

**FEDERAL SYSTEMS AND
ACCOMMODATION OF DISTINCT
GROUPS: A COMPARATIVE SURVEY
OF INSTITUTIONAL
ARRANGEMENTS FOR ABORIGINAL
PEOPLES¹**

Ronald L. Watts
Institute of Intergovernmental Relations
Queen's University
Kingston, Ontario

1. INTRODUCTION

(1) Purpose, relevance and scope of this study

The objective of this study is to survey the applicability of federal theory and practice for accommodating the interests and concerns of distinct groups within a political system, and from that analysis to identify the range of possible ways in which federal arrangements might provide Aboriginal peoples self-government within the larger Canadian political framework.

The study will examine the implications both of the federal concept and of comparative experience of federal political systems outside Canada in order to survey the variety of possible federal arrangements that might be employed within Canada in any effort to redefine the relations between the Aboriginal peoples and the Canadian federation. In addition to examining the potential ways in which a *federal* system can accommodate distinct groups and hence Aboriginal peoples with their special interests, the study will also survey arrangements that have been employed within other federations containing Aboriginal peoples. The review of

arrangements within other federations will focus on provisions for constitutional recognition of Aboriginal Peoples, arrangements for Aboriginal self-government (including whether these take the form of a constitutional order of government or embody other institutionalized arrangements), the responsibilities assigned to federal and state or provincial governments for Aboriginal peoples, and special arrangements for representation of Aboriginal peoples in federal and state or provincial institutions if any.

The paper is therefore divided into five parts: (1) the introduction setting out the scope of the paper, the value of comparative analysis, and the basic concepts that will be used; (2) an examination of the federal concept and of institutions

¹This paper was originally prepared for the Royal Commission on Aboriginal Peoples which reported in October 1996.

Ronald L. Watts, *Federal Systems and Accommodation of Distinct Groups*

Ronald L. Watts,

levels; the influence of the media and the issues on which they tend to focus; of informal elites and the degree to which consociational processes exist; the part played by individual leaders in mobilizing political opinion; the impact of particular electoral systems and the degree to which they exaggerate regional majorities and encourage division or cohesion. In a paper

federalism as a utopian system (Marc and Aron 1948). In either form, the basic normative idea that federalism expresses is that political organization should seek to achieve both political integration and political freedom by combining *shared-rule* on some matters with *self-rule* on others within a system founded on democratic

The term federal political system, on the other hand, is not a normative but a descriptive term. It refers to the genus of political organization, as Daniel Elazar has defined it, which provides for the combination in some form of shared-rule and regional self-rule (Elazar 1987: 5). The genus encompasses within it a variety of species of political organization which Daniel Elazar (1987b and 1993) has identified: federation, confederation, federacy, associated statehood, league, regionalized union, constitutional regionalization, and constitutional home-rule, all of which embody, although in different ways, a combination of shared-rule and self-rule. Thus, the term federal political system embraces within it not only *federations* but those *regionalized unitary systems* where the national government is dominant but which contain elements of constitutionalized regional self-government, and also *confederations* where regional governments are dominant but there is an element of shared-rule in the operation of the confederacy.

The term federal political system also includes *federacy*. This refers to a fundamentally asymmetrical relationship between a smaller polity and a larger polity whereby, the former has greater internal autonomy than the other segments of the latter, but in return foregoes significant participation in the governance of the larger polity, and where any change in this relationship must be determined by mutual agreement of both parties (Elazar 1987b: 55 and 1991: 190). *Associated statehood* is a similar fundamentally asymmetric relationship, but one in which either the larger federate power or the associated state may unilaterally dissolve the relationship according to procedures established in the constituting document. Elazar (1987b:

consent (Elazar 1987b). The federal idea is based on the notion that the greatest human fulfilment is to be found through participation in a wider community that at the same time protects and cherishes diversity and regional and individual identity.

55-57) identifies eleven examples of federacy. These are the Aaland Islands and Finland, the Azores Islands and Portugal, the Faröe Islands and Denmark, Greenland and Denmark, Guernsey and the United Kingdom, the Isle of Man and the United Kingdom, Jammu and Kashmir and India, Jersey and the United Kingdom, the Madeira Islands and Portugal, the Northern Marianas and the United States, and Puerto Rico and the United States. He has also described the 130 Native American Nations (Indian Tribes) within the United States as *de facto* federacies (Elazar 1991: 319-324). In the category of associated states Elazar has identified twelve exam-

systems do this by constitutionally providing institutions for common policy-making and administration on certain specified matters and also constitutionally protecting the integrity of

the constituent units and their authority to act in a specified area of jurisdiction.

The term *federation* refers to a particular species of federal political system. Unfortunately, often in public discussion the terms *federalism*, *federal political system* and *federation* are used loosely and interchangeably, thus contributing to confusion. The term *federation* refers to the specific form of federal system first invented by the founders of the United States in Philadelphia in 1787. What distinguishes federations as a group from previous forms of federal political systems which were usually confederal in character and from federacies, or associated statehood, or regionalized unitary systems is that federations involve co-ordinacy (i.e. non-subordination in the exercise of authority) in the constitutional relationship between the federal government and the governments of the constituent units. Each order of government has its own constitutionally specified authority and none can dictate to the others. This contrasts, for instance, with unitary systems which subordinate the governments of the constituent units to the national one, and confederations which subordinate the central institutions to those of the constituent units who retain most sovereign powers and control the common institutions through their delegates.

In order to establish a coordinate relationship between the federal and the constituent unit governments, federations have

examples. Nevertheless, this latter group of cases have all attempted to create a balance between unity and diversity and have exhibited, if not completely, many of the institutional characteristics typical of federations.

In addition to these examples, some political systems such as Spain, Italy and the European Union, although not yet full-fledged federations, appear to be evolving in this direction.

Within the basic framework of characteristics identified above as common to federations, however, there is considerable scope for variation. These include: variations in the number, relative population and area, and relative wealth of the constituent regional units; variations in the degree of ethnic homogeneity among the regional units and within each regional unit; variations in the degree of centralization or decentralization in the powers and responsibilities exercised by the

traits usually rooted in a distinct language or religion or both. Historically ethnicity, sometimes reinforced by economic concerns, has been a powerful motive leading to an insistence upon provincial autonomy within a federation. This has been the case particularly in the post-colonial world (Watts 1970(a): 16-28). In these instances, territorially concentrated ethnic differences were seen to be permanent and legitimate bases that had to be taken into account in the

The term *indigenous people* is most often used to denote the original inhabitants and to emphasize their status as a people living in a place prior to subsequent settlement and the establishment of a modern state (Werther 1993: 6-7). The term *Aboriginal peoples* adds to the notion of indigenous by denoting a specific claimed political, cultural, economic, and legal relationship between an indigenous people and a colonizing state (Werther 1992: 7-10). An Aboriginal people is formed when a non-state-organized, indigenous people with their own values is colonized by a settler state establishing a political regime based on different values. The claim Aboriginal peoples assert is therefore based on the inherent right to preserve their own values through the primacy of self-government in their relations with the regime of the settler state. This notion emphasizes two elements: historical priority to the settler regime and pre-existing self-governing institutions.

This paper focuses especially upon how the facility of federal political systems and federations to accommodate distinct groups is relevant to the desires of Aboriginal peoples for self-government.

(d) *Sovereignty, Self-Government, Federation and Treaty Federalism*

Aboriginal claims against settler states have usually emphasized their retained sovereignty as the basis for a right to self-determination (Fletcher 1992; Werther 1992: 7-10). They have pointed to their prior occupancy and non-alien-

process of creating integrating political structures.

(c) *Indigenous and Aboriginal peoples*

This study examines the ways in which federal systems may accommodate distinct internal groups. It does so, however, with the purpose of considering how the potential facility to accommodate distinct groups might be applicable to meeting the needs of Aboriginal peoples.

Ronald L. Watts,

and Quebec and New Brunswick and Nova Scotia were added to form the Canadian federation. Germany abandoned its confederated structure of 1815-1867 and 1867-1871 to adopt a structure in 1871 closer to that of a federation. In 1901 the six colonies of Australia joined together to form a new federation. Following the break-up of the Hapsburg Empire, Austria constituted itself as a federation in 1920.

Thus by the mid-twentieth century there were a number of federations. But it has been since 1945 that the proliferation of various forms of federal political systems has been most significant.

This popularity is perhaps surprising when we consider that before 1945 such a development was generally unexpected. Indeed, writing in 1939, in an article entitled, *The Obsolescence of Federalism*, Harold Laski declared: I infer in a word that the epoch of federalism is over (Laski

(A.E.F.), and Indonesia (1945-9). In addition, a functional confederation, the East Africa High Commission (1947), was devised to administer common services in that region. During the same period, in South America, where the federal structure of the United States had often been imitated at least in form, ostensibly federal new constitutions were adopted in Brazil (1946) Venezuela (1947), and the Argentine (1949).

Meanwhile in Europe where World War II had shown the devastation that ultra-nationalism could cause, the federal idea also gained salience, and progress in that direction was begun with the creation of the European Communities. For Jean Monnet this was the first in a series of steps towards European federation (Pinder 1993: 45-47). At the same time within Europe, West Germany in 1949 adopted a federal constitution.

Thus the first decade and half after 1945 proved to be the heyday of the federal idea. In both developed and developing countries the federal solution developp

cation by the Supreme Court of its role as an umpire within the federal system, exemplified by the *Garcia* case, has raised questions about the

The experience since 1945 has taught us four major lessons which have a bearing on the subject of this study. First, federations do provide a practical way of combining, through representative institutions, the benefits of unity and diversity, but they are no panacea. Second, the degree to which a federation can be effective will depend upon the degree to which there is acceptance of the need to respect constitutional norms and structures. Third, equally important for the effective operation of federations has been mutual faith and trust among the groups within a federation and an emphasis upon the spirit of compromise and tolerance. Fourth, the extent to which a federation can accommodate political realities is likely to depend not just on the adoption of federal arrangements but upon whether the particular form or variant of federation that is

Given the dual pressures throughout the contemporary world for larger political units capable of fostering economic development and improved security on one hand, and for smaller political units more sensitive to their citizens and capable of expressing local distinctiveness on the other hand, it is not surprising that federation as a form of government should have considerable appeal. Federation provides a technique of political organization that permits common action for certain purposes carried out through the institutions responsible for shared-rule, together with self-government for distinct groups through the autonomous action of regional governments. Federation, by its emphasis upon the balance between these two thrusts has the advantage of allowing a close political approximation to the multiple levels of social and economic reality in the contemporary world. It makes it possible to reconcile the nete whoih1s153 28tepend akes it5netes po a close pol7(ical organinsiblomethrough)TjC F,ique of

adopted or evolved gives adequate expression to the demands and requirements of the particular society in question. As we have already noted earlier, many variations are possible in the application of the federal idea in general or even within the more specific category of full-fledged federations. Ultimately, federation is a pragmatic, prudential technique whose applicability may well depend upon the particular form in which it is adopted or adapted or even upon the development of new innovations in its application.

(3) Federations as structures for reconciling common interests and ethnic and national self-government

political integration and territorially based ethnic diversity for any extended length of time except by the imposition of force. Furthermore, the only really significant example of a modernized confederal system, the European Union, embodies in fact a hybrid of confederal and federal features and many of its proponents (except in Britain) regard it as only a way-station on the road to a European federation.

The implication for this study to be drawn from this experience elsewhere is that federations composed of at least some distinct ethnic, national or Aboriginal constituent units can be sustained. Although they may be more difficult to operate and require careful attention to the design of arrangements to bridge the interests of the distinct groups, there are few examples of effective alternatives for the consensual and democratic reconciliation of territorially concentrated ethnic interests within a larger political organization.

One feature that some authors have emphasized is the covenantal character of federations. Indeed, the word federal is derived from the Latin

foedus, covenant (Elazar 1987: 5). The essential point is that federation as a form of political structure depends upon prior consent to a constitutional framework defining the jurisdiction and functions of the various governments within it. Acceptance of constitutionalism is therefore a prerequisite, but it is that constitutionalism which provides to the institutions of both shared-rule and of self-rule the assurance and security of their continued existence as political entities. In this sense the constitutional framework has the same characteristics as a treaty in defining the scope of mutual obligations and of autonomy among the participants (Hueglin 1994: 11-12). Any redefining of the Canadian federation relating to the role of distinct Aboriginal units of government will therefore require consensus and agreement on *both* sides about the constitutional framework that is to apply. It is also worth noting that the same applies to the establishment of or change in a relationship involving federacy (as defined earlier in section 1(3)(a)).

(4) Conditions for success among TD04 Tc(7theref)-153T

(1) Units and tiers within federations

In considering ways in which Aboriginal self-government might be expressed within a federation, an important issue is that of defining the appropriate units for Aboriginal self-government. There is enormous variation among federations in the size of their constituent units. For example the largest Indian state, Uttar Pradesh, contains a population of over 110 million people, while the largest canton in Switzerland, Zurich, contains only just over 1.1 million people. Obviously, the population, territory and resources of a constituent unit will determine the range of functions it can perform effectively. It will determine the extent to which it can cohesively represent the interests of a

One possible solution is to consider a multi-tiered federation. Traditionally, the constitutions of federations have centered upon relations between two levels of government, the federal and the state or provincial governments, leaving the scope and powers of the third level, e.g. local authorities, to be determined, not by the constitution, but by the state or provincial governments. The autonomy of local governments as a third tier has in practice varied enormously from federation to federation. It is most prominent in Switzerland and the United States and least so in Australia. The strength of the third tier has to a large extent depended upon the strength of the sense of local community and the strength of the people who are community leaders. In those cases, as in Australia, however, where many states are dominated by a state capital serving its hinterland, state politics have tended to dominate those of local government. Furthermore, in some federations direct intergovernmental financial relations between federal and local governments have been considerable, whereas in others such relations are all funnelled through the state or provincial governments as intermediaries. It is noteworthy that in recent years some federations have recognized formally the position of local governments as a third constitutional level. Ex-

homogeneous population or whether it is likely to contain within itself further minorities. The Swiss example and the trend to more numerous smaller states within Nigeria illustrate the pressures for units that are relatively homogeneous internally.

Also significant are the variation in the relative population, area and resources among the constituent units in a federation. Canada, India, Australia and, in its early days after independence, Nigeria have illustrated the tensions that can be provoked by sharp disparities in the size of constituent units. This too is a consideration that will have to be borne in mind in the design of units for Aboriginal self-government.

amples of such constitutional recognition of local government as a third tier within a federation have occurred in Germany, India and Nigeria. In Australia, although the constitution does formally recognize local governments, representation for local governments has been included in the intergovernmental council established in 1992 for the consideration of economic development policies.

Although the Canadian Constitution does not formally recognize local governments as a third tier, it can be seen from these other examples that there is nothing in the concept of federation that is necessarily antithetical to the idea of more than two levels of government, or that would preclude establishing Aboriginal units of self-government as an additional level of government with its powers constitutionally specified, i.e. as a new third order of government. Indeed, Pennock writing more than thirty years ago (1959) suggested that multiple levels of government each performing different functions at the scale most appropriate to them, might prove in overall cost-benefit terms the most effective in terms of the ability to maximize voter preferences (or reduce voter frustrations) as balanced against the cost of increased governmental complexity.

A different sort of multi-tiered federal

haps the most complex current example of asymmetry within a federal political system occurs in the variety of powers of the 89 constituent units, republics, oblasts, okrugs, etc., that currently constitute the Russian Federation.

One difficult issue that has sometimes been raised in Canada is whether greater jurisdiction for some constituent units should affect negatively their representation in the federal institutions. Should representatives from the more autonomous constituent units be able to vote within the federal legislature or cabinet on those matters over which the federal government does not have jurisdiction in their own unit? Such limitations would appear reasonable, but they would complicate the operation of a parliamentary cabinet since its ability to stay in office would depend on different majorities on different issues. Interestingly, except in the case of federacies (see below), only in Canada has this trade-off between the relative powers of the unit and the influence of its representatives in the

Another form of asymmetry exists in federal systems which combine federation for most constituent units with a relationship of federacy or associated statehood for some. The most notable examples of such arrangements are in the United States and India, (see Appendix B), although Liechtenstein's relation to Switzerland also belongs in this category. These asymmetrical arrangements represent the linking of a smaller and usually peripheral polity to a larger one with the smaller polity maintaining substantially greater autonomy in return for foregoing certain forms of participation in the governance of the larger country (see section 1(3)(a) above). Elazar (1991: 319-324) has defined the 130 Native American nations as *de facto* federacies in their relationship to the American federation (see Appendix B). While the precise form of these Aboriginal federacies in the United States may be inappropriate for the Canadian situation, the possibility of some form of federacy relationship adapted to Canadian

federal institutions been raised seriously. There was, however, some discussion about the implications for voting arrangements in the Council of Ministers and the European Parliament when asymmetrical arrangements were agreed to in the European Union.

Despite such considerations, Canada, Malaysia and Spain do not appear to have found their current degrees of asymmetry to be dysfunctional, and it could be argued that there have been cases where asymmetry was the only way of resolving differences in the impulses for centralization and decentralization existing in different parts of a federation. This is a possible approach to be borne in mind, therefore, in designing the functions and powers of units of Aboriginal self-government. Such units do not necessarily need to be uniform although beyond a certain degree asymmetry is likely to become increasingly contentious (Watts 1994).

circumstances is an approach that should not be overlooked.

(4) Significance of the form of the distribution of jurisdiction

The constitutional distribution of legislative and executive jurisdiction and of financial resources is a key characteristic of federations (see section 1(3)(a) above). In the consideration of possible arrangements for Aboriginal self-government the form of the powers allocated to the units of self-government may be as important as their scope. Among federations the form which the distribution of powers has taken has varied considerably.

In Canada under the current federal constitution, the emphasis has been upon the exclusive jurisdictions of the federal and provincial governments as set out in ss. 91 and 92 of the *Constitution Act 1867*. Currently only three

Ronald L. Watts, *Federal Systems and Accommodation of Distinct Groups*

Ronald L. Watts,

within existing federations which contain Aboriginal populations and the experience of Aboriginal people located within them. The focus is upon how countries organized federally have in practice dealt with their Aboriginal populations.

This section will address four issues: provisions for constitutional recognition of Aboriginal peoples; provisions for Aboriginal self-government; the allocation of federal and provincial jurisdiction relating to Aboriginal peoples; and special arrangements for Aboriginal representation in political institutions. For a federation by federation summary, the reader is referred to Appendix A.

Intensive research into the details for the arrangements in each of these federations has not been possible within the time and resources provided for this study. In some cases there is already a considerable literature about provisions

relating to Aboriginal Peoples and this has been augmented by specific studies regarding the United States, Australia and India commissioned for the Royal Commission on Aboriginal Peoples. The details in those other studies for the Royal Commission have not been duplicated here in this study, but these examples have been drawn upon to identify significant points of comparison and contrast. In other cases such as Argentina, Brazil, Malaysia, Mexico and Pakistan, the literature on arrangements relating to Aboriginal peoples is scanty, and a full analysis would have required an extensive research program including field research which was well beyond the mandxam

iontasr tsincein depe dence thest lf tTJT0.00125Tc-0.0039 Tc[15

by providing some basis for the recognition of
Aboriginal rights.

Ronald L. Watts,

In addition to these, several of the federally administered Union territories are populated by Aboriginal populations, and these territories form frameworks for local federations of tribes which exercise some powers of internal self-governance with minimal outside interference. Tribal autonomy or self-governance also occurs elsewhere in India in areas of tribal concentration, particularly in parts of Rajasthan, Madhya Pradesh, Gujarat, West Bengal, Orissa, Bihar, Assam and the smaller north-eastern states (Sanders 1992).

(4) Federal and state jurisdiction relating to Aboriginal peoples

Apart from the issue of providing Aboriginal self-government through the establishment of distinct Aboriginal constituent units within the federation, there remains the issue of how in existing federations with Aboriginal populations federal and state jurisdiction directly affecting Aboriginal groups has been allocated within the federal scheme. This may be significant, especially in those situations where federal majorities may be more tolerant of federal minorities than state majorities in relation to their own minorities, as for instance has often been the case in the United States in relation to black minorities. It does not necessarily follow that federal majorities will always be more tolerant than state majorities, but this has usually been the case simply because individual state populations have usually been marked by less diversity than the federal population as a whole.

In Argentina and Mexico, Aboriginal and indigenous peoples are not specifically identified in the federal constitution. Consequently, matters relating to those peoples fall under the jurisdic-

In three federations, Australia, India and Malaysia (in regard to East Malaysia) the states do have some jurisdiction over Aboriginal peoples. In Australia between 1901 and 1967 the Aboriginals came under state jurisdiction except

tion of whichever level of government has been assigned jurisdiction in the specific area. It is worth noting, however, that in practice both are highly centralized federations.

In four federations, however, all or significant aspects of jurisdiction over Aboriginal peoples are placed specifically under exclusive federal jurisdiction. This is the case in Brazil with respect to jurisdiction over lands traditionally occupied by Indians (art. 20(IX)), and jurisdiction over Indian populations (arts. 22(XIV) and 69). In Pakistan the federal legislature retains exclusive authority to legislate for the federally administered tribal territories. In Malaysia, the federal government has been given exclusive jurisdiction over the Aboriginal peoples in the eleven peninsular states, although the states are given some jurisdiction over land. This exclusive federal jurisdiction over Aboriginal peoples does not extend to the two East Malaysia states of Sabah and Sarawak, however.

In the United States, the Indians as domestic dependent nations have been deemed by the courts to have retained internal sovereignty, but external sovereignty has been considered to be vested in Congress. Therefore, tribes are seen as being able to control their own internal affairs, but their powers are subject to treaties and to express legislation by Congress. This Congressional authority is deemed to be derived from Article I, section 8 of the constitution. Thus, the Indian nations come under the general supervision of Congress and are not subject to state authority unless specifically rendered so by Act of Congress.

in the centrally administered Northern Territory. In 1967, however, a constitutional amendment gave the Commonwealth government concurrent jurisdiction to legislate for the Aboriginal people, with Commonwealth legislation prevailing in

cases of conflict. In India, legislative responsibility for Aboriginal peoples located within states lies primarily with the states, although some responsibilities are assigned to the Union government. There are constitutional provisions for a federal commissioner assisted by regional commissioners to report on the condition of the scheduled castes and tribes and to recommend necessary Union or state action including, where necessary, state intervention. In East Malaysia (Sabah and Sarawak), unlike peninsular Malaya, jurisdiction over native law, custom, courts and reservations is placed under state jurisdiction in recognition of the different character of the indigenous peoples in those states, an illustration of the significantly asymmetric distribution of powers within the Malaysian federation.

(5) Special arrangements for Aboriginal representation in political institutions

Earlier in section 2(8) general issues relating to special arrangements for the representation of distinct groups within federal institutions were considered. Here we turn to examine the extent to which existing federations have provided special representation for their Aboriginal peoples.

In five of the federations containing Aboriginal populations there are no special constitutional arrangements for Aboriginal representation in the federal legislature, government or courts. In this category are Argentina, Brazil, Australia, Mexico and the United States. The latter three, however, require some further comment.

In India about 6 percent of the seats in the Lok Sabha (the popularly elected chamber) are reserved specifically for scheduled tribes (another 15 percent of the seats are similarly reserved for scheduled castes). These arrangements were originally intended to last only for 10 years but they have been repeatedly extended. Under the arrangement for reserved seats, specific constituencies are reserved for Aboriginals to compete in,

In Australia the Aboriginal and Torres Islander Commission (ATSIC) established in 1990 and composed entirely of Aboriginal and Islander Commissioners elected by Regional Councils across the country, has the special role of advising the Commonwealth Minister of Aboriginal Affairs and has taken over the budget allocation and responsibilities previously exercised by the Department of Aboriginal Affairs. It does therefore have a direct input into Commonwealth policies affecting the Aboriginals and Islanders, although its relationship to the Minister ultimately is only advisory. There is no formal right of representation in Parliament.

In Mexico, there is no constitutional provision to ensure representation of indigenous peoples in the National Congress. But the fact that indigenous peoples are in a majority in three states, and form a significant part of the population in others, means that they obtain some representation through the portion of seats filled by proportional representation in the elections to the Chamber of Deputies and through the two seats assigned to each state in the Senate.

In the United States there is no special provision for representation of Indians in Congress, but the state of Maine does provide for specific representation of Indians in its state legislature.

In the other three federations, India, Pakistan and Malaysia, the constitutions specify some special arrangements to ensure Aboriginal representation.

with all citizens in those constituencies participating in the voting. In the Rajya Sabha, the second chamber, most members are indirectly elected by state legislatures and therefore representation of Aboriginals is provided through the representatives of the four Aboriginal states and also through some of the representatives from the Union Territories. There is an additional small group of centrally appointed members in the

Rajya Sabha but most of these are chosen for their national eminence rather than to represent minorities. It is worth noting that in India, in addition to these arrangements, places are also reserved under the constitution for the scheduled castes and tribes in the civil service and in the universities.

In Pakistan, of the 237 seats in the National Assembly, 207 are directly elected, 20 are guaranteed for women and 10 are guaranteed for Christians, Hindus and minorities. Of the 87 seats in the Senate, there are 19 from each of the four provincial assemblies, 8 from the federally administered tribal areas, and 3 from the federal capital territory.

In Malaysia the Senate consists not only of two representatives elected by each state legislature, but a substantial number are appointed by the federal government to represent special communities and interests, including Aboriginal peoples. In addition, Sabah and Sarawak have been given favourable weighting in the number of seats assigned to them in the House of Representatives to take account of their area, difficulty of internal communications and substantial indigenous populations. At the state level, the state legislatures of these two states include nominated officials to ensure representation of minorities that might not otherwise be represented.

5. CONCLUSIONS: LESSONS FOR CANADA

The accommodation of the aspirations of the Aboriginal peoples is a major task facing Canadians. The comparative analysis in this study of the nature of federal political systems and federations in general and of the specific experience in federations elsewhere containing Aboriginal populations provides three broad lessons for Canada.

First, this comparative survey has demonstrated that there is an enormous variety in both the actual and potential arrangements within federal political systems, federations, and federacies for accommodating distinct groups. These open up a number of possibilities for ways in which the special interests and concerns of the Aboriginal peoples within Canada might be accommodated. Neither in terms of the concepts of federal political systems, federations or federacies, nor in terms of the actual existing examples is there one ideal model for Canadians to follow. Rather the value of the comparative review is that it points to the issues that need to be considered and to the variety of federal arrangements that are possible. A first

within their constitutions. Most of the federations considered in Part 4 have in fact made inadequate and in some cases no specific provisions for their Aboriginal populations. In some of those cases this has been a source of considerable tension. Nevertheless, in India and to a lesser degree Malaysia, Australia and the United States, there have been some efforts to provide for constitutional recognition of Aboriginal peoples, to provide for a measure of Aboriginal Self-Government, to take account of the needs of Aboriginal peoples in the constitutional formulation of jurisdiction relating to Aboriginal peoples, and in some cases to make special arrangements for Aboriginal representation in political institutions. We may conclude then, that generally speaking it is the ideas and concepts underlying federal systems and the potential solutions these point to that are most useful to Canadians than the specific arrangements relating to Aboriginal peoples found in other federations.

Within the context of these three general and overriding conclusions, a number of more specific conclusions arising from this study can be identified.

The broader review undertaken in Part 2 of this study relating to arrangements that have existed within federations and federal systems generally (not just those that contain Aboriginal populations) for accommodating distinct groups within them, does indicate that federal arrangements open up the possibility of a variety of solutions that might be applicable to accommodating the aspirations of the Aboriginal peoples within the Canadian federation.

First, within the realities of the contemporary world, federal forms of political organization can and do provide practical ways of reconciling common interests and the particular identity of distinct groups in a form based on consent (see sections 2(2) and 2(3)).

Second, federations are not necessarily limited to two constitutionally recognized orders of government and have in a number of cases constitutionally recognized three or more orders of government (see section 3(1)).

Third, within some federations such as India and federal systems such as the European Union there are examples of constituent units that are themselves federations, an arrangement which might enable the smaller firstns, an(ul(g)5.5(pe)TJT -1.153 TD0 c(1)).

tonstituent uniecerations s y
doncieivble tbut s olicied. b3.7(n)-7.2(rhe sTJT0.0013 Tc0.000

eafederations,rhe sestult s g yr504(e)eny
commplexand the pnterrel an(ulhip)5.5(pe twee them)78

Section 75 of the Constitution Act, 1982 (No. 31) (1982, ch. 1, s. 75)

ated statehood of which there are currently a considerable number of examples in the world. Given the likelihood that the latter concept would in Canadian minds be linked to that of sovereignty-association, advocacy of such a relationship is likely to raise complications. On the other hand, federacy might meet the concerns of Canadian critics of asymmetrical arrangements who complain that asymmetry would give certain greater autonomy without a correlative reduction in influence in central policy-making. Furthermore, as noted in section 3(3) above, federacy does exist in one *de facto* form for Aboriginal peoples in the United States. A different adaptation of the concept of federacy to the Canadian context might provide one form of asymmetrical federal relationship at least worth examining.

Sixth, as noted in section 3(5), appropriate representation and participation in the institutions of the federal government is one way of accommodating distinct groups within a federation. The Charlottetown Agreement addressed this issue, and it will need to be re-considered in deliberating the place of the Aboriginal peoples within the Canadian federation. At the same time, it should be noted that the more asymmetry in the relationship of the Aboriginal peoples to the federation, and particularly if a relationship of *federacy* is advocated, the more a corresponding reduction in entitlement to representation and participation in the central institutions of the federation is likely to follow as a corollary.

Seventh, both our own recent Canadian experience of constitutional deliberations since 1982, and that of other federations that have attempted comprehensive constitutional change suggests that incremental constitutional change is likely to prove the most fruitful in the long run in achieving significant change (see section 3(6)). That, of course, must not be allowed to become an excuse for inaction, but rather the basis for progressive and meaningful advance.

Experience elsewhere also indicates that where problems within a federation have been allowed to fester unresolved for long periods, the situation can become explosive. The American Civil War was just one such example, but there have been other cases where serious tensions or even fragmentation have followed the failure to resolve major problems.

These conclusions and recommendations are intended to draw attention to possible ways in which our Canadian federal system might accommodate the aspirations of the Aboriginal peoples. Their application needs to take full account of the particular circumstances that relate to the Canadian federation and to the Aboriginal peoples in Canada.

**APPENDIX A: FEDERATIONS WITH
SIGNIFICANT Aboriginal POPULATIONS**

(Sources: various)

Argentina

- (a) *Basic Federal Structure and Population*
federated 1853.

ment, but does not provide for self-determination (Reynolds 1993: 15-16).

- (e) *Federal and state jurisdiction*
 1901-1967: state jurisdiction except in the Northern Territory.
 1967 constitutional amendment gave Commonwealth government concurrent jurisdiction to legislate for Aboriginal people with Commonwealth legislation prevailing in cases of conflict.
 national, state and local governments in practice all have a hand in policy-making and service delivery affecting Aboriginal peoples.

- (f) *Special arrangements for representation in political institutions*
 no special arrangements in Parliament or state legislatures for representation of Aboriginal or Torres Strait Islander peoples. the Aboriginal and Torres Islander Commission (ATSIC) established in 1990 and composed entirely of Aboriginal and Islander Commissioners elected by Regional Councils across the country advises the Commonwealth Minister of Aboriginal Affairs and has taken over the budget allocation and responsibilities previously exercised by the Department of Aboriginal Affairs.

fields, enabling actual powers exercised by each state and local government to vary.
 area: 3,286,488 sq. mi.
 population: 144,428,000.

- (b) *Aboriginal Population*
 Aboriginal population: 260,000 (2%).
 includes 180 indigenous nations speaking 140 languages.
 Indian jungle population: 45,429 (0.3%).

- (c) *Constitutional recognition*
 1988 constitution recognized for the first time rights of Indians in relation to social organizations, customs, languages, beliefs and traditions, and possession of lands and resources (article 231).
 federal government was assigned responsibility to transfer Indian lands by 2000 (2% of population:)

Brazil

- (a) *Basic Federal Structure and population*
 federated 1891.
 25 states + 1 federal capital district.
 presidential/congressional federation patterned in formal terms on U.S.A. model with a history of strong executive power vested in the federal President; 1988 constitution devolved some federal powers to state and local governments but significant powers were reserved for federal executive; federal, state and municipal governments have concurrent powers in most

provision in Rajya Sabha (most members indirectly elected by state legislatures) of small group of members centrally appointed for their national eminence or to represent special interests.

places are also reserved for scheduled castes and tribes in the civil service and the universities.

Malaysia

(a) *Basic Federal Structure and Population*

federated 1963.

13 states.

a parliamentary federation which was formed by adding to the highly centralized Federation of Malaya (independence constitution 1957), three additional states in 1963: Singapore (which subsequently was separated from the federation in 1965) and the two Borneo states of Sabah and Sarawak. A distinctive feature of the Malaysia federation is the asymmetric relationship to the central government of the eleven peninsular Malayan states which remain highly centralized and of the two east Malaysian states, Sabah and Sarawak with their geographic separation and more diverse population and culture, which have considerably greater legislative, executive and financial autonomy.

area: 127,320 sq. mi.

population: 16,921,000

(b) *Aboriginal population*

population of orang asli in peninsular Malaya: about 110,000 (8.5%) estimated, consisting of 3 groups: Senoi mainly in Perak, Pahang and Kelantan; Proto-Malays mainly in Pahang, Selangor, Negi Sembelan and Johore; Negritos mainly in Perak and Kelantan.

population in East Malaysia: numerous tribal groups estimated at 522,500 (39.5%) in Sabah of which largest group are Dusun 423,300 (32%), and at 759,500 (49%) in Sarawak of which largest group are Dayak 620,000 (40%).

(c) *Constitutional recognition*

constitutional safeguards are set out relating to languages, religion and education of natives in the states of Sabah and Sarawak (constitution, arts. 161, 161A, 161C and 161D).

(d) *Provisions for self-government*

no specific constitutional provision.

the Penans and Dayaks in Sarawak where the latter represent 45% of the state population have during the past decade been agitating for improved representation in the state government.

(e) *Federal and state jurisdiction relating to Aboriginal peoples*

in peninsular Malaya, central government has exclusive jurisdiction over Aboriginal peoples, although the states are given some jurisdiction over land.

in east Malaysia (Sabah and Sarawak) jurisdiction over native law, custom, courts and reservations is placed under state jurisdiction,

(f) *Special arrangements for Aboriginal representation in political institutions*

the Senate consists not only of 2 representatives elected by each state legislature, but a substantial additional number are appointed by the central government to represent special communities and interests including Aboriginal representatives.

the favourable weighting of representation for Sabah and Sarawak in the House of Representatives has been intended to take account of the area, difficulties of internal communications and substantial indigenous populations of these two states.

the state legislatures of Sabah and Sarawak include nominated officials to represent minorities that would otherwise not be represented.

United Mexican States

- (a) *Basic Federal Structure and Population*
 federation established 1824, but following political turmoil during most of nineteenth century, new constitution was brought into force in 1917.
 31 states + federal district.
 federation was adopted partly in imitation of United States but also to accommodate basic divisions within Mexican society, in particular the different indigenous groups inhabiting the different states and the mixture of languages resulting. In practice federation in Mexico has been more a matter of rhetoric with decentralization within a system dominated by one party rather than true power-sharing.
 area: 756,066 sq. mi.
 population: 82,759,000. About 75% consists of mestizos (people of mixed blood predominantly a mingling of Indian and Spanish), 10-12% of Indians, and 10% of whites, mostly of Spanish descent.
- (b) *Aboriginal Populations*
 population: 9,500,000 (12%) estimated.
 Most of *indigenas* are concentrated in the Yucatan peninsula. Of the old native languages, 82 Indian groups with about 270 different dialects have remained.
 The Yaqui population of 22,000 concentrated in 8 villages has been engaged in intermittent war with the Mexican govern-

ment and continues to resist any participation or assertion of authority by the Mexican government.

- (c) *Constitutional recognition*
 no formal constitutional recognition.
- (d) *Provision for self-government*
 Yucatan, Chiapas and Oaxaca states within the federation have predominantly indigenous populations, who thus are in a position potentially to dominate politics in those states. Yucatan, Chihuahua, Oaxaca, Jalisco and Mihoacan states represent different Indian nations from the pre-conquest period and their people use their own native languages as well as Spanish. The histori-

no formal constitutional designation but most major decisions in all areas are made by the national government and carried out by state agencies.

- (f) *Special arrangements for Aboriginal representation in political institutions*
none.

Pakistan

- (a) *Basic Federal Structure and Population*
became independent federation in 1947;
new constitutions 1956 and 1962; secession
of East Pakistan (Bangladesh) in 1971; new

balances among dispersed centres of power. Beginning historically as a decentralized federation, over two centuries the federal government has consolidated its position in relation to the states into a dominant one, although its dependence upon states and local governments to implement many of its programs and the loose national party structure ensures the continued vitality of state and local interests.

area: 3,618,770.

population: 248,709,873.

(b) *Aboriginal population*

population: in 1990 census just under 2 million (below 1%), of which 1,878,285 were American Indian, 57,152 were Eskimo (U.S. Census category), 23,797 were Aleut. lands: Indian lands amount to 81,662 sq. mi. (2.25% of U.S.A.).

(c) *Constitutional recognition*

while not so defined in the constitution, the courts have recognized the over 130 Native American Indian tribes as domestic dependent nations which exist as *de facto* federacies within the United States.

the Indian Civil Rights Act enacted as a rider to the Civil Rights Act of 1968 guaranteed certain constitutional rights to Indians.

(d) *Provisions for self-government*

Indian tribes are not identified as part of the federal system in the constitution and consequently their right to self-government is not constitutionally protected. It is derived from judicial interpretations (Barsh 1993: executive summary).

the Indian Reorganization Act 1934 gave Indians some opportunities for self-government through modernized tribal governing institutions including authorization for tribes to adopt their own constitutions (to be ratified by a majority of members and by the Secretary of the Interior).

**APPENDIX B: SIGNIFICANT FEATURES
IN OTHER FEDERAL POLITICAL
SYSTEMS FOR ACCOMMODATING
DISTINCT GROUPS**

(Sources: various but note especially Elazar 1991)

Introduction

This appendix briefly summarizes arrangements in other federations and federal political systems not containing Aboriginal groups but having significant features for accommodating distinct groups.

Belgium

Belgium founded as unitary constitutional monarchy in 1830 and composed of Walloon (French) and Flemish populations, has since 1970 been going through a process of devolutionary federalization culminating in 1993 in a federation.

constituent units: 3 regions (consisting of 1 unilingual Flemish and Walloon region + 1 bilingual capital region (Brussels)) + 3 non-territorial cultural communities (Flemish, French and German).

area: 11,783 sq. mi.

population: 9.9 million.

the particularly significant feature of the Belgian federation is the distribution of exclusive powers between the central government and two kinds of other governments: the three territorially delineated Flemish, Walloon and Brussels-Capital Regions mainly responsible for regional economic matters, and the three non-territorial French-speaking, Dutch-speaking and German-speaking communities mainly responsible for linguistic and cultural matters.

Germany

West Germany adopted a federal constitution in 1949 creating a federation composed of 10 Länder plus one associated state (West Berlin) and in 1990 with German

reunification it became a federation of 16 Länder.

constituent units: 16 Länder; these range from relatively large regions to some city-states.

area: 137,231 sq. mi.

population: 78 million.

the particularly significant features of the federation in relation to the representation of distinct groups is the variation in relative size among the constituent units from large Länder like North Rhine-Westphalia (17 million), Bavaria (11 million) and Baden-Wurttemberg (9.4 million) to city states like Bremen (650,000), Saarland (1 million) and Hamburg (1.6 million). A second significant feature is the form of the distribution of powers whereby legislative jurisdiction is relatively centralized but the constitution requires that much of federal legislation mv 16 L3T2 7(TT2lom)8.4(large)TJT#0 -164(e

1991 to represent more precisely ethnic concentrations.
 area: 356,669 sq. mi.
 population: over 100 million. There are no
 Aborigines since Nigeria was not a settler
 community under imperial rule.
 the particularly significant feature of the
 Nigerian federation for this study is that
 although there are no Aborigines, the num-
 ber of distinct ethnic groups campaigning
 for ethnic self-determination has meant that
 to accommodate them as distinct groups the
 number of constituent units (originally re-
 gions and later states) has increased over
 three decades from three to thirty. This has
 assuaged some ethnic groups. At the same
 time, it has also led to fresh problems as new
 ethnic minorities have emerged from within
 the larger former regional units groups. As
 a result the states as units have become
 highly unstable.
 a second significant feature has been the
 revitalization of local governments by giv-
 ing them constitutional recognition, auton-
 omy, responsibilities and revenues.

Switzerland

following a brief civil war in 1847, the pre-
 ceding confederation was replaced in 1848
 by a federation.
 constituent units: Switzerland is composed
 of 20 full cantons and six half cantons
 (the main distinction being that full can-
 tons have two seats each in the federal sec-
 ond chamber and half cantons have only
 one). In addition the Principality of Liech-
 tenstein is an associated state.
 area: 15,943 sq. mil.
 population: 6.6 million.
 the significant feature is that most of the
 cantons are relatively small, ranging in
 population size from 13,140 (Appenzell
 Inner Rhodes) to 1.2 million (Zurich) most
 of them being internally predominantly
 unilingual and uniconfessional. This has
 enabled the cantons to maintain their
 distinctiveness and autonomy. At the same

time, the existence of different cantons that
 are predominantly German-Protestant,
 German-Catholic, French-Protestant,
 French-Catholic, or Italian-Catholic has
 created cross-cutting cleavages and shifting
 alliances avoiding sharp polarization within
 federal politics.

Spain

formally a unitary regional state, Spain
 has become a federation in all but name as
 the result of a process of political devolution
 redistributing power between Madrid and
 the 17 autonomous regions.
 constituent units: 3 historic autonomous
 communities + 1 special statute autonomous
 community + 12 ordinary autonomous
 regions, + 1 federal capital region.
 area: 194,897 sq. mi.
 population: 39 million.
 the significant feature of the current political
 structure in Spain is the varying degree of
 pressure for regional autonomy in Spain
 with the pressure being strongest in the his-
 toric communities in the Basque country,
 Catalonia and Galicia. The Spanish
 approach as a result has been to grant to
 each region its own statute of autonomy
 tailored to its particular situation or based
 upon a particular set of compromises nego-
 tiated between Madrid and the regional
 leadership. This illustrates the conscious
 adoption of asymmetry in the autonomous
 powers allocated to regional units. In each
 case, the central government and the auton-
 omous regions each have a range of exclu-
 sive powers but also function jointly in sev-
 eral spheres.

BIBLIOGRAPHY

- Agranoff, Robert. 1993. Asymmetrical and Symmetrical Federalism in Spain: An examination of Intergovernmental Policy. Paper prepared for Joint Conference of International Association of Centres for Federal Studies and I.P.S.A. Research Committee on Comparative Federalism and Federation. Kwa Maritane, South Africa.
- Althusius, Johannes. 1964. Politics. Translated by Frederick Carney. Boston: Beacon Press.
- Bakvis, Herman and Chandler, William M., eds. 1987. Federalism and the Role of the State. Toronto: University of Toronto Press.
- Banting, Keith, and Simeon, Richard. 1985. Redesigning the State: The Politics of Constitutional Change. Toronto: University of Toronto Press.
- Barsh, Russel Lawrence. 1993. Aboriginal Self-Government in the United States: A Qualitative Political Analysis. (Draft of a Paper for the Royal Commission on Aboriginal peoples).
- Bear Robe, Andrew. 1992. Treaty Federalism . Constitutional Forum 4(1).
- Beer, Samuel H. 1978. Federalism, nationalism and democracy in America . American Political Science Review. 72(1):9-21.
- Beloff, Max. 1953. The 'Federal Solution' in its Application to Europe, Asia and Africa. Political Studies. 1(2): 114.
- Birch, A.H. 1955. Federalism, Finance and Social Legislation in Canada, Australia and the United States. Oxford: Clarendon Press.
- Bird, Richard. 1986. Federal Finance in Comparative Perspective. Toronto: Canadian Tax Foundation.
- Boisvert, David A. 1985. Forms of Aboriginal Self-Government (Background Paper No. 2). Kingston: Institute of Intergovernmental Relations, Queen's University.
- Bowie, Robert T. and Freidrich, Carl J., eds. 1954. Studies in Federalism. Boston: Little, Brown.
- Breton, Albert and Scott, Anthony. 1978. The economic constitution of federal states. Toronto: University of Toronto Press.
- Breton, Albert. 1985. Supplementary Statement . In Royal Commission on the Economic Union and Development Prospects for Canada, Report, Vol. 3:486-526.
- Brown, Douglas M. with Kary, Alan. 1994. Aboriginal Peoples and Canadian Federalism: An Overview (Draft of a paper for the Royal Commission on Aboriginal Peoples).
- Brown-John, C. Lloyd, ed. 1988. Centralizing and Decentralizing Trends in Federal States. Universit6-Praha.

A

- Elkins, David J. 1992. Where Should the Majority Rule? Reflections on Non-Territorial Provinces and Other Constitutional Proposals. (Points of View No. 1). Edmonton: Centre for Constitutional Studies, University of Alberta.
- Elkins, David J. 1993. Aboriginal Citizenship and Federalism: Exploring Non-Territorial Models
- Fletcher, Christine. 1992(a). Aboriginal Politics: Intergovernmental Relations. Carlton, Victoria: Melbourne University Press.
- Fletcher, Christine. 1992(b). 'Altered States?' Federalism, Sovereignty and Self-Government
- (Draft of a paper for the Royal Commission on Aboriginal peoples).
- Eschet-Schwartz, Andre. 1991. Can the Swiss Federal Experience Serve as Model of Federal Integration . In Constitutional Design and Power-Sharing in the Post-Modern Epoch. ed. Daniel J. Elazar. Lanham: University Press of America.

Ronald L. Watts,

- Leonardy, Uwe. 1991 (b). Into the 1990s: Federalism and German Unification . In German Federalism Today. Charlie Jeffery and Peter Savigear, eds. Leicester: Leicester University Press: 138-148
- Leslie, Peter. 1991. The European Political Community: A Model for Canada? Ottawa: Minister of Supply and Services.
- Lijphart, Arend. 1969. The Politics of Accommodation: Pluralism and Democracy in the Netherlands. Berkeley and Los Angeles, University of California Press.
- Long, J. Anthony, and Boldt, Menno, eds. 1988, Governments in Conflict?: Provinces and Indian Nations in Canada. Toronto: University of Toronto Press.
- Macklem, Patrick. 1991. First Nations Self-Government and the Borders of Canadian Legal Imagination . McGill Law Journal 36.
- Macmahon, Arthur, ed. 1955. Federalism: M4tio.1(w Ha)-3 418.56 89.16 0.54001 ref08 412 j0 -1 Tw 0 1.98 93.6 483.78
- Lijphart, Arend. 1977. Democracy in Plural Societies: A Comparative Exploration. New Haven: Yale University Press.
- Lijphart, Arend. 1984. Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries. New Haven: Yale University Press.
- Livingston, William D. 1956. Federalism and Constitutional Change. Oxford: Clarendon Press.

- Peeters, Patrick. 1993. Transformation from Unitary to Federal State. Paper delivered at joint conference of International Association of Centres for Federal Studies and I.P.S.A. Research Committee on Comparative Federalism and Federation, Kwa Maritaine, South Africa.
- Pennock, J.R. 1959. Federal and Unitary Government - Disharmony and Reliability . Behaviourial Science, 4 (2): 147-157.
- Pinder, John. 1993. The New European Federalism: The Idea and the Achievements . In Comparative Federalism and Federation: Competing Traditions and Future Directions. Michael Burgess and Alain-G. Gagnon, eds. Hemel Hempstead: Harvester Wheatsheaf: 45-66.
- Riker, William H. 1964. Federalism: Origin, Operation, Significance. Boston: Little, Brown.
- Riker, William H. 1975. Federalism . In Handbook of Political Science, Vol. 5: Governmental Institutions and Processes. Fred I. Greenstein and Nelson W. Polsby, eds. Reading, Mass.:
- Publius, 19 (4) 1989: Federalism and Intergovernmental Relations in West Germany: A Fortieth Year Appraisal (special issue).
- Publius, 20(4) 1990: Federalism in Australia (special issue).
- Publius, 21 (4) 1991: Federalism in Nigeria: Toward Federal Democracy (special issue).
- Publius, 23(2) 1993: Communal and Individual Liberty in Swiss Federalism (special issue).
- Ray, Amal. 1979. Federal Politics and Government. Delhi: Macmillan of India.
- Reynolds, Henry, 1993. Aboriginal Governance in Australia. (Draft of a paper for the Royal Commission on Aboriginal peoples).

- Stevenson, Garth. 1989. Unfulfilled Union: Canadian Federalism and National Unity. 3rd ed. Toronto: Gage.
- Tarlton, Charles D. 1965. Symmetry and asymmetry as elements of federalism: a theoretical speculation . The Journal of Politics. 27(4).
- The Task Force on Canadian Unity. 1979. A Future Together: Observations and Recommendations. Ottawa: Minister of Supply and Services of Canada.
- Tulley, James. 1992. Multirow Federalism and the Charter . In P. Bryden, S. Davis and J. Russell, eds. The Charter - Ten Years After. Toronto: University of Toronto Press.
- Turpel, Mary Ellen. 1992. Indigenous Peoples' Rights of Political Participation and Self-Determination: Recent International Legal Developments and the Continuing Struggle for Recognition . Cornell International Law Journal, 25(3): 579-602.
- Turpel, Mary Ellen. 1993. The Charlottetown Discord and Aboriginal Peoples' Struggle for Fundamental Political Change. In K. Roberts and P. Monahan, eds. The Charlottetown Accord, the Referendum and the Future of Canada. Toronto: University of Toronto Press.
- von Beyme, Klaus. 1983. The Political System of the Federal Republic of Germany. Aldershot: Gower.
- Warhurst, John. 1987. Managing Intergovernmental Relations . In Federalism and the Role of the State. H. Bakvis and W.M. Chandler, eds., Toronto: University of Toronto Press.
- Watts, Ronald L. 1966. New Federations: Experiments in the Commonwealth. Oxford: Clarendon Press.
- Watts, Ronald L. 1970 (a) Multicultural Societies and Federalism (Studies of the Royal Commission on Bilingualism and Biculturalism No. 8). Ottawa: Information Canada.
- Watts, Ronald L. 1970 (b) Administration in Federal Systems. London: Hutchinson Educational.
- Watts, Ronald L. 1977. The Survival or Disintegration of Federations . In Must Canada Fail? R. Simeon, ed. Montreal: McGill-Queen's University Press.
- Watts, Ronald L. 1981. Federalism, Regionalism and Political Integration . In Regionalism and Supranationalism. David Cameron, ed. Montreal: Institute for Research on Public Policy.
- Watts, Ronald L. 1982. The Historical Development of Canadian Federalism . In Public Policies in Two Federal Countries: Canada and Australia. R.L. Mathews, ed. Canberra: Centre for Research on Federal Financial Relations, ANU.
- Watts, Ronald L. 1987. Divergence and Convergence: Canadian and U.S. Federalism . In Perspectives on Federalism: Papers from the First Berkeley Seminar on Federalism. Harry Scheiber, ed. Berkeley: Institute of Governmental Studies, University of California, Berkeley.
- Watts, Ronald L. 1989. Executive Federalism: A Comparative Analysis. Kingston: Institute of Intergovernmental Relations.
- Watts, Ronald L. 1991(a) The Federative Superstructure

Ronald L. Watts, *Federal Systems and Accommodation of Distinct Groups*