:1. Loizides (2016) discussed creative design alternatives for consociationalism in Cyprus, but he believed there was no escaping the need for the Turkish Cypriot veto.

Switzerland seems an outlier in having consociationalism in a federation with more than two ethnic communities and more than two or three member-states. It has four language communities and cross-cutting Catholic-Protestant divisions within the language groups. Its consociational practices within the federal government are less formal and extensive than those in Belgium and Bosnia (affecting perhaps half of decisions; Steiner & Dorff, 1985) and it has a majoritarian brake built in because any question can be put to referendum, which is decided by an overall majority of votes and a majority of cantons in favor. Switzerland's limited form of consociationalism seems to reflect the nature of the underlying society more than the member-state structure.

Duchacek (1988) looked at a wide range of what he called "dyadic" countries, whose politics are dominated by two distinct communities. His cases included unitary and federal regimes. The bicomunal dyads within countries differed in numbers, political clout, resources, territorial concentration, and several other factors. He suggested that the relationships between the communities could be characterized by frontal clash, assimilation, hegemony, federal union, or consociation. His purely federal examples were all of failure (he wrote before Belgium and Bosnia were established as consociational federations), with the exception of Canada, which he saw as a francophone-anglophone dyad. He did not discuss Switzerland, where German and French speakers represent 63% and 23% of the population, respectively, which gives it some characteristics of a dyad, and this may explain why it has opted for a limited form of consociationalism. But why has Canada, with its two language groups, not done so? Its member-state structure with nine English-language-majority provinces and Quebec with a French-language majority

has proven durable and has meant that no hard-and-fast political cleavage has ever developed between Quebec and the rest of the country—in federal elections, the majority of Quebecers have almost always been allied with parties in other provinces, whether in government or in opposition. Even so, the Parti Québécois advocated a “sovereignty-association,” which would have had equal power-sharing in central (nonfederal) institutions, but it was never an acceptable model for the rest of Canada.

### ***Federalism and Very Plural Societies***

O’Leary, a proponent of consociationalism, has argued that federalism has a poor track record in regulating ethnic conflicts—with several failures—and that even relatively successful multiethnic federations appear to be in permanent constitutional crises. He concluded that a stable majoritarian federation requires a demographically dominant group, not necessarily a majority, who must be co-founders of the federation and prepared to make concessions to smaller groups, and that consociational institutions are a necessary supplement to preserve democracy where this is no such dominant group (O’Leary, 2001a and 2001b). Elsewhere, O’Leary and colleagues argued that “full pluralist federations” combine significant, entrenched devolution of powers, consensual “indeed consociational, rather than majoritarian decision-making rules within the federal government,” and finally member-states that respect the partner nations composing the federation (McGarry et al., 2008). While these authors admitted there are few examples of federations that are fully pluralistic, this sets a normative, if not an empirical, standard.

The question is why this standard might not have been adopted in highly pluralist federations. The federations with the greatest linguistic or ethnic diversity include India (22 official languages), Spain (five historic nationalities plus the Castilian majority), Nigeria (three or four major tribes and over 300 altogether), South Africa (seven significant languages), and Pakistan (four major languages), as well as Switzerland. They have dealt with their plurality in different ways. In each case, the member-state structure reflects the linguistic or ethnic divisions, although in varying degrees. In Nigeria, the big tribal groups have been broken up into plural states, but these tribes have the majority in several states. Language policies have generally been accommodating, though at the national level, one or more link languages are favored. Nigeria requires institutions at the federal level to be representative of the country's ethnic composition. O'Leary's theory about a stable dominant group seems hard to square with these cases, and none of them has opted for consensual or consociational decision-making—specifically, none has given its various constituent groups vetoes over central decision-making. There is a logic to this. The more groups that compose a federal society, the more difficult it would be to function with each group having a veto power. Thus, majoritarian decision-making is largely preferred, although there may be attempts to design institutions to limit conflict along ethnic lines. Advocates of consociationalism have ignored that this problem can arise in a highly pluralistic federation with several states.

This brief discussion of the implications of different member-state structures illustrates the significance of the subject and the need for a broadly comparative approach. There are other questions that deserve exploration regarding member-state

structures, including in the more culturally homogeneous federal countries. This can be thought of as the political geometry of federations—complex mappings of complex societies where the different character, number, and relative sizes of member-states matter.

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<sup>1</sup> The member states or constituent units of federations may be called states, provinces, laender, cantons, regions, communities, or autonomous communities. This article adopts the generic term *states*. Several federations include territorial units that do not have the constitutional status of member-states, and these areas, subject to federal law, are usually referred to as *territories*.

<sup>2</sup> [Watts \(2008, p. 9\)](#) provided a fuller definition and identified 25 current federations.

<sup>3</sup> There is fuller discussion of most of these cases, plus some others, in [Anderson \(2012\)](#).

<sup>4</sup> The German constitution of 1871 created a federal state, which lasted until 1914.

<sup>5</sup> In addition, there were some short-lived postcolonial federations as well as postcommunist federations that split apart in the transition to democracy. They are not considered in this article. Russia emerged from the collapsed U.S.S.R. as a federation with 89 “federal subjects” or constituent units with a variety of names but equal status. These federal subjects reflected preexisting divisions. Russia no longer functions in a truly federal manner; it is effectively highly centralized, and all federal subjects are controlled by the same political party.

<sup>6</sup> Three microfederations also have this structure: Comoros (three states), Micronesia (four), and St. Kitts and Nevis (two).