

# Federalism in Africa

**An Essay on the Impacts of Cultural Diversity,  
Development and Democracy**

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January 2012



**THE FEDERAL IDEA**  
A Quebec Think Tank on Federalism

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## EXECUTIVE SUMMARY

Federalism in Africa does not have a positive image. Its record of success is patchy while its failures seem manifest. Currently there are only three established federal political systems among the 54 states in Africa: Nigeria, Ethiopia and South Africa. However, the evident paucity of successful contemporary federal systems must not be allowed to convey the impression that federalism in Africa is redundant. On the contrary, it continues to resonate as part of a continuing political discourse about the nature of political authority in many formally non-federal states, such as Somalia, Sudan and the Democratic Republic of the Congo.

This essay provides a short survey of the African federal experience and demonstrates that historically speaking there have been many federal experiments in the 1960s and 1970s that did not survive but which left many important lessons for African state builders who fought desperately to create new nation states that themselves still struggle to hold together societies which remain deeply divided.

Locked in a culture, democracy and development dynamic that continues to this day to shape and mould public perceptions of state-building and national integration across the continent, federalism has had to adapt and adjust to competing and often conflicting objectives. In Africa the federal idea has been both used and abused in equal measure at different times by a variety of political elites across the continent. Federalism has been championed both as an instrument of unity in diversity within states – its intra-state dimension – and as a means by which established states have attempted to forge a closer relationship between states – the inter-state dimension. The former case has been largely a transient phenomenon with few enduring examples while the latter has had a chequered career in terms of regional, mostly economic, unions of states.

The overall impacts of culture, democracy and development on federal experiments have served to illustrate both the versatility and the vulnerability of the federal idea in a continent that has been dominated by both single party and authoritarian military dictatorships in pursuit of nation building projects. These resilient regimes symbolise the obstacles to federal successes and explain the failure of democratisation processes to facilitate the federal idea. The survey concludes by underlining federalism as having living legacies in Africa that will continue to inspire future innovative constitutional experiments.

# INTRODUCTION

This article examines federalism from a comparative African perspective. It is divided into six short sections. The first section provides an overview of features peculiar to the African situation in general, while the second section introduces what I have called ‘the African federal experience’ which refers briefly to the different types of federal experiments attempted and their consequences. Section three draws attention to the critical post-colonial efforts in the 1960s to establish federations and federal-type unions while section four provides a short detailed case study of the Federal Republic of Nigeria. Section five sets the Nigerian case in a comparative African context and section six brings the survey to an appropriate conclusion with an assessment of cultural diversity, democracy and development.

Before we proceed with our task, it is helpful to make some preliminary remarks about the nature of federalism itself as a political concept and how it must be handled in the specific context of Africa. In the mainstream literature on federalism it is broadly accepted that *federalism* – often encapsulated in ‘the federal idea’ – refers to the recognition of difference and diversity in its many forms as the driving force of *federation* – the federal state – which is the tangible institutional expression of this idea. Put simply, then, difference and diversity produce federalism and federalism produces federation. But just as there are several different kinds of state, so there are many varieties of federalism and federation. Indeed, it is perfectly possible to have federalism without formal federation for the simple reason that some federalisms do not necessarily achieve fully-fledged federation but instead produce highly decentralised states that allow considerable local autonomy.

The distinguishing feature of federation is the constitutional entrenchment of autonomy in some policy-making spheres as well as guaranteed representation in the central institutional decision-making processes. And the main difference between a federation and a confederation is that broadly in the former case different orders of government have a direct impact upon a **single** people (the *demos*) in the state while in the latter case no single state exists but only a **union of states**. Consequently decisions impact only upon the constituent states in the union and not directly upon the peoples (the *demoi*). In a confederation the general government impacts the population only indirectly through its constituent governments.

These preliminary observations are important when we come to look at the African federal experience. Sometimes we will refer to *intra-state* federalism, meaning relations *within* the federal state, and sometimes to *inter-state* federalism, referring to relations *between* states which come close to the confederal-type arrangements we have just outlined above. It will also become apparent as we proceed that there are many variations on the federal theme which never conform rigidly to neat definitions or conceptual analysis. If we are determined to adhere strictly to neat and tidy definitions therefore we will have great difficulty in finding any examples to study in Africa. The African world is not neat and tidy when it comes to federal experiments. On the contrary, it is untidy and messy. And part of the reason for this has to do with features peculiar to the African context.

# FEATURES PECULIAR TO THE AFRICAN CONTEXT

It is important that we are aware not only of the wide social heterogeneity that exists throughout African societies but also of an historical past which endures in terms of different forms of traditional governance. In Africa power centres existed around kinship groups or around kingships and sometimes the political units became quite large. The relation of other authorities in the area to the ruler of the system was however one of subordination. Sometimes that subordination was total where the local ruler was a tool and loyal servant of the central ruler, as in Benin and Nigeria, where every citizen was known as an 'Oba's man'. Sometimes the subordination was a more indirect one, typified in relations of feudal allegiance, as in the Hausa relation of *Chapa* of a local ruler to a bigger Emir or to Sarkin Musulmi, the ruler of the Sokoto Caliphate in northern Nigeria. Sometimes the relationship was a loose one symbolised by the rendering of annual tribute, or occasionally by some important ceremonial object.

**AFRICA UNDER EUROPEAN DOMINATION IN 1914**



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This background of social hierarchy in African societies was disrupted by the so-called 'Scramble for Africa' occasioned by the Berlin Conference of 1884-85 whereby the leading powers, the United Kingdom (UK), France, Germany, Belgium, Italy, Portugal and Spain, had partitioned the whole continent by 1914 but it did not completely disappear. There was and continues to be a wide variety of traditional forms of governance that function alongside the modern secular political authority of government and are still consulted by it. In Nigeria today, for example, there remains a hierarchy of Elders and Chiefs who represent different tribes, clans and communities that must be consulted on the introduction and implementation of some forms of public policy directly affecting them. Indeed, in some instances their cooperation is essential to policy effectiveness. It is a kind of parallel universe of political authority that we can describe as governance rather than government which would otherwise portray it as competing with secular authority.

There is, then, an historical legacy of social hierarchy related to political authority that has a variable significance across Africa and should not be ignored when we consider the African federal experience in the next section. When the circumstances have permitted these forms of informal rule or governance to survive they have successfully adapted and adjusted to the post-independence era. This is because once central authority was effectively established the unitary power in many cases had to rely upon these kinship communities and their relationships with what we might call 'quasi-federal' elements in the form of recognition of the identity of different territorial, ethnic or historical entities

Even local unitary power centres therefore were compelled to acknowledge social diversity so that distinct identities were prepared to negotiate compromise and cooperate with each other as an integral part of traditional self-rule. This recognition and preservation of large and small ethno-cultural differences was carried over into territorial nationhood and modernity to produce a highly complex patchwork quilt of cultural communities not all of which are engaged in the formal secular political authority of the state.

## THE AFRICAN FEDERAL EXPERIENCE

There is always a danger, when discussing federalism in its broadest sense, of juggling with abstractions or inventing schemes that are not grounded in reality. In the case of the African continent, this danger remains an ever-present temptation, largely because of its colonial past, and it is imperative therefore that we maintain a keen awareness of the important links between the past, present and future of the federal idea. Consequently it is helpful to distinguish between pre-colonial, colonial and post-colonial Africa because it is possible to identify federal, confederal and a variety of quasi-federal arrangements during these distinct historical periods.

This introduction to what I call 'the African federal experience' is meant to convey the essentially fragmentary and disjointed nature of the federal idea, a political idea that historically has been exported to Africa by the British and occasionally by the French imperial authorities and practised in many different ways. Small wonder that today it is still perceived very differently by political elites and mass publics for a diversity of purposes in different parts of post-colonial Africa. Perception and reality are often at odds with one another and the so-called federal experience has clearly been experienced in different historical periods in a variety of ways.

The best corrective to the danger identified above about the impracticability of federalism in some parts of Africa is a short conceptual and historical survey. Leaving aside pre-colonial indigenous federal experiences, like the Ashanti Confederation, it is useful to begin our survey with reference to the imperial-colonial federal legacies which spilled over into the post-colonial era that began in the 1950s and 1960s. These legacies enable us to establish four basic conceptual categories which cumulatively have left their mark on the African continent in the following way:

- Imperial administrative and political convenience
- Imperial 'motherland' linkages
- Commercial enterprise of economic cooperation for strengthening intra-African trade links and
- Processes of state and (multi)nation building.

Mindful of the particular circumstances of each individual case study, we can state that the federal idea in Africa has been expressed in very flexible ways that have overlapped and intermingled to produce the mosaic that today constitutes its federal experience. An early illustration of the first category, imperial administrative and political convenience, is the British influence in Nigeria in the Amalgamation of 1914, which brought together three territorial regions, but a more recent example of political expediency is the creation of the Central African Federation (CAF) which lasted for a decade (1953-63) and welded together the three dissimilar British colonial territories of Northern and Southern Rhodesia and Nyasaland. The French also adopted a purely administrative approach with the Afrique Occidentale Française (AOF) – Senegal, Guinea, Upper Volta, Dahomey, Ivory Coast, Niger, French Soudan (Mali) and Mauritania - and the Afrique Équatoriale Française (AEF) – Gabon, Chad, Congo Brazzaville and the Central African Republic - in the 1950s.

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'Motherland' linkages were established between the French Union of the Fourth Republic (1946-58) and the 'French Community' of the Fifth Republic in Gaullist France. These produced the interesting phenomenon of two-tiered federalism, the primary federations being the AOF and the AEF which were collectively the constituent units of the larger federal French Union. The third example, that of a customs union, possibly leading to a common market, was the early attempt in 1963 to establish an East African federation incorporating Kenya, Uganda and Tanganyika. This had its origins in an early form of customs union that dated from 1917 and promoted free trade between the three colonial territories. It was also something positively encouraged by the British who saw in the federal idea in the three colonies a combined administration that would be more efficient and a large East African home market that would give a great impetus to economic development. The experiment succeeded in establishing important elements of a common market with significant progress made in financial affairs and the creation of a Legislative Assembly but the occasion of a military coup by Idi Amin in 1971 effectively dealt the project a body blow.

While there remained considerable good will toward the federal idea and some robust common economic and political arrangements among political elites and economic interests, the East African Common Services Organisation (EACSO) was gradually undermined and the withdrawal of Kenya in 1977 effectively rendered it moribund.

For the final category of state and (multi) nation building it is appropriate to turn to the three examples of Nigeria (1999) and much more recently Ethiopia (1995) and South Africa (1996). In the first case, a mainstream federal discourse about federation in Nigeria dates back at least to 1946 in the British colonial era with the application of the federal principle as a territorial reorganisation of three ethnic-religious "regions" with their own governments and assemblies in the Richards Constitution, while the legacy of the federal idea in Ethiopia initially involved the Ethiopia-Eritrea federation (1952-62) followed by an era of relentless efforts by Emperor Haile Selassie to transform the country into a strong nationalizing unitary state with the final phase prior to a separate federal Ethiopia witnessing the Derge Marxist military regime in 1974, which came to an end in 1992. These developments explain why today the ethno-linguistic-territorial federation still bears some hallmarks of a socialist non-territorial brand of federalism. Finally, while not formally a federal state, federalism in South Africa can be traced back much earlier than the other two examples to the Selborne Memorandum of 1906 as a British imperial initiative.

Federal elements have always been present in the political culture of South Africa, even during the dark years of apartheid during the period between the late 1940s and the early 1990s, so that today the Afrikaner and the Inkatha-Zulu ethnic minorities occupy a constitutional space in the state. Nonetheless, it should come as no surprise to learn that federalism in the minds of the black majority African National Congress (ANC) has been seriously contaminated by the experience of Dr. Verwoerd's black "homelands" policy of the late 1950s followed in the late 1970s by Dr. Botha's expedient "confederation" linking the independent black homelands to the larger Republic together with the constitutional recognition of Whites, Coloureds and Indians in a tri-cameral parliament. The ANC was not a friend of the federal idea.

## POST-COLONIAL FEDERALISM: THE 1960s

The late 1950s and the decade of the 1960s represented a distinct period of imperial decolonisation in Africa. What was the relationship between this event and the popularity of the federal idea? As we will see, it was both complex and complicated with many twists and turns. In the early 1960s federalism had a growing appeal as a kind of middle-of-the-road approach between the perceived extremities of a unitary centralism and outright secession, but by the end of the decade this optimism had turned to pessimism as many African federations collapsed. We can begin to sketch out the answer by reference, first, to two types of federal constructions, namely, intra-state federation and inter-state federation. The former category related to federal structures within the state and included Nigeria, Kenya, Uganda and Zaire, while the latter referred to federal relations between states, such as French Cameroun and British Southern Cameroons, Ethiopia and Eritrea, Senegal and the French Soudan, Tanganyika and Zanzibar, and a mooted proposal for a quasi-federal arrangement between Ghana, Mali and Guinea. Federalism was advocated for a mixture of motives by opposition forces in Ghana, Zambia and Tanganyika, while a veritable host of plans surfaced for regional inter-state federal relations in Senegambia, the East African Community (EAC) and even intermittently pan-African schemes.

Traditionally the federal idea is most often utilised to resolve the tensions between unity and diversity and in the African context intra-state federalism was construed as the only way to accommodate tribal, ethnic and linguistic diversity within a single political system. It had much less to do with the familiar liberal democratic concepts of local autonomy, self-government and power sharing and much more to do with preventing one-group tyranny and reflecting, articulating and protecting the federal qualities of a heterogeneous society. The Kenyan federalists for example wanted to protect ethnic rather than ideological minorities, the Sudanese Southern Front (SF) sought to prevent Arab rule rather than establish liberal democracy, the Kabaka Yekka Party of Uganda wanted to guarantee the survival of the Kingdom of Buganda rather than demonstrate loyalty to Western values, while the Nigerian Northern People's Congress (NPC) and the Kenya African Democratic Union (KADU) alliance in Kenya were preoccupied with the interests of backward ethnic groups and regions, not with Western notions of liberty. Furthermore, the wealthy federalists in Katanga's (CONAKAT), Nigeria's Action Group (AG) and the Tanganyika Federal Independence Party (TFIP) each saw in federalism a means of avoiding a redistribution of wealth within a unitary state. There were therefore a variety of different motives during the early 1960s for wanting to espouse the federal idea across the African continent.

The emerging pattern of incentives for wanting to promote federalism was clear: it was on ethnic and not institutional or ideological checks and balances; on ethnic self-rule rather than democratic self-government; and on the rejection of one-tribe rule rather than one-party rule. The ideal was certainly the federal nation but not necessarily the federal democratic nation. While it was common to see federalism in the United States as to do largely with Madisonian concepts and terminology in relation to the legitimacy of diversity in all its forms, in Africa it was almost exclusively focused upon the ethnic-cultural dimension of diversity. And it is important to acknowledge here two key factors about the appeal of federalism in Africa, which are both linked to the legacies of empire. First, it is necessary to emphasise the complex patchwork quilt of ethnic identities across Africa bequeathed by the retreating imperial powers as they left behind a colonial heritage of territorial boundaries that did not correspond to tribal unity. They paid scant regard for the likely impact that their imperial rule would have on the potential for future ethnic-cultural conflict. Secondly, the nature of federal construction for these new states was essentially devolutionary – something handed down by the former imperial power - rather than the result of a voluntary union of previously independent states. Small wonder therefore that some of them did not regard the

federal idea as anything more than a short-term expedient to be jettisoned at the earliest opportunity. What, then, went wrong for the federal idea in the context of decolonisation? Why did its appeal fade so quickly after such an optimistic beginning? The reasons for the failure of federalism in Africa during this period are many and varied. Different combinations of factors played a key role in each case that we examine. It is helpful if we identify them in the following way:

- Economic imbalances between rich (developed) and poor (under-developed) groups and communities
- Imbalances in the size of the federal components
- Ideological contradictions between the partners to federation
- Differing socio-political structures between the constituent units
- Personal animosities and weak or divided political leadership
- The strength of territorial and national identity
- Federalism perceived as purely a means to independence or secession
- The absence of socio-economic conditions for liberal democracy
- A lack of commitment to federal values

Taking each of these factors in turn, it is quite striking how far economics provides explanations for the collapse of many federations and federal-like experiments in Africa. The AOF and the AEF, mentioned above, were destroyed by the revolt of the rich Ivory Coast and Gabon which refused to finance their poor partners in union while opposition toward federalism in Uganda, Ethiopia and pre-1966 Nigeria was nurtured by the bitterness of economically modernized Buganda, Eritreans and Ibo toward the less developed Lango-Acholi, Amhara and Hausa-Fulani communities.

If we consider the factor of the relative size of constituent units in federations, which is well researched in the mainstream literature on comparative federalism, we can include the dominance of French Cameroun, Ethiopia, Northern Nigeria and Southern Rhodesia as contributing to the collapse of the Cameroun Federation, the Ethiopia-Eritrea Federation, the pre-1966 'Regional' Nigerian Federation and the CAF. Some of the African federations of this period were federal diarchies, that is, two-part federations which are notoriously unstable because they often result in zero-sum conflicts with either one side dominating the other or the operation of a parity formula producing political paralysis. Ethiopia, Cameroun and Mali are examples of precisely this kind of conundrum.

With regard to ideological contradictions in federal experiments, it is clearly problematic if a 'Marxist-nationalist' Mali (then known as French Soudan) attempts to unite with a liberal capitalist and pro-French Senegal just as it is likely to be very difficult for a 'Chinese' Socialist Tanzania to forge a federal relationship with an 'Anglo-Saxon' capitalist Kenya or a White Supremacist Southern Rhodesia joining federal forces with a Black National Nyasaland. Such experiments were simply doomed to failure.

Differing socio-political structures posed yet another obstacle to a viable federal unity in Africa. In retrospect, it was really wishful thinking to expect that absolutist Ethiopia and Eritrea's constitutional democratic polity would be compatible, just as it was absurd to believe that the racial structures of Southern Rhodesia (akin to those of Apartheid South Africa) and the policy practices permitted by the British in Northern Rhodesia and Nyasaland could ever have worked alongside each other for very long. Indeed, in hindsight it was remarkable that they lasted for a decade and the merit of the federal union lay in the British concern to protect Black Africans from the imposition of racial policies by the Southern Rhodesians. A similar structural incompatibility existed between the single-party regimes of Kenya and Tanzania and that of the military government in Uganda so that any likelihood of success for a (con) federal union was extremely remote.

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Personal rivalries and animosities together with the nature of elite political leadership were also crucial factors of both success and failure in some cases. There is no doubt that Africa produced some very determined political leaders with strong political personalities who were able to mould and shape the political prospects of the federal idea. Among the well-known rivalries and animosities were those of President Leopold Senghor of Senegal and President Modibo Keita of Mali (then known as French Sudan) and the hidden competition between Jomo Kenyatta in Kenya and Julius Nyerere in Tanzania, not to forget the visceral hatred between Nyerere and Amin. Together these personal duels did their share to destroy the Mali Federation and to reduce the prospects of the EAC to only a glimmer of hope.

The failure of some federations can also be partly attributed to the emerging strength of both territorial and national identity. We must remember that the main emphasis of the politics of most independent African states in the 1960s was to establish a polarity of power at the centre in order to 'build the nation'. Unless principal attention was devoted to the central authority there was an underlying fear that it would be insufficient to hold the new nation together. Power was therefore reified and in turn the federal idea was frequently portrayed as something that would likely dissipate energies and resources and enfeeble the state by dividing or partitioning power, thus preventing effective decision-making and obstructing rapid nation-building. National sovereignty and territorial identity went hand in hand.

Another consideration was the expedient nature of the federal idea. Federalism was construed by many of its advocates not as a goal in itself but merely as a stepping-stone to secession and ultimate independence. There is some evidence for this and it is obvious that the organisational structure of federation furnished the basis for both unity and 'separateness'. By granting constitutional autonomy to constituent units it strengthened federal unity via power-sharing and territorial self-government but it simultaneously provided a launching pad for separatism to become separatism and secession. Small wonder that this paradoxical quality inherent in the federal idea should be used by its opponents to undermine the argument that federation was an effective means of achieving unity in diversity. The attempt by Katanga in the early 1960s to secede from the then Congo (later Zaire and now the Democratic Republic of the Congo) and the subsequent civil war during 1967-72 in the Sudan confirmed that this was an ever-present danger in some cases.

Just as it was important for political scientists to look for the so-called pre-requisites or, more accurately the requisites of federation in Africa, so it was also necessary to examine the socio-economic conditions of liberal democracy itself. The reason for this was simple: it was deemed impossible for basic federal values and federal principles to be introduced and expected to develop and be sustained without the prior commitment to principally Western concepts of democracy. Small wonder that many African federations collapsed because of the breakdown of Westminster-style parliamentary governments. While it certainly made sense to link federal values of human dignity, equality, liberty, political empathy and tolerance together with the federal principles of partnership (power-sharing), autonomy, compromise, reciprocity and trust, these could not be guaranteed in practice in authoritarian states with single party government and military cliques where human rights and freedoms were likely to be trampled underfoot. Only in countries which were prepared to introduce different forms of liberal democracy with its firm commitment to political pluralism, human rights and freedoms, and capitalist economies could the tyranny of the centralised state be thwarted and the federal idea be allowed to flourish and respect human dignity.

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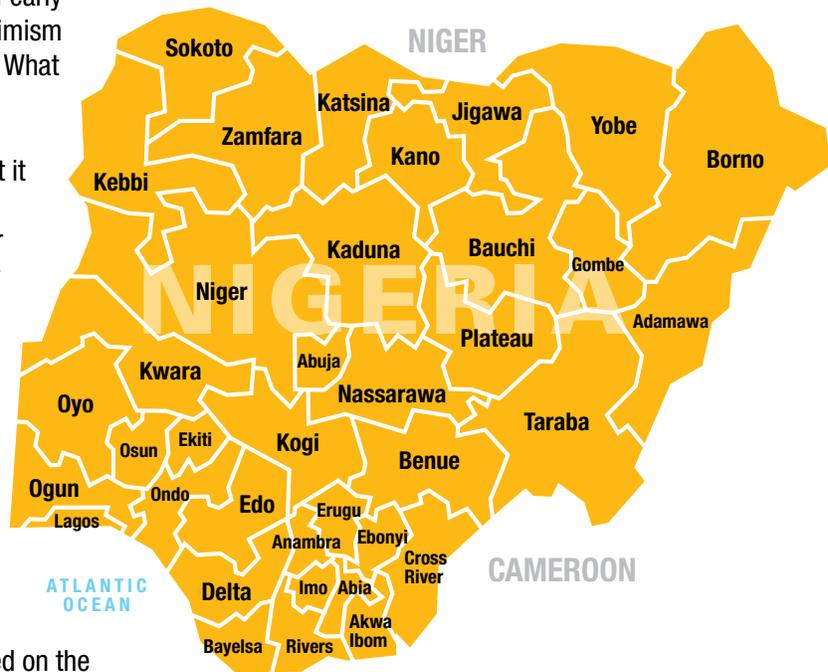
Consequently federalism and democracy had to go hand-in-hand for federal democracy to become a practical reality in Africa. Yet, as we have just seen, the prospects for democracy were slim because the roots of Western-style democracy were shallow. The elemental forces of state-building, national integration, economic development, democratisation and federalisation made for a heady mix of challenges to the post-colonial states. And in our account of each of these factors identified chronologically above, it is important for us to acknowledge the conclusions of Thomas Franck's path-breaking research enquiry into the 'requisites for successful federalism', published in 1968 as *Why Federations Fail*. Franck and his colleagues, working at the Centre for International studies at New York University, conducted what was in effect a post-mortem on four attempts at regional unification through federalism: the West Indies; East Africa; Malaysia and Rhodesia-Nyasaland. They considered the role played by the constitution and its formula for dividing power between the centre and its constituent units. They also examined the relative importance of such non-constitutional social factors as region, culture, language and the distribution of resources. They tried to discern the weight to be given to personal and psychological factors linked to political leadership: charisma, commitment, friendship, rivalries and personal ambitions. Their empirical findings acknowledged the significance of these factors in a variety of ways but they concluded that the principal cause of failure or partial failure of each of the federations studied was not to be found in an analysis of economic statistics or in an inventory of social, cultural or institutional diversity. It could only be found in the absence of a political-ideological commitment to the primary concept or value of federation itself. Federalism should be valued as an objective in itself.

In each case this commitment to the federal ideal as a primary goal was shown not to have existed at the moment of federation and not to have been generated subsequently. They found that the presence of certain secondary factors, identified above, such as a common colonial heritage, a common language and the prospect of complementary economic advantages were useful, even necessary, but were not sufficient to ensure success. Their combined value lay in their capacity to engender a common commitment to the primary goal of federation, but by themselves they were not enough to engender or sustain that commitment. In order to achieve this there had to be an *ideological* commitment not to federation only as means – such as a means to achieve independence or financial stability – but also to federation as an end in itself, as a good for its own sake.

## NIGERIA: THE CAUSES OF SUCCESS

Our short survey of the African federal experience in the 1960s suggests that, by and large, federalism has failed in African states. The early appeal of the federal idea among several groups and communities in some newly independent states quickly faded and had all but disappeared by the early 1970s. The Congolese (Zaire) federation (1960-65) was abrogated in 1965, Uganda's federal system (1962-66), originally designed to accommodate the Kingdom of Buganda, went the same way in 1966 and the Anglo-French project of the Cameroonian federation (1962-72) was abolished in 1972. Federal experiments were similarly undermined in Kenya, Sudan and Ethiopia leaving only Nigeria and Tanzania – itself only a borderline federacy with the Islands of Zanzibar and Pemba (having only 5% of the total population) – as the sole remaining federal survivors in the 1970s.

Given such a seemingly poor record of early success, what are the grounds for optimism about the federal idea in Africa today? What sorts of problems does it manage or resolve? The longest standing federal experiment remains that of Nigeria but it has recently been joined in 1995 by Ethiopia as formally a multinational (or multiethnic) federation and in 1996 by South Africa, which while not formerly federal nonetheless has powerful federal elements in its Constitution. In this section we will focus upon the most successful of these federal experiments, Nigeria, in order to try to understand first what 'success' means and, secondly, why it has been so successful.



Named after the river Niger and located on the southern coast of West Africa, Nigeria shares its borders with Cameroon and Chad in the east, Niger to the north and Benin to the west. Sometimes called the "Giant of Africa", Nigeria has a huge land area that makes it slightly more than twice the size of California and the largest population of any African state at 120-130 million people (the last census in 2005 remains hotly disputed). It is understandably the dominant regional economic and military power in the Economic Community of West African States (ECOWAS) and it has been a federal polity in many different incarnations since its formal independence from the British Empire in 1960.

Currently, the most recent federal incarnation is enshrined in the Constitution of May 1999, which was endorsed and presented to the people by the military after its last period of authoritarian government (1983-99). This latest constitution has its roots in the 1979 constitution which had been tried and tested and provided the best point of departure in the quest to re-establish constitutionalism in Nigeria. The major institutional characteristic of the Constitution of the Federal Republic of Nigeria is that it retains presidential government and a federal system with

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three orders of government: a strong federal government; 36 constituent state governments and 774 local government councils. Constitutional power in the federation is heavily skewed toward the federal government in Abuja whose primary task is seen by political and military elites to hold the country together.

With six written constitutions since 1960, Nigeria has recently celebrated its half-century as a liberal democratic polity having had one of the most turbulent of democratic experiences in Africa. The high water mark of governmental stability was achieved as recently as 2007 when Nigerians experienced their first presidential changeover from one political authority to another after elections without any military intervention. Apart from being the largest African state, it is also a highly diversified pluralistic nation with three strong, largely territorially concentrated, ethnic identities – the Yoruba, Hausa-Fulani and Igbo – together with some 250 sub-ethnic tribal, religious and linguistic minorities scattered across the country. Add to this basic social division, the powerful social cleavages of religion, territorial identity and wide socio-economic differences with poor resource distribution together with oil dependency, pervasive corruption throughout society and the ubiquitous presence of the military, and it becomes clear why there has always been more than one major fault-line in this fractured civil society. Indeed, its early history was characterised by a series of regular secessionist threats across the country and just seven years after its independence, the south-east sought to detach itself from Nigeria. This led during 1967-70 to a federation that was ruptured by its first and so far only civil war as the Igbo-led Biafra plunged Nigeria into a protracted bloody war of violence, torture and starvation as the country was torn apart, eventually to defeat the separatists and to learn the lesson that Nigeria's future as a multi-nation could only be as a federal unity.

During its 50-year history of independence however Nigeria has had 28 years of military government, the last period ending in 1999 since when it has struggled to maintain its hard-fought democratic stability as the long-standing regional and ethnic cleavages have recently mutated into an increasingly dangerous polarised religious form: Muslims versus Christians. From its very beginning in 1960, the precise ratio of Muslims to Christians in Nigeria has been unknown although it is widely thought that Muslims account for 48-50% and Christians 34-36% of the total population. Their territorial distribution is also highly significant with virtually all of the former concentrated in the states of the North and the latter mainly but not exclusively in the states of the South and South-West of the country. Concerted attempts to dampen down and defuse this major religious cleavage as a political threat to national unity culminated, as we mentioned above, in the constitutional design of 1999 which introduced the large-scale territorial reorganisation of the federation. This increased the number of constituent units to 36 and sought to prevent the domination of any constituent state by a single religion. We return to this major challenge to the federal polity further below.

As a multinational, multi-religious and multi-cultural federation with an enormously complex and troubled history, Nigeria has in recent times also had to confront the divisive question of oil dependency in its national political economy. This has become a multi-faceted challenge to the federation. The oil-rich Niger Delta region in southern Nigeria has since the 1970s become the focus for political violence, corruption and criminality. It has become a magnet for hostage taking, attacks on oil company personnel, the destruction of government-owned oil pipelines, the sabotage of oil company installations and intergroup conflicts for oil-related resources have become common occurrences in the Niger Delta. But the overwhelming socio-political problem has been the deep disillusionment of people from the minority ethnic groups of the oil producing areas who, living in the midst of this colossal wealth resource, have themselves remained impoverished while the whole region itself remains poorer than the national average. This lamentable state of affairs of course is aggravated by the environmental and ecological damage caused by irresponsible oil exploration and production by the multinational oil corporations (specifically Shell Oil Company). It has also raised serious questions about human rights violations in Nigeria.

In keeping with the federal government's dominance vis-a-vis the states and local governments in the federation, it also has exclusive ownership of oil and solid-mineral resources. The Constitution established a Federation Account into which were deposited all of the revenues collected by the federal government and it established specific constitutional procedures designed to ameliorate the plight of the constituent states from which such resources were extracted by requiring that a minimum of 13% of the revenue accruable to the Federation Account from natural resources extracted from any state should be returned to that state. This was called the "derivation principle", which stretched back to the 1960s, but it has since been progressively eroded as the oil revenues expanded in the 1970s. In practice, this has occurred due to several factors: the centralising impact of military government; the limited political clout of the minority oil-producing communities in relation to the three major ethnic groups; and the need to avoid huge disparities available to the oil-rich areas compared to the rest of the federation. Recent trends and developments suggest that the struggle of many minority communities in the Niger Delta to restore their previous resource revenues, if not complete resource control, is unlikely since it threatens to challenge the whole basis of centralised distributive federalism in Nigeria. But these difficult circumstances have already spawned new separatist political movements, armed gangs and vigilante groups in pursuit of what they see as regional justice.

Returning to the question of religious conflict in the federation, this has been triggered by the revitalisation and subsequent extension of Islamic law in the Muslim North. Three main religions characterise Nigerian society, namely, Islam, Christianity and traditional indigenous religions and these correspond broadly to the North (Hausa-Fulani), the South/South East (Igbo) and religious bi-communalism in the West (Yoruba) with traditional African religions widely dispersed. There are, we must remember, approximately 250 ethno-religious-linguistic minority identities that fall outside the classification of these majority groups and communities and are therefore institutionally invisible. But the issue of interreligious coexistence has been an integral aspect of Nigerian federalism since its inception in the post-colonial era. It was part and parcel of the formation of the federation, dating back at least to 1946 when federal relationships were first introduced, and it has waxed and waned as a public policy issue ever since.

The recent tensions between Muslims and Christians have flared up into sporadic violence in the light of the alleged rights abuses against Christians in the Muslim North. The Muslim state that has been instrumental in extending Shari'a law and spearheading the movement to promote it is Zamfara. Since 1999 it has spread to about ten predominantly Muslim states in the North. These tensions are at their most combustible where there is a marked convergence of social cleavages that serve to polarise conflict: ethno-religious; regional; socio-economic; and political fault-lines.

Where this occurs there is an increased likelihood of heightened hostility to other groups and communities. In one case, the state of Kaduna, the long-standing antipathy between Muslims and non-Muslims spilled over into violence and riots in 2000 when the attempt to introduce the Islamic code – in a state without an overwhelming Muslim majority - was firmly resisted. And some abuses have been catalogued, such as the punishment for criminal offences according to Shari'a law, meted out to non-Muslims in Zamfara. There can be no doubt that religion has become a highly 'politicised' and therefore divisive cleavage in recent decades.

The 1999 Constitution sought via Article 14 to regularise these kinds of cultural-ideological differences inherited by the federal state by incorporating the "Federal Character" principle that harked back to the 1979 Constitution. The thinking behind this was formally to recognise the living breathing diversities in the body politic by channelling and canalising them into a framework of values that could successfully accommodate, protect and promote their interests and identities. Translated into practical goals this meant reconciling important sub-state differences and

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diversities with the overarching quest for national unity. The principle was not originally directed at religion per se, but rather at ethno-national and territorial proportional representation in the federal government's offices and agencies. The current Constitution sets out to "actively encourage" national integration as well as the federal character of the country and while this included place, origin, sex, religion, status and ethnic or linguistic associations, it had not been necessary in the past to consider it specifically in relation to the Muslim-Christian divide. Since 1999, however, this emphasis, which had been growing in some states dissatisfied with the apportionment of offices, has shifted significantly to focus increasingly upon precisely this conflict of cultural diversity. Fortunately these ethno-religious tensions have appeared so far to be contained in some of the states rather than at the federal level, making it possible that they may be successfully defused at that level.

In many respects, the federal character principle has become the repository of Nigeria's contemporary challenges, anxieties and complexities. It is in effect a barometer of the country's grass roots pressures emanating from its civil society. Since its basic rationale is to promote national loyalty, integration and a 'sense of belonging' among the Nigerian citizenry in what is a multinational, multi-religious and multicultural federal state and society, the underlying question is how far institutional structures can effectively respond to the complex plurality of its society. Such a principle has an important symbolic message to send out to society but it cannot by itself shoulder the huge burden of satisfying what today are called *plurinational* demands. The federal character principle has not for example prevented Northern (Muslim) politicians from monopolising the presidential office for the 40-year period between 1960 and 1999, and it cannot thwart the manipulation of sectional control of the key offices of state, including the military and police force, by privileged groups or individuals throughout the country.

To summarise the Nigerian experiment with the federal idea after just over half a century, it can be seen that its greatest achievement has been to hold the country together. There can be no other form of national unity than federal unity. This was the main lesson learned in the aftermath of the Biafran civil war in 1970. Since then, federation in Nigeria has had a troublesome history with many internal threats and challenges to its governmental stability and regime legitimacy. The politicisation of religion and poor resource distribution are probably the two most pressing problems that continue to divide the multination but other serious sources of weakness remain in the form of pervasive corruption, a patchy human rights record, social injustice, excessive centralisation in the polity, electoral manipulation, continuing military influence, inadequate modernisation and the fragility of its democratic political culture. But set against these weaknesses must be placed, above all, the survival of the state, recent relative internal peace and harmony, the flowering of civil society and its organisations, the gradual understanding and acceptance of federal liberal democracy and the growing international role of Nigeria as a regional economic and military power in ECOWAS and the African Union. But having created Nigeria in 1960, the task to create Nigerians continues to exercise federal government and politics.

## NIGERIA IN COMPARATIVE PERSPECTIVE: SUCCESS AND FAILURE

Nigeria as a short case study of federalism in Africa is of course the product of unique circumstances. Nevertheless, it shares many common characteristics with other current federal experiments, like Ethiopia and South Africa. Comparisons with Nigeria can therefore help us to understand the enormous challenges that confront political elites when they attempt to introduce or manage a federal system. They also help us to appreciate the intricate complexities of the political cultures of each federal experiment. Let us consider some of these comparative perspectives.

The most glaring common feature that links Nigeria with other federal or quasi-federal systems is the question of socio-economic development or, to put it more bluntly, economic under-development. Even Nigeria, as one of the potentially – if not already the most – wealthy African states still has largely untapped primary resources which cry out for a diversity of economic exploitation instead of the current oil dependency. Nigeria still lags behind in the modernisation stakes. The social implications of this phenomenon are also another common characteristic that looms large in the overall calculus of modernisation. Corruption, poverty and enormous disparities of wealth combine to shackle and stunt social development in a way that perpetuates serious inequalities and serves to reinforce cynicism, scepticism and a general sense of despair among mass publics.

This condition of affairs, in turn, feeds into tribal relations that can exacerbate conflicts and rivalries between neighbouring communities. In other words, the socio-economic cleavages in Nigerian society can interact with established tribal differences and further polarise these conflicts in ways that raise the temperature of inter-tribal relations. It is worth re-emphasising the continuing significance of a variety of forms of traditional tribal and clan governance in many, if not most, African states that runs parallel to modern secular federal government and to which many Africans still defer. A good example of this exists in Somalia where rival clan chiefs play a key role in the current civil war and this ancient form of political authority is also evident in Ethiopia and South Africa.

Another common feature characteristic of Nigeria, Ethiopia and South Africa is the multinational or multi-ethnic composition of their societies, sometimes described as ‘ethnic federalism’. These terms are often conflated and used in a confusing way. Strictly speaking, ethnic federalism suggests that the predominant organising principle of the state structure is tribal or sub-state national identity. This has really only been implemented in Ethiopia whose Constitution of the Federal Democratic Republic of Ethiopia refers constantly to the constituent ‘Nations, Nationalities and Peoples’. Moreover, unlike Nigeria, its constitution has been eager to link its constituent identities to the territorial principle producing nine distinct sub-state units that have been created according to ‘settlement patterns, language, identity and consent of the people concerned’. In Nigeria, we will recall, the solution to ethnic conflict was the opposite: to reconfigure its 36 constituent states in a way that (as far as possible) prevented ethnic, tribal or religious dominance in each of these units.

What about the rhetoric of liberal democracy in these federations? It is clear that electoral democracy has expanded and grown with great success in Nigeria, Ethiopia and South Africa, but this is really only the tip of a very large iceberg. Liberal democracy, to work properly, must extend beyond mere elections so that its values, beliefs and assumptions penetrate deep into these state structures and culturally complex societies to produce what we earlier called a liberal democratic political culture. Even after half a century in some cases this ‘democratisation process’ remains largely incomplete. It has faced powerful forces of inertia and active resistance from vested interests. An unfortunate combination of authoritarian military legacies, excessive centralisation, widespread

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corruption and poverty, poor education and weak resource distribution systems has strangled efforts to make liberal democracy work more effectively. Indeed, in many instances throughout the 54 states of Africa there is still little incentive to change corrupt practices that lubricate the wheels of shallow and fragile democracies, reinforce mutual fears and suspicions among groups in a competitive process and strongly suggest that the perceptions and realities of justice and fairness remain far apart.

How, then, do we assess success and failure among the few functioning federal systems in Africa? What criteria should we use? First, it is clear that such terms are absolute so that what is not a success is automatically a failure and vice versa. The reality is that in life there are gradations of success and failure. We succeed in some things and fail in others. Secondly, it is important to judge success and failure in terms of the major purpose(s) of each federation. In the case of Nigeria, the longest established federation in Africa, its longevity is itself a success. The federation, even after long periods of military intervention, endures and has a proven track record in managing different forms of conflict. Nigeria cannot be compared with the likes of Switzerland or the United States of America (USA), at least in terms of success and failure, but must instead be assessed in terms of its African heritage and the specific goals of the federation.

The values and practices of Western liberal democracy, as we have seen, are not easily transmitted and exported to African countries. The same approach must be applied to Ethiopia and South Africa, which have both been considered federal successes, the former because it has survived intact since 1995 as a functioning multinational federal republic with a highly unstable recent history and the latter because it has effectively overcome its apartheid legacy and post-colonial tribal and sub-state national challenges. It is true that the federal constitutional theory and rhetoric in Ethiopia do not stand up to close scrutiny because of its strong authoritarian legacies of imperial centralisation on the horn of Africa and its Marxist-Leninist practices of democratic centralism, together with the military prowess of the Tigray Peoples Liberation Front (TPLF) in the minority-led coalition of ethnic political parties. These legacies mean that it still lacks a liberal democratic political culture. But in both South Africa and Ethiopia the democratisation process will take time to evolve and will also depend upon the promotion of an overarching countrywide citizenship and the binding political nationality of 'being South African' and 'being Ethiopian' as a countervailing force to narrow ethnic identity. Nigeria, Ethiopia and South Africa each conform to the model typical of other non-federal African states in the extent to which they place regime security, political and governmental stability, and (multi)national state unity above civil society, political trust, power sharing, real participation in a multi-party democracy, human rights and the rule of law.

## CONCLUSION: THE LIVING LEGACIES OF FEDERALISM IN AFRICA

Among the 54 states in Africa there are only three that are considered to be functioning federal systems: Nigeria (1999); Ethiopia (1995) and South Africa (1996). The Constitution of the Democratic Republic of the Congo (1996) makes a similar claim but this is clearly at the moment more an aspiration than a reality. Similarly in war-torn Somalia, the international community (which means largely the American forces) has come to refer to the recognised government as the 'federal government' but this also currently remains a work in progress. Historically speaking, federalism has also been evident in its interstate manifestation, albeit short-lived, as a regional organisation in both East and Central Africa, with recent efforts to reactivate the former based upon the model of the European Union (EU).

### AFRICA TODAY



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The post-war years of decolonisation witnessed the struggle to build viable nation-states combining different ethnic and tribal communities within the territorial boundaries bequeathed by the retreating colonial powers. France was often seen as the model nation-state and the French conception of federal union among its former colonies (now francophone states) was widely construed as a means by which the imperial power could retain control over them. Nonetheless, this model came to be seen as a badge of modernity whereas primary ethnic and tribal identities were regarded as synonymous with backwardness. It is clear that in the vast majority of cases, the overriding assumption in African states was that ethnicity should not be the basis for establishing political parties or institutions. Most African countries were therefore preoccupied during the 1960s and 1970s with the twin processes of state-building and national integration. And since the chief challenge was to replace ethnic identity with national identity rather than simply superimpose the latter over the former, these decades were characterised by the rise of state nationalism as a novel form of political nationality.

Nonetheless, the primary ethnic and tribal identities endured so that the effects of ethnic identity on public life persist today. Indeed, ethnic nationalism has proved to be a potent political force across the continent and in some cases its fires have recently been stoked further by the radicalisation of religious identity such as Islam. The reinforcement of Hausa-Fulani ethnic identity with Islamic beliefs in some Northern states such as Zamfara and Kaduna in Nigeria has strengthened the ethnic-religious-territorial-socio-economic cleavage pattern in a manner that has polarised society in deeply divisive ways. But the Nigerian, South African and Ethiopian federal systems, as we have seen, have already taken a variety of steps formally to recognise their citizens' primary identity attachments in their respective constitutions, and while it is true that Ethiopia has successfully experimented with a largely authoritarian ethnic federalism, it remains the case that neither Nigerian nor South African federalism are ethnically based either in structure or policy objective.

Would it be correct, then, to refer to federalism in Africa or an emergent tradition of African federalism? Is there sufficient evidence to allow us to speak about a distinctive African federalism that can be clearly differentiated from the Anglo-American and the Continental European traditions? The living legacies of federalism in Africa briefly surveyed here suggest that the federal experiments on this continent will continue in the foreseeable future to be institutional responses to the complexities of the colonial heritage, the resilience of the post-colonial nation state projects, the nature of political leadership in each case, the particular constellation of cleavage patterns in each state and in some cases the degree to which the international community can promote them. Federalism in Africa is likely to remain locked in a culture, development and democracy dynamic that will work itself out in further federal or quasi-federal experiments in the future, but they will emerge increasingly as African federal models rather than replicas of European or North American experiences. They will also be judged simultaneously as successes in some respects and failures in others but ultimately in African terms.