

Unitary Aspects of Centripetal and Centrifugal Federations and the source of Putin's autocratic behaviour

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Introduction²⁸

In the summer of 2021, FAEF decided to organise its own Citizens' Convention. It was a response to the decision of the European Union in 2021 to organise – after twenty years – another Conference on the Future of the Europe.

The EU Conference's motive to use the result – expected in 2022 – to change the EU treaty system once again was FAEF's reason for organising its own Citizens' Convention. As a counterbalance to the EU's undemocratic structure and ineffective policies. The fact that EU's treaty-based intergovernmentalism is unable to protect Europe from rising autocracy²⁹, from the increasing number of internal conflicts, or to give Europe a meaningful geopolitical position is once again obvious. The EU is a system of states that has no stronger basis than its own limitation. This limitation lies in the fact that the EU is merely an accumulation of national interests and is therefore no more than the sum of its parts. Because these parts do not form a whole – indeed, they do *not want* to form a whole – they are as a state system inferior to a federal Europe.

The yardstick for well-founded criticism of that state system is the degree of democratic accountability. That yardstick is determined by science. Not politics. Denying this gives a state system room to autocratise. After which autocracy itself determines the standards and rules for filling the democratic void with evil. Only a federal constitution for Europe, which has been sought in vain for 200 years, offers a democratic solution for the parts becoming a whole. And it would be saving the EU's identity crisis.

²⁸ Previously published – in a shorter version – in Europe Today Magazine, 1 April 2022: <https://www.europe-today.eu/2022/04/01/unitary-aspects-of-centripetal-and-centrifugal-federations-and-the-source-of-putins-autocratic-behaviour>.

²⁹ See Gábor Attila Tóth, 'European Constitutional Ideas and the Rise of Authoritarianism', Conference Paper, European Constitutional Democracy in Peril: People, Principles, Institutions, ELTE Budapest, University of Exeter UK, Budapest, 23-24 June 2016.

Over the years, many publications have appeared on the undemocratic nature of the European Union. Too many to quote. We make an exception for the opening of an article – *Totally dysfunctional: Sophie in 't Veld on the EU's relationship with democracy* – in the Guardian of 27 April 2022, written by Jennifer Rankin, dealing with statements made by the Dutch MEP Sophie in 't Veld. The first two paragraphs read as follows:

“Even by the standards of the plain-speaking Dutch, Sophie in 't Veld is pretty blunt. The European Council – the body of EU leaders – is “from a democratic point of view, a monster” and “totally dysfunctional”, she says. The European Commission is “shamelessly protecting” autocratic governments, over enforcing the rule of law. And the European parliament, the veteran MEP thinks, “is not playing its role within European democracy”.

While EU leaders have applauded the unprecedented speed of EU sanctions against Russia, taboo-breaking decisions to fund lethal weapons for Ukraine and help Ukrainian refugees, in 't Veld thinks the war has only exposed the EU's “dysfunctional” governance, a complex patchwork of institutions where national governments are ultimately in charge. “I very much welcome the fact that the European Union is now taking steps [to support Ukraine], that there is more integration; I think that is long overdue, but that also increases the need for a more democratic union,” she told the Guardian.”

The FAEF Citizens' Convention of 70 members – European and World Federalists including professors, journalists, thinkers and writers on a federally united Europe – examined a draft ten-article democratic federal constitution of, by and for the citizens of Europe, previously conceived by Leo Klinkers and Herbert Tombeur in their *European Federalists Papers* (2012-2013). In the style of work of the Philadelphia Convention of 1787, the birth of the world's first federal constitution, from October 2021 and April 2022, the Convention improved the original draft into a comprehensive but compact federal Constitution that offers security, prosperity and solidarity to a federal Europe.

FAEF will present this Constitution – intended to break through the wall of political cognitive dissonance concerning the only way one can build a federation, which is through a constitution – to the people of Europe in the course of 2022.

This study deals with one of the central aspects of the construction of federal constitutions, namely the difference between a centripetal and a centrifugal federal constitution. Ending with a reflection on the system error that reduces the value of the Russian federal constitution to zero by placing the Russian President above the law.

The difference between centripetal and centrifugal federations

There are currently 27 federal states that together accommodate slightly more than 42% of the world's population. The main structural difference between federations is the distinction between centripetal and centrifugal federal constitutions.

Centripetal means that the federation is built from the bottom up. That is, the centre of gravity of responsibilities, powers and resources lies at the bottom of society and not at the top. With a centripetal approach, self-contained entities, such as individual states, create a centre. The structure of a centripetal federation represents perfect subsidiarity.

The drive to forge such a federation is therefore at its root. They do so in the realisation that states can no longer look after some interests on their own. These are then common interests. For example, defence, foreign affairs, climate, migration. To promote them, these entities establish a federal body to take care of these interests.

This is always a limited and exhaustive list of common interests. There is no hierarchical link in the sense that the federal authority would have the power to take on interests other than those on the list or to intervene in the internal order of the constituent entities. Examples of such federations are the United States and Germany.

The federal constitution of the Federal Alliance of European Federalists (FAEF) is also centripetally designed.

While centripetal federations are seen as strong federations, this is not, or to a lesser extent, the case with federations that are centrifugally created. These are built from top to bottom: an already existing centre operating as a unitary state may decide to transform itself into a federal state. In that case, pre-existing parts – such as provinces or regions – are given broader autonomous powers than the ones they already have. The initiative of this transformation into a federation then lies with the top. This implies a transfer of powers from the central body to decentralized authorities.

In this way, since 1960 and with some daring political interventions, the decentralized unitary state of Belgium has been transformed into a federal state of three parts: Flanders (Dutch-speaking), Wallonia (French-speaking) and a small German-speaking part. Spain and the United Kingdom, each with autonomous regions, could also in this way, from the top down, give their regions more political powers and thus transform these two countries into a centrifugally built federal state. A form of further devolution.

This study describes that centrifugal federations by their very nature have unitary aspects that one does not or hardly find in centripetal federations. With the value judgment that centrifugal federations are weaker, and for that reason vulnerable to failure.

Why does one find unitary aspects in centrifugal federations?

The answer is: politicians in charge of a unitary state usually have (extreme) difficulty in handing over the powers they hold at the top of that unitary state to lower authorities. Even though the choice to convert a unitary state into a federal one is usually based on reason, i.e. on correct facts and correct arguments. In the case of Belgium, it was a brilliant solution to resolve the hostile relationship between Wallonia and Flanders, which had existed for a century and a half, by giving each a large measure of federal autonomy.

But as soon as politicians are confronted with the task of reversing the balance of power, i.e. of placing the centre of gravity of responsibilities, competences and means at the heart of society, they often shy away. It is a question of mentality, not morality or legal preference, to exercise a kind of restraint after the decision to build a centrifugal federation in order to cede too much power to the parts. That is why one finds unitary elements in centrifugal federations. In some more than in others. Examples may make this clearer.

Unitary aspects in some centrifugal federations

Belgium

The process of transforming the Belgian decentralized unitary state into a federal state led to the insertion of Article 35 into the Constitution in 1994. That article depicts the core of a true federal state, namely that the federal government is bound to exercise only those powers that are limitatively and exhaustively assigned to it by the Constitution. One designs a federal state only when it is clear that there must be a centre to look after common interests that the parts cannot look after themselves. All other powers fall within the domain of the powers of the federated states of Wallonia and Flanders³⁰. So, it was necessary to make such an exhaustive list of competences for the federal government. However, no such list has been drawn up to date. Thus, Article 35 has not yet come into force. The construction of the Belgian Federation is not yet finished.

The reason for this lies primarily in the opposition of the French-speaking population who do not accept that the federal level would have fewer powers. Behind this lies a matter of mentality. The French-speaking Belgians originate from France. France is a centralized

³⁰ I will not mention the German-speaking part of the country because a separate arrangement has been made for the protection of the interests of this community of about 80,000 inhabitants.

unitary state. 'Paris' decides, the 'Départements' obey. It is this French mental top-down culture that leads Wallonia to want to maintain unitary power at the top of the federal government and not (yet) to fully apply the federal model that has been on hold since 1994.

Belgium has two other unitary aspects. The federal government is composed of equal numbers. This means that it has an equal number of French- and Dutch-speaking ministers. A typical unitary aspect. If it were a centripetal federation, the Belgian federal government would have no Walloons, no Flemings, but only Belgians. Without a parity between those ethnic groups.

Another unitary aspect is the fact that the federal government has the power to initiate laws and to amend laws passed by parliament. In this way, the executive power is – steering – part of the legislative power. From the point of view of checks and balances for a pure trias politica, this is undesirable.

India

Federal India, consisting of 28 states, is known for its unitary aspects. I will mention a few of them.

- The federal President appoints the heads of state (Governors) of the states. The President also determines their term of office. Thus, he has a top-down grip on the way the states of the federation are run. In our³¹ centripetal Constitution, one is head of a member state in accordance with the constitution of that state: elected, appointed or by royal succession. The federal body has nothing to do with this.
- The citizens are not citizens of a member state but citizens of the federation. In our constitution, they are both citizens of their national state and citizens of the federation.
- The federal constitution is also the federal constitution of the federated states. In our constitution, the federated states retain their own constitutions.
- The federated states do not have their own financial domain and are financially dependent on the federal government – and therefore dependent in their own development. In our constitution, the federal states have their own financial domain and maintain a financial relationship with the federal government through a Fiscal Union.

³¹ By 'our' I mean the ten-article Federal Constitution, designed by the FAEF Citizens' Convention, mentioned in the Introduction.

- The President has the power to disapprove certain laws of federal states. Our constitution prohibits the federal government from interfering with the internal order of states, except to protect representative democracy and the rule of law in those states.
- The Indian constitution confers on the federal government the power to take decisions on the same matters over which states have jurisdiction. A well-constructed federation has shared sovereignty (through the vertical separation of powers) but never shared powers because they are a source of conflict.
- The federated states do not have the same number of delegates in the House that represents them. The larger states have more than the smaller ones. Our constitution, through numerical uniformity of the members representing the states, enables small states to counterbalance the Citizens' Chamber through checks and balances, where the larger states do (can) have the advantage.

The Indian constitution has even more unitary aspects, but I will suffice with this enumeration because it is only necessary to show that centrifugal federal constitutions retain unitary elements by nature. In the eyes of administrators who love power, top-down management is sensible and good. At the expense of democratic relations. In the long run, this undermines the survival of a federal state built on unitary aspects. In the case of India, the hegemony of Hinduism, dominant in relation to the Muslim, Sick and Christian communities, is an additional vulnerable factor. The current wave of extreme perception of Hinduism under the name of Hindutva, proclaiming 'pure Hinduism', is a disturbing signal of an out of control unitarianism which, as always in history, shows itself in divide and rule. Ethnic and religious differences, safely nurtured in a centripetal federal state, in a centrifugal federal state with many unitary aspects, quickly degenerate into riots, violence and oppression.

Forced centrifugal federations: Indonesia and Cameroon

The process of decolonisation after World War II produced a number of federal states. This was not always done in a well-considered way. In some cases, decolonized peoples who could not stand each other were swept together in a federal context, without a rock-solid democratic constitution as a basis. Although a federal state is an excellent instrument to make different cultural ethnicities live together in peace³², a combination of poor

³² A federation by Israel and Palestine, maybe called 'Filistina, will be the only instrument to preserve peace in the Middle East. In this respect, it would be advisable for both parties to read Immanuel Kant's three principles carefully: lasting peace is based on (1) a civil constitution that secures freedom and equality, (2) a federation of constitutional states, and (3) world citizenship as an extended form of hospitality, driven by human rights.

constitutional work and the ever-present urge of autocrats to gain unitary power sometimes kills such a federation. This was the case, for example, in Indonesia and Cameroon.

Indonesia

To conclude the East Indian colonization by the Netherlands, Indonesia was handed over to the Federal Republic of the United States of Indonesia in December 1949. Immediately afterwards, in January 1950, President Sukarno – a unitarian pur sang – began dismantling the federation in favour of establishing a centralist unitarian state of Indonesia. He was able to achieve this in mid-August 1950 – thus within eight months. With the use of force, allowed to him by a completely wrongly formulated federal constitution, designed under the supervision of a special commission of the United Nations. It is one of the many indications that the UN has little or no understanding of the importance of well-formulated federal state building in the context of peacebuilding and peace keeping.³³

In September 1950, nine months after the transfer of sovereignty and the complete dismantling of the federation, Indonesia was welcomed with jubilation (because it was the largest Muslim state to join the UN) as member state no. 60 of the UN. The victim was the Moluccas, part of one of the member states of the destroyed federation. From one colonizer – the Netherlands – they fell into the hands of another colonizer – Indonesia. To this day, the Moluccas are oppressed and exploited³⁴.

The moral of this story is: only a well-designed democratic federal constitution from the bottom up can resist the ever-present unitary tendencies of autocrats.

Cameroon

The typical unitary-driven French administrative mentality is also at the root of the failure of the federal state of Cameroon. As a result of the post-war French and British decolonization processes, French- and English-speaking Cameroon were squeezed into a federal state in 1961. Although it was a multi-linguistic and multi-ethnic federation, the supremacy of French culture led to a break-up of the federation in favour of a unitary, French-dominated, presidential republic through a referendum in May 1972. To this day, Cameroon suffers from armed conflicts between the French-speaking and English-speaking parts.

³³ See for the geopolitical irrelevance of the UN, Leo Klinkers and Mauro Casarotto, *'The San Francisco Promise, Ukraine and UN's irrelevance'*: <https://www.europe-today.eu/2022/03/23/the-san-francisco-promise-ukraine-and-uns-irrelevance>.

³⁴ See the report *'From Cold Case to Hot Case. Why and How the United Nations Can and Must Free the Moluccan People'*, Federalism for Peace Foundation, April 2020: https://www.federalismforpeace.org/wp-content/uploads/2020/04/RapMolEng12april20_def.pdf.

That federalism – a major instrument for resolving conflicts and providing peace – is still alive in Cameroon is shown by the fact that in November 2021 a coalition of activists, with a federalist conviction to end the armed conflict, have created a platform called, Coalition of Cameroon Federalist Groups & Activists. Its spokesman, Dr Munzu declared³⁵:

"By nature, Federalism is the highest level of decentralized governance. It is the point at which tolerance, mutual respect, fair play, solidarity, and cohesion in our society meet. Federalism offers the best prospect of instituting in Cameroon a form of democratic governance suitable for overcoming our nation's governance, institutional, socio-political, and economic development challenges."

If possible, opt for a centripetal federation

There is nothing against a unitary state, centralized or decentralized. But if there are good reasons to transform a unitary state into a federal state, then it is advisable to opt for a centripetal approach. With a centrifugal approach, unitary elements always creep in. They are often a hindrance to democratic relations, prosperity, tranquility and peace. And therefore, sometimes lead to the failure of the federation.

Where there is no centre, the choice for a centripetal one is obvious. However, if one wants to federate a unitary state, thus a state that has already a center, one would be wise not to take the obvious choice of centrifugal building and opt for centripetal. That, of course, is easier said than done. Where a unitary state feels the urge to transform itself into a federal one, the initiative will always come from above. And thus, always be motivated to lead the transformation process in such a way that unitary aspects don't get lost. With all the risks that this federation will collapse eventually. By force or otherwise. See the Russian case below.

Why a wrong constitution can be the source of absolute autocracy: the Russian case

After the dissolution of the unitary state of the Soviet Union in 1991, a federal constitution came into being in 1993. This was the first real constitution for Russia. It has 22 states with the status of republics. Each with its own identity, own constitution and own parliament. In addition to those republics, there are dozens of independent entities with their own say. Diversity, especially of other cultures and languages, is guaranteed. Together with the federated states, they form about 85 different constitutional units, including, for example, three federated cities. In other words, the Russian Federation has exceptional protection for the diversity of ethnic and cultural identities that make it up. It even borrows elements from the American and German constitutions.

³⁵ Cameroon News Agency, 25 November 2021.

For this reason, it is obvious to call it a centripetal constitution. One is inclined to assume that it is therefore more than capable of withstanding a unitary seizure of power by an autocrat. But the reality is different.

The Russian federal constitution differs from other centripetal constitutions in one, very striking element: it does not have three branches/powers, but four. It does not have a trias politica, but a quadruple politica. In addition to the Legislative, the Executive and the Judicial Branches, the Constitution, in Articles 80 to 93, grants the President an extensive and far-reaching complex of powers of his own: thus, the creation of a Presidential Branch.

For example:

- He appoints the persons to the important posts, e.g. of the judiciary and the prosecution.
- He leads their Security Council.
- He decides when to hold elections.
- He can dissolve the parliament.
- He can make federal laws.
- He can suspend laws.
- He can issue decrees.
- And he cannot be called to account for all of that because he has constitutional immunity.

This places the President of the Russian Federation above the trias politica: the favorite spot of an autocrat. The constitution allows him to rule as he wishes.³⁶ Article 1 of the Constitution states that the Russian Federation is a democracy, a federal state, a constitutional state, and a republic, whereby sovereignty belongs to the multinational people, with referendums as examples of direct democracy. Fine. However, empty words. With the complex of powers vested in him, this President can assume absolute rule. He can disrupt the checks and balances as he sees fit. Which he does and shows by his war in Ukraine and his actions within Russia in shutting down the media and prohibiting by law openness about the devastation Russia is causing in Ukraine. As safeguards against autocracy, the checks and balances in the Russian federal constitution are illusory.

³⁶ President Putin is a follower of '*The Fourth Political Theory*' of Russian philosopher Alexander Dugin, the creator of Neo-Eurasism, a vision of the state, economy, culture, autonomy and sovereignty that is diametrically opposed to the Atlantism of the Western world. A vision that divides the world into twelve great – supranational – spaces, including the 'Russia-Eurasian Big Space'. It is this context that allows people like Putin to gain absolute power.

The Tsar derived his autocracy from succession. The Russian President bases it on a constitutional mandate. The comparison with Indonesia comes to mind. In that case, the many constitutional systemic flaws gave that President the opportunity to seize absolute unitary power. Like the President of Russia today, he could not be held accountable due to constitutional immunity. The difference with the Russian constitution is that the Russian constitution has one encompassing systemic flaw: a Presidential Branch, operating within the rule of Russian law, but nevertheless in flagrant violation of what is meant by the rule of law. The fundamentally corrupt Russia's constitutional law allows the President to do anything that is prohibited by correct constitutional law.

That one error reduces the legal, social and moral value of the entire Russian constitution to zero.

The most dangerous weapon of an autocrat is not his nuclear arsenal, but a constitution that gives him absolute power.

Would it not be obvious to complement the military strength Ukrainian allies are mobilizing against Putin's threats with an astute analysis of the fundamental errors of the Russian constitution? After all, that constitution is the legal breeding ground of Putin's autocratic-psychopathic misconduct. Eliminating that source by professionally questioning the correctness of the constitutional foundation of Putin's behavior is the task we face. It could be more powerful than all the sanctions combined. Otherwise, Putin's successor will simply carry on where Putin left off.

We are also faced with the task of addressing the structural failure of the UN. Founded in 1945 to avoid wars once and for all, the reality is horribly different. A not insignificant number of the UN's 193 Member States are guilty of waging war, provoking conflicts and violating human rights. Article 6 of the UN Charter offers the possibility of expelling such countries – including Russia – from the UN. But that does not happen. A macabre example of an oligarchic, treaty-based operating system. And thus, like the European Union, part and parcel of a global crisis of democracy and human rights. Both institutions are ripe for replacement by a federal state form, built according to standards of federal statehood.

In this case, too, the pen may be stronger than the sword. Who else but Europe has this mission?