

Regional Conference on Diversity
Theme:
Diversity, Democracy and Federalism: issues, options and opportunities
June 7-9, 2011
at
Kathmandu, Nepal

Key Note Speech and Canadian Model: Mr. Rupak Chattopadhyay, President and CEO Forum of Federations

Good morning every one, and thank you Zafar and Katherine for a very lucid words of welcome, I regret very much that this seminar is not in Islamabad, primarily because Nepal is a very active program country for the Forum of Federations, so I will be constantly pulled out of the seminar over the course of the next three days. I would have liked to stay through the entire program.

Nevertheless, I am glad that we could put this together. As you all know that the Forum of Federations through its activities in Pakistan has been active on issues of diversity. Indeed the Forum itself was founded in Canada in 1999 in the context of a challenge to Canadian unity posed by its diversity in 1996. The separatist referendum in Quebec almost split the country. It was in that context that the government of Canada set up the Forum of Federations to bring together like minded countries grappling with the issues of unity and diversity. Countries who could sit around the table and share experiences on how they deal with the issue of diversity in their own context and share practices both best practices but also worst practices because we can learn as much from bad practices as we can from best practices.

My remarks this morning will be in two parts. First, I will make some general observations about how federal structures respond to challenges posed by diversity in a comparative context and then, I will draw from the Canadian example to highlight how we are coping with matters of diversity.

Those of us with roots in the subcontinent know very well that diversity - social, economic, ethnic and linguistic, are a reality of the countries in the region and also that these are traditional markers of identity along which groups have politically mobilized from time to time. Several federations like Belgium, Nigeria, Ethiopia, some de facto federations like Spain, older federations like Switzerland, for example, were so constituted precisely to deal with issues of social and ethnic diversity. And while it may no longer be obvious today, even Germany which is today seen a mono cultural federation, once had religious diversity or sectarianism as a deciding

feature of the politics of that country. Even other apparently mono cultural federations such as Australia, Brazil and United States have substantial aboriginal population whose welfare is now been taken into account as the states embark on a path of creating a more equitable and just society.

As professor Moreno mentioned in his introductory remarks, he and his colleague Cesar Colino, did a major comparative study for the Forum looking at how twelve federations respond to challenges posed by diversity. Some of the findings from these studies were anticipated in terms of institutional structures of how countries cope with old diversities, namely language, religion and ethnicity. However, what really struck me in reviewing these studies was the fact that all countries around the world, in addition to dealing with old diversities, are now coping with what I would call new diversities i.e. diversity as a result of migration.

Of course when we think of migration we think of immigrants moving from the global south to the global north. What we often forget is that there are also South-South movements on a similar, if not larger scale. As you are aware in Pakistan, the war in Afghanistan since 1979 led to the displacement of millions of Afghans, many of whom set up camp across the border in Pakistan. But you also have situations of internal migrations. Nigeria is a good example of this and this sort of diversity has the potential to change the face of politics in the society in countries in which this happens so this is something we should probably keep in mind when we are thinking of how to deal with issues of diversity. A comprehensive discussion of all issue I suppose is beyond the realm of my remarks this morning; I did want to highlight the fact that in thinking of diversity it is important not to just think of the primordial diversities but also to think of the new diversities and the new challenges that emerge, because when we construct institutions for dealing with issues of diversity we need to think of constructing institutions that are adaptable, that are flexible that are forward looking and this something that in Nepal there is a lot of discussion about.

Yesterday I called upon H.E. the President of Nepal, and this morning I called upon a leading member of the Maoist party. Here in Nepal there is an ongoing discussion of how to restructure the state and on the basis on which new subnational units are created, how the various ethnic groups are represented, what language rights, and what rights by way of affirmative action are given to various groups within this system. As we all know once the constitutional architecture is in place and once institutions have been established they are very often difficult to change and can take decades to reform. It important therefore that realize that institutional choices have consequences which can last decades and therefore must be carefully thought through and debated.

I think it is also important to acknowledge that there is no one perfect model for dealing with diversity. And countries that have succeeded in their search for reconciling unity and diversity have done so by experimenting with a wide ranges of devices available from what I would call a

federal toolkit. Countries which have tried to deal with the challenge of unity through repression, exclusion, or forced assimilation have often resulted in political instability and civil war.

It is true that there have been secessionist and separatist movements in many of the world's established federations. In the 1960's Nigeria dealt with separatism in Biafra in the east of the country, for many decades Canada has to deal with Quebec separatism. In Spain, Catalonia has had a sovereignist movement and Basque country has had a militarized separatist movement for decades. The United States 140 years ago fought a civil war to preserve the union and in India of course there have been constant insurgences on the periphery. And while it is true that in each case of militarized separatism, the state has used force to put these down, the continued unity of these countries and the viability of their democracy has resulted from a willingness of the state to explore institutional mechanisms for accommodating divergent points of view rather than from ceaseless and continued coercion.

Although not all federations were originally designed empower ethnic or linguistic minorities nor are all diverse countries federations, federal types of arrangements seem increasingly to be the preferred means to reconcile respect for diversity with a common purpose of unity. This is possible because federal states have the means for intuitional accommodation many federal countries owe their stability to the fact that they have been flexible and have often taken a middle role in balancing unity and diversity. In Canada, Spain and India diverse groups can consider certain provinces or autonomus communities as their home lands and at the same time all groups have significant representations in the key institutions of the state. Institutional arrangements for how each country deals with diversity varies, depending upon the type and configuration of diversit. Countries like Nigeria , Switzerland, India Spain name a few tend to have linguistic groups that are territorially concentrated just like in Pakistan and often solution to that is to create territorial homelands for linguistic groups , instead other countries like Brazil and United states the identified majority groups are often dispersed across the country and there the state often resorts to affirmative action policies in order to accommodate its diversities. Typically, however, most federal states have identities and diversities which are territorial concentrated on the one hand but may also be dispersed or cross cutting across various groups . To give you an example, in India while linguistic identities are territorially concentrated, religious identities are not. This is also true in countries like Nigeria so really what you need is a combination of approaches territorial or non territorial in order to fashion institutions that are just right for the context in which institutions are going to be used. Nigeria is one of my favorite examples of how they have approached the issue of diversity. Nigeria went from having three constituent units to thirty six states. Having spent that may years in Nigeria I have lived through the experience a federalizing Nigera- going from three to ten to nineteen so on and so forth. But that is only one way of accommodating the expression of ethnicity in Nigeria, but then there is the religious dimension of this and again there is a very interesting compact in the current democratic setup where the presidency is expected to rotate between the Christian dominated South and Muslim

dominated North. So all this to say that in a country like Nigeria, as in many other countries, there are both written and unritten rules of how diversity may be accommodated.

What is rather interesting is what I find that in fifteen of twenty five recognizable federations linguistic diversity is the main issue that countries are grappling with. It's no surprise that many federal countries therefore have made great efforts to address diversity based on language. The ability to communicate is fundamental to citizenship in a democracy for millions of people around the globe. Their most important identifying characteristic is their mother tongue.

India has 40 languages spoken by more than one million people. Hindi which is the mother tongue of almost one in five Indians is the official national language, but when attempts were made in the 1950s to force this on the rest of the country, the country almost split apart. And the government realized this and backed tracked on this and came up with what became the three language formula. Under this arrangement every state was allowed to choose its own official language and was expected to communicate with the federal government in Hindi and English or the language of choice. While this was the official approach of how the units and centre was supposed to communicate, in practice communications approaches are more flexible. The state of Tamil Nadu, which has never reconciled to the idea of communicating in Hindi - the very idea that Hindi should be the national language was repugnant to the Tamils as it was in Bengal- so whenever there is correspondence between the government of Tamil Nadu and the federal government, the Tamil Nadu government always sends its first correspondence in Tamil, second correspondence in English and a note saying "Hindi translation follows", but in the last sixty years I dont think there has never been a Hindi translation sent. But the relationship continues and the country continues to operate.

In Nigeria Yourba, Hausa and Igbo are the major languages spoken by millions of people but there are about 450 other recognized languages used in various regions even if some of them are spoken by a few thousand people, English remains therefore the principal language of public administration and of secondary and post secondary education in this country.

Ethiopians who much like Nepal went from an absolute monarchy to a constitutional federal state have taken a very different approach. From the days of the Ethiopian empire Amhara became the lingua franca of the empire but the new government which based the rebuilding or building of democratic Ethiopia on ethnic lines decided that there would be no official language. Because most people spoke Amharic anyway, Amharic therefore became what they called the working language of the federation. Allowing other regions within Ethopia to choose their language and the language of communication in the conduct of the government business was therefore no problem. But the reality of the fact is that prior to democratization , Ethopia had such a low level of literacy and elites that lead all the regions in Ethopia were schooled in Amharic, so by default Amharic becomes the language in which the government operate but the new generation has the oppportunity to learn their own local language whether Somali, Oromo or whatever that they maybe.

Switzerland is another country with three official languages but there is also in Switzerland a fourth linguistic group - the Romansh. Only forty thousand people speak, so Romansh is recognized as a national language but the practicality of it is that the governments do not have to operate in that language. The Swiss Federal government operates in all three languages meaning Italian, German and French but not Romansh as for cantons the majority has one official language in Switzerland three are bi lingual cantons and one trilingual canton so again a very mix and match approach to the management of diversity. In South Africa in which English and Afrikaans were both used after move to majority rule languages like Xhosa, Tshawna, Endebele and Zulu have been given official language status. But again practicalities associated with education and literacy means that English remains the link language in this case.

Canada has two main official languages English and French and the country is also officially bilingual at the federal level, with one province that is officially bi lingual which is New Brunswick. Quebec has adopted French as its official language but also offers services in English to its large English speaking population but what people often forget that there are other languages in Canada that also have recognized status which to outsiders may seem very obscure languages. The Inuit language which is spoken by the people who use to be formally called the Eskimos and are known as Inuit's in the North with their own script in addition to that there are other aboriginal languages spoken by hundreds of thousands if not millions of people including Cree, Ojibwa and Dene in Canada unlike a lot of other countries language rights actually portable and based on the idea that every individual Canadian should have the right to be served with the language of his/her choosing in this sense Canada differs from many other diverse countries, where groups are assigned rights rather than individuals.

I think by international standards it's fair to say, even in Canada where we came very close to a break up there was never any violence and the fact of the matter is that I think as one of the world's older federations that has managed to keep together without violence the Canadian experience has been largely successful.

I turn now to the Canadian model as such several elements of the Canadian model in my view stand out.

First, I think that Canada has openly debated differences within the country even to the point that one constituent unit Quebec might wish to succeed so this is a discussion that not only not only goes in Quebec but in other parts of the country and there would even be discussions about in policy circles both at provincial level and at the national level of if ever a Quebec succession happened what would it look like, and what processes might have to be followed. The second aspect of Canada is that in responding to diversity Canada has what we might call an ongoing negotiated country (Gagnon and Simeon 2007) in that it is a diverse country quite apart from Quebec verses rest of the Canada.

Over the years, because the provinces in Canada, unlike in many other federations, are fiscally very well off they are in a position to challenge the federal government's transgressions into their areas of jurisdiction. To contrast this with Australia, which was founded as a bottom up federation, their states raise about 20 % of their own revenues, which means that they are very heavily reliant on the federal government for transfers. Canada which started life on an opposite fashion was a top down federation and in 1867, the federal government assigned the provincial governments what they thought were then, which truly in those days were minor subjects, education, health care and income tax but which 150 years later are not so minor which means that in Canada the provinces raise about 80 % of their own source revenues on average, which makes them financially much more autonomous allowing them to stake out contrary positions on a range of public policy issues during bilateral negotiations with the federal counterparts. So Canadian provinces each have ministries of intergovernmental relations, which oversees inter-provincial as well as fed-prov the relations across a range of public policy issues.

The third aspect that I think stands out in Canada is the historic belief (and indeed practice) in the premise that unity is best achieved through recognition and accommodation of difference rather than rejection and suppression of difference. The Supreme Court of Canada in its landmark decision on secession upheld democracy, federalism, constitutionalism, rule of law and the respect for minority rights as the guiding principles of the Canadian federation. There is however concern in some quarters that in Canada that there is too much emphasis on diversity, but it is very hard to see that how without recognizing these diversities a country of continental size could carry on as a united entity.

As I mentioned that diversity in Canada to the outside world often appears binary English VS French Quebec VS the rest of the world but this is one dimension it is the dimension that gets the most press and the most recognition because we came so close to separation in 1996. And while in recent times separatism has receded, once there is a separatist impulse within a polity this can reemerge at any point in time.

Like United States, like Australia Canada too was settler federation and to that extent there are other diversities and the first one of course has to do with its large indigenous population and how the aboriginal population has been treated over the years. There are three identifiable groups of indigenous people in Canada, the first group rather misleadingly is called Indians, which can put that down to Christopher Columbus's ignorance is now called the now referred to as First Nations. The second group are the Inuit's formerly known as the Eskimos in the North and the third group are what are called the Metis - the mixed population in Canada, off springs of the Aborigines and the White settlers who came to Canada in the last two centuries and before. Given the historic injustices heaped on these groups, in recent years the government of Canada has worked hard at redressal. The enactment of affirmative action policies for these groups providing them access to livelihoods, to incomes and so on and so forth for the benefit of these groups has only been partially successful, and this is a diversity or a social issue that the government of Canada is still grappling with over the years.

Furthermore, given Canada's continental scale there is a lot of diversity in terms of endowment and outcomes as far as the population is concerned where as Quebec is fearlessly protective of its linguistic and cultural rights, Alberta in the west is fearlessly protective of its mineral rights and in Canada, minerals on land are the exclusive jurisdiction of the provinces, so in the 1970's after the oil shock the federal government tried to tax oil in Alberta, which created a constitutional crisis almost at par with the Quebec secession crisis.

Last but not the least of course Canada was and is a country of immigrants. Over the last ten years on average there has been about 200,000 immigrants per year coming into Canada. I believe that South Asians form the largest group of new immigrant, followed by the Chinese. And this a new sort of diversity that Canada along with other OECD countries are having to deal with because a lot of these people now come from the parts of the world whose value systems, whose social systems are at odds if not completely different from that of the established federations. And really the Canada is, and I think not just Canada, but other federations in Europe and elsewhere are struggling with the process of immigration integration.

Canada's story is and with all its flaws is rather a good news story in that this is a federation that despite all its problems, divergences of policies, quarrels has held together for the better part of a century and a half and I think even for foreseeable future Canada will hold together. I end my remarks as by reemphasizing that no federal country has perfect recipe for unity that can be easily adopted by others. The value in our studying that how others handle challenges of diversity is not that we should copy them wholesale, but that we should pick and choose what suits us and be inspired by their models by their successes. And also importantly, I think, by their failures.

Many federal countries owe their stability, as I have said, to the fact that they have taken a very balanced approach to accommodating diversity namely this means organizing the constituent units as homelands as may be appropriate and creating when necessary new constituent units to reflect diversity. And this has happened not just in countries like India where even after the States Reorganization Commission in the 1950's through the 70's States were created in the north east in the tribal areas of the north east giving people their stake in the system and a sense of belonging. More recently in India states have been created on the basis of economic opportunities. Switzerland which became a modern federation in 1848 had 25 cantons until 1979, when **the Canton of Jura was separated from Bern**. Jura's mountain population saw itself as being so different from the urbanized population in Bern, in to their additional linguistic and sectarian differences, that they felt that only a creation of a new canton would allow them to express their individuality and their identity. Also It is very important to have significant representation in institutions of the central government institutions as the state from as many diverse groups as possible. Last but not the least language and recognition of language rights is something that most of these countries which have succeeded in maintaining unity have recognized as a central tenet of their institutional design. Perhaps the single most important lesson I take away from this is that federalism and federal structures allow individuals to have multiple identities without

negating a country wide identity. In other words just if a person is Catalan, Bengali or Quebecois a does not mean that he/she could be Spanish, Indian or Canadian.