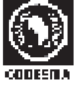

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Federalism and the Management of Diversity in Africa

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Abstract

This paper critically (re)examines the utility of federalism in Africa against the background of the chronic crisis of the state and the resurgence of the federalist debate in the discourse on 'rethinking', 'revalidating', and 'reinventing' the state to align with the exigencies of pluralism, autonomy, and self-determination in non-war situations, and conflict de-escalation, and post-conflict peace-building in war torn situations. The paper interrogates the nature of diversity in Africa that makes democratic and negotiated management imperative, analyses the meaning and scope of the federal formula, and presents a balance sheet and reassessment of the federal experience in Africa The major argument advanced is that contrary to the state-centric notions that dominate the literature, federalism is not an objective rational-choice option for managing diversity but the negotiated outcome of contestations between the central-state elites and sub-state claimants. Within this framework, the dominance of the central state, suppression of sub-unit claims, and the general unwillingness to confront the realities of ethnic nationalism have been major obstacles to the application and success of federal solutions in Africa.

Résumé

Cette communication (ré)examine de façon critique le bien-fondé du fédéralisme en Afrique, dans le contexte de crise étatique chronique et de la résurgence du débat fédéraliste dans le discours relatif à la «redéfinition», la «revalidation» et la «réinvention» de l'État, afin de mieux satisfaire aux exigences de pluralisme, d'autonomie et d'autodétermination, dans un contexte de paix, et de favoriser le processus de pacification et de reconstruction post-conflit dans les situations de guerre. Cette communication s'interroge sur la nature de la diversité, qui est indissociable d'une gestion démocratique et négociée ; elle analyse également la signification et la portée de la formule fédérale et présente un bilan, ainsi qu'une réévaluation de l'expérience fédérale en Afrique. Le principal argument avancé est que, contrairement aux théories centrées autour du

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rôle de l'État, dominant la littérature, le fédéralisme n'est pas un choix objectif rationnel permettant de mieux gérer la diversité, mais plutôt le résultat de la négociation de contestations entre les élites de l'État central et ceux qui réclament un sous-État. La position dominante de l'État central, la suppression des revendications pour l'obtention de sous-unités, ainsi que la réticence générale à affronter la réalité du nationalisme ethnique ont été les principaux obstacles à l'application et au succès des solutions de fédéralisme en Afrique.

For reasons that have to do with the anomalous foundations of the colonial acts of creation, endemic structural deficiencies, institutional weaknesses and contestations of its validity, the predatory and criminal inclinations of dominant classes, and overall ineffectiveness as agents of governance, development, national cohesion and conflict management, African states have often been characterized as weak, soft, diseased and even irrelevant. But they faced perhaps their greatest post-colonial crises, threats and challenges yet in the period spanning the mid-1980s and the early years of the twenty-first century. Assailed internally and externally by simultaneous economic recession and reforms, foreign debt, external conditionalities, social dislocations, population displacements, forced migrations, and violent conflict and war over issues of citizenship, access to power and power sharing, and control of resources, many African states lost the capacity to function as states. The trajectory of what later came to be known as state failure or collapse was recognized quite early by Jackson and Rosberg (1980) who attributed the continued existence of states like Chad in the 1980s, Somalia and later Liberia, Sierra Leone and Congo DR which suffered atrophy as a result of war and virulent conflicts more to juridical recognition under international law than the empirical referents of statehood such as stable population and boundaries, and effective government able to equitably and justly provide public goods and services, including safety and security (also see Jackson's (1990) analysis of African states as 'quasi-states'). Throughout the period of decline, many governments found it difficult to fund budgets, pay salaries of public sector workers, enforce law and order, maintain infrastructure or ward off/defeat ragtag rebel forces and warlord gangs, while those that managed to perform these basic duties depended on donor support and the goodwill and protection of regional organizations that became major actors in the affairs of states pushed under by civil war.

The phenomenon of state decline and attendant social and economic crises elicited new paradigmatic puzzles whose solutions entailed 'rethinking' the state in Africa (cf. Ergas 1987; Clapham 2001). Given the history of crises and poor performance, it was not surprising that much of the rethinking was generally critical and unsupportive of the state. The neo-liberal precepts of the new development wisdom, of which the Bretton Woods institutions were major apostles, had set the stage for the assault on the state whose usefulness as an interventionist pivot of development came increasingly under attack. The global triumph of liberal imperialism in the aftermath of the Cold War, with its accentuation of unequal exchanges between the North and South, put paid to any possibility of quick recovery of the 'old' state. Gone was the privilege that gave the state the edge over other power contenders and de-legitimised rival claims, especially those by aggrieved minorities and other ethnic movements, within state boundaries. There was nothing sacrosanct—or divine for that matter— about the state any more. It was, indeed, a no holds barred rethinking. While some, principally the Bretton Woods

institutions and allied champions of globalisation, thought that strengthening civil society, private sector and global capital inflows as alternative agencies of development that could further dilute and retrench state power was the way to go, others were prepared to contemplate the redrawing and reconfiguration of states, including dissolution and disintegration (cf. Clapham 2001).

Quite paradoxically, the state was declining and being blighted at a time it was expected to be optimally effective to be able to cope especially with the aggravated internal contestations and challenges to its existence, relevance and validity. Issues of contested identity, autonomy, citizenship, equity, power sharing and rights loomed larger than ever before, thanks to the contradictions of globalisation, democratization, liberalization and other simultaneous economic and social processes that gave vent and legitimacy to non-state and anti-state claims and demands. This was the context within which various forms of ethnic, religious, regional, minority, gender and communal mobilization were kindled to define and redefine the problematics of diversity or what is euphemistically referred to as the 'National Question'[1] (cf. Wamba-dia-Wamba 1996; Nzongola-Ntalaja 2001). The goals and demands ranged from greater autonomy and decentralization (as in the majimbo and federo clamour in Kenya and Uganda respectively), to resource control (as in the demands by the Niger Delta minorities in Nigeria and the Bakweri peoples of Cameroon), to demands for reconfiguration of state power, equitable power sharing and group rights (as in the demands for a Sovereign National Conference in Nigeria and Cameroon). Although separatist agitations which are sometimes regarded as the most dangerous threats to the state (such as those that underlie the chronic civil war in Sudan and those articulated by the movement for the Southern Cameroon Federal Republic movement) were, as in the past, clear outliers, the anti-state mobilization in the supposedly less dangerous demands posed no less serious challenges to the state. This was understandably for the reason that students of conflict know too well, which is that only a thin line separates 'benign' conflicts from 'dangerous' conflicts. Indeed, the challenge of managing conflict is how to ensure that benign conflicts do not become so disruptive or destructive that they can no longer be regulated or controlled.

This was the challenge that confronted the state in Africa in the closing years of the twentieth century. Unlike the past when, as Ottaway (1999:305) says, ethnic politics was 'remarkably subdued', the new wave of assertive ethnic nationalism presented a completely different scenario that put the state at great risk. The only way to survive and avoid destructive conflict and war was to confront the more determined manifestations of ethnic nationalism. Not surprisingly, one of the more notable responses to the challenge, which doubled as a strategy of state reconstruction in view of the developments already outlined above, was the resurgence of federalism as a device for managing diversity—resurgence because federalism had featured prominently in the fragile transitions of the immediate post-independence period when issues of viability, stability and survival stared the newly independent states in the face. The nature of the articulation of the problematics of diversity in particular made federalism an appropriate contemplation. First, beginning from its prominence in the earlier transition moment in Africa, the federal ideology has been valorised by weak, marginalized and excluded ethnic claimants for the emancipatory powers its constituent elements of guaranteed power sharing, local autonomy and fiscal decentralization are believed to possess (for analysis of

the liberatory and emancipatory potential of ethnicity as a counter-ideology to state authoritarianism, see Ihonvbere 1994; Doornbos 1998; and Mohammed Salih 2001).

Second, separatist agitation for the creation of new states remains the exception rather than the rule. In other words, notwithstanding the intense and sometimes uncompromising nature of anti-state demands and mobilization, most agitations are for state reconfiguration rather than dissolution, although that remains a distinct possibility where it proves impossible to reconcile differences. If separation or dissolution is the goal of agitation, then, of course, federalism cannot be a viable solution. Third, and finally, the demands for power sharing, equity, resource control, fiscal decentralization and group rights have territorial and non-territorial dimensions that are amenable to the federal solution. However, although the amenability argument would seem to justify the clamour for federalism in Africa, it is not oblivious of the mixed records of federal solutions and in particular the growing number of 'failed federations', the huge costs and complexities of running federal systems, and the unresolved question of whether federalism is a means to an end or an end in itself. But even so, the point made by several authors and supported by the experience of successful federal states is that on balance federal solutions and arrangements have a fairly good record as systems of political accommodation for the management of diversity and conflict, including problems of minorities. In addition, the emphasis, or insistence in the conditionality language of foreign donors, on 'democratic' solutions to state rebuilding processes has narrowed the range of choices for states with serious problems of diversity, especially those in the throes of post-war, post-conflict reconstruction, to federalism-type arrangements (Rothchild 1999).

The purpose of this paper is to critically (re)examine the utility of federalism in Africa. This is done against the background of the crisis of the state and the resurgence of the federalist debate in the discourse on 'rethinking', 'revalidating', and 'reinventing' the state to align with the exigencies of pluralism, autonomy, and self-determination in non-war situations, and conflict de-escalation, and post-conflict peace-building in war torn situations. However, one major argument advanced in the paper is that contrary to the state-centric notions that dominate the literature, federalism is not an objective rational-choice option for managing diversity but the negotiated outcome of contestations between the central-state elites and sub-state claimants. Within this framework, the dominance of the central state, suppression of sub-unit claims, and the general unwillingness to confront the realities of ethnic nationalism (Ottaway 1999) have been major obstacles to the application and success of federal solutions in Africa. The paper is divided into four sections. Section one interrogates the nature of diversity in Africa that makes democratic and negotiated management imperative. The second section analyses the meaning and scope of the federal formula. The third section presents a balance sheet and reassessment of the federal experience in Africa, and the final section presents the conclusions.

The Nature of Diversity in Africa

By the very nature of their formation and being, African states have had serious problems with the management of diversity. First, their constituent groups were forcibly and arbitrarily incorporated by the colonizers. Although the leaders of the independence movements— the na-

tionalists—were involved in the negotiations that shaped the emergent states, they could only do so within the frameworks stipulated by the colonizers. For instance, the leaders of Nigeria's three powerful regions were the key actors in the various constitutional conferences that led to independence on the basis of a federal system, but the Colonial Office read the riot act to any group that thought of opting out of the 'union'. Thus, the response of the office to the disaffection of leaders of the Western region on the decision to excise Lagos, supposedly a Yoruba city, from the region and make it a federal territory and their subsequent threat to secede was that Her Majesty's government would not hesitate to use force to keep the region in the federation. Even in other cases where the shape of the state was more directly negotiated by national leaders, such as Cameroon, whose reunification was effected on the basis of a plebiscite by which Southern Cameroons that had been administered as part of Nigeria by the British elected to join the already independent Francophone Cameroon, and South Africa whose post-apartheid state was the product of an inclusive negotiation process, the colonial foundations foreclosed possibilities of any serious reconstruction of the state. One of the consequences of forced integration, accentuated by state-authored systems of discrimination and inequality, has been the long history of agitation over the right to self-determination by 'dominated', 'oppressed', and 'marginalized' groups of which minorities constitute a special category. It is instructive, for instance, that in spite of the numerous constitutional conferences that heralded its independence, Nigeria is still described by members of aggrieved groups as 'a forced federation', 'the mistake of 1914'.

Second and in addition to arbitrary and forcible integration, the colonial authorities— and post-colonial governments as well—pursued policies of ethnic and racial profiling and classification that reinforced cleavage lines and in some cases created divisions that did not previously exist. The census, which profiled people on the basis of racial and ethnic definitions, was a key instrument in this regard. Other instruments included education which the British made an instrument for strengthening tribal loyalties, the indirect rule or native authority system whose principle of established local jurisdiction laid the ground rules for setting groups apart, and discriminatory policies such as the warrior tribe policy of recruitment into the army and policy. Third, there are gross inequalities among the constituent groups in many states in terms of development, resource endowment, territorial size, and population. This has been one of the major sources of minority problems. Fourth, there is intense rivalry, competition and conflict among the groups over access to and benefits from scarce resources and public goods and services. Most of these are over the benefits of modernization and are rooted in the present rather than the past, though some are historically deep-rooted and go back in time to the pre-colonial era.

Religious differences, administrative restructurings (especially creation of 'autonomous' regions), discriminatory and inequitable colonial policies (such as the 'warrior tribe' policy of recruitment into the army and police), and difference-sharpening elite mobilization, including mobilization by traditional authorities, have all intermediated and aggravated inter-group conflicts. Finally is the fact that central governments lack infrastructural power and have historically been unable to effectively exercise their authority throughout the length and breadth of the state, especially parts with inhospitable territories (cf. Herbst 2000). This gives ample room to parallel or rival structures of authority, which are anchored on those du Toit (1995:35)

calls 'strongmen', the uncaptured citizenry and economy of affection (Hyden 1980), as well as exit sites for disarticulated and disaffected citizens and groups (Osaghae 1999).

This is the nature of the diversity that is problematic in African states and, as has been pointed out, was aggravated in the closing years of the 20th century. Thus, it is not simply the fact that a state has several ethnic groups or nationalities whose boundaries and identities are in constant flux that is the problem. Even though number has important implications for the management of diversity – states with fewer and relatively equal ethnic groups are demonstrably easier to manage than those with several unequal groups, for example—it is how the differences among the groups manifest that makes diversity problematic. In several African states, it manifests in contested citizenship which, far from being equal, universal or national, is unequal, sectional, hierarchical, discriminatory, exclusionary and conflictual (Oomen 1997), as well as in unequal power relations. These are the triggers for inter-group and state-challenging (self-determination) conflicts by groups which typically suffer from or allege exclusion, domination, marginalisation, and unjust and inequitable power configurations.

To present the problems this way is not however to suggest that conflicts are inevitable in situations of diversity. A lot depends on how the state manages the situation (the colonial state for example adopted divide and rule strategies), and the extent to which diversity is politicised, that is, made the basis of political competition and conflicts through the instrumentalisation, manipulation and mobilization of difference in furtherance of constitutive interests. This is the essence of the differentiation often made between 'less divided', 'divided' and 'deeply divided' societies. In deeply divided societies, most issues including those that would ordinarily be considered routine such as the composition of sporting teams tend to be politicised along the lines of ethnicity, race, religion and regionalism, and often result in severe conflicts. African countries that have been described as deeply divided include Nigeria, South Africa, Burundi, Rwanda, Congo Democratic Republic, Ethiopia, and Cameroon.

Divided and less divided societies, on the other hand, also experience politicisation along the lines of ethnic, racial, religious and regional cleavages, but these tend to be diluted (or oppressed) by criss-crossing integrative forces (or coercive state action), and do not usually result in severe or perennial conflicts, although there is always the possibility of the odd periodic explosion. Countries that fall into these categories would include Ghana, Tanzania and Zambia. Following this schema, the need for systematic management of diversity would be most pronounced in deeply divided societies where conflicts tend to be severe and endemic. By contrast, less divided societies do not generally require the kinds of elaborate management formulas and devices necessary for stability and cohesion in deeply divided societies.

The Meaning and Scope of the Federal Formula

Any consideration of the utility of federalism has, almost of necessity, to clarify at least two issues. The first is conceptual: considering the wide and sometimes confusing range of political arrangements to which the term federal has been applied, including pluralist unitary arrangements, and the fact that no two federations are exactly alike, it is necessary to specify the federalism of reference. In the specific case of Africa where a lot of confusion exists,

leading to what has been called the 'worship of an unknown god' by those who subscribe to the federal idea (Ayoade 1982), the necessity for this step cannot be overemphasized. The second is a less familiar concern because it is not an issue that scholars of federalism normally pay much attention to. This has to do with the fact that the applicability of federalism and the exact form it takes are not determined unilaterally by the state, but by the balance of demands by both state-centred and state-challenging actors. We shall examine each of these in turn.

Conceptual issues of federalism have been posed, following King's (1982) useful distinction between federal ideology and federal institutions, in terms of whether federalism should be approached as genus or species. The genus of federalism relates to ideas about how power should be distributed or shared in a polity typically between two (or more) levels of government, what Wheare (1967) and Elazar (1979) amongst others refer to as the federal principle, while species has to do with the types or models of power distribution, 'degrees of federalism' (cf. Osaghae 1990), and forms of non-majoritarian democracy (Lijphart 1985). This distinction extends the boundaries of federalism beyond the confines of full-fledged federation and federal government, which restrict federalism to systems in which the principles of centralization and non-centralization govern relations between the central and state governments. It also makes it easier to analyse the different forms of the federal solution— especially the species that are best characterized as federalism without federal government—as federal.

In other words, consociationalism, decentralization, devolution, regional/local autonomy, and other arrangements may be regarded as federal as long as they involve power sharing and distribution between two or more centres and claimants of power (Lijphart 1985; Osaghae 1997). To a large extent then, McHenry (1997) is right when he argues that 'The disputes over the meaning [of federalism] are irrelevant if one focuses on this broad idea, the genus of the species federalism'. In this paper, the federal solution will be considered in terms of the more expansive species that have been adopted in countries like Sudan, Ghana, Kenya, Namibia and Uganda, though like most other analyses of federalism, greater attention will be paid to countries like Nigeria, Tanzania, and Ethiopia that operate full-fledged federal systems or have arrangements closest to them.

The second issue relates to the how and why of the adoption of the federal solution. The issue is particularly relevant in the case of Third World federations, which came into being not through the aggregation of previously independent states in classical federalism, but through the disaggregation of what were essentially unitary formations.[2] Although some of the factors that propel federalism in the classical situation such as common defence against external aggression and economic complementarity are present in disaggregative situations, none is as important as the need to manage problems associated with ethnic and cultural diversity. This places the central-state in the driving seat of the federal solution, and gives its adoption the appearance of rational choice. Thus, the British who have made the most extensive use of the federal formula for holding together and governing vast and diverse colonial possessions (Nigeria, India, Rhodesia/Nyasaland) opted for federalism as a matter of rational choice. The system of indirect rule, which supposedly offered a solution to the 'Native Problem', was, in this sense, also a variant of the federal formula.

But it would be wrong to see the federal formula as simply an objective, rational-choice response by the central-state to be introduced or abrogated at will, notwithstanding that in disaggregative situations the central state has something akin to proprietary rights over the federating units which are its creation. The formula is subject also to the non-centrist demands articulated by non-state and state-challenging actors, typically ethnic, religious, regional, and racial nationalists, and any attempt to understand the utility of the federal formula must include an interrogation of the non-state perspectives. But this is not usually the case as most analyses of the desirability and purposes of federalism are done from the perspective of the central-state and elites, with little or no consideration to the views of state-challengers whose interests are supposed to be protected by federalism.

The tendency is to measure the success of federalism in such terms as avoidance or reduction of violence, chaos and stalemate (McHenry 1997), or national unity, democratic politics, and socioeconomic development (Adamolekun and Kincaid 1991). These criteria are not only consistent with the agenda of the central-state but they justify its desecration of federal principles in the name of keeping the country united as successive military governments did in Nigeria.[3] For state power holders, the success of federalism is judged by how much it limits demands for change and autonomy. However, the perspective of non-state claimants often presents a different and conflicting picture. According to McHenry (1997:6), minorities and other federalism-seeking groups are likely to judge success 'by the extent to which federalism maximizes the groups' freedom and autonomy'. Rothschild (1999:323) makes a similar point when he lists the following as conditions under which minority nationalists—or any other ethnic nationalists for that matter—are more likely to cooperate with state elites: '(1) demands are negotiable; (2) the state is responsive to legitimate demands; (3) the perception of state elites are pragmatic; (4) authentic representatives of the main ethnic groups are included in the decision-making process; and (5) there are no hurtful or antagonistic political memories'.

The point that bears emphasizing here is that there are two often opposing sides to the utility of the federal formula—those of the central-state and non-state claimants—and therefore, that the success of federal solutions is best judged by the extent to which the expectations of both parties are met. This has to be so because federalism is after all a system of bargain. Even colonial federations, in spite of the overbearing power of the central state, involved bargain with non-state strongholds. What all this boils down to is that the utility of the federal formula is a more complex subject than a state-centred approach that assumes rational problem-solving suggests. The need to consider the perspective of the state along with those of state challengers, which conflict with those of the central state in most cases, cannot therefore be overemphasized. It is only then that it makes sense to consider federalism as a middle ground in a continuum moving from separation or independence for each group at one end and complete integration at the other. Except the issue is approached like this, it will be difficult to understand why a federal system that is supposedly 'successful' continues to be unstable and conflict-prone as post-civil war Nigeria was under the military. In fact, the experience of Nigeria suggests that the federal formula cannot work well if the state-challenging perspectives are underplayed in the working out of the federal arrangement, as has largely been the case in the country especially in relation to the minorities. Thus, to take two examples, the creation of new states and local governments, and revenue allocation formulas, have been

sources of conflict because they have been almost solely determined by the imperial-like central-state (Olukoshi and Agbu 1996; Amuwo et al 1998).

To summarize, federalism is a genus of power distribution with wide-ranging species or models, and the specific type of power distribution, whether it be full-fledged federal government or executive power sharing, is the product not of what the central-state unilaterally wills but the negotiated outcome of central-state and state-challenging actors. Where this is not the case, the federal formula is unlikely to work well. To close this section, we shall tighten the points so far made by briefly considering the goals of the federal formula, since federalism is a purposive political arrangement deliberately designed to manage diversity.

Although federalism is believed to be well suited to the management of diversity, doubts have been raised about its ability—in its most elaborate form as federal government—to 'solve' minority problems, reduce ethnic conflicts or equitably accommodate diversity (cf. McGarry and O'Leary 1993; Coakley 1993).[4] It has even been suggested that by legitimising and privileging sub-national rights such as state and group rights, federalism has the inherent danger of encouraging and exacerbating ethnic conflicts and therefore keeping a divided society permanently, if not more, divided (McHenry 1997). This was why the African National Congress (ANC) government in South Africa strongly opposed demands for thoroughgoing federalism (Rothschild 1997; Osaghae 2003). It is for similar reasons that Dent (1989:170) believes that 'inward-leaning' federalism, characterized by a strong centre, rather than 'outward-leaning' federalism in which the balance of power is tilted in favour of the states—as was the case in Nigeria's pre-1966 regional federalism—is better suited to the demands of nation-building in Third World situations of diversity.

If the efficacy of federalism is so much in doubt, why do federal species remain popular as formulas for accommodating political differences and competing claims? Part of the answer is provided by McKown (1988:298) who makes the point that 'neither a federal nor a unitary constitution is a solution to multiculturally based problems, but a structured context within which they may be confronted'. A further elaboration of the utility of federalism in this regard is made by Thomas-Woolley and Keller (1994:414) thus:

> Federalism provides negotiating mechanisms to establish workable patterns of interaction between the state and the various groups themselves. It does not provide solutions so much as a means to encourage outgoing social exchange when simple inclusion in government is not sufficient because of the divergent interests of various groups.

The question may of course be asked what the 'mechanisms' are, and whether they are peculiar to federalism. To begin with the latter, they may not be peculiar to federal systems, but their introduction to any system gives the system a federal flavour.

The mechanisms include the existence of several centres of power (pluralism), guaranteed participation of constituent units in federal decision-making processes, the granting of autonomous, non-centralisable powers to constituent units, and a number of power-sharing devices such as quota system, affirmative action, and proportionality. The implied advantage in the pluralist federal framework is supported by Barongo (1989) who, from a comparative

study of ethnic conflicts in Nigeria and Uganda, attributed the better management of conflicts in Nigeria to the framework provided by the country's federal system that allows the deflection of conflicts away from the centre.

The other advantages of the federal formula as demonstrated by the Nigerian experience include its adaptability and elasticity, a point recognized long ago by Livingston (1952:93) who pointed to the dynamic character of federalism in terms of the responsive change of its instrumentalities to changes in the nature of demands by political society. These points provide the conceptual and theoretical backdrop to an analysis of the extant and potential utility of federalism in the management of diversity in Africa in the next section.

Federalism and the Management of Diversity in Africa: A Balance Sheet and Reassessment

The relevance of federalism to Africa is well established in the literature (cf. Johnson 1970; Ayoade 1978; Neuberger 1979; Elaigwu and Olorunsola 1988; McKown 1988; Dent 1989; Adamolekun and Kincaid 1991; Thomas-Woolley and Keller 1994; Salih 1995; McHenry 1997; Rothschild 1997; Kimenyi 1997; Ibrahim 1999; Osaghae 1997, 2001; Suberu 2002; Gana and Egwu 2003). The relevance is usually attributed to the endemic crisis of the state as well as the multiethnic, multicultural and conflict-prone character of many countries in the continent. Thus, as Kimenyi (1997:89) sums up, the main conditions that make federalism appropriate already exist, and this partly explains why the demand for it has not diminished as we shall see shortly. Although these attributions are valid, what I think makes federalism so relevant in Africa is the fact that separation and independence for claimant groups are not viable options. This is partly because of the acceptance of the sanctity of the boundaries of the present states in Africa, which was one of the principles upheld by the former OAU and its successor, the AU, and partly because many of the claimant groups are too small and poor to stand on their own.

Perhaps the clearest manifestation of the relevance of federalism is the large number of countries in which the federal solution has been applied. Full-fledged federalism and constitutions with strong federal flavour have been operated at one time or the other in several countries, notably Cameroon, Comoros, Congo DR, Ethiopia, Kenya, Nigeria, South Africa, Sudan, Tanzania and Uganda. The number increases 'if we are ready to be flexible in defining federalism [to include] non-democratic federations, regional autonomy structures, informal consociational arrangements, and schemes of functional cooperation' (Neuberger 1979:185).

In spite of its relevance and fairly popular use and demand, however, federalism has failed to thrive and take firm roots in Africa and, on balance, does not appear to have had dramatic positive effects in countries that have tried the federal solution. For a long time, Nigeria was the only functional federation, but this was more in name than practice and, even so, it was a greatly troubled and unstable federal situation. All that instability and trouble was in spite of the notable and creative federal instrumentalities invented by the country: creation of more states, elevation of local government as the third tier of government, federal character princi-

ple, flexible revenue allocation systems, etc. Ethiopia has since joined Nigeria as a full-fledged federal system, but doubts have been raised about its true federalness in view of the ideologically centrist inclinations of the ELPF-run government.

The 'chequered fortune' of federalism in Africa has been attributed to a number of factors, the most important of which are (i) the absence of democracy and the prevalence of Jacobin and authoritarian regimes; (ii) absence of elites committed to true federalism; (iii) underdevelopment of constitutionalism and rule of law; (iv) lack of economic capacity to run federal government; and (v) the overarching concern with national unity. To these may be added the manipulations of state power holders such as Ahmadu Ahidjo of Cameroon, Milton Obote of Uganda and Ratsiraka of Madagascar, for whom federalism was simply an instrument for consolidating political power and stabilizing the crisis of post-colonial transition.

The poor run of federalism has not however diminished its perceived relevance by scholars, constitution-makers, statesmen, as well as leaders of minority and other aggrieved groups. Indeed, one of the hallmarks of the wave of democratization that swept through Africa in the late 1980s and 1990s was the resurgence of the federalism debate that had also previously hallmarked the decolonisation process in many countries. Kenya witnessed a return of the majimboists (Ngunyi 1996) while there was an upsurge in the clamour for federalism in Uganda with the federos leading the way, and in Cameroon by the Southern Cameroons whose leaders oscillated between a return to full-fledged federalism and outright separation. This was also the period when Ethiopia devised its ethnic federation, disaffected groups in Nigeria demanded political restructuring and true federalism, and South Africa began its march to evolutionary or incremental federalism (for analysis of this form of federalism based on the Spanish experience, see Agranoff 1996). The federal option was also canvassed in countries that were embroiled in protracted conflicts and civil war, including such unlikely candidates as Sierra-Leone, Liberia and Cote d'Ivoire. Finally, in most other countries, shades of federal species, notably decentralization, stronger local government, devolution of power, executive power sharing, and guaranteed participation by sub-units in central decision-making, have provided some of the levers for economic, political and constitutional reforms.

The return of federalism to the political agenda in many countries and renewal of faith in the utility of the federal solution necessitates a reassessment of its records and efficacy in the management of diversity in Africa. Coming at the critical juncture of massive political cataclysms and transformations—destructive ethnic nationalisms and conflicts, civil wars, intense politicisation, unpredictable democratization processes, state collapse, etc—the return reinforces the popular notion that federalism is a solution to problems of diversity and contested statehood (Gana and Egwu 2003). This appeared like a replay of the spectre of tensions, agitations and nation-threatening mobilisations that followed independence in several countries. Then, like now, federalism was highly in demand as various groups, especially those that alleged domination, jostled to privilege themselves in the state under (re)construction.

Stated in these terms, federalism seems to be a stabiliser of political turbulence that at least two sets of contesting actors find particularly attractive. First, for weak, disadvantaged and marginalized groups, and increasingly also, in places like Congo Democratic Republic, to

'warlords' and 'rebel movements' that have built powerful rival centres of power, it offers an opportunity for (re)negotiating better power sharing. Second, to state power holders who 'concede' to demands for local autonomy and self-determination, it offers an expedient short- to medium-term device for holding the state together and reducing the uncertainties and high stakes of political turbulence. This view is supported by the fact that the wave of federalism has tended to fizzle out after the period of transition turbulence.

Thus, a few years after independence, presumably after the uncertainties and tensions of post-colonial transition had eased off, federalism was abrogated in Uganda and Cameroon. Similarly, the hype over federalism reduced as states stabilised after recent transitions. The federos and majimboists in Uganda and Kenya respectively went on break, as did proponents of 'true federalism' in Nigeria – until another transition opportunity to renegotiate the state came by. In South Africa, although the trajectory of 'incrementalist (administrative) federalism' was increasingly consolidated, not much was heard any more about the fundamentalist federal clamour by the Inkatha and Afrikaner leaders that was one of the high points of the negotiated settlement.

In spite of the foregoing, it is doubtful if a short-run means-to-end perspective that restricts the essence of federalism to the expediency of transition and political turbulence can fully capture the relevance and importance of federalism to state politics in Africa. It certainly cannot account for the enduring and institutionalised shades of federal presence that is much in evidence: formal federation in Nigeria, Tanzania and Ethiopia, quasi-federalism in Sudan, South Africa, Madagascar, and Mauritius, and 'decentralised unitary systems' in Kenya, Cameroon and Uganda, among others. This implies that the relevance of federalism has increased rather than decreased, and it is likely to become even more crucial as more states get re-negotiated and re-constituted. This is so because while re-negotiation and re-constitution processes may indicate an underlying contestation of state legitimacy, counter-state mobilisation and agitation have been more for (better) accommodation, access, justice and a greater share of power and resources than separate states.

In other words the few attempts at secession in the 1960s, notably by the Katanga province in the Congo as well as Niger Delta 'revolutionaries' and Biafra in Nigeria, and the attempts at unification by the Ewes in Ghana and Togo and Somalis in Kenya, Somalia and Ethiopia, which would have necessitated redrawing of extant state boundaries, were the exception rather than the rule. In fact, without diminishing the seriousness and threat posed by separatist agitations, whose most recent examples include Casamance separatism in Senegal and the declaration of the 'Federal Republic of Southern Cameroons' by representatives of aggrieved Anglophones in Washington DC in June 2000, Ayoade's (1973) observation that separatist agitations in Nigeria have been employed by disadvantaged and submerged groups as a mechanism for seeking redress can be generalised to Africa. Kimenyi (1997: 83-90) has also argued that these agitations in fact reinforce the need for federal solutions in Africa, and points out that 'federalising may…serve to avert the costly civil wars that often accompany secessionist movements'.

It is this engaging presence, of which the transition wave represents only a phase that compels a reassessment of federalism in Africa. The question is no longer one of relevance, but

the conditions under which federalism is likely to succeed as a device for managing diversity. Part of the answer is to be found in the character of countries that have operated or proposed full-fledged federal government (Nigeria, Ethiopia, Tanzania, Congo DR, South Africa, Sudan, etc), which is consistent with factors that have been found to be requisite for successful federation. These include the facts that these countries have some of the most complex multiethnic situations, are divided and have witnessed autonomy-seeking nationalism; have large size and populations; and are also relatively rich in resources. What these factors suggest is that thoroughgoing federalism is neither necessary nor suitable for small, poor and less divided countries—in the face of the worst conflicts and contestations, elements of the federal solution involving consociationalism and devolution/decentralization will generally suffice in such situations.

By far the greatest obstacles to the success of federal solutions in Africa are the underdevelopment of constitutionalism and the domination—or monopoly of power in some cases—by central-state elites. Federalism, as is well known, is a contractual system that can only thrive when constitutional rules, including most importantly the rights of constituent units, are observed—which is why, for instance, the federal principle forbids unilateral amendment of the constitution by the central government. Where, therefore, constitutional rules are breached or amended at will, as most central governments and powerful elites tend to do in Africa, or democracy is absent, federalism is threatened. Although this is truer of federal government, it is no less true of the species of federalism without federal government. Structures of executive power sharing, for instance, can only work when power-holding and challenging elites respect pacts and agreements.

The second threat to successful federalism is the domination of the central-state elites. Given the disaggregative nature of federations in Africa, central-state elites operate on the basis of a sense of proprietary control over the states or constituent units, which makes them generally intolerant of non-centralist claims. Where they recognize such claims, it has mostly been for the short-term purposes of consolidating power or dousing the fire of separatist agitation. Yet, the critical point that was made in the preceding section is that federalism is a two-way traffic that thrives on (continued) bargaining between central-state elites and sub-state elites. The prevalent attitude that federalism is solely a central-state design that suppresses autonomist claims and at best 'concedes' certain (discretionary) privileges to sub-unit nationalists and claimants cannot make for viable federalism. The problem that reinforces the need for 'engagement' is that the central-state elite is in most cases the harbinger of exclusionary ethnic, regional, racial or religious domination, and is unable to establish equitable and just structures of social, economic and political relations. Without bargain and negotiation under these circumstances, federalism is most likely to end up as a system of domination.

Conclusion

The demands of managing the problems emanating from diversity in Africa— problems of unequal development of groups and inequitable social and political relations—make solutions offered by the federal genus relevant to Africa. This paper has examined the hows and whys of this relevance and why, in spite of widespread demands for it, federalism has had a

poor run in countries where it has been applied. The disaggregative nature of African federations, which privileges the central-state elite and encourages the relegation of the claims of state challengers—the subunit claimants for autonomy, power sharing, and so on—provided the context for this analysis. The paper has shown that the greatest challenge to federal success in Africa is not the absence of federal infrastructure or even the ability to invent federal instrumentalities as Nigeria, Ethiopia and South Africa have done, but the approach to federalism as a concession granted by partisan and exclusionary central-state elites rather than a negotiated outcome and a system of continuous bargain.

Notes

1. As defined by Wamba-dia-Wamba (1996:154), the National Question refers to 'how the global form of social existence…is historically or politically arrived at. Who is or is not a member of that society?...Does every member enjoy the same rights as those of every other member? How are these rights recognized and protected?'
2. In Africa, the only notable instances of aggregative union include Tanzania, a union formed by Tanganyika and Zanzibar in terms of the Articles of the Union in 1964; the Mali Federation which was a pan-Africanist experiment by Senegal and the then French Soudan (now Mali); and the East African federation with Kenya and Uganda as the prime movers. Of these, only Tanzania survived. More recent examples of aggregative unions are provided by the sub-regional economic and political unions such as ECOWAS and SADC, and the African Union, the new pan-African grouping, though these are by far more confederal that federal.
3. Presidents Ahmadu Ahidjo (Cameroon) and Milton Obote (Uganda) also justified the abrogation of federalism for similar reasons.
4. The breakup of the former USSR and Yugoslavia, as well as the strains and tensions in the Canadian and Nigerian federations among others, lend empirical support to these assessments.

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