

Federalism-E

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Introduction

Welcome To The 2010 Edition of Federalism-E

Bienvenue à l'édition 2010 de Federalism-e

On behalf of the writers and editors welcome to the eleventh edition of Federalism-e. Our mandate is to produce an annual volume of undergraduate papers addressing various issues within the study of federalism such as political theory, multi-level governance, and intergovernmental relations. Both of us feel it is important to highlight the fact that this journal exists for undergraduate students. Federalism-e provides a forum encouraging research and scholarly debate amongst undergraduates which will hopefully germinate further interest in this field of study.

This year, the theme of our journal was the ways in which federalism helps diverse societies address current issues like globalization, ethnic violence, climate change and separatism. As you will see, several of our authors propose innovative policy recommendations within the rubric of multi-level governance.

Federalism-e is an excellent avenue for students beginning a career within the realm of academia for a variety of reasons. First, Federalism-e is a rare opportunity for undergraduate students to have their works published, exposing them to the process of dealing with an academic journal. Our editorial board consists of a number of well known academics in the field of federalism whom have provided feedback creating the opportunity for writers to utilize this scholarly criticism to improve upon their papers. Finally, Federalism-e allows undergraduates from across Canada and the world to interact with one another, sharing ideas and commenting on each other's work. It provides a forum for networking which, we hope, will be utilized and expanded upon in the future.

La question de la sécession dans une fédération: Une critique des mauvaises interprétations

Åsbjørn Melkevik

ÅSBJØRN MELKEVIK est présentement étudiant au baccalauréat en science politique à l'Université Laval d'où il graduera en mai 2011. Il a l'intention de poursuivre des études supérieures. Ses intérêts portent sur la philosophie politique ainsi que l'histoire des idées et plus particulièrement sur les questions de parlementarisme et de fédéralisme. Åsbjørn Melkevik

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à l'État central. D'un autre côté, l'i

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nous faire mélanger la question procédurale avec la question du Droit². Dans la présente section, nous nous attarderons donc à montrer que le recours à la notion de Droit international n'est souvent simplement pas approprié.

Le droit à l'autodétermination des nations

Le droit international inclut un « droit à l'autodétermination des nations

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sur une interprétation trop large du droit à l'autodétermination⁸ et n'est que du *wishful thinking* : « Despite continued claims to a "right" of secession by groups in Asia, Africa, Europe, and the former Soviet Union, no such right has yet been recognized by the international community. International law does not prohibit secession, whether voluntary or violent, but it has neither recognized a right to secede nor identified even

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qu'événement politique peut par conséquent aussi être envisagée en termes de procédures. Nous allons, dans la présente section, premièrement nous expliquer sur ce point de *politique procédurale*, pour deuxièmement examiner la manière dont cette

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fédération, la sécession implique par conséquent qu'une entité fédérée envisage une réponse *contradictoire*¹⁴, à celle donnée par la fédération, concernant la question politique du vivre ensemble – cela implique un *projet*

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et la Loi sur l'exercice des droits fondamentaux et des prérogatives du peuple québécois et de l'État du Québec. Le problème avec la Loi sur la clarté de Stéphane Dion est justement qu'elle met l'accent sur la *clarté*, quand l'aspect le plus important du Renvoi est, selon nous, la notion de négociation. L'accent mis sur la clarté n'est pas innocent : c'est évidemment à l'avantage du gouvernement central de pouvoir décider si une question est claire et si une majorité est claire. La Chambre des communes se réserve la possibilité d'examiner : « a) l'importance de la majorité des voix validement exprimées en faveur de la proposition de sécession; b) le pourcentage des électeurs admissibles ayant voté au référendum; c) tout autres facteurs ou circonstances qu'elle estime pertinents²¹ ». Voilà qui est tout de même assez vaque *et pas très clair* pour une loi sur la clarté : le message est que le parti sécessionniste doit être clair, mais que le gouvernement fédéral n'est pas obligé de l'être quant à ses critères évaluatifs. Cela permet au qouvernement canadien de délaisser presque complètement la notion de négociation et d'affirmer à plusieurs reprises : « Aucune négociation en cas d'ambiguïté. » Les notions de procédure et de dialogue deviennent donc complètement dévaluées et le processus politique d'une sécession devient obscur et rigide.

La réponse québécoise²² n'est pas mieux, sinon pire. Le préambule s'ouvre avec 15 « CONSIDÉRANT que »

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complique encore avec l'article 3 : « *Le peuple québécois détermine seul*, par l'entremise des institutions politiques qui lui appartiennent en propre, les modalités de l'exercice de son droit *de choisir le régime politique et le statut juridique du Québec* » ; et encore avec l'article 4 : « Lorsque le peuple québécois est consulté par un référendum tenu en vertu de la *Loi sur la consultation populaire* (chapitre C-64.1), l'option gagnante est celle qui obtient la majorité des votes déclarés valides, soit *50 % de ces votes plus un vote*. » C' est à se demander si les auteurs de cette loi ont compris quoi que ce soit au fédéralisme ou à la démocratie.

séparer du Canada; évidemment nous exagérons, mais le principe de cette loi reste

La peur et la confiance

Stéphane Dion défend, dans son article « Why is Secession Difficult in Well-Established Democracies? Lessons from Quebec²⁷ », que la possibilité d'une sécession est soumise à deux états émotifs : la peur et la confiance²⁸. La logique en est que la peur entraînée par 1.06 163.6464 38.6xouv.06 163.rnem.06 163.nt de l'union fédéral.06 163. .06 163.st .06 ⁻

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groupes, plus ils doivent lutter pour dépeindre ces différences comme absolues.³⁵ » Disons donc au contraire de Ignatieff – qui affirme que « Le pouvoir est le vecteur qui transforme le mineur en majeur³⁶ » – que le politique est précisément le vecteur qui permet de concilier les différences majeures en une harmonie sommes toutes fonctionnelle ; le fédéralisme en est très sûrement une expression. Or, si les différences, peu importe leur nature, sont telles qu'elles poussent à la désunion, alors « alea jacta est ».

 ³⁵ Michael IGNATIEFF, L'honneur du guerrier. Guerre ethnique et conscience moderne, Québec – Paris, Les Presses de l'Université Laval – Éditions La Découverte, coll.
³⁶ Ibid., page 49.

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Natural Resources and the Environment: Constitutional Challenges Facing Climate Change

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responsible for natural resources, local works and undertakings, property and civil rights, provincially-owned land and resources, as well as anything that can be understood as "matters of a local or private nature."⁶ Meanwhile, the federal government has powers over seacoast and inland fisheries, federal land and waters, and a broad provision permitting the federal government to legislate anything in the interest of the "Peace, Order and Good Government" (POGG) of Canada.⁷

As a result, matters of the environment fall under *both* federal and provincial jurisdiction, and climate change, like many other issues of environmental concern, is a problem that does not heed to political borders. Consequently, the implementation of international treaties like Kyoto or even domestic policies aimed at GHG reduction, often will require a cooperative, collaborative effort from more than one level of government in order to be effective. Constitutionally speaking, only the federal government can sign on to international treaties. However, if the subject of the treaties fall under areas of provincial jurisdiction, it is up to the federal government to negotiate with the provinces the implementation of these treaties; otherwise, the federal government has no control over how or what the provinces do, as they are autonomous in their area of jurisdiction.⁸

Natural Resources and Provincial Jurisdiction

With that, a major challenge the federal government has faced when trying to implement GHG reduction policies, is that the main sources for Canada's emissions lie in areas of provincial jurisdiction. In a report to the United Nations, as obligated in its Kyoto commitments, the Canadian government found that the major sources for our emissions are in electricity and heat generation, fossil fuel production, mining, farm animals and waste.⁹ All of these sources are areas that fall under s.92 of the Constitution, which was emphasized when the provinces were assigned *exclusive* jurisdiction over the

⁶ Ibid.

⁷ Ibid.

⁸ Sylvia LeRoy and Jillian Frank, "Kyoto and the Constitution," in *Fraser Forum* (October 2002) 5. ⁹ Jeffrey Simpson, Mark Jaccard, and Nick Rivers, "Why a Warmer Canada is Bad News," in *Hot Air: Meeting Canada's Climate Change Problem* (Toronto: McClelland and Stewart, 2007) 23-24.

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"development, conservation, and management of nonrenewable resources in the province, including forestry and hydroelectric facilities," in the 1982 Constitutional amendment.¹⁰

Moreover, the provinces are not only heavily responsible for the *sources* of greenhouse gas emissions; they are responsible for many of its possible *solutions* as well. A key component in GHG reduction is the protection of valuable carbon sinks, natural resources that absorb carbon out of the atmosphere. This includes lakes and oceans, as well as forests and agricultural land.¹¹ Despite the fact that the vast majority of Canada's forests and green areas are in provincial jurisdiction, federal governments, both Liberal and Conservative, have been quick to announce safeguards of these natural resources.¹²

Furthermore, it is also important to recognize that Canada's economy is heavily dependent upon the exportation and exploitation of our natural resources. As a result, provinces can be very protective of their natural resources and what they might see as federal attempts to entrench on their authority to control them.¹³ With that, federal efforts to protect and conserve the natural environment can often interfere with a provincial government's own efforts to develop their Crown resources.¹⁴ The most obvious example of intergovernmental conflict in this area is demonstrated by the expanding oil and gas production in Canada's western provinces. In recent years, emissions in Alberta and Saskatchewan have grown the fastest and have the highest per-capita emissions of all the provinces.¹⁵ If Canada is to reduce its emissions to below 1990 levels, the reductions of these two provinces must be greater. For some, this means an unfair economic burden on these provinces, and with that, any federal suggestions to slow the growth of oil and gas industries have been met with fierce opposition from these governments.¹⁶

Alberta v. Ottawa: Constitutional Challenges to Come?

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climate. With that, the Alberta government is likely trying to avoid the possible future application of the federal government's extensive POGG powers, as demonstrated in the 1988 case of *R. v Crown Zellerbach*. In this case, the Supreme Court of Canada found that Parliament had the authority to regulate polluting activity that had extraprovincial effects.²³ Justice Gérard La Forest put forward that, "in an application of the doctrine of national dimensions of the general [POGG] power, Parliament may take steps to prevent activities in a province, such as dumping substances in provincial waters or *emitting substances into the air*, which pollute or have the potential to pollute…outside the province."²⁴ Consequently, *R. v. Crown Zellerbach* may support the case for federal regulation and legislation over GHG emissions.

The federal government's POGG powers are found in the opening of s.91 of the

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Post-Kyoto: How Should Governments Take Action?

With that in mind, after the ratification of Kyoto in 2002, multilateral negotiations between the federal government and the provinces broke down. These negotiations were plagued with ineffective, "lowest-common-denominator" agreements, caused by compromises made to appease all the parties involved.²⁹ On the other hand, recognizing that provincial and federal governments will often have conflicting interests, particularly in regards to natural resources, the possibility of constitutional challenges is very real should the federal government decide to take a unilateral approach to climate change. These cases are often time-consuming, highly confrontational and do not encourage collaboration and cooperation where it is desperately needed. Thus, in order to avoid constitutional battles and court challenges, I feel the best way to deal with climate change in Canada is through intergovernmental consultations between federal and provincial governments.

However, in order to avoid the "lowest-common-denominator" outcomes of the past, a bilateral approach to GHG reduction may be the most desirable and harmonious method. Indeed, by spring 2006, the federal government had entered six bilateral agreements with the provinces, coupled with federal funding to help reduce emissions.³⁰ While the agreements to do not stipulate specific plans of action, they do provide the provinces and federal government with a framework to build on for future negotiations.³¹

Hard Policy Initiatives: Carbon Tax and Cap-and-Trade

Moreover, while federal governments, both Liberal and Conservative, have been environmental laggards in regards to putting forward and implementing effective policies to reduce emissions, provincial governments have stepped up exponentially. In 2008, British Columbia introduced its own carbon tax,³² while Ontario and Quebec signed a Memorandum of Understanding on a cap-and-trade initiative. This MOU would "build on both provinces' participation in North American sub-national cap-and-trade systems,

²⁹ Winfield and Macdonald, 268.

³⁰ Ibid., 278.

³¹ Ibid.

³² CBC News, "B.C. carbon tax kicks in on Canada Day," June 30, 2008, http://www.cbc.ca/canada/british -columbia/story/2008/06/30/bc-carbon-tax-effective.html; accessed 20 February 2009.

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such as the Western Climate Initiative,"³³ of which other provinces have also expressed similar intent or interest. While these policies have been modest and the negotiations have yet to bear fruit, it shows considerable progress and understanding that soft, voluntary government policies will not work to reduce emissions. Though perhaps optimistic, I feel that there is a real possibility for an interprovincial carbon trading system and am encouraged by the ongoing provincial negotiations.

Furthermore, with the election of President Barack Obama in the United States, the federal government has also recently indicated that it is interested in a unified North American cap-and-trade system.³⁴ Provincial governments have long expressed their support for a continental emissions trading program, but have stated that intergovernmental cooperation is dependent on their being part of the consultation process.³⁵ With that, it is evident that the provincial governments were not against the principles of Kyoto and the aim of reducing emissions; rather they simply would have liked to been consulted before the federal government set its targets. Given that the responsibility of implementation is ultimately within provincial jurisdiction, I think that provincial concern over unilateral federal climate

Conclusion

Ultimately, this paper has found that the competing interests and legislative jurisdiction of federal and provincial governments have strongly contributed to the inability of either orders of government to put forward hard policies to reduce greenhouse gas emissions. With that, effective climate change policies that address the reduction of GHG emissions, like carbon taxes and emissions trading, have only recently emerged in Canadian politics. However, given recent provincial developments, there is reason to be optimistic of further progress.

Moreover, while both federal and provincial governments have constitutional claims to legislative authority over issues of environmental concern, I feel it is in the best interest of Canadians for these governments to work together collaboratively rather than waste valuable time and resources over court challenges. Climate change is quite possibly one of the greatest threats facing humanity today and it is imperative that governments work quickly, not only for the interest of Canadians, but for the sake of the entire world.

Winfield, Mark and Douglas Macdonald. "The Harmonization Accord and Climate Change Policy: Two Case Studies in Federal-Provincial Environmental Policy." In <u>Canadian Federalism: Performance, Effectiveness, and Legitimacy</u>, 2nd Edition, eds. Herman Bakvis and Grace Skogstad. Don Mills: Oxford University Press, 2008, p. 266-88.

Ethnofederalism in Ethiopia: An Analysis on the Implementation and Impact of Ethnofederalism in Domestic Ethnic Conflict within the State of Ethiopia

Erin McGeachie

Attempts are currently being made to resolve the problem that a colonial history has created within multi-ethnic states, by granting autonomy to groups whose culture and identity has been suppressed in the *unity* of modern nation-state¹

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Implementation and Impact of Ethnofederalism in Domestic Ethnic Conflict within the State of Ethiopia

will begin with the history of ethnofederalism in Ethiopia. Following this I will analyze this constitutional structure and analyze the reasons for its failure, namely an unsuccessful division of fiscal power, a lack of equity between ethnic factions, little federal toleration for political dissent and a federal domination over regional governance. This paper will suggest changes to be implemented in Ethiopia according to the theoretical framework of ethnofederalism, as an effective means of reducing state conflict. Finally I will discuss the implications of Ethiopia's failed attempt to execute federalism as positive for the development of the theory of ethnofederalism.

There has been a persistent history of authoritarian rule and suppression within Ethiopia, beginning with Emperor Menelik II from 1889-1913. Menelik's imperialist attitude led to his empire's territorial and demographic expansion southwards⁴. This led to the inclusion of various ethnic and national groups under the Christian northern Ethiopian empire, who were discriminated against as non-Christians and for their language differences⁵. This discrimination persisted with Emperor Haile Selassie who ruled prior to the 1974 coup, where his coercive assimilation tactics involved heavily restricting language and religion rights of the non-Amara majority⁶.

Following the 1974 coup the Derg, an authoritarian socialist regime, came to power and began the Red Terror campaign which silenced political opposition towards the government⁷. After the Derg government fell in 1991, leaving rebel groups in control of the country, the Tigrayan Peoples Liberation Front (TPLF) formed to create a transitional government. After the 1992 election, a Constitutional Commission was formed which established the Federal Democratic Republic of Ethiopia⁸. Under this constitution a two-tiered ethnofederal system was instituted which would create partially autonomous states whose borders were to be drawn along ethno-linguistic lines⁹.

⁴ Ibid., 334.

⁵ Ibid., 334.

⁶ Ibid., 344.

⁷ Ibid., 344.

⁸ Adegehe, Asnake K. 2009. *Federalism and ethnic conflict in Ethiopia: a comparative study of the Somali and Benishangul-Gumuz regions*. Leiden: Leiden University Press: 14.

⁹ Herther-Spiro, Nicole B. 2007. "Can Ethnic Federalism Prevent 'Recourse to Rebellion?': A Comparative Analysis of the Ethiopian and Iraqi Constitutional Structures." *Emory International Law Review* 21:336

Implementation and Impact of Ethnofederalism in Domestic Ethnic Conflict within the State of Ethiopia

The transitional government formed a coalition with several other popular political parties under Meles Zenawi¹⁰. He founded the Ethiopian People's Revolutionary Democraionary

Implementation and Impact of Ethnofederalism in Domestic Ethnic Conflict within the State of Ethiopia

differences would assist in mitigating past conflicts¹⁹. The main goal is the attempt to account for the contested nature of ethnic identity in contemporary Ethiopian politics, such as through minority rights, referendums and ethnic-based political parties, to determine ethnic identity²⁰. This may not necessarily involve eliminating conflicts, because conflict has many positive benefits for a state, including progression. Rather the solution would be creating a system which allows for citizens to express their opinions and differences in a non-violent manner²¹. This would allow for cooperation among political elites and enhance government accountability as a tool of reducing ethnic conflict²². Thus by creating a system which acknowledged differences, rather than trying to ignore or assimilate them, resolutions that are acceptable for the majority of the population can be reached and greater autonomy will be accessible for minority ethnic groups. Thus Ethiopia seeks a new national interest of its citizens' rights, freedoms and justice, rather than that of the dictatorship that controls the state.

The Constitution of 1994 declared a new ethnofederal system to be in place in Ethiopia, where a two-tiered federal system would ensure representation of minorities through state borders being drawn on ethno-linguistic lines²³. Notably ethnic groups separated through state borders were the Amara, Tigrayan, Oromo and Eritrean factions who represent large portions of the population. The central government was declared a Parliamentary system with a House of Peoples Representatives and a House of Federation. Within the House of Peoples Representatives, individuals are elected in direct elections for a term of 5 years; in addition provisions are made for minority nationalities

at least one representative; in addition for each million of its population the ethnic group will receive an additional representative²⁵.

While ethnofederalism in Ethiopia has not been wholeheartedly successful, evident through unfair elections and a centralized abusive federal government, there has been a vast improvement in ethnic representation and autonomy. The previously alienated peoples in periphery areas were given a level of autonomy²⁶. Adoption of a capitalist economy created some economic success²⁷. The political sphere was more accessible and the government received additional international aid because of its more western state ideals of federalism²⁸.

Meles Zenawi, who was President of Ethiopia from 1991-1995, Prime Minister of Ethiopia from 1995 to the present and chairperson of both the TPLF and EPRDF, stated:

Sometimes, people in Africa feel that they can wish away ethnic difference. Experience in Rwanda has taught us this is not the case. Experience in Liberia has taught us that this is not the case. What we are trying to do in Ethiopia is to recognise that ethnic differences are part of life in Africa, and try to deal with them in a rational manner. Rather than hide the fact that we have ethnic difference, we are saying people should express it freely. That, I think, pre-empts the type of implosion we've had in Rwanda²⁹

Zenawi has been successful in improving life under the ethnofederal regime. He has improved living condition for citizens, built new roads, clinics and primary schools³⁰. In addition crime rates have been reduced and the economy has stabilized and is expected to grow by 10% in 2009³¹. However, despite the undeniable success

²⁵ Ibid., 336.

²⁶ The Economist. 2009. "The two sides of Meles Zenawi." *Canadian Points of View Reference Centre* 392:43.

²⁷ Clapham, Christopher. 2009. "Post-war Ethiopia: The Trajectories of Crisis." *Review of African Political Economy* 36:183.

²⁸ Ibid., 183.

the new regime has had in Ethiopia, the problem of ethnic conflict has still not been resolved.

In May 1998 a border dispute led to the Eritrean-Ethiopian War that lasted until June of 2000³². A binding decision was reached through arbitration; however, the EPRDF refused the decision and was engaged in a stalemate with Eritrean until 2006 when the Somalia border became a threat³³. The 2005 general election left approximately 200 civilians dead in the capital city of Addis Abada, shot by police after protesting the results of the election following claims of ballot fraud by the government³⁴

Even in the most recent 2008 local and by-elections the EPRDF victory has been believed by many to be fraud because the only major opposition party, the Coalition for Unity and Democracy (CUD) was unable to campaign due to internal problems⁴¹. In addition many opposition candidates and parties experienced powerful registration difficulties from the Federal government and were forced to withdraw from the race⁴².

Ethnic federalism is only successful when a balance in power-sharing is achieved among regions and the central government. If the states do not have enough autonomy, the ethnic conflicts will continue, but if they have too much then it will cripple the ability of the central government to rule effectively⁴³. Within Ethiopia, the major cause of the lack of equilibrium of power is that the federal government has remained overly centralized⁴⁴. The EPRDF formed as a coalition between the TPLF and other popular political parties formed the majority of local and federal seats by eradicating opponents during the elections through force and intimidation⁴⁵. The reason for the failure of this

superiority in the state and other ethnic groups are severely underrepresented, is a catalyst to the ethnic conflict.

In developing a theoretical framework for the implementation of ethnofederalism, the importance of equity between the factions cannot be forgotten. While an ethnofederalism supports the idea of ethnic-based political representation, it cannot allow for Ethnonationalist domination by a single faction, because that would be a slipperyslope to a dictatorship. By allowing for the involvement of opposition parties and political representation by the non-ruling class there will be less ethnic conflict because the factions will accomplish their aim of representation within the government.

The EPRDF's failure to allow for political dissent is also a major problem towards the successful implementation of an ethnofederal system. Without the ability to form legitimate opposition parties and critique government actions a valid multi-party federalism cannot exist⁵⁴. This has caused a further division between ethnic factions as the Ethiopian National Defense Force (ENDF), which has a monopoly in the use of power within the state, is mostly constructed of Tigrayan peoples and particularity comprised of the remnants of the Tigrayan Peoples Liberation Army⁵⁵. Much of the violence reported within Ethiopia is inflicted by the ENDF on the other ethnic factions as a result of historical animosity. In addition the Prime Minister Zenawi claimed that "Eritrea is hell-bent on destabilizing Ethiopia" and that Eritrea is encouraging Oromo rebels and Somali separatists⁵⁶.

With a Prime Minister engaging in the ethnic conflict by marginalizing ethnic groups, Ethiopia cannot successfully end these ethnic conflicts. A means of correcting this problem, towards ending faction conflict, would be tighter federal control over the actions of the ENDF which is involved in much of the conflict violent faction conflict. In addition, the federal government's strict attention to fair and free elections would end much of the resentment felt towards the EPRDF. In terms of developing a theoretical

⁵⁴ International Crisis Group. 2009. "Ethiopia: Ethnic Federalism and Its Discontents." *International Crisis Group – Nairobi/Brussels*.

framework for the implementation of ethnofederalism as a constitutional structure, the acceptance of political dissent and peaceful protesting is vitally important towards ensuring an end to faction violence.

Finally, there is a need for a fail-safe to be implemented which will act to prevent the federal domination of regional governance. For the national majority, Amara, and the EPRDF's Tigrayan peoples the ethnofederalism system provides a strong and unified state; however, for minorities within Ethiopia ethnofederalism remains artificial⁵⁷. The EPRDF instigated a system of People's Democratic Organizations (PDO) which has proved entirely useless. The federal government formed these representations of local

Montreal) are the most populous areas in the nation: "The Montreal and Vancouver

contributed a total of 51% (Tindal and Tindal, 2009, 65).³ Because of their economic importance, influence, and spread, municipalities cannot be ignored in the Canadian context.

This is not to say, however, that municipalities are consulted in intergovernmental negotiations and agreements. In fact, they are quite often ignored as local governments are bound to legislation and agreements agreed upon by upper level of governments, and, as such, must adhere to international agreements that do not always benefit them. Such agreements include the North American Free Trade Agreement (NAFTA) and the Canada-

relationship rested with individual provinces. Even urban autonomists have come to realize that the "mechanism [of Constitutional change has been locked] away for a generation or more? (Broadbent, 2008, 167) making their goal of a different constitutional status less attainable.

In the wake of this period, politicians were forced to address urban concerns through extra-constitutional means. Upon his election in 1993, Prime Minister Jean Chrétien launched a series of infrastructure renewal projects that sought to appease local governments as such projects have a direct impact on the areas these governments represent. By appeasing city autonomy and authority movements through its spending power, the federal government was able to work with municipalities without provincial mediation. Such is the current strategy of Stephen Harper's "open federalism," a policy that respects provincial jurisdiction, but operates within municipal frameworks through the federal government's constitutional spending power. This approach to federal-municipal relations has even been referred to as "agenda by stealth."

Perhaps the best example of the federal response to both the city autonomy and city authority movements is that of Paul Martin's Liberal government (2004-2006). Using both formal institutions of government and informal cooperative governance, Martin sought to address Canadian policy with an "urban lens." The former was established through the creation of the Ministry of State for Infrastructure and Communities and the Parliamentary Secretariat responsible for cities; the latter was implemented through the creation of advisory committees, GST rebates, and similar tax cuts like the Gas Tax Transfer. In this way, Martin's approach to municipal demands was based on processes of both government and governance; however, his notion of an "urban lens" favours urban authority movements as cities were granted no more power than they previously held, but instead better informal (i.e., non-elected) representation in federal affairs. In summary, Martin's policies were created to please urban *authority* rather than urban *autonomy* advocates.

Many of these policies have been continued under the Harper government. Like the Martin government, Harper's policies are flexible and negotiable as they deny

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Officer Cadet Matthew Hou

Federalism, in the Canadian experience, has been an adept form of political organization in response to the integrative economic processes of globalization. Canada's

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globalization movement illustrate the potential for further development on the federal

imperialist era; the Cold War and two World Wars of the twentieth-century interrupted extant processes which have resumed and accelerated after 1991.⁷ Colonialism and imperialism before 1914 led to economic extensity through haciendas, mines and colonies while the intensity of globalization was fuelled by the vast movement of slaves, indentured servants and displaced peasants.⁸Thus for the sceptic, the extensity and intensity of globalization are not new. In an extreme variant of the sceptic perspective, globalization began when people first ventured beyond their village to trade or to explore.⁹ Armand Mattelart contends that globalization and liberalism are an extension of the Enlightenment project to achieve human perfection through technological development.¹⁰ The implication of the sceptic's perspective is that globalization, as the experience of the twentieth-century demonstrated, can be halted by states. Furthermore,

investment has increased the extensity of globalization.¹³ Specifically, technological innovation has permitted a more rapid ability to transfer capital, technology, ideas and goods to the extent that the velocity of current globalization is qualitatively different from that of the past.¹⁴ Also, globalists contend that the intensity and extensity of globalization has fostered a newfound sense of economic vulnerability rooted in increased competition. Since capital and technology are mobile whereas labour is still relatively fixed to a physical place, the ability to produce anything anywhere compels an unprecedented agility and flexibility from corporations, states and individuals. Finally, globalists note that the current phase of globalization is unique from the pre-1914 period because the state, as a result of the post-1945 rise of the welfare state, is expected by its citizens to

transnational social movements. The distinct self-conceptions of anti-globalizationists illustrate the interest groups that are aggregated within each tribe. Interestingly, most groups purport to represent the entire anti-globalization movement though they have unique ideological rationales.

The global justice and solidarity movement, a relatively recent social grouping, is primarily motivated by a desire to mitigate the perceived injustice of a global neoliberal market economy in the interests of augmenting democracy.¹⁷ Thus the global justice variant of anti-globalization is founded on a critique of the economic-political order because the benefits of globalization are perceived to be inequitably distributed in favour of the wealthy or powerful. This strand of anti-globalization is primarily composed of middle-class and middle-aged activists with duties to families and a career.¹⁸ Furthermore, global justice and solidarity activists typically follow a hierarchical command structure with an elected leadership that make most routine decisions.¹⁹ Global justice and solidarity can be viewed as a continuation of the social-democratic desire to regulate markets to mitigate risk or to redistribute goods through the mechanism of the state. In one sense, global justice and solidarity is a movement that seeks a return to the Keynesian model's emphasis on the state as a unitary distributive actor. The democratic ideal is thought to be left impotent in the face of increasing economic and political inequality.²⁰ The discourse of global justice proponents, in a more international strand, invokes the language of rights and responsibilities within the tradition of cosmopolitan liberalism.

Alter-mondialisation or alter-globalization is a re-assemblage of the traditional left, socialists and Marxists, and non-governmental organizations (NGOs) with networks that include unions, reformist groups and continental European socialist parties.²¹ Similar to the global justice and solidarity strand of anti-globalization, alter-mondialisation's

¹⁷ Maria Zackariasson, "Angry Young Men? Masculinities and Emotion Among Young Male Activists in th (r-1 (e) 1 (n) 1 (?) 2 () 2) 1 0.2 () 66 0 0 1m /le Ac

Federalism-

unofficially, as members of the Canadian delegation to important fora like the World Trade Organization.³¹ During the negotiation of both free trade agreements with the United States, a committee level mechanism established by Ottawa facilitated provincial interest aggregation.³² The use of cooperative ministerial conferences has even mitigated provincial intransigence to the implementation of specific global initiatives like Alberta's resistance to the Kyoto Accord.³³ Similarly, provinces are able to influence federal negotiating positions both before and during the treaty-making process. In contrast to Canada's experience, the regionalization of economic processes in Germany, as in most advanced democratic federations, has contributed to political centralization away from the Lander.³⁴ Federalism is, in the Canadian context, a manner in which the relative distribution of economic power between levels of government has remained intact.

The emphasis on an ad hoc intergovernmental negotiation process to address the claims of economic integration might similarly mitigate several ideological rationales for anti-globalist resistance. As a movement united by a quest to level social hierarchies, anti-globalization is abetted when the vertical distance between federal and provincial levels of government is minimized. A cooperative intergovernmental process for issues like socio-economic inequality might prove to be as successful as the international treaty making process. Similarly, intergovernmental cooperation is a necessity to mitigate the potential for politically inspired violence at events with symbolic importance to the anti-globalization movement; the level of integration between provincial and federal command structures in the preparation and the execution of security for the Vancouver Winter Olympics is an ideal type to replicate for the G20 Summit in Toronto. Two structural factors suggest that Canada will be able to responsively address the interests of anti-globalization allows the aggregation of integrests within provinces in a manner

³¹ Douglas M. Brown, "The Evolving Role of the Provinces in Canadian Trade Policy," in *Canadian Federalism: Meeting Global Economic Challenges?* (Kingston: IRPP, 1991): 91

³² Geoffrey Hale and Christopher Kukucha, "Investment, Trade and Growth: Multi-Level Regulatory Regime in Canada," *Carleton University School of Public Policy and Administration* (2004): 9.

³³ Čhristopher Kukucha, "The Role of the Provinces in Canadian Foreign Trade Policy: Multi

wherein a policy response to the same phenomenon is unique in Victoria as it is in Toronto. An implication of this decentralization is that a multiplicity of distinct responses to anti-globalization is likely to emerge from local exigencies. The best practices that emerge can then be cross-applied to address similar anti-globalizationist claims. Second, the relatively minor population base of Canadian provinces results in a closer relationship between the provincial level of government and the public. Anti-globalization arguments, therefore, are more likely to be expressed and interpreted at the provincial level in a small federation like Canada. Furthermore, the flexibility of provincial governments in such a setting consequently leads to a greater ability to respond to the intensiveness of globalization. While the capability of the provinces to manage the claims of the global justice and solidarity strand of anti-globalization is sound, the more compelling question into the future will be whether the anti-state outlook of alter-activism or the neo-Marxist impulse underpinning alter-mondialisation can be addressed through a federal structure.

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