IMPOSED AND PROPOSED FEDERATIONS: ISSUES OF SELF-DETERMINATION AND CONSTITUTIONAL DESIGN IN BOSNIA HERZEGOVINA, CYPRUS, SRI LANKA AND IRAQ

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Abstract

Federations are complex political systems that vary widely in their ongms, constitutional design, and operative political processes. They are even more complex when they combine regional autonomy for a geographically concentrated ethnic group with consociational power sharing in the central government. It is not surprising that the history of federations contains many examples of failure. Yet federation plus consociationalism remains the option most widely prescribed by international interveners as the most suitable form of government for deeply divided or post-conflict societies. The classic literature on federalism and consociationalism contains important formulations of the conditions that are conducive to success or failure that modern works tend to ignore. This paper revives these classic formulations and applies them to cases where federalism has either been imposed or is being actively promoted by the international community. The question addressed is whether the conditions that earlier writers regarded as essential for success are present.

Introduction

At the core of the federal idea is the belief that sovereignty is divisible and in certain circumstances ought to be divided. Exactly what those circumstances are, and exactly how sovereignty ought to be divided, however, are questions to which there are no clear answers. Federations vary greatly in their historical, social and geopolitical circumstances and in the constitutional structures and political practices that they have instituted or evolved. By definition, all contain two or more territorially based constituent units, and in all the people are governed simultaneously by a general government and the governments of the constituent units, each of which is supreme within its own constitutionally protected area of jurisdiction. Otherwise, federations may be large in territory and/or population or small, old or new, ethnically and/or linguistically homogeneous or diverse, rich or poor. They may have many constituent units or few. Their forms of government may be

parliamentary or presidential, consociational or non-consociational, or some variation or combination of these, and their party systems and electoral systems may vary across a wide spectrum.1

Any attempt to identify the factors that account for the success or failure of federations, or to draw lessons that might usefully be applied in schemes to create new federations - for example, in Cyprus, Sri Lanka or Iraq - must therefore begin on a cautionary note. Much will depend on circumstances that are unique in each case, and much will depend on the type of federation that is contemplated. Moreover, though this is less frequently noted, the criteria commonly used to measure success or failure - political stability, democracy and economic well-being - may be (and often are) contested, either on ideological or historical grounds, or both.

Finally, much will depend on the understanding of the problem that federation is supposed to solve, and that understanding varies with time and place. The United States, for example, became a federation in 1789 in response to perceived problems of governance under the Articles of Confederation of 1781. These included the confederacy's lack of reliable revenues, exhausted foreign credit, and weak legislative authority to deal with pressing issues, such as a proliferation of worthless paper currencies. A new federal constitution that provided a framework for strong national government was therefore prescribed and eventually ratified by all the states. The states had diverse interests and identities, but these were not based on ethnic, cultural, religious or linguistic differences. [2] Hence, these were not matters that the framers of the US constitution had to incorporate into their handiwork. Belgium, to take a very different example, became a federation in 1993 in response to the perceived problems of the existing unitary Belgian state in dealing with deep-seated linguistic and cultural divisions. Hence these matters had to be addressed directly, and federation became the preferred solution because it weakened the national government. The result is a Belgian constitution that devolves authority over language, culture, education, and even some important aspects of international relations, to the constituent regions and non-territorial linguistic communities.3

In every country where federalism has been recently introduced, or where it has been proposed, the problems that it is intended to address are more like Belgium's than those of the early United States. They are broadly understood as problems that arise from ethnic differences among the people - that is, from differences rooted in language, religion, culture, history, or national identity, or some combination of these. Unlike Belgium, however, in most cases there is also a recent history of violent ethnic conflict, ranging from "ethnic cleansing" to civil war and even to acts of genocide. The question, then, given that there is a strong international bias

against the break-up of existing states, is whether deeply fractured countries can be successfully knit back together as federations. And if so, are there some conditions that are more conducive to success than others? And are there some models of federation that are more likely to succeed in ethnically divided societies than other models?

In this paper, we intend to resurrect an approach to these questions that was once prominent in the literature on federalism but is today rarely invoked. Our approach is, first, to focus on the circumstances surrounding the origins of federations and to ask whether their origins affect their prospects of long-term success. More specifically, in the case of ethnically diverse societies, the question we wish to ask is whether a federation that is coercively imposed (or is formed as the result of powerful outside pressures or inducements) is likely to be effective in mitigating ethnic conflict, providing stable democratic government, and maintaining conditions of peace and security for its people. Second, we raise the related question of whether an imposed federation is likely to be a successful venue for the operation of complex consociational power sharing features. Finally, we ask whether membership in some weaker form of association, such as a confederation, might be a necessary first step towards successful federation.

The cases we shall consider are Bosnia-Herzegovina, Cyprus, Sri Lanka and Iraq. In Bosnia-Herzegovina, a federation with consociational features was imposed under the terms of the Dayton Accords (1995); in Cyprus there is concerted international pressure being applied through the UN, the EU and the US, to bring into existence a federation with strong consociational features. In Sri Lanka, too, outside pressure is being applied to induce acceptance of a federation, again with consociational features. In Iraq, the situation is less clear but the US appears to favour federation and its pressure is likely to be conclusive.

Do Origins Matter?

Writers on federalism, from the authors of the *Federalist Papers* (1787-1788) to K. C. Wheare (1946) to William H. Riker (1964) placed considerable emphasis on the circumstances that give rise to the birth of a federation. Riker's classic work, for example, is titled *Federalism: Origin, Operation, Significance.*[4]

Wheare begins by identifying the factors that are "pre-requisites of federal government." Foremost among these, he tells, us, is "the desire to be under a single independent government for some purposes at any rate." But this alone is not enough. "The prospective members of a federation must at the same time desire to retain or to establish independent regional governments in some matters at least."[5] At first glance, this seems tautological: the pre-requisite of federation is

a desire to federate. But what Wheare is getting at here is that the two desires - the desire for a common political existence and the desire for a separate political existence - must occur simultaneously, or no successful federation is possible. Desire, however, is a necessary but not a sufficient condition for federation. Communities or states must also have the capacity to form a federal union. Wheare, therefore, proceeds to ask two questions: "what are the factors or circumstances which lead communities to desire [federation]?" and "what produces in them the capacity to form an independent general government and, at the same time, independent regional governments?"[6]

This is the preamble to what is arguably one of the greatest passages ever penned on the subject of federalism, whose relevance is no less today than it was when it was written nearly sixty years ago. In a discussion that is rich in telling comparisons and argued with compelling lucidity, Wheare proceeds to address both questions. For our present purposes, we shall concern ourselves primarily with his discussion of the sources of the desire of peoples to be governed together for some purposes in a federation. These may be summarised as follows (though no summary can do justice to Wheare's elegant exposition):

- a sense of military insecurity and the need for common defence;
- a realisation that only through federation can independence from foreign powers be secured;
- a hope of future economic advantage;
- some prior political association, as a loose confederation or as parts of the same empire;
- geographical neighbourhood; and
- similarity of political institutions.[7]

Some factors, Wheare adds, are "unexpectedly absent" – specifically, ethnic factors. While a common ethnicity was a factor in some cases, such as Germany, he regards it as non-essential. "More striking ... are the examples of Canada and Switzerland where the desire to unite arose in spite of differences of language and race – French and English in Canada; German, French, Italian and Romansch in Switzerland; - of religion as between Catholic and Protestant, and of nationali ty."[8]

It is noteworthy that when he turns to the factors that produce a capacity for federation, he begins again with the idea of desire: "A desire for federal union among communities is a first and obvious factor which produces in them the capacity to make and work a federal union." Hence, the factors that produce a desire for federation also tend to strengthen the capacity to do so. But, in the end, Wheare concludes, "it must be emphasized that the capacity ... to form and work a federal union depends upon some agreement to differ but not to differ too much."[9]

In an important but neglected book published in 1968, Thomas M. Franck et al., turn to the question not of why federations succeed but of *Why Federations Fail.*[10] They had no shortage of cases to consider. The wave of decolonisation in Africa, Asia and the Caribbean after World War II produced a sudden proliferation of new federations that were imposed by hastily decamping imperial powers - who saw federation as their "exit strategy". Virtually all of these new and often elaborately concocted federal creations, such the East African Federation, the Federation of Malaya, the Federation of Rhodesia and Nyasaland, and West Indies Federation, proved unworkable, unstable, and short-lived (none more so than the West Indies Federation, which was formally dissolved, after having already disintegrated politically, on the day that had been set for its official launching!). Though long forgotten, this ghostly legion of failed and never-were federations should haunt the dreams of today's constitutional engineers in places like Sri Lanka, or Iraq.

Unlike Wheare, Franck does not speak directly of "desire" as a factor in the formation and success of federations, but rather of the "absence of a positive political or ideological commitment to the primary goal of federation *as an end in itself*" (italics in original) as the "one consistent factor" in failed federations. [11] Nor does he use the term consociational, but it is clear that he has something similar in mind when he discusses the failure of ethnic power sharing arrangements. "Racial balance or partnership seems rarely to mean the same thing for long to parties to a federation in the absence of a more primary ideological commitment to federation itself."[12]

What Makes Consociationalism Work?

The basic principles of consociational government – grand coalition, segmental autonomy, proportionality, and minority veto – were formulated and refined by Arend Lijphart in a series of path breaking works beginning in 1968.[13] These were originally derived from the constitutional structures and operative norms of government as practiced in certain of the smaller European democracies (principally the Netherlands, Switzerland, Belgium and Austria). It became increasingly evident, however, both from Lijphart's extension of his work and the research of many other scholars, that the number of cases of consociational government, or some recognisable variant of it, is historically much larger. Moreover, in the late twentieth century, the discussion of the appropriateness of the "consociational model" as a method of governing divided societies (which had always been disputed on various grounds) acquired new urgency because of the intensification and proliferation of ethnic conflict in many parts of the world. Unlike federalism, which is territorial in nature and only indirectly addresses the problem of ethnic division, consociationalism addresses it directly by offering mechanisms by which ethnic interests and identities can be recognised and secured, either alone or

in combination with federalism. It is not an exaggeration to state that it has become the most favoured - and perhaps also the most controversial - set of ideas in the tool-box of the United Nations and other national and international bodies that have to deal with the manifold problems of post-conflict reconstruction. Consociational ideas run like a thread through modern peace agreements and proposals – including, to cite only a few prominent examples, the Dayton Accords (Bosnia), Annan Plan (Cyprus), Ta'if Agreement (Lebanon), Ohrid Agreement (FYR Macedonia) and Good Friday Agreement (Northern Ireland).

"Consociational democracy", Lijphart writes, "entails the cooperation by segmental leaders in spite of the deep cleavages separating the segments."[14] Unlike Wheare, he does not use the word "desire" in his account of the factors that predispose leaders to favour cooperation, preferring instead "willingness". But the effect is strikingly similar. Leaders, he tells us, must have a "basic willingness to engage in cooperative efforts with other leaders in a spirit of moderation and compromise. At the same time, they must retain the support and loyalty of their own followers."[15] To maintain this delicate balance, he recognises, is no easy achievement. It is important, then, to be able to identify the circumstances in which leaders in deeply divided societies might possess, or acquire, the "basic willingness" to work together.

Lijphart does not address this question directly. Rather, he lists a number of conditions that are favourable to the success of consociations: multiple balance of power, small size of the country, overarching loyalties, segmental isolation, prior traditions of elite accommodation, and ("weakly and ambiguously") cross-cutting cleavages.[16] Two of these – overarching loyalties and prior traditions of elite accommodation – seem particularly likely to be sources of co-operative elite behaviour. If the leaders of different ethnic segments share overarching loyalties to a common nation, for example, it probably means that they share, at least to some extent, a common national identity, in addition to their ethnic identities. It is reasonable to suppose, therefore, that overarching loyalties would be a factor in facilitating co-operation in many areas of endeavour. The existence of prior traditions of elite accommodation would imply that such traditions could be continued, or revived if they had lapsed. Bargaining in good faith always requires trust, and while never guaranteed, trust is likely to be found among political actors who share a tradition of accommodation and compromise.

In the federations that we examine in this paper, consociational power sharing is an essential component, except perhaps in Iraq. But even there, in some of the various proposals for federation that are being discussed, there are strong arguments made for the inclusion of consociational elements.

The place of consociationalism in modern federal theory is most significantly advanced in the recent work of John McGarry and Brendan O'Leary.[17] Their approach focuses explicitly on the circumstances of multinational federations, in a world where the likelihood of another culturally homogenous federation such as Germany being formed is remote. To summarise (again without doing full justice to a lengthy, complex and nuanced exposition), they identify five factors that are conducive to the success of multi-national federations:

- the presence of a staatsvolk (dominant majority);
- self-government for the constituent national communities and consociational government at the centre;
- authentic democracy;
- voluntary or "holding together" origins; and
- prosperity.

Following Wheare and Lijphart, they extract and refine these factors from a wide-ranging consideration of cases. Their conclusion is unequivocal: multi-national federations are not doomed to fail, but "federalism is usually not enough: consociational practices, particularly at the level of the federal government, are very important to the success of multinational federalism.[18] In the cases examined below, however, the question is not whether consociationalism is important to the success of federalism but whether it can be successfully imposed or induced by pressure from outside in places when federalism itself not the preferred constitutional option and where political leaders show a pronounced lack of that "basic willingness to engage in cooperative efforts with other leaders in a spirit of moderation and compromise" that Lijphart regards as essential.

Are Confederations Useful Stepping-stones to Federation?

Among the factors that Wheare considers important contributors to the success of federations are (a) the previous existence of the constituent territorial units as distinct government entities, and (b) their previous experience of belonging to a confederation or some similar form of looser association. In support of this conclusion, he cites the Swiss and American examples of prior membership in confederacies and the Australian and Canadian experience of prior membership in the British Empire![19] In the case of Canada, it may further be pointed out that the Union of the Canadas (Ontario and Quebec, 1841-1867) was an even more significant pre-federal experience in that it produced a well-developed system of consociational governance, operated by French and English political elites who became accustomed to working with one another in grand coalition ministries.[20] In each of these federations, prior separate existence and prior association were factors that combined to produce both the desire and capacity to form and operate a federation.

When we turn to recent and proposed federations, however, in no case are we dealing with actual or possible constituent states whose experience in any significant way replicates the experience of prior association that is found in the federations discussed by Wheare. In short, Wheare's cases are cases of *coming together* and *holding together* federation; that is, they represent the voluntary and negotiated forging of a closer union by distinct and well-established constituent entities that already had links in common, and sometimes fairly strong links. Recent and proposed federations, however, while nominally cases of *holding together* federation, in the sense that they are designed to preserve existing international borders, are in reality cases of *coming apart* federation, as in Bosnia-Herzegovina, with the carving out of the Serb enclave in Republika Srpska; as in Sri Lanka with the proposal to place a federal fig-leaf *over* the de facto existence of a Tamil state; and as in Iraq, with the proposal to similarly acknowledge the de facto reality of a Kurdish state; and as in the case of the UN plan to reunify Cyprus (though the latter might better be termed a case of *pushed together* federation, since the two sides have been long apart). In no case have the constituent states had the experience of freely determining their relationship with one another and of arriving at federalism through voluntary prior association. Cases such as these raise fundamental questions about the appropriateness and efficacy of imposed or pressured federal "solutions". First, are coming apart federations that are formed to separate previously warring communities viable and sustainable? Second, might it not be better in such cases to opt first for some looser form of association that might in time grow into a "federation of the willing"? And third, can *even* "holding together" federations be maintained in the face of disintegrative tendencies if the pressure to maintain them comes mainly from external interveners?

At the core of the discussion of federation (and this applies with equal if not greater force in the discussion of consociational power sharing arrangements) lie questions of desire and willingness, and the by-product of these, which is trust. There are various models of federation, and even more varieties of consociationalism, formal and informal. The quest to find federal/consociational models that may be successfully applied in particular cases is a worthy and urgent one. But what are the prospects of success in cases where there is scant desire for either, or where there are strong contrary desires for a totally different arrangement? Finally, political desires are changeable. The absence of a desire for federation is not immutable. But by what means can a desire for federalism, or a willingness to see it tried, be legitimately instilled? Are there inducements that outside interveners can legitimately use to promote federalism if that is their preferred outcome, but not the preferred outcome of one or more of the communities who are being urged to federate? Such questions take us beyond the scope of this paper, into issues of international law and ultimately of political ethics. In the following discussion of selected cases our focus is more narrowly on the

factors that point towards success or failure in the circumstances that presently exist**.**

The Cases

Bosnia-Herzegovina

The massive if belated international effort and military intervention to end the war in Bosnia were linked to the belief that the fighting could spill over the country's boundaries and spark a wider Balkan war. The goals of the international interveners - principally the US, with the support of its NATO allies - were to impose an effective ceasefire and reconstruct Bosnia as a multi-ethnic federation. These goals formed the basis of the Dayton Peace Accords, signed in 1995. Since the parties to the conflict were unwilling signatories, the first goal would require a long-term commitment of peacekeeping troops and the second a long-term international involvement in the governance of the newly constituted state. In practice, the international actors appointed to oversee the democratisation and federalisation of Bosnia have effectively ruled the country. Despite their declared intention to hand over effective political control to Bosnians, progress towards that goal has been slow. And accusations of failure are becoming increasingly harsh. Gerald Knaus and Feliz Martin, for example, argue that Bosnia has been turned into a "European Raj" in which office of the UN High Representative resembles that of a viceroy, to the detriment of Bosnian democracy and independence.[21] Other critics cite as evidence of failure the High Representative's continuing draconian authority "to directly impose legislation, to veto political candidates and dismiss 'uncooperative' elected members of Bosnian governing bodies."[22] The High Representative, however, does not have the authority to reopen fundamental issues of federalism and of inter-ethnic relations, and it is these that largely underlie the dysfunctionality of the regime.

The Dayton Accords reconstituted war-shattered Bosnia and Herzegovina as a federation with two constituent entities, the Federation of Bosnia and Herzegovina (BiH) or Bosniac-Croat Federation, a federation within a federation, and Republika Srpska or Serb Republic (SR). While the Accords imposed a solution against the wishes of most Croats and Serbs, its framers sought to make the imposition palatable to them by linking these two largely self-governing entities through the medium of a weak central government. The BiH was created in the hope of placating the Croat minority, who were concentrated in Herzegovina. The SR, whose borders followed the ceasefire line, was intended to placate the Serbs, who had seceded from the newly independent Republic of Bosnia-Herzegovina in 1992, during the war.

The Accords gave the central government power over such key areas as foreign affairs, trade, and monetary policy. At the same time, the entities were also given authority to conduct their own foreign relations. More importantly, the Accords conferred greater authority to the entities than the central government in relation to fiscal powers and defence. Commenting on the limited fiscal authority of the Federation, P. B. Spahn states that "the [federal] State is fiscally dependent on the Entities, and neither possesses fiscal autonomy nor a proper revenue source of its own."[23] The supremacy of the entities' fiscal power over that of the central government is illustrated by the fact that they spend ninety-nine per cent of total public expenditures.[24] While the framers of the Accords envisaged the eventual integration of the separate armies of BiH and SR, they bowed to existing realities of 1995 by allowing the entities to retain their own armies. Since then, the Bosnian Serbs in particular have repeatedly rebuffed initiatives to integrate their armed forces with those of the Federation. The Federation army officially exists as one, but is divided into separate Bosniac and Croat components. Bosnia has been accepted into NATO's Partnership for Peace programme, but it took strong pressures by NATO countries to overcome the squabbles between the ruling nationalist parties – the Bosniac Democratic Party of Action (SDA), the Croatian Democratic Union (HDZ), and the Serbian Democratic Party (SOS) – to satisfy a key requirement of membership by appointing a state defence minister and deputies. However, their role is not to preside over a unified army but rather to "oversee the single command of the country's three separate armies."[25]

The result has been continuous quarrelling over the joint command, which is symptomatic of interethnic relations in post-Dayton Bosnia. The central government is strongly consociational in structure, but the basis of trust that would enable the elites to bridge ethnic divisions is conspicuously absent. As Florian Bieber obseNes, "the key challenge has been that each community (with the partial exception of the Bosniacs) has given overwhelming support to just one national party."[26] Despite various inducements, pressures and ultimately "heavy-handed inteNention" by the High Representative and other international actors, the leaders of the three mono-ethnic nationalist parties that dominate Bosnia's politics refuse to co-operate. Instead, they use their electoral success to pursue their own agendas rather than act in ways that would create a more integrated state.

A major goal of the Dayton Accords was to secure the right of refugees and displaced persons to return to their pre-war homes. It was estimated that 2.2 million Bosnians were displaced during the three-year war (1992-1995). But the Bosnian federal government possessed neither the will nor the resources to tackle the problem, and, for the international actors, as Richard Black has explained, "both refugee return and minority return within Bosnia have come to be seen as part of a process of challenging the nationalist dominance of the political system. The aim is to encourage members of the different ethnic and religious communities in Bosnia

to 'live together' in peaceful co-existence."[27] Officially, the total number of internally displaced persons has been greatly reduced, which represents a considerable achievement, but the efforts of the UN and others to encourage ethnic mixing have been largely unsuccessful. The SR is almost entirely populated by Serbs, and in BiH Bosniacs and Croats are concentrated in separate cantons where their ethnic kin predominate.[28]

None of this would matter, if the separate communities met Wheare's "prerequisites for federal government" – that is, if they shared a desire to be governed together under a federation – but they manifestly do not. Indeed, it is only the presence of a strong UN peacekeeping force that keeps the Republika Srspka in the federation at all. And in these circumstances, the "over-arching loyalties" that Lijphart identifies as a "favourable condition" for the success of consocialtionalism are, if possible even more conspicuously absent.

The principal goal of the international interveners in Bosnia was to counter the expansionist aims of Serbia, both militarily and politically, and the decision to reconstruct Bosnia as a federation was an important but secondary part of their overall strategy.[29] Since Dayton, the international community has demonstrated a remarkable resolve to shore up Bosnia as a multi-ethnic federation in which three principal communities share power. Substantial financial, political, and military resources have been expended to achieve this end. Nevertheless, the three ethnic communities have shown little support for a federal experiment that was not of their making. Created against the wishes of two of its principal communities, and with only the reluctant acquiescence of the third, the Bosnian federation has survived because the international community has been unwilling to accept the partitioning of the country and (thus far) has been prepared to bear the heavy cost of keeping it together.

Cyprus
In 1996, US president Bill Clinton appointed Richard Holbrooke as special presidential emissary for Cyprus in a bid to solve the island's long-standing dispute. Holbrooke, who had been the chief architect of the Dayton Accords, called for the application of a "Bosnian type" federal settlement to resolve the Cyprus issue. Predictably, both the Greek and Greek-Cypriot governments immediately condemned the idea, which they regarded as tantamount to the partition of the island into Greek-Cypriot and Turkish-Cypriot zones. Thereafter Holbrooke made no further public references to the Bosnian model. Nevertheless, the circumstances of his appointment at a time of escalating Greek and Turkish tensions over Cyprus and the Aegean underscored a major similarity between the conflicts in Cyprus and Bosnia: they had become highly internationalised due to their capacity to spill over and engulf regional powers. In Cyprus, as in Bosnia, two hostile armies faced each

other across a cease-fire line. Moreover, in both cases, citing the inability of the local parties to reach a political settlement on their own, key international actors were convinced that external mediation and inducement (if not outright imposition, as in Bosnia's case) were imperative if a settlement was ever to be achieved.

On the surface, Cyprus appeared to present better prospects for a settlement than Bosnia. Following the war of 1974 that had partitioned the island, creating two mono-ethnic zones, the parties to the conflict had agreed to UN-sponsored talks that aimed to reach a federal solution. Though the impetus for reaching a federal settlement was primarily external, reflecting the international desire to preserve Cyprus as a single state, there was hope that the Cypriot communities would nevertheless embrace the idea. However, this proved illusory. Greek Cypriots, who are the majority community, preferred a unitary state with a majoritarian form of democracy. As a second-best solution, they would reluctantly endorse a federation with a strong central government in order to secure the reunification of the island. Turkish Cypriots, especially after the partition of 1974, preferred to maintain a separate Turkish Cypriot state. In 1975 they had established a Turkish Federated State in Cyprus and in 1983 went a step further and declared the *Turkish Republic of Northern Cyprus (TRNC).* However, the *TRNC* was a state that only Turkey recognised. In the many fruitless negotiations that followed, the Turkish Cypriot government generally accepted as a second-best solution the notion of a confederation or very loose federation that would have a single international personality but would be composed of two sovereign states that would delegate competencies to the joint government. But for Greek Cypriots, a solution based on two separate sovereignties was completely unacceptable because, in their view, it would effectively legitimate and make permanent the division of the island. It was also unacceptable to the UN and other international actors, who remained committed to a federal solution with a single international sovereignty.

As in so many deeply divided societies, the broad outline of a possible settlement in Cyprus is not difficult to imagine. Indeed, since the island's partition in 1974, such an outline has been presented by mediators under UN auspices on three separate occasions in three separate documents: the "Preliminary Draft for Joint High-Level Agreement" of 1985; the "Set of Ideas" framework agreement of 1992; and most recently the UN blueprint (hereafter the Annan plan) of 2002-2004. All of these plans have sought to reconcile the Greek-Cypriot desire for a single Cypriot state with the Turkish-Cypriot desire for a two-state solution; all have envisaged creating a bi-communal, bi-zonal federation on the island; and all have affirmed Cyprus' single sovereignty.

Despite repeated failures, the international actors have persevered with their mediation efforts to achieve a federal solution. Their hope is that an acceptable

power-sharing system might yet be found if attitudes in one or both parties were to change, or if changed external circumstances forced one or both of the communities to recalculate their long-term interests.

The most recent initiative, the Annan plan, was based on the belief that the international context of the Cyprus stalemate, after remaining static for decades, had been fundamentally changed by the prospect of Cyprus' imminent accession to the European Union (EU). As a result, it was believed, it might at last be possible to reconstitute Cyprus as a single state within the EU and equip it with new European-style power-sharing institutions that both communities would support. While there had been no lack of power-sharing proposals in the past, including the elaborate "Set of Ideas" framework agreement negotiated under UN auspices in 1992, such proposals had always failed to come to fruition. According to Michael Emerson and Nathalie Tocci, "what was missing then, both technically in the text and politically, was a sufficiently vivid and powerful incentive of EU accession to overcome the resistance to the agreement."[30] That incentive, however, was considerably less powerful than it might have been, since the EU had not made the island's reunification a condition of membership. Hence, reunified or not, Cyprus was due to become a member of the EU, along with nine other countries, in May 2004. Nevertheless, the approaching accession date put some pressure on the two sides – and particularly on the Turkish Cypriot side, which would be left out of the accession if negotiations failed – to reach agreement on the Annan plan, which was submitted to them in November 2002.

Essentially, what the plan prescribed was a loose federation with some consociational power-sharing features. Ostensibly, it borrowed features from both the Swiss and Belgian models of federalism. As in Switzerland, the constituent states would "sovereignly exercise all powers not vested by the Constitution in the federal government," and, as in Belgium, "there shall be no hierarchy between federal and constituent state laws." The document then proceeded on the basis of these principles to outline the constitution of a bi-communal and bi-zonal federation that in its structure (and hopefully in its functioning) would be essentially consociational. That is to say, its institutions would be structured in such a way as to ensure, in so far as it is possible to do so, the practices of executive power- sharing, proportionality, mutual veto, and segmental autonomy. For example, the plan called for a rotating presidency on the basis of two terms for Greek Cypriots and one for Turkish Cypriots. In all institutions proportionality norms would prevail. Minority veto provisions would prevail throughout. Segmental autonomy would be assured in a bi-zonal federation, as the two constituent states would retain a Greek- Cypriot and Turkish-Cypriot majority respectively.

On both sides, initial reactions to the plan were unfavourable. The problem, essentially, was that both the Greek- and Turkish-Cypriot leaders disliked many of the plan's key provisions. The Greek-Cypriot leaders, specifically President Tassos Papadopoulos and his predecessor, Glafkos Clerides, were worried that an outright rejection of the plan might in some way jeopardise Cyprus's imminent accession to EU membership. They, therefore, prudently declared the plan to be "negotiable". But its negotiability was obviously not a matter of fine-tuning. Most Greek Cypriots shared their leader's fundamental misgivings regarding specific features of the plan that they believed would undercut the ability of the Greek community to exercise power consistent with its majority status and to reduce "external" (read Turkish) influence.

Unlike his Greek-Cypriot counterparts, the Turkish-Cypriot leader, President Rauf Denktash, condemned the Annan plan outright, citing, among other problems, the lack of any clear acknowledgement of Turkish-Cypriot sovereignty.[31] Many Turkish Cypriots were unhappy about the deep concessions they would be required to make under the plan, but they were also ambivalent. On the one hand, they singled out three provisions as being particularly problematic: the settlement of tens of thousands of Greek Cypriots in their constituent state, the recognition of Republic of Cyprus property deeds (since many of the properties in question were occupied by Turkish Cypriots or foreign residents), and the displacement and resettlement of tens of thousands of Turkish Cypriots that property transfers and border adjustments would require. On the other hand, they were attracted by several other provisions, including the constitutionally equal status of the two communities, the wide measure of autonomy envisaged for the constituent states, the continued presence of some Turkish troops to underwrite their security, and, not least, the conferral of EU citizenship. Moreover, it was clear to many that, if they rejected the Annan plan, in any future negotiations the Greek Cypriots would likely insist on tougher terms. On balance, they were inclined to see the proposed terms as the best that they could reasonably hope to get. In the *TRNC* parliamentary elections of December 2003 this bottom-line consideration helped the pro-EU, pro-Annan Republican Turkish Party (CTP) to achieve a narrow victory. Its leader, Mehmet Ali Talat, assumed the premiership as the head of a coalition government in early 2004, and further consolidated his party's position when he was elected to president in April 2005.

The Greek-Cypriot leadership's clear (if unspoken) preference, however, was to proceed to EU membership without a prior reunification agreement based on the Annan plan. Although this might risk cementing the division of Cyprus, it would also greatly enhance their future bargaining power (as the Turkish Cypriots also realised). For, once the Republic of Cyprus was a member state of the EU, and unburdened by the restrictions of the Annan plan, they could then insist, as good EU members, that existing EU norms and rules must apply in any future settlement

– which would preclude many of the Annan plan's guarantees to the Turkish Cypriots. Furthermore, and just as importantly, the fact that Greece and Cyprus (i.e., the Republic of Cyprus) would both be EU members would mean that there would be two Hellenic voices – and possible vetoes – to act as a check on future Turkish progress towards EU membership. This is precisely what the Turkish government feared. Hence, unmoved by President Denktash's fierce resistance to negotiating any federal arrangement that did not acknowledge the sovereignty of the *TRNC,* it compelled him to resume negotiations based on the plan with his Greek-Cypriot counterpart (who was equally opposed but more discreet about it) – and to accept the binding arbitration of the UN Secretary-General if no agreement could be reached.

Not surprisingly, these negotiations proved fruitless. The UN Secretary-General then imposed a final draft settlement, representing the fifth revision of the original plan, which was put to simultaneous referenda in both parts of the island on 24 April 2004. Since the Republic of Cyprus had signed the EU Accession Treaty on 17 April 2003, Greek Cypriots were guaranteed EU membership regardless of how they voted. Thus, feeling they had nothing to lose, and encouraged by the opposition of President Papadopoulos (and others, including the heads of trade unions and senior clerics of the Orthodox Church), an overwhelming seventy-five per cent voted no to the Annan plan. By contrast, sixty-six per cent of Turkish- Cypriot voters defied the call of President Denktash to reject the plan and voted yes. As Greek Cypriots had anticipated, the Republic of Cyprus proceeded unhindered to full membership in the European Union on 1 May 2004. And the Turkish Cypriots, despite voting yes, were left out.

Since the referenda, there has been some pressure from both the EU and the other external actors to restart reunification discussions yet again, but such efforts have been ineffectual. Sensing that the tide is running strongly in their favour, Greek Cypriots feel no urgency to revisit the Annan plan and their government's only response, when pushed, has been to propose changes that they know would not be accepted as a basis for new negotiations, such as removing Turkish-Cypriot veto rights and strengthening the powers of the central government.[32]

If the problem were merely one of finding the "right" federal formula for Cyprus, it would likely have been solved long ago, given the extraordinary international pressure, expertise, and resources that have been so single-mindedly devoted to the search. What, then, is the obstacle that has stood in the way of every plan, up to and including Annan's? It is instructive at this point in our discussion to return to Wheare's "prerequisites of federal government", the foremost of which is the presence of a desire on the part of the people for federation. For it is the absence of such a desire, above all, that explains the unbroken record of failure in Cyprus, despite the unrelenting efforts of multiple external actors. The Turkish-Cypriot yes

vote must be seen as a vote far the advantages of EU membership rather than as a vote for federation, which was viewed not as something to be desired for itself but as a risk that had to be taken. And the Greek-Cypriot no vote must be viewed as a resounding, unambiguous repudiation of federation, unmixed by the hope of gaining EU membership since that was already in the bag.

Finally, it must be asked, are the factors present in Cyprus that Wheare identifies as the sources from which a future desire for federation might grow? Two clearly are, at least on one side: Turkish Cypriots undoubtedly hope for "future economic advantage" and both sides, as the joint inhabitants of a small island, cannot escape "geographical neighbourhood". There is perhaps some "similarity of political institutions" in that both are functioning democracies, but their differences on the whole are more pronounced. The other factors are either entirely absent or negative: so far from sharing a need for "common defence" the two sides have long been obsessed with defending themselves against one another; and their "prior political association", in the period 1960-1963 (under a classically consociational constitution) was involuntary to begin with and proved a disastrous failure, leading straight to violent ethnic conflict and forcible partition. The factors that Lijphart identifies as favouring the success of consociationalism are also weak or absent altogether. Neither Greek nor Turkish political leaders have ever shown any positive desire for consociationalism, nor, during decades of almost total separation, have they had any occasion to engage in cooperative efforts that might encourage a future willingness to share power. These are hardly strong indicators of either a desire or capacity to operate a federal system.

Sri Lanka
The idea of adopting federalism in Sri Lanka (formerly Ceylon) was first broached in 1926.[33] It was then, and remains, the preferred solution of external powers. Yet the Sinhalese and Tamil communities themselves have thus far failed to embrace federation as an acceptable compromise between the Sinhalese majority's preference for a unitary state and Tamil minority's desire for separate statehood.

Since independence in 1948 there has been a pattern of growing Tamil estrangement from the government on the part of the Tamil community and, since the late 1970s, growing Tamil demands for independence that have escalated into civil war. In the early years, however, Tamil demands were relatively modest. For example, the appropriately named Tamil Federal Party advocated a federal solution to Sri Lanka's communal problems. Its four principal objectives were to achieve autonomy for the north and eastern regions of the island; equality and parity of status for the Sinhala and Tamil languages; granting of citizenship to stateless Tamils; and ending state-assisted "colonization in the North-East, which changed the demographic pattern".[34]

These demands, and the debates between the Tamils and Sinhalese during the first decades of independence, mirrored those of Turkish and Greek and Cypriots during the period of intercommunal negotiations between 1968 and 1974. Numerous Tamil proposals calling for limited autonomy in areas of Tamil predominance in the north and eastern parts of the island, for example, are comparable to the "local autonomy" demands of Turkish Cypriots before 1974. And like the Greek Cypriots, the Sinhalese were suspicious of the federal concept and feared that regional autonomy for Tamils would pave the way to secession.

Moreover, just as Turkey's support for its ethnic kinsmen's demands for local autonomy during 1968-1974 added to Greek-Cypriot anxieties regarding Turkish-Cypriot separatism, India's support for Tamil demands for a federation compounded Sinhalese anxieties. That federal India, home to more than 80 million Tamils in its Tamil Nadu province, would support Tamil aspirations in Sri Lanka is unsurprising. Tamil insurgents were allowed bases in Tamil Nadu from which they conducted military operations in northern Sri Lanka, and were also supplied covertly by the Indian government.

In 1983, Indian pressure on the Sri Lankan government to provide autonomy to Tamil areas yielded an understanding between New Delhi, the Sri Lankan government and Tamil United Liberation Front (TULF) on proposals for "a substantial devolution of powers to regional councils, rather than district councils which had been proposed by Sri Lanka in 1979 and 1980".[35] But these proposals failed to win enough support among Sinhalese politicians. India was subsequently instrumental in arranging a meeting between the Sri Lankan government and a Tamil delegation that included representatives of five major guerrilla groups at a meeting in Thimpu, Butan, in 1985. At the meeting the Tamils presented 'four cardinal principles' as a pre-requisite for settling the national Tamil question. These were "(i) the recognition of the Tamils in Sri Lanka as a distinct nation; (ii) recognition of a Tamil homeland in Sri Lanka; (iii) the recognition of the Tamil's right to self-determination; (iv) the recognition of the right to full citizenship and other fundamental democratic rights of all Tamils, who look upon the island as their country (i.e., the enfranchisement of the estate Tamils)."[36] Predictably, the Sri Lankan government rejected these demands as threatening Sri Lanka's sovereignty and territorial integrity.

Further disturbances ensued after the Thimpu meeting, with increased Tamil guerrilla activity amid excesses committed by the Sri Lankan army. Additional Indian pressures on the Sri Lankan government yielded yet another agreement. The Inda-Sri Lanka Agreement of 29 July 1987 contained major government concessions in the form of the proposed merger of north and east Sri Lanka as an administrative unit with elected provincial officials, as demanded by militant Tamil groups. This

concession was difficult enough for Sinhalese nationalists to accept. Even worse, from their standpoint, was the Sri Lankan government's acceptance of an Indian Peace Keeping Force (IPKF) on Sri Lankan soil.

However, Indian diplomatic and military involvement in Sri Lanka did not aim at bolstering Tamil secessionists. While encouraging autonomy arrangements for Tamils, India remained committed to preserving Sri Lanka's sovereignty. Furthermore, the IPKF soon became embroiled in fighting against the principal Tamil insurgency group, the Liberation Tigers of Tamil Eelam (LTTE). It was forced to withdraw in 1990 after incurring heavy losses, primarily in confrontations with LTIE guerrillas. The assassination of Indian Prime Minister Rajiv Ghandi by LTIE suicide bombers in the following year sharpened the Indian government's hostility toward the LTIE, as well as causing a loss of sympathy for Tamil militants among the Indian public.

While India remains the most influential external actor in Sri Lanka, there have also been mediation efforts by other parties who have no strategic stake in the island.[37] In September 2002, for example, Norway convened a meeting between the LTIE and the Sri Lankan government that took place in Thailand. The result was reported to be a softening in the LTIE's demand for statehood. According to Christine Bigdon, "Anton Balasingham, the LTIE's chief negotiator, made the politically most significant statement, that the LTIE is rather committed to autonomy and autonomy based self-determination, revising their original, maximalist claim for a separate state"[38] A Canadian delegation has also been actively involved in promoting the benefits of federation in Sri Lanka.[39] However, whether such efforts have made any significant difference to the LTIE's position, or that of the government, remains unclear. In the aftermath of the Indian Ocean tsunami in late 2004, which devastated large parts of Sri Lanka's eastern and southern coasts, the LTIE "asked foreign governments for separate aid packages partly in the hope that a direct response would confer upon it a status equivalent to that enjoyed by the government".[40] And the Sri Lankan government just as categorically opposed their request.

Federalism remains on the Sri Lankan agenda mainly because of a changed international environment that has dampened Tamil hopes of achieving independence and the intervention of external actors who favour a federal solution. But many Sinhalese leaders continue to have deep reservations about proposed federal solutions, all of which involve a combination of consociational power sharing with the Tamil minority in the central government and granting of autonomous powers to a Tamil regional state.[41] And the preferred Tamil version of federation is one that more closely resembles a confederation of sovereign states. As in Cyprus and Bosnia, there is scant desire for a federation, and absent as well is the minimum level of trust that is needed for effective consociational power sharing.

Iraq

Kurdish autonomy has been a recurring and bitterly contested issue between Kurds and governments in Baghdad. Ever since the founding of the Iraqi state, Kurdish assertions of national self-determination contradict the claims of Baghdad's leaders that the Kurdish areas are an integral part of Iraq, and of the Arab world. Hence, although sometimes pressured by armed insurrections to grant some degree of autonomy to the Kurds, Iraqi governments have always been suspicious of Kurdish nationalist goals, which they fear would lead to Iraq's dismemberment.

The toll of armed rebellions has been high, particularly for the Kurds. But, on at least one occasion, after a lengthy armed struggle, Kurdish leaders were able to secure extensive political rights, including a wide measure of autonomy, from a reluctant Iraqi regime. The 11 March 1970 Peace Accord between the Kurdish leadership and the Baath government (of which Saddam Hussein was a leading member) was, in the words of a leading authority on the Kurds writing in 1996, "not only the best deal the Kurds of Iraq had been offered, but has remained the Kurds' favoured foundation stone for future relations with the rest of Iraq."[42] The Accord recognised Kurdish as one of Iraq's official languages and offered support for Kurdish education and culture. It provided that "all officials in Kurdish majority areas shall be Kurds or at least Kurdish-speaking." It further stated that a Kurd would become one of the Iraqi vice-presidents, and that Kurds would exercise legislative power proportionate to their population. The Accord additionally mandated the "unification of areas with a Kurdish majority as a self-governing unit."[43]

Ultimately few of these far-reaching provisions were put into effect, as relations between the Kurdish leadership and Baghdad soon deteriorated. Among the issues over which Baghdad and the Kurdish leaders disagreed was the Kurdish demand to include the city of Kirkuk and the nearby oilfields in the autonomous Kurdish region. Indeed Kurdish nationalist leader Mulla Mustafa Barzani proposed that Kirkuk become the capital of the proposed region. As important as Kirkuk and other stumbling blocks were, it was the larger problem of mistrust that doomed the 1970 Accord. The Kurdish-Baghdad agreement was reached at a time of considerable Iraqi weakness and relative Kurdish military strength. But once the Baath party regime had consolidated its hold on power and improved its military, it felt little incentive to apply the Accord's provisions, for it suspected that the Kurds were really interested in independence rather than regional autonomy.[44] Infuriated by recurring Kurdish uprisings - with help in turn from such enemies of Iraq as Israel, Iran, and the United States - the Baath regime under Saddam Hussein sought to crush the Kurdish national movement militarily, exacting a terrible toll on Kurds.

The Kurdish leaders learnt some bitter lessons from these reverses, particularly concerning the hazards of relying too heavily on external alliances. States such as

Iran and the United States were prepared to enter into tactical alliances with Iraqi Kurds to advance their aim of weakening the Baath regime, but no outsiders were interested in advancing Kurdish independence. Indeed, Iraq's regional neighbours, Iran, Turkey and Syria (with large and restive Kurdish communities of their own) shared Baghdad's aim of containing Kurdish nationalism and cooperated with the Baath regime to weaken it. It is unsurprising, in 2005, that at the same time as the principal Iraqi groups are being pressured by the United States to adopt a federal constitution in preparation for a return to self-government, Iran, Turkey and Syria have issued warnings against Kurdish independence.

For Iraq's Kurds then, the pursuit of independence requires confronting seemingly insuperable Iraqi as well as regional opposition. It is no wonder that the Kurdish leaders have been careful to express their political aspirations in terms of federation rather than the outright independence, even though they have enjoyed de facto independence since 1991, when the protection of an international "no-fly zone" was imposed after the Gulf War over Kuwait.

Kurdish political fortunes have greatly improved with the removal of the Saddam regime. Fourteen years of de facto self-rule have bolstered Kurdish confidence and bargaining power. The Kurds, moreover, have garnered considerable sympathy in Western countries because of their past victimisation and the evident progress they have made towards stable democratic government. They can credibly claim to be the first community to practice democracy in Iraq, citing their record of free elections and the fair treatment of minorities. Moreover, with the Saddam regime gone, the Kurdish Democratic Party (KDP) led by Massoud Barzani and the Patriotic Union of Kurdistan (PUK) led by Jalal Talabani, which control separate areas of the Kurdish autonomous region, are displaying uncommon unity. The two parties formed a United Kurdistan coalition for the Iraq elections of January 2005, and a high turnout by Kurdish voters enabled the coalition to capture 75 of the 250 seats in the interim Iraqi parliament. Its leader, Talabani, subsequently became president of the transitional government of Iraq. Barzani and Talabani boosted Kurdish unity further when they agreed to merge their separate administrations following regional elections in the Kurdish self-rule area on 30 January 2005, with Barzani becoming president of the Kurdish regional government. The Kurdish leadership, moreover, retains command of the formidable Kurdish armed militias, the *peshmerga.* All of these developments will enhance Kurdish leverage in the process of negotiating a permanent constitution for Iraq. Above all, however, it has been their collaboration with the United States and the latter's support of Kurdish aspirations – as long as these are expressed as a demand for federalism – that have given the Kurds their best chance in many decades to achieve national autonomy, albeit while remaining nominally within Iraq. Under the US-imposed interim constitution, the Kurds have a veto over future constitutional change. Hence, whatever the form of federalism

eventually decided upon in a future permanent constitution, it is unlikely to leave the Kurds with less autonomy than they already enjoy de facto.

There can be no doubt that most Kurds, if allowed to determine their own future, would prefer to create an independent state of Kurdistan rather than remain a part of Iraq. During the elections for the interim parliament in January 2005, large numbers of Kurdish voters signed a separate, unofficial petition in favour of independence. Kurdish leaders for the most part prefer to downplay their people's preference for independence as they have no wish to either provoke the ire of their hostile regional neighbours or open up a split with their federal-minded US protectors. But occasionally the mask of official prudence slips. In an interview with the BBC, for example, President Barzani frankly admitted that the Kurdish support for federalism is essentially strategic: "Independence", he stated, "is a natural and legitimate right of Kurdistan ... But in this phase, federalism is the slogan of the day and that's what we are struggling for. It's the option for this stage. As for the future, let's see how things go."[45]

It is hardly the case that federalism is strongly supported by the other major religious and ethnic leaders in Iraq. In discussions related to endorsing the interim constitution, the senior Shia cleric, Grand Ayatollah Ali Sistani, as well as other non-Kurdish Iraqis, indicated that they "equate federalism with the division of Iraq."[46] Even more than in the other cases discussed, both Wheare's "prerequisites" for federation and Lijphart's "favourable conditions" for consociationalism are conspicuously absent, and the prospects for their future emergence seem remote. In the writing of a new Iraqi constitution, it is at least possible that alternatives to full-blown federalism – such as a "federacy" in which a virtually independent Iraqi Kurdistan would be loosely linked to a unitary Iraqi state – will be considered.[47] But that remains to be seen.

Conclusion

There is no good reason why political institutions and forms of governance that are developed in one country should not be transferred to another. Federal institutions, moreover, which require a formal legal and constitutional formulation, may even be more readily transferable than certain other forms that are largely informal, such as democratic political parties. But there are many good reasons why federations should not be imposed by external actors or proposed by them in disregard of the political circumstances in which the federation will actually have to operate. Or when there is a lack of positive desire for federation - or even deep opposition to it – on the part of the intended recipients. It is precisely such factors which will largely determine whether a federation will succeed or fail. Consociationalism is an invaluable means of ensuring inter-ethnic co-operation, but ultimately its

effectiveness in particular cases will be determined by the presence or absence of favourable conditions for it, as Lijphart has made perfectly clear and as a wealth of historical evidence confirms. To impose or pressure it into existence with those conditions is virtually to guarantee failure.

For federalism or consociationalism to work in practice political elites must be willing and able to bargain with one another in good faith. And they must be able to bargain with some reasonable assurance that their respective communities will support their efforts, not necessarily in every instance, but over time; in recognition, in other words, that it is the overall balance of outcomes that counts and not any single outcome. That takes patience and at least some measure of trust. Unfortunately, as has become increasingly clear from the many examples of federal and power-sharing failure, institutions alone cannot manufacture a willingness to co-operate where none exists. The Bosnian model of federation is not one that is commonly held forth to the world as an example to be emulated. But, on our analysis, the prospect of creating bi- or multi-national federations in Cyprus, Sri Lanka and Iraq are at least as daunting as in Bosnia. This is not to say that federation in all such cases is doomed to failure. It is to say that other models of association, such as confederation, deserve more international consideration than they are presently given. And it is also to say that the democratically expressed desire for federation is ultimately the only basis for long-term success.

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Notes

1   Ronald L. Watts (1998) 'Federalism, Federal Political Systems, and Federations', *Annual Review of Political Science,* pp. 117-137.

2. It was also American policy not to admit to statehood any territory in which the white, Protestant, English-speaking population did not constitute a majority. See Nathan Glazer (1983) 'Federalism and Ethnicity: the American Solution' in *Ethnic Dilemmas,* ed., Nathan Glazer. Cambridge MA, Harvard University Press, pp. 274-292.

3. Liesbet Hooghe (2004) 'Belgium: Hollowing the Center' in *Federalism and Territorial Cleavages,* ed., Ugo Amoretti and Nancy Bermeo. Baltimore, Johns Hopkins University Press, pp. 55-92.

4. Boston, Little, Brown (1964).

5. K. C. Wheare (1953) *Federal Government.* Oxford, 3rd ed., p. 36.

6. Wheare, p. 37.

7. Wheare, pp. 45-49.

8. Wheare, p. 39.

9. Wheare, p. 49.

10. Thomas M. Franck, Gisbert H. Flanz, Herbert J. Spiro, and Frank N. Trager (1968) *Why Federations Fail: An Inquiry into the Requisites for Successful Federalism.* New York, New York University Press.

11.   Franck, et al., p. 173.

12.   Franck, et al., p. 182.

13.   See Arend Lijphart (1968) *The Politics of Accommodation: Pluralism and Democracy in the Netherlands.* Berkeley, University of California Press; Arend Lijphart (1977) *Democracy in Plural Societies: A Comparative Exploration.* New Haven, *Yale* University Press.

14.   Lijphart, *Plural Societies,* p. 53.

15.   Lijphart, *Plural Societies,* p. 53.

16.   Lijphart, *Plural Societies,* p. 54.

17.   John McGarry and Brendan O'Leary (2005) 'Federation as a Method of Ethnic Conflict Regulation' in *From Power Sharing to Democracy: Post-conflict Political Institutions in Ethnically Divided Societies,* ed., Sid Noel. Montreal and Kingston, McGill-Queen's University Press, pp. 263-287.

18.   McGarry and O'Leary, p. 287.

19.   Wheare, p. 37.

20.   S. J. R. Noel (1990) *Patrons, Clients, Brokers.* Toronto, University of Toronto Press, pp. 164-175.

21.   Gerald Knaus and Felix Martin (July 2003) 'Lessons from Bosnia: Travails of the European Raj', *Journal of Democracy,* Vol. 4, No. 3.

22.   David Chandler (1999) *Bosnia: Faking Democracy After Dayton.* London and Sterling, Virginia: Pluto Press, p. 2.

23.   Paul Bernard Spahn (2002) 'A federal Bosnia and Herzegovina: Can a Weak Centre Lead the Way?' *Forum of Federations,* p. 20.

24.   Spahn, p. 20.

25.   *International Security Network,* 4 March 2004.

26.   Florian Bieber (2005) 'Power Sharing After Yugoslavia: Functionality and Disfunctionality of Power-sharing Institutions in Post-war Bosnia, Macedonia, and Kosovo' in *From Power Sharing to Democracy: Post-conflict Institutions in Ethnically Divided Societies,* ed., Sid Noel. Montreal and Kingston, McGill-Queen's University Press, p. 95.

27.   Richard Black (2001} 'Return and Reconstruction: Missing Link or Mistaken Priority in Post-Dayton Bosnia and Herzegovina?' *SAIS Review,* Vol. 21, No.2, pp. 183-184.

28.   According to the UNHCR, "minority returns" is a purely technical term referring to persons who have returned to their pre-conflict municipalities.

29.   James Gow (2003) *The Serbian Project and Its Adversaries.* Montreal and Kingston, McGill-Queen's University Press, pp. 172-198.

30.   Michael Emerson and Nathalie Tocci (2002) *Cyprus As Lighthouse of the EastMediterranean: Shaping Re-unification and EU Accession Together* Brussels Centre for European Policy Studies, p. 1.

31.   *Financial Times,* 9 December 2002.

32.   For a list of changes to the Annan plan demanded by Greek Cypriot government, see the Economist Intelligence Unit, *Country Report: Cyprus,* June 2005.

33.   Christine Bigdon (May, 2003) 'Decentralization, Federalism and Ethnic Conflict in Sri Lanka', *Heidelberg Papers in South Asian and Comparative Politics.* Working Paper No. 14, p. 1.

34.   Bigdon, p. 8.

35.   Hurst Hannum (1990) *Autonomy, Sovereignty, and Self-Determination.* Philadelphia,

University of Pennsylvania Press.
36.   Hannum, p. 291.
37.   According to an Economic Intelligence Unit report 'Norway, Japan, and the US remain
      Sri Lanka's main partners in attempting to broker peace with the LTTE. Norway is
      viewed as a non-partisan peace broker by all countries involved ... India is supportive
      of, but uninvolved in, the peace process.' See the Economist Intelligence Unit, *Sri
      Lanka: Country Report,* May, 2005.
38.   Bigdon, p. 33.
39.   'Federalism in Sri Lanka', *Newsletter.* Ottawa, Canada: Department of International
      Affairs and International Trade, November 2004.
40.   The Economist Intelligence Unit, *Business Asia,* 5 April 2005.
41.   The Economist Intelligence Unit, *Country Report: Sri Lanka,* May 2005.
42.   David McDowall (1996) *A Modern History of the Kurds.* London, New York, I. B.
      Taurus, p. 327.
43.   McDowall, p. 328.
44.   McDowall, pp. 331-332.
45.   'Hungry to *vote* in Iraqi Kurdistan', *BBC News internet edition,*
http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle_east/4219463.stm.
46.   *The Washington Post,* 30 January 2004.
See Brendan O'Leary (2005) 'Power-sharing, Pluralist Federation and Federacy' in *The
      Future of Kurdistan in Iraq,* ed., Brendan O'Leary, John McGarry and Khaled Salih.
      Philadelphia, University of Pennsylvania Press, pp. 47-91