



**Africa
Study
Group**

**Groupe de
réflexion sur
l'Afrique**

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**The Africa Study Group Presents
"The Promises and Limits of Federalism for Nation Building in Africa"**

DATE: Wednesday, May 20th, 2015

TIME: 17:00 pm - 19:00 pm

LOCATION: St. Paul's university, Alumni amphitheater, Guigues Hall, 223 Main Street, Room 1124

In Attendance: 21

Atta Ulla Khan, Aubrey Morantz, Bahlbi Yemane Malk, Barry Parkinson, Bryan Burton, Bahir Kemel, Emily Newcombe, Francis Nicholls, George Jacoby, Gordon D Giacomu, Gwen Temmel, Ian Ferguson, Isaac Tdro, Lalith Gunaratne, Lionel Njeukam, Louise Ouimet, Marcia Burdette, Richard Edison, Shawn Houlihan, Tag Elkhazin, Tony Halliday

Chair: Louise Ouimet

1. Welcome and introduction of new participants

Ms. Ouimet opened the meeting and welcomed newcomers to introduce themselves.

2. The Promises and Limits of Federalism for Nation Building in Africa

Guest Speaker Shawn Houlihan:

Our Chair presented Shawn Houlihan, Senior Director at the Forum of Federations, oversees programs throughout Africa, notably in Ethiopia, Sudan, South Sudan, Kenya and Nigeria.

Mr. Houlihan opened his presentation with an introduction of the Forum of Federations, which conducts policy research and produces publications. For the most part, Mr. Houlihan facilitates dialogue on whether or not states will federate. The concept of "unity in diversity" is one of the biggest catch phrases for federalism and it is part of a seminal debate across African countries. There are many models of federalism, not only the Canadian and USA models.

About 40% of the world population and 50% of the world's economy are made up of states with federalism - federalism is prevalent across diverse countries. The evolution of federalism is very important in Africa as it's biggest economies are or will be practicing federalism in one form or another, such as Nigeria, South Africa, Ethiopia, Kenya, DRC, Sudan, South Sudan and Somalia. It is a combination of "shared rule - self rule", meaning that provinces and states have separate powers than the central government. However, many African elites see this as a dangerous concept for

various reasons. There are two types of federalism. The Canadian model demonstrates a version with no overlap between national and provincial levels. In the German model, on the contrary, the national level sets up policies for all levels that can be interpreted and adjusted at the lower levels of government. This requires a high degree of cooperation at all levels.

Mr. Houlihan outlined the building blocks of federalism:

- 1) At least two levels of directly elected government
- 2) Genuine autonomy of the different levels with clear distribution of powers
- 3) Constitutionally guaranteed powers (no unilateral amendments possible)
- 4) A second chamber for subnational representation – in Canada the Senate represents provinces.
- 5) An Independent arbitrator such as a Constitutional Court- in Canada it is the Supreme Court
- 6) Inter-governmental relationships is key – to put oil in the engine

Creating a federation is a good starting point to manage conflicts, build trust, and find common goals; while respecting diversity and sharing power. It can be the best system to manage diversity while creating unity in a country. An appropriate sharing of power between the national and the sub-national governments can create a better country and it is not a zero-sum game. The three essential ingredients of a federation that will work are: 1) Political Accommodation, 2) Good Governance and 3) Democratic Development. Political parties tend to gloss over political accommodation and instead focus on good governance and democratic development.

In terms of political accommodation, there is a need to look at what is tearing a state apart and focus instead on unity in diversity. Federalism is a social contract and comes from “Foedus” meaning covenant. Using that definition as a basis, political accommodation means that you need to know what kind of social contract you want for a state with federalism. For good governance in a federal state, we mean the accountable delivery of services which are closer to citizens, and which facilitates creativity and the full inclusion of citizens. Democratic development includes free and fair elections at all levels of governance, pluralism and inclusiveness.

To create federalism from scratch you need to create a vision, design its architecture and sequence its implementation. Vision means a mindset to change. Often, federalism is a second best choice when elites would prefer a central government and rebels would prefer the opposite. Design refers to the constitution and the architecture of key institutions, fiscal regime and natural resource management between each level of government. For implementation, it is necessary to understand that this will take a lot of time. To demonstrate the logic of federalism, it is important to make federalism attractive and avoid a fascist sense that there is only one national identity and that anyone who does not fit that identity is the enemy. For example in Sudan, it was clear that unity in diversity was the path to take by the time the Comprehensive Peace Agreement (CPA) was signed.

For a system to work, revenue is necessary therefore national resources need to be taken into account. There is a debate between resource rich and not rich states within countries such as Nigeria where some states have oil and others do not. In order to show good governance, revenue from the oil needs to go to the central government and then the money be used for services and infrastructure for the whole population such as universities and roads. This way, both resource rich and not rich areas would benefit- keeping in mind that this is not a zero-sum game.

Some argue that federalism is a slippery slope where instead of bonding society, it will deepen cleavages. The concerns around different identities need to be addressed and there is no

opportunity without risk while developing a federal state. By giving "Self Rule" to a region, ethnicity or state, this can negatively affect the minority within that region. Therefore, there needs to be a system of economic rights and freedom of mobility of capital and people. A risk while building federalism is the development of façade federalism where there are too many broken promises for people to continue to commit to the long process of implementation. This is demonstrated in South Sudan. Furthermore it is an issue when elites in the center believe they know better, resulting in a corrosive elite group. There must be faith that people can govern themselves in certain jurisdictions. For example in Kenya, a strong political leader was needed to bring real decentralization.

In conclusion, federalism has to be seen as a set of practical solutions to problems. It is so far the best way to bring together diversity in unity and manage conflicts, but it is not a panacea. It requires vision, leadership and dialogue. The underlying principles are the building blocks for moving forward.

Question period:

Q. In Ethiopia, it was a non democratic government which used it's power to decentralize. Would Kenya do the same? What about South Sudan? Why is federalism better? How will federalism in Ethiopia continue to function? Is federalism a viable option in Ethiopia because it is such a strong political party? Does Ethiopia have façade federalism?

A. It depends on the design of the type of federalism built in each context. Every federation has it's own issues in terms of creating units. We need to know what the interpretation of Ethiopia's national project was before being federal - how could Ethiopia not give space for ethnic groups? The risks have been managed in Ethiopia because smaller units would create economic and political complications, although the southern areas of the country still remain problematic. A strong political party in Ethiopia is important and it runs as a coalition - this could be seen as a type of federalism. Before Ethiopia had federalism, there was an imperial regime and then a socialist dictator who attempted to create a monolithic culture with Christian Orthodoxy while using the same language throughout the country. There were also many rebel groups before federalism. 10 years ago, no Ethiopian politician would have said federalism was good. However, it is much more accepted today.

Q. In terms of the post-colonial fall out for ethnicities, like the Dinka in South Sudan: what is the impact? Tribes are central to Africa, therefore how can this be addressed?

A. The debates of federalism often fall along ethnic lines where some ethnicities support federalism and others do not. In South Sudan, there are larger issues than the fallout from colonialism. The achievement of independence and the development of patriotism have left an impact. The mindset needs to be more open and the strong hierarchy needs to change so there is more power sharing.

Additional questions: Applying federalism to the Middle East was discussed in terms of Iraq. The Kurds have made use of the federal system in Iraq after the USA left. The current PM of Iraq however is keen on decentralization. In terms of the North American influence in Africa: Nigerians see the USA version of federalism as the be all and end all of federalism, however they cannot be financially self sufficient at present to use that system and at the same time they want the autonomous powers.

3. Burundi update:

The attempted coup in Burundi failed and the president is still seeking a third term in office. Many refugees are leaving the country, mostly to Tanzania. This is not an ethic issue, but a political issue.

4. Upcoming Meetings

Our next meeting is May 27th on South Sudan, then the ASG BBQ June 10th.