

“Thank You India.” Reflections on the 4th International Conference on Federalism, New Delhi, 5-7 November 2007

By *Malcolm MacLaren**

A. Introduction

Some words said in closing to the recent International Conference on Federalism in New Delhi (hereinafter 4th ICF) could not help but bring to mind the lyrics of an old pop song: “Thank you India”, said George Anderson, President of the Forum of Federations,¹ echoing the well-known refrain of his compatriot Alanis Morissette. In her hit single “THANK U”, Morissette expresses gratitude to India for the life lessons she learned during a visit. Anderson’s words provoked at least this audience member to reflect upon “Unity in Diversity” and to “learn [...] from each other”, the ICF’s overall theme and goal. Ironically, the lessons that I draw are not dissimilar from Morissette’s: “clarity”, “consequence”, and “disillusionment”. For these valuable lessons I would like to express gratitude too, namely to the Indian Government, the Conference host.

B. The Proceedings Generally

The following report cannot attempt to provide a summary of the Conference. It offers instead the reflections of one participant. Nonetheless, a few words about the proceedings generally are appropriate to set my report in context.

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¹ References to events and websites are up to date as of the end of 2007. All materials cited are available at <http://www.forumfed.org/en/global/indiaconference.php> or <http://www.federalism2007.org/> unless otherwise noted.

The 4th ICF was above all notable for its scope and ambition. It was the biggest of the triennial conferences so far,² bringing together 1,300 participants from 116 countries as well as a great variety of practitioners of federalism (including elected officials at all levels of government, civil servants, academics, and community activists). The 3-day long programme consisted of 6 plenaries, 8 dialogue tables, and 24 work sessions, all held at the premier conference venue in India.³ The Conference plenaries were occasion for welcome addresses, keynote speeches, and votes of thanks, including from the heads of government of Comoros, Ethiopia, India, and Switzerland. The dialogue tables, in parallel to one another, gave participants the opportunity to discuss four themes: “building on and accommodating diversity”, “fiscal federalism”, “interaction in a federal system”, and “local governments in federal systems”. The two sets of work sessions were dedicated to examining 12 sub-themes in the form of 24 generic questions with each question being introduced by case studies from countries around the world.⁴

C. The Conference Backdrop

The elaborate design of the programme was intended to stimulate thinking on the sweeping theme of “Unity in Diversity” and to facilitate participants’ “Learning from Each Other”, which was the Conference’s goal. The 4th ICF’s theme and goal were similar to those of the 3rd ICF, which was held under the title “Federalism: Turning diversity into harmony, sharing best practices” two years earlier in Brussels. The Conferences take place, however, in particular federal contexts, and each reflects the special culture and personality of the host country.⁵ As every Indian who spoke at the Conference seemed to note proudly, the 4th ICF was held in the capital of the world’s most diverse country, the world’s largest federation, and the world’s largest democracy. India, second in population only to China, is home to an incomparable variety of languages, religions, ethnicities, and cultures,⁶

² The previous ICFs were held in Mont Tremblant, Canada in 1999; St. Gallen, Switzerland in 2002; and Brussels, Belgium in 2005.

³ See “Conference Programme, 4th ICF”.

⁴ I attended the plenaries and chose to participate in the dialogue tables on “Building on and accommodating diversity” and in the related sub-theme work sessions 1 and 13, “Can unity and diversity be reconciled?” (introduced by examples of India, Malaysia, and South Africa) and “Can deep differences be accommodated?” (examples of Ethiopia, Iraq, and Nigeria). While these dialogue tables and work sessions were only three of many, it was not possible to participate in more than one at a time. Moreover, the issues addressed in my selection offer arguably as good a perspective on the proceedings as a whole as any other would have.

⁵ Also see “Conference Reflections – Past International Conferences on Federalism”.

⁶ On one account, Indian society comprises 1.1 billion people, 22 official languages, and over 2000 dialects; seven religious and a dozen ethnic groups, further divided into countless sects, castes, and sub-

which co-exist as a federation under a parliamentary democracy. It was also repeatedly noted that the event was being held on the 60th anniversary of the Indian Republic’s founding. Unlike its neighbours Pakistan, China, Nepal, Bangladesh, Myanmar, and Sri Lanka, India is a vibrant democracy. These facts were brought together in a claim made explicitly and implicitly throughout the Conference that India’s political system should be considered a model for other countries.

The justification for this claim will be the focus of the following report. It is not enough to simply note these facts about contemporary India; what to make of them is open to interpretation and debate. My examination of this claim will take the form of three questions of increasing generality: (1) how successful has India been in reconciling unity and diversity; (2) can the success that the country has had be repeated beyond its borders; and (3) what does a case study of India suggest about the nature of federal systems and the insights that may be gained from their comparison?

The objection may at this point be raised that the claim that India’s political system is a model for other countries should not be judged too rigorously, as it was not made scientifically. The claim was made, so the argument goes, by foreigners seeking advice on good governance⁷ and by locals celebrating their country’s diamond jubilee.⁸ Such an objection overlooks the rationale behind the Conference’s location as given by the organizers⁹ themselves. For example, Anderson wrote in the Forum’s magazine, “[t]he world [...] has much to learn from India. Thus, it is appropriate that India will host the 4th International Conference on Federalism. [...] India’s experience is highly relevant to various fragile democracies in developing countries coping with deeply diverse and often conflictual societies. [...] In addition,] it is relevant for long-established democracies that are coming to terms with multiculturalism and significant religious

castes; as well as some sixty socio-cultural sub-regions spread over seven geographic regions in a country the size of a continent. (Ahktar Majeed, *In Indien liegt der Schlüssel zur Konfliktlösung in der Verfassung*, FEDERATIONS MAGAZINE, SPECIAL ISSUE, 2002, at 21; available at <<http://www.forumfed.org/en/products/federations.php>>.)

⁷ For example, see AHMED A.M. SAMBI, STATEMENT OF THE PRESIDENT OF THE UNION OF COMOROS (5 November 2007). Sambhi earnestly requested governments present at the conference to support the successful introduction of federalism on his diverse, conflict-ridden archipelago.

⁸ For example, see Somnath Chatterjee, Speaker of Lok Sabha, ADDRESS (5 November 2007) at 1: “India [...] now is considered to be the symbol of Unity in Diversity”.

⁹ The 4th ICF was organized by the Inter-State Council Secretariat of the Government of India, an inter-governmental consultative body mandated to facilitate good relations between the Union and States, and by the Forum of Federations, an Ottawa-based IGO dedicated to promoting best practices in federal government through world-wide programmes of outreach, education, and networking.

minorities".¹⁰ In other words, the claim asks for – and will here be given – close examination.

In examining this claim, I come to the conclusion that it is inadequately grounded, both theoretically and empirically. I do not have an alternative understanding to offer. Instead, the contribution that I would like to make as an academic is to help frame the public debate: I intend to reveal unspoken assumptions, pose questions, disseminate research, and discuss the consequences of different scientific analyses. In addition, I will offer an assessment of the conception and realization of intergovernmental learning at the ICF. It is then for national leaders and electorates to determine how to proceed, since the form of state organization is ultimately a political concern.

D. Lessons Learned

There is no dearth of statements by Conference participants that could be cited to the effect that India's political system should be considered a model for other countries. The participants came from a variety of backgrounds – professional, national etc. Nonetheless, they seemed unanimously and wholeheartedly to have accepted the overall theme chosen for the Conference and the rationale given for the Conference's location. While the political speechmaking in the plenaries was inevitably going to be one-sided in content and format, the discussions at the dialogue tables and the work sessions proved to be as well. The discussions took the form of a dialogue, but the dialogue was explicitly about the renewal and development of federalism. All the participants were practitioners from countries that are already or want to be federal, and all were interested in sharing experiences and understandings of federalism.¹¹ Moreover, expert papers were not presented at the Conference itself; the papers that had been commissioned were sent as background reading to participants prior to it. While this organization meant that the "exegetical or scholastic debates" that can plague academic symposia were minimized,¹² it also meant that reflection on the premises of the ICF was lacking.¹³

¹⁰ George Anderson, *What India Can Show the World*, FEDERATIONS MAGAZINE, Vol. 7, No. 1 (October / November 2007) at 32; available at <<http://www.forumfed.org/en/products/federations.php>>.

¹¹ Tellingly note the participation of a representative of the Scottish but not of the Westminster Parliament. See "List of Participants, 4th ICF".

¹² Amitabha Pande, "Message from the Inter-State Council Secretariat", Conference Information Booklet – 4th International Conference on Federalism, at 5. (Copy with author.)

¹³ At times, the proceedings took on almost an anti-intellectual tone. For example, see the claim that "an ounce of practice is worth more than a pound of theory". (Fali S. Nariman, *FEDERALISM IN INDIA – EMERGING TRENDS AND THE WAY FORWARD*, at 20.)

This tendency showed itself in the way in which the three questions posed above were handled in the discussions. The buzzwords ‘success story,’ ‘best practices,’ and ‘comparative federalism,’ respectively, seemed to be on everyone’s lips.

Such statements and buzzwords beg to be challenged. They are too sweeping, too self-assured, and too unclear. I do not mean to suggest that participants used buzzwords for mischievous reasons, as is often the case; the buzzwords were more likely used as shorthand where time and language constrained discussion. The desire of the participants to engage each other constructively should similarly not be doubted; they strongly believed in the efficacy of federalism and cooperation in resolving governance concerns, especially those regarding diversity. Indeed, the collective response to each of the questions was based more on hope than on actual experience.

I. How Successful Has India Been in Reconciling Unity and Diversity? - Or the Lesson of “Clarity”

Many Conference participants stated that India’s *goal* is to achieve unity in diversity. Indeed, the term “unity in diversity” was allegedly coined by the leaders of India’s struggle for independence.¹⁴ There was a consensus among the Indian politicians present that the country does not fear diversity, rather it views diversity as a defining characteristic of its civilization. For example, the President of India, Pratibha Patil, said in her closing remarks that “we, in India, have understood that Unity in Diversity is the real strength of our country. By looking after the interests of each section of our diverse population we strengthen our unity”.¹⁵ This understanding has been echoed in other fora by foreign observers. “India”, Thomas Friedman recently wrote in the *International Herald Tribune*, “has a culture of diversity”, its leaders – from the Muslim Emperor Akbar in the 16th century to Jawaharlal Nehru, the first Prime Minister and a Hindu – have not just tolerated but have positively embraced other peoples and ideas.¹⁶

In equal measure, Conference participants, especially elected officials, stated that India’s *achievement* is the reconciling of unity and diversity. The Republic was founded in a situation approaching chaos (partition, the largest mass migration in history, widespread violence between Hindus, Muslims, Sikhs, etc.); India’s

¹⁴ Anna-Elisabeth Haselbach, STATEMENT OF THE VICE-PRESIDENT OF THE FEDERAL COUNCIL OF AUSTRIA (6 November 2007).

¹⁵ Pratibha Patil, VALEDICTORY ADDRESS OF THE PRESIDENT OF INDIA (7 November 2007).

¹⁶ Thomas Friedman, *Democracy’s root: Diversity*, INTERNATIONAL HERALD TRIBUNE (11 November 2007); available at <<http://www.ihrt.com/bin/printfriendly.php?id=8281413>>.

federation seemed destined to fail (not least because the 500-odd principalities and reconstituted States lacked experience of government in common); since its independence, India has faced “virtually every challenge known to politics” (from wars through domestic insurgencies to an eighteen-month long state of emergency).¹⁷ Despite these strains and obstacles, India has experienced “success in making representative government work in a bewilderingly diverse country”.¹⁸ The measure of India’s success, continues Friedman, is made plain by a comparison of its experience with Pakistan’s (or, as various participants added, Sri Lanka, Bangladesh, and Nepal’s). “[T]hey are basically the same people, they look alike, they eat the same food, they dress alike”. Yet, where India’s commitment to democracy, federalism, and respect for diversity has been reaffirmed, “Pakistan, right next door, is melting down”.¹⁹ A local political scientist expressed the feelings of many compatriots at the Conference: “I sincerely hope that this conference will secure, once and for all, the place of India in the comity [sic] of federal nations as a mature and robust federal union”.²⁰

The claim of India’s success was made even more stridently at other moments during the Conference. President Patil’s speech reached a climax when she stated that “Indians celebrate their varied cultures, festivals, and religions and they effortlessly unite to make India a great nation”.²¹ By this point in the narrative, even the relatively uninformed reader will question whether the reality matches the rhetoric. It is well known that communal, regional, and caste tensions continue to haunt Indian politics, sometimes threatening its democratic and secular ethos. President Patil’s exaggerated statement seems an attempt to promote unity in the Indian diversity rather than to document it.²²

¹⁷ Anderson, *supra* note 10.

¹⁸ Mukul Kesavan in Balveer Arora, INTRODUCTION TO THE THEMES OF THE CONFERENCE: AN INDIAN PERSPECTIVE, § 10, § 5.

¹⁹ Friedman, *supra* note 16.

²⁰ Arora, *supra* note 18, at § 5.

²¹ P. Patil, *supra* note 15.

²² The official photo that was sent out on the newswires of the Sikh Prime Minister celebrating New Year’s Day with the Muslim Vice-President in a predominantly Hindu country has a similarly constitutive rather than declaratory air about it. While representatives of minority groups may go about public life without any visible anxiety about their identity and rights, the same cannot be said of members of minorities generally. In many parts of the country, minorities make little show of their distinct identities, but they live “with downcast eyes”. (Lobby group’s description of the everyday reality of Muslims in Gujarat, in *Gujarat – A la Modi*, *ECONOMIST* (5 January 2008) at 48.)

I cannot attempt here to give a comprehensive ‘state of’ the union or society in India today,²³ I can only offer some impressions. These impressions strongly suggest that while the achievement of the Republic’s 60th anniversary and the contrast with neighbouring Pakistan may be cause for satisfaction and pride, other contemporary events and trends in India are decidedly not.

- Most recently, the Hindu-nationalist chief minister of the State of Gujarat was re-elected with a large majority, though he has been implicated in the 2002 anti-Muslim riots in Gujarat that left 2,000 dead. Before his re-election in December 2007, Narendra Modi was “already the most controversial figure in Indian politics. He may now become one of the most influential”.²⁴ Gujarat’s chief minister is aiming to seize control of the leadership of the country’s main opposition party, the Bharatiya Janata Party (BJP), with his divisive populism. Perhaps most worrisome about the State election is that Congress, India’s other main, but secularist, party, carefully avoided mentioning the riots and Modi’s alleged role in them. It apparently feared that doing so would remind voters “why they used to like him so much”.²⁵ Recent incidents of religious politicking elsewhere in the country could also be mentioned.²⁶ The larger issue is the appeasing of the Hindu majority while integrating the many minorities, especially the 150 million Muslims. It is painfully clear that this larger issue remains unresolved.

²³ For two recently published reviews, see Ramachandra Guha, *INDIA AFTER GANDHI - THE HISTORY OF THE WORLD’S LARGEST DEMOCRACY* (2007), and Martha C. Nussbaum, *THE CLASH WITHIN - DEMOCRACY, RELIGIOUS VIOLENCE AND INDIA’S FUTURE* (2007). For a summary and review of both, see David Arnold, *Sixty-Year Views*, *TIMES LITERARY SUPPLEMENT* (August 2007) at 10.

²⁴ Gujarat, *supra* note 22.

²⁵ *Gujarat’s Election - Don’t Mention the Massacre*, *ECONOMIST* (8 December 2007) at 63. Similarly, see Amelia Gentleman, *Amid Gujarat Campaign, Memories of Mass Killings in 2002 Still Smoulder*, *INTERNATIONAL HERALD TRIBUNE* (6 December 2007); available at <<http://www.iht.com/bin/printfriendly.php?id=8578273>>. One is reminded of the lines of W.B. Yeats: “The best lack all conviction, while the worst / Are full of passionate intensity”.

²⁶ The failure of the then BJP-led Uttar Pradesh State government to prevent Ayodhya’s Babri Masjid being destroyed by Hindu nationalists in 1992 displays some unsettling parallels to the anti-Muslim riots. It also involved a complete rejection of national commitments to secularism and democracy. In contrast to the latter incident, however, the earlier incident mobilized secularists, and the State government in Uttar Pradesh was soundly defeated at the next election.

- Insurgencies remain a serious problem in India, posing an important threat to domestic security additional to the Hindu-Muslim violence.²⁷ Armed attacks by Maoist Naxalites in central India have, in fact, intensified in the last years. The conflict in the northeast with the separatist United Liberation Front of Assam has continued. Bombings have failed to disrupt local elections, but peace-talks have failed to make any progress. The long-running dispute in Kashmir has a special history and presents its own particular challenge. Nonetheless, the hundreds of thousands of lives lost in internal clashes there since independence speak to a massive failure to achieve unity in diversity through federalism.
- Social tensions have loomed large of late. Sectarian and caste tensions have led in different parts of the country to highway blockades, mass protests, and police killings. Most notably, agitation within the Sikh community in Punjab and between scheduled and non-scheduled tribes in Rajasthan threatens to break out into widespread violence.²⁸
- Specifically as regards federalism, several issues are outstanding whose resolution will decide how the Indian Republic functions over the long term. These include the unequal size of the States, disparities in economic and social development between and within regions, and management of natural resources amid growing inter-dependence. More fundamental, and possibly most decisive, is a concern raised by the Indian Prime Minister at the ICF, namely the distortion of the national vision and collective purpose by narrow political considerations based on regional or sectional loyalties and ideologies.²⁹

These examples of chauvinism, domestic insurgencies, social tensions, and federal disputes undermine claims of the success of India's federal democracy in adopting an inclusive polity; politics as it is lived everyday diverges significantly from the official statements of President Patil et al. These examples suggest that the political

²⁷ Summarizing, see: "India [...] is a violent place. In each of the past two years, [...] India lost around 1,300 lives to terrorism, putting it second only to Iraq". *India - Mad and Hyderabad*, *ECONOMIST* (1 September 2007) at 44.

²⁸ Further, see *India's Sikhs - Heresy and History*, *ECONOMIST* (7 July 2007) at 55.

²⁹ Further, see Manmohan Singh, *INAUGURAL ADDRESS OF THE PRIME MINISTER OF INDIA* (5 November 2007) at 3.

system remains vulnerable, and they caution against complacency in dealing with the diverse aspirations of the people.³⁰

In this regard, contemporary India seemed better captured by an outreach festival that was held in parallel to the ICF. This NGO-led event sought to mirror the discussions among participants in the Conference venue by involving ordinary citizens with the issues of governance in a nearby park.³¹ *Sanjha Safar* offered the public opportunities for cultural exchange as well as an interactive platform in an effort to make ideas of decentralization and participation actual and tangible to a larger audience. Starting from the premise that the concept of federalism has yet to be duly recognized and realized within India, it celebrated the “fruits” of a federal form of state organization – namely “diversity, empowerment and interconnectivity” – and engaged citizens in a dialogue about how phrases like unity in diversity and citizen-government relationships play out for them. The outreach festival’s understanding and approach came across as realistic and constructive in a way that the ICF’s at times did not.³²

II. Can the Success that India has had be Repeated in Other Countries? - Or the Lesson of “Consequence”

To date, the Republic of India has defied manifold predictions of the imminent failure of its secular, federal democracy. The attempt to build on and accommodate diversity, rather than to impose uniformity, has not fragmented and destabilized the country and its people, contrary to warnings of experts abroad. (Upon the Constitution’s proclamation, for example, it was deemed by an eminent British constitutional historian to be “too long, too detailed and too rigid”.³³) It is more

³⁰ One plenary speaker’s assessment of the contemporary situation was more sceptical. Meghnad Desai, the Anglo-Indian economist, argued that since 1989, there has not been a single national purpose, such as the freedom struggle or secularism, that all Indians agree upon. Bollywood and cricket have facilitated national cohesion instead. “A whole new story needs to be created as to why India is a nation with a true and organic unity in diversity and not one presumed”. (Meghnad Desai, *Unity in Diversity* (revised), INDIAN EXPRESS (29 November 2007); also in *Not a Smooth Highway*, CONFERENCE NEWSLETTER (7 November 2007) at 7.

³¹ Specifically, the festival provided a platform for public hearings, youth parliaments, and children’s workshops as well as opportunities for selected groups from different parts of India to learn about each other’s customs through exhibitions, performances, and food and handicraft stands. (Generally see <http://www.asianheritagefoundation.org/sanjha_safar_media_kit.pdf>.)

³² As a report on the outreach festival argued, “[a]ny conceptual learning needs to be complemented through the actual ground based knowledge of challenges to development”. (*Briefing the Volunteers at Sanjha Safar*, CONFERENCE NEWSLETTER (8 November 2007) at 3.)

³³ Ivor Jennings in Nariman, *supra* note 13, at 2.

difficult, however, to explain how exactly the country has been able to maintain its unity than it is to document and detail diversity.³⁴ At a minimum, it is agreed that India did not survive by copying the West. The founders – particularly M.K. Gandhi, Nehru, B.R. Ambedkar, and Vallabhbhai Patel – had their own vision of the Republic, which they tenaciously sought to realize. The problems that faced their country, so the collective thinking went, were different from those of other countries and therefore called for different solutions. India's resultant constitutional structure diverged significantly from the then dominant tenets of federalism; it crafted its own political institutions; and it built on its own traditions. Since India's founding, its political system has evolved and adapted to changing situations, most notably through constitutional amendments (96 to 2006). This process has likewise been characterized by departures from existing templates and experiences elsewhere.

In short, the country poses an incomparable fact pattern, which has been addressed largely by unconventional means and with widely unexpected success. The Republic of India is “an ungainly, unlikely, inelegant concatenation of differences” that, decades after its foundation, still exists as a single political unity.³⁵ Some novelties of its political system may be cited:

- The scale, context, and functioning of democracy in India are without compare, especially among decolonized states. India has held 14 general elections under universal suffrage, with some 400 million casting votes in the latest elections of May 2004. The number of elected representatives in the Indian system is also the largest ever anywhere. This is in a country where the GDP is less than US \$500 per capita and fewer than two adults in three are literate. Indian democracy is vibrant, characterized by popular participation in politics and elections, innumerable political parties, a vital and free press, as well as a dynamic pluralist culture.
- Not only does India as a whole display astounding diversity, but its parts do too. Both the Union and the States must constantly mediate disputes between different identities and seek to reduce disparities in the population. The federation has had to be reorganized severally to prove its inclusiveness, that it is able to meet the aspirations (linguistic in particular)

³⁴ Arora, *supra* note 18, at § 11.

³⁵ Sunil Khilnani, *THE IDEA OF INDIA* (2003) at 179. For a summary and review of the first edition, see Amartya Sen, *The Vision That Worked*, *TIMES LITERARY SUPPLEMENT* (8 August 1997) at 3.

of its people.³⁶ Taken too far, state reorganization (especially the creation of new sub-national units) can bring ‘balkanization’. The history of Nigeria offers proof. Nigeria, which once had three sub-national units, has been divided into 36 in an attempt to appease different ethnic groups. Extreme fragmentation is now a matter of serious concern there.³⁷ In India, however, the attempt to achieve unity in diversity via state reorganization has so far proven successful. Many of yesterday’s separatists and insurgents have changed into today’s leaders and lawmakers with “remarkable ease”,³⁸ and the Republic has remained intact.

- As befits an attempt to accommodate the world’s most politically diverse population, the Constitution of India is the world’s longest. Nonetheless, the word “federation”, or any variant thereof, is not mentioned in it once.³⁹ The near chaos in 1947 led the founders to refuse to be bound by theory and to take a non-dogmatic approach to federalism. They modified established ideas about the federal government and its relations with sub-national units and created “a new kind of Federation to meet India’s new kind of needs”.⁴⁰ Notable here are the characteristics associated with unitary and non-unitary forms of state organization that Indian federalism combines. The country’s hybrid Constitution has been (in-)famously described as “quasi-federal” or “a Unitary Constitution with federal features”.⁴¹

³⁶ Nonetheless, the federation remains under pressure to safeguard the interests of all types of minorities. The youngest State of the Union, Jharkhand, which was created seven years ago to fulfil regional aspirations, has a comparatively small population of 28 million, but its citizens display deep differences in language, religion, caste, and economic status. (Akhtar Majeed, *India’s Extreme Diversity Makes Pluralism Imperative*, FEDERATIONS MAGAZINE, Vol. 7, No. 1 (October/November 2007) at 10; available at <<http://www.forumfed.org/en/products/federations.php>>.)

³⁷ *Strengthen the Institutional Arrangements at the Grassroots Level*, CONFERENCE NEWSLETTER (7 November 2007) at 4.

³⁸ Arora, *supra* note 18, at § 9. Here the example of the Gurkhas is typically cited to demonstrate that deep differences can be accommodated. In the 1980s, Gurkha nationalists in West Bengal sought to gain independence through violence; an offer of broad autonomy short of full-fledged statehood enticed advocates of the rights of Nepali-speakers to campaign non-violently as political parties in the State.

³⁹ The word “Union” was chosen in Article 1 to describe the coming together of the States.

⁴⁰ Nariman, *supra* note 13, at 3.

⁴¹ K.C. Wheare in Nariman, *supra* note 13, at 16. Also see “India is not a federal set up in its truest form” (Chatterjee, *supra* note 8, at 4) and “Indian federalism has moved beyond textbook formulations; it bristles with many paradoxes”. (Ash Narain Roy, *Cajoling and compromise drive India’s multi-party system*, FEDERATIONS MAGAZINE, Vol. 7, No. 1 (October / November 2007) at 7; available at <<http://www.forumfed.org/en/products/federations.php>>.)

- Another peculiarity of the Indian Republic is its local government, which was chosen as a theme of the Conference programme. The Constitution had always provided for three levels of government, namely Union, States, and local bodies. The founders felt that a country of India's size and diversity was only governable if local initiative were accorded a role. The Constitution was, however, dramatically amended in 1993 to establish self-rule at the local level. The 73rd and 74th amendments have had a great impact on decision-making, enhancing grassroots democracy and participatory governance and furthering Gandhi's vision of India as a unity of many self-sustaining and autonomous "village republics". Specifically, bodies like *Panchayats* and *Nagar Palikas* (village and city councils) have brought over three million citizens into elected office⁴² and have enabled communities to plan and implement their economic development.

Indians at the ICF, and their political representatives in particular, were keen to share their country's experience with the wider world. India, they felt, has much to contribute to other countries. For example, its innovation in local government led to calls for power to be devolved to the grassroots elsewhere in order to strengthen unity in diversity.⁴³ Attempting to repeat the success that India has had in other contexts is certainly tempting. The Indian experience seems to offer tried and true approaches to resolving difficulties of difference. It has been argued that the Indian experience is relevant for Europe, providing "interesting parallels and contrasts" to the European project of "creating a united community in an environment of huge diversity and historic tensions".⁴⁴

Repeating the Indian experience elsewhere is, however, made problematic by the very singularity of the challenge of diversity facing India and of the political system chosen in response. The founders would have agreed, if not in the same words, with the Indian academic at the ICF who admonished participants that "[w]hile benchmarking and flagging best practices, we need also to guard against losing sight of cultural sensitivities".⁴⁵ The system that they designed corresponds to the

⁴² Women in particular have been empowered through an accompanying system of reservation.

⁴³ For example, see Chatterjee, *supra* note 8, at 3. Generally see *Outcome and potential for further improvements*, CONFERENCE NEWSLETTER (8 November 2007) at 5.

⁴⁴ Anderson, *supra* note 10. Also see Haselbach, *supra* note 14, who describes the European Union as another endeavour to develop unity in diversity. Lastly, see Arora, who argued that Europe will have to decide whether it wants to be the type of integrated union that India is. If it decides to be so, it will have to solve the problems that India has solved, such as multilingualism and cooperation between levels of government. (*Interview with Balveer Arora*, CONFERENCE NEWSLETTER (6 November 2007) at 7).

⁴⁵ Arora, *supra* note 18, at § 12.

country's situation and is a deliberate experiment in “building on and accommodating diversity”.

Indeed, the novelties of the Indian political system put into question the conventional framework of discussion on governance. As a contemporary historian put it, “[i]f India didn't exist, no one would have the imagination to invent it”.⁴⁶ The exercise of democracy in India is, for example, impossible to understand in terms of Athenian, and maybe any other historical or modern, democracy. These novelties have liberated political concepts from cultural contexts: “[i]n the absence of India, the prejudices about the non-West [...] would pass for wisdom”.⁴⁷ Arguably, India's experience is so significant that the nature of diversity, democracy, and federalism themselves should be rethought.⁴⁸ It seems, for example, that if India is to remain stable and united, the competences of the Union and the States cannot be defined at the expense of each other. Paradoxically, both levels of government must be strong for the federation to be strong. (The increasingly assertive village and city councils must also be allowed sufficient space in the political system.) Taken to the extreme, the lesson to be drawn elsewhere from the Indian experience may be that there are different means to the end of unity in diversity. While federations may have the same goal and face common challenges, the public institutions, processes, and policies devised to accommodate and manage diversity must be adapted to the context and history of each country. Put otherwise, just as India's many religions remind us that there are many paths to attaining the ultimate, the novelties of its political system suggest that there are “no models, only variations on a theme”.⁴⁹

III. What Does the Indian Case Study Suggest about the Nature of Federal Systems and the Insights to be Gained in Comparing Them? - Or the Lesson of “Disillusionment”

Following on my answer to the preceding question, the influence of ‘ground realities’ upon the design of a political system should be examined more closely and given more weight in the analysis than they typically are. For example, the statement of the Indian External Affairs Minister that State reorganization and other peaceful changes in India's federation have been facilitated by “the core value

⁴⁶ Kesavan *in* Arora, *supra* note 18, at § 10.

⁴⁷ *Id.*

⁴⁸ Similarly, *see*: “[t]he future of Western political theory will be decided outside the West. And in deciding that future, the experience of India will loom large.” (Khilnani, *supra* note 35, at 198.)

⁴⁹ Arora, *supra* note 18, at § 3.

of the unity and integrity of the nation in the constitutional scheme⁵⁰ is wanting in its explanatory power. Legal support is undoubtedly needed to achieve a pluralistic political system, and more precisely, “a sound institutional architecture for federalism remains key to the accommodation of diversity”.⁵¹ Such provisions alone, however, are not enough. Lawmakers’ ability to engineer particular outcomes in areas of public life that are deeply rooted in history, human beliefs, and geography should not be overestimated. Likewise, Friedman’s solution for the contemporary crisis in Pakistan, namely that “Pakistan, which has as much human talent as India, could use an Akbar”,⁵² is facile. Friedman should be reminded that there is in Pakistan, “the Land of the Pure”, an active will to dominate, to assert a national identity over distinct identities (e.g. ethnic and geographic), that has led from the founding of the state onwards to the official attempts to impose uniformity. If a country’s leaders and political system are expressions of its society, Akbar could not be reincarnated as the leader of Pakistan.

Seen from the ground up, India’s achievement looks quite different. Its success in reconciling unity and diversity is likely due not so much to its political ‘superstructure’ as to its social ‘substructure’. Although it is a relatively new state, the country has a 5,000 year-old civilization. Unlike Pakistan, a country created to meet a political need, India did not have to invent its own ‘story’. The Republic’s founders may well have been visionaries, but what was decisive to its political history is that India enjoyed a certain sense of unity. It was not unity at a governmental level; an independent modern nation-state was not lying in waiting. It was unity at a subliminal level, a “unity based on shared values, on co-existence of diversity and on respect for alternate thoughts and ideas”.⁵³ More specifically, the roots of federalism can be traced deep in Indian society. Through millennia, “the history of its small, self-sustaining rural communities has been primarily republican and federal”.⁵⁴ The significance of federation was realized and federal republics flourished; “federation in ancient India was synonymous with unity and strength”.⁵⁵

⁵⁰ Prahlab Mukherjee, KEYNOTE ADDRESS OF THE MINISTER FOR EXTERNAL AFFAIRS OF INDIA (5 November 2007) at 8.

⁵¹ Neerja Gopal Jayal *in* Outcome, *supra* note 43.

⁵² Friedman, *supra* note 16.

⁵³ Singh, *supra* note 29, at 1.

⁵⁴ Pande, *supra* note 12, at 2. Also *see* Khilnani, *supra* note 35, at 17.

⁵⁵ Mukherjee, *supra* note 50, at 2.

Extensive potential for unity was, in other words, extant at independence. The challenge then, as now, was to realize this potential, to give adequate institutional expression to unity. The Republic's founders sought to transform the struggle for freedom into a common project of nationhood by building upon this basis. For example, Gandhi, who feared that India might become a 'Hindu Pakistan', founded on one faith alone, sought to suppress the latent will to dominate by calling on the native traditions of peace and tolerance.⁵⁶ Enjoying a basis for political unity is, of course, not the same as realizing that unity. The task of striking the fine balance between manifold identities, of reconciling competing national and sub-national interests, and of managing contradictions between unity and diversity is not an easy one. It is, however, easier when there is a narrative of cultural heritage to be drawn upon, and much easier when that heritage is one of acceptance of heterodoxy, ongoing dialogue, and pluralism.⁵⁷

The claim that public respect for diversity has to emerge from within the polity is for its part not one of cultural determinism. I do not mean to suggest that some traditions are more hospitable to federalism than others. (In contrast, see the overly exuberant statement of an ICF organizer that “federalism is part of the DNA of the Indian people”.⁵⁸) Instead, this claim recognizes that a functioning federal system requires “a common political will of citizens and groups of citizens to live together in harmony. Mechanisms of negotiation, conciliation and compromise [then] have to be created”.⁵⁹ The success of a federation in meeting the expectations of the polity is, in other words, determined ultimately by how its social embeddedness and not by its institutional framework.

If the preceding is correct, managing diversity within unity is not merely a matter of technique or of finding ‘the right tools’ to solve particular problems. It is also a matter of developing a common political will. Unfortunately, the treatment of the latter at the ICF was not commensurate with its importance. Some academics and community activists did address this matter at the dialogue tables and work sessions of theme 1. They emphasized the importance of dialogue, trust-building, and tolerance in developing the requisite will, processes that were in turn to be

⁵⁶ Appropriately, the Constitution of India emphasizes not only the common future but also the common past of the Indian nation.

⁵⁷ Further see Amartya Sen, *THE ARGUMENTATIVE INDIAN: WRITINGS ON INDIAN HISTORY, CULTURE AND IDENTITY* (2005), Part I.

⁵⁸ Pande *in* Arnold Koller, *WELCOME ADDRESS* (5 November 2007) at 3.

⁵⁹ Daniel Thürer, “Analytical Written Summary for Subtheme 1.3 – ‘Managing Conflict and Diversity’”, at § 11 (emphasis in original; copy with author).

encouraged through civic education and civil society organizations.⁶⁰ Such contributions were, however, the exception at the ICF; elected officials and civil servants dominated the Conference, and they showed themselves to be limited in their treatment of its overall theme. Again, the alternative event about diversity and governance held near the Conference venue proved more realistic in its understanding and more constructive in its approach. The organizers of *Sanjha Safar* criticized the practice of federalism in India today as short-sighted and self-serving. This practice has, they argued, adversely affected identity and interconnectedness: “[w]e have not been able to make our federation a federation for the people”. They offered the festival as an opportunity for citizens to talk about their experiences and for youngsters to learn “to build bridges between cultures”.⁶¹

The consequences of this claim for the significance of substructure in the design of a political system are wide reaching, both for comparative federalism as a practical and scientific undertaking and for federalism as a solution to problems of diversity. The 4th ICF, like its predecessors, was intended by its organizers to assist practitioners in meeting challenges in governance. It was based on two major premises, namely that comparing specific federal systems can provide general insights into federalism and that federalism can help promote democratic polities amid social diversity. In keeping with the organizers’ intention, the Forum chairman and former Swiss President, Arnold Koller, urged participants to develop “‘Principles of Federalism’, in the sense of best federal practices that each federation should for its own benefit consider as a guideline that ought to be followed, and only set aside when compelling reasons so require”.⁶²

If, however, substructure is so significant to the design of a political system, the rationale for gathering elected officials, civil servants, academics, and community activists from around the world to discuss federalism is cast into doubt. Specifically, it challenges the organizers’ confidence in the potential of comparative federalism to enhance understanding as well as their confidence in the potential of federal governance to deal with conflicts arising out of diversity.

This first home truth was made all too plain in presentations and discussions at the ICF. Many practitioners showed themselves to be unaware, tentative, or both about studying other countries. The expert papers that had been sent to them beforehand had not had the effect intended. More discouragingly, those practitioners who

⁶⁰ Generally see Outcome, *supra* note 43.

⁶¹ *People can talk for themselves*, CONFERENCE NEWSLETTER (7 November 2007) at 8.

⁶² Koller, *supra* note 58, at 7.

were able and willing to compare systems found it difficult to move beyond platitudes about federalism. How insightful or useful are the following all-too-typical statements regarding reconciling unity and diversity from work session 1?⁶³ “Diversity and pluralism should be welcomed as strengths of a polity rather than as weaknesses”; “Where there is a will, there is a way”; “The world is one [...]. Every thing, living or non-living, appears to be different, but from inside they are the same. And herein lies the very understanding of ‘Unity in Diversity’ [...]. It is applicable to individuals, groups and units making up the federal structure”.⁶⁴

This is not to argue that due to its different history and context each federation is unique and can learn nothing from other federations.⁶⁵ That would be excessively relativistic and a self-fulfilling prophecy. Practitioners should exchange experiences with and be open to learning from their foreign counterparts. Nor is it to argue that federalism as an idea has no fixed content. Such an understanding would run the risk of this form of state organization being abused by leaders for their own ends. Knowledge and technical advice regarding federalism should be disseminated to existing federations, to transitional federations, and to countries in conflict that are considering federalizing. Instead, the preceding is to argue against placing too much hope in such efforts at intergovernmental learning. There are various political strategies (*qua* institutions, policies, and practices) for the sustainable accommodation of diversity, federal or otherwise. The configurations of differences among groups can also vary between countries (by difference type, distribution, degree of mobilization, etc.). As some strategies are likely more effective in some circumstances than others, the form of state organization adopted to respond should also vary. Lastly, it may be advisable to target different strategies at the same contending group at different times or at different groups at the same time. In short, the variability of the challenges presented and of the strategies available limits the potential of comparative federalism.

Although the truth regarding the inherent capacity of federal governance may be no more welcome than that regarding comparative federalism, it is as basic. This

⁶³ Unfortunately, these remarks cannot be attributed to specific participants, since the Chatham House Rule was in effect at the dialogue tables and work sessions.

⁶⁴ Most leniently, one was inclined to concur with the judgment of the participant who said of the presentations, all of which answered the question posed, ‘can unity and diversity be reconciled?’, in the affirmative: “I remain unconvinced; I prefer the Scottish verdict ‘not proven’.”

⁶⁵ In this direction, see « [i]l existe aujourd’hui presque autant de systèmes fédéraux que de fédérations. Nous savons tous qu’un ‘modèle unique’ n’existe pas et que chaque pays doit trouver la formule qui lui convient. » (Micheline Calmy-Rey, *L’unité dans la diversité: le défi et l’opportunité du fédéralisme*, STATEMENT OF THE PRESIDENT OF THE SWISS CONFEDERATION (5 November 2007) at 5; available at <<http://www.news-service.admin.ch/NSBSubscriber/message/attachments/10020.pdf>>.)

second home truth should underlie analysis of the possibilities that federalism could offer the likes of Nepal, Sri Lanka, or Iraq (*infra*). Federalism is gaining adherents around the world today.⁶⁶ It is attractive, as it appears to enable people to deal effectively with governance concerns (e.g. realizing one's distinct identity through the political system).⁶⁷ This form of state organization should, however, be considered comprehensively and dispassionately before advocating its widespread adoption. When it is, federalism is revealed to be no panacea for all ills arising out of diversity.

Federalism and a federal system have not always proven viable or successful everywhere. The death of existing federations⁶⁸ should not be overlooked in a rush to celebrate the birth of new. Federalism in North Africa and the Middle East has signally proven "an idea whose time is yet to come".⁶⁹ Similarly, weaknesses inherent in a federal form of state organization should not be overlooked in favour of their strengths. Facilitating the aspirations of groups in society can, for example, lead to the reification of differences, to sub-national units turning in on themselves, to atomization of the nation, and finally to separation from the federation. Respecting diversity through federalism may, in other words, work against the achievement of a legitimate and stable political order. In short, there may be difficulties of difference that a federal system, however cleverly designed and adroitly implemented, cannot manage alone. Differences relating to identity and collective self-perception are especially difficult, if not impossible, to bargain

⁶⁶ The federal concept is, it was often said at the ICF, a 'global movement': two-fifths of the world's population is already governed under a form of federalism, and many countries are moving towards it. (For example, see *Interview with Mark Tully*, CONFERENCE NEWSLETTER (8 November 2007) at 6.)

⁶⁷ For example, see "Federal political systems have provided the closest institutional approximation to the complex multicultural and multi-dimensional economic, social and political reality of the contemporary world." (Ronald Watts, *An Introduction to the Themes of the 4th International Conference*, CONFERENCE READER – 4th INTERNATIONAL CONFERENCE ON FEDERALISM, at 19.) President Patil called for federalism, as a "strategic tool," to be put to service in building not only individual nations but also "an equitable global order." (P. Patil, *supra* note 18.) More extremely, see "[the concept of federalism] can evolve into a stage from where help to develop inter planetary activities by bringing all countries of the world together can be rendered". (Shivraj Patil, KEYNOTE ADDRESS OF THE HOME MINISTER OF INDIA (5 November 2007) at 6.)

⁶⁸ As a participant from South Africa noted, the current trend in her country is toward centralization: e.g. the number of provinces and the status of implementers of national policies are being reduced.

⁶⁹ Xan Smiley, *Arab federalism, anyone?*, ECONOMIST – THE WORLD IN 2008 (2007) at 92. Past experiments with this form of state organization in the United Arab Republic, United Arab Emirates, and Yemen have failed. In the region today, difficulty in defining territory (in Algeria), a minority group holding out for independence (Morocco), inability to agree to division of power on the national level (Lebanon), the centre's fear of subsequently losing power across the whole country (Sudan), etc. have defeated attempts at national reconciliation between contending groups by means of federalism.

over.⁷⁰ They may prove themselves immune to resolution through the dialogue, discussion, and democratic debate among groups that federalism is to make possible.

A presentation on accommodating deep differences by an advisor for regions and governance affairs to the Iraqi Prime Minister served as a test case for this proposition. Hanan Alfatlawi shared her fear that federalism in her country is “facing abortion”. Its successful introduction faces innumerable challenges, the most immediate being that federalism (like democracy and rule of law) is a new term and concept in Iraq, which for three decades endured the tyranny of a minority. Today, she continued, Iraqis desire something other than a strong central government. Accommodating the contemporary divisions in Iraqi society between ethnic, linguistic, and religious groups will require mutual comprehension, common persuasion, and joint effort. Any ‘solution’ imposed from outside by the international community is certain not to succeed. What will ultimately determine the fate of federalism in Iraq, Ms. Alfatlawi concluded, will be the “attitude and thinking of the people”.⁷¹

With this conclusion, we find ourselves in effect back where we started. The analysis of the Iraqi PM’s advisor confirms the prior claim of substructure’s significance in the design of a political system. When the two are considered together, the prospects for the success of federalism in Iraq are not promising. Indeed, a vicious circle seems to be at work. It is, as noted, argued that Iraq will not survive as a single political unity unless it federalizes, federalism being the most effective strategy for managing differences. In order to realize self- and shared rule simultaneously, a federation requires respect, consideration, and support between governments on the same or different levels. More fundamentally, it requires understanding and trust among contending groups. These values must already be widespread in the society in question for federalism to be able to build upon them. Iraqi society is, however, characterized not by pluralism but by profound divisions among its various groups that are expressed in communal violence. These divisions will have to be overcome before federalism can facilitate peaceful and productive co-existence. To succeed in Iraq, federalism will have to create its own preconditions. Federalism is, however, a form of state organization for the accommodation of diversity, i.e. a strategy for conflict management and not for conflict resolution.

⁷⁰ The contrast here is between the politics of linguistic, religious, ethnic, and cultural differentiation and that of socio-economic differentiation.

⁷¹ Further see *Enroute to Federalism*, CONFERENCE NEWSLETTER (8 November 2007) at 7.

E. Outlook

In his message to the 4th ICF, held in New Delhi last November, the chairman of the organisation committee wrote that participants were “all coming together, for no other purpose, than to learn from one another, inspire one another and through this Conference [to] establish a truly vibrant community of federal practices”. Elsewhere in the message, he stated that his country’s hosting of the ICF “sends a very powerful signal to the rest of the world of India’s commitment to federal values and philosophies”.⁷² These statements about the Conference’s goal stand at cross-purposes to one another. The divergent explanations might be excused as a ‘slip of the pen’ but for the fact that they reveal a larger, serious flaw in the ICF’s conception. This flaw, namely the event’s tendency to politicization, threatens to detract from the contribution that the ICFs might make to the cause of federalism and better governance.

The Conference organizers stressed that theirs was no ordinary intergovernmental affair, nor for that matter an academic symposium or a business fair. There was to be no political grandstanding, no statements of official positions, and no negotiation of international agreements. While the principal actors were practitioners of federal democracy holding various offices at various levels, all participants were to share ideas and experiences with one another: “participants are treated equal [sic], as learners who have been provided an environment conducive to a free and frank dialogue”.⁷³ Similarly, the Conference was structured so as to stimulate learning. A set of thematic dialogue tables and work sessions rather than political speeches was to constitute its core. Practitioners were expected to engage themselves fully in the discussions, to contribute to and profit from the diverse experiences and the new insights.

Unfortunately, the Conference proved unable to realize this aim due to a pervasive politicization. First, the programme worked against the organizers’ stated goal. For example, the ICF was addressed by many local ‘VVIPs’, including the Indian President and former President, the Prime Minister, four Union ministers, four chief ministers, and twelve governors.⁷⁴ In addition, the content of individual presentations and discussions was politically charged. The most obvious instance of how the Conference in New Delhi was instrumentalized by the host government (foremost among other governments) came during the opening speech of the

⁷² Pande, *supra* note 12, at 2.

⁷³ “Factsheet, 4th ICF.”

⁷⁴ Sonia Gandhi, leader of the largest party in the government coalition in New Delhi, cancelled her attendance at the last moment.

Indian Prime Minister. Though facing an international audience, Singh chose to reflect in part on a current concern of the Indian federation, namely party models and the management of Union-State relations.⁷⁵ As he presumably hoped, Singh's reflections made front-page headlines in Indian newspapers the following day. Finally, the choice itself of the country to host the event was intended to make a public statement. India's hosting of the 4th ICF was timed to coincide with the 60th anniversary of its federation. To quote the chairman of the organisation committee again, the Conference “is a celebration of human diversity, of democracy, of devolution and decentralization [...]. That the world's largest democracy plays host to this celebration in the diamond jubilee year of our independence is fitting and apt”.⁷⁶

The risk of the ICF being hijacked for political purposes is not new. The 1st ICF was used by the Canadian Prime Minister to promote federalism domestically. Deliberately held in the separatist heartland, Jean Chrétien ensured that the Conference emphasized the benefits for Quebec of remaining in the Canadian federation. The Conference reached its climax in the panegyric of U.S. President Bill Clinton on federalism in Canada and around the world.⁷⁷ This sort of instrumentalization looks to be perpetuated at the next ICF in Addis Ababa in 2010. Ethiopia is then to be “the centre of attention”, and the country is expected “to lead the federal movement in the neighbourhood and the continent”.⁷⁸ Ethiopia, which is home to more than 85 different ethno-linguistic groups, has a history of federalism (and democracy) that dates only from the 1990s.⁷⁹ The central government would like to gain international approval for its conflict-ridden federation. As one of only three federations in Africa, Ethiopia would also like to serve as a showcase of how federalism might facilitate unity in diversity.

Whatever particular form it takes, politicization detracts from the free and fair exchange of ideas and understandings at the ICFs. The Indians at the Conference

⁷⁵ Singh, *supra* note 29, at 4.

⁷⁶ Pande, *supra* note 12, at 2.

⁷⁷ For example, see “[Canada] has shown the world how people of different cultures and languages can live in peace, prosperity and mutual respect. In the United States, [...w]e look to you; we learn from you”. (Bill Clinton, Closing Address to the International Conference on Federalism of the President of the United States of America, Mont Tremblant (8 October 1999) at 1; available at <<http://www.forumfed.org/libdocs/IntConfFed99/ICFE9910-us-Clinton.pdf>>.)

⁷⁸ *The road ahead...Ethiopia*, CONFERENCE NEWSLETTER (8 November 2007) at 2.

⁷⁹ Further see *Federation in a Federation*, CONFERENCE NEWSLETTER (8 November 2007) at 6, and Mehari Taddele Maru, *Ethiopian Constitution Protects Diversity*, FEDERATIONS MAGAZINE, Vol. 7, No. 1 (October / November 2007) at 15 et seq.; available at <<http://www.forumfed.org/en/products/federations.php>>.

generally preferred to celebrate the 60th anniversary of their Republic's founding rather than to attempt to learn from their foreign counterparts. Despite any "habitual interest in lessons from others"⁸⁰ that Indians may have, the locals seemed to view the 4th ICF as an opportunity for the wider world to focus on India's success and to learn something from its experience and not vice versa.⁸¹ Politicization also detracts from the intellectual rigour of the ICFs. The fundamental claim of this Conference was that India's political system should be considered a model for other countries. This claim was, as explained, inadequately grounded, theoretically and empirically. The end result is that the intergovernmental learning about the theme of unity in diversity was diminished and that those lessons that were learned were not necessarily those that had been intended.

⁸⁰ Anderson, *supra* note 10.

⁸¹ Similarly, see the attitude of the Indian organizers of a related conference also held in New Delhi this year. The promise in the conference's title of mutual learning ("India and the Worldwide Movement for Democracy: What India Can Learn from Others' Experiences and What It Has to Give") turned out in the conference's description to be rather one-way: "[t]he past two decades or so have seen global consolidation of democracy though institutions are still weak in many nascent democracies. The Indian experience has been quite instructive, particularly its institutional innovations. There is obviously a lot that India can share with the wider world". (Available at <<http://www.issin.org>>.)