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## Pan-Africanism and federalism

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## Abstract

The article looks at federalism as applied in Africa in the dual sense of a devolution of power from what would otherwise be unitary and centralised states to lower levels of governance and a transferral of authorities upwards from the state level to that of the African Union. Whereas the former is deemed to be a feasible and sensible way of transforming certain states, the assessment of the latter is much more sceptical. Grand schemes such as a “United States of Africa” are held to be both unrealistic and unhelpful, whereas a more gradualistic approach is deemed to be more constructive and helpful

## Key-words:

Federalism, federal experiments in Africa; African regional integration.



## 1. Preface

Federalism as a form of governance may be approached from two different angles<sup>1</sup>. Either it may be seen as a piecemeal way of building a larger political entity, i.e. in the final analysis a united world as remains the goal of the World Federalist Movement.<sup>11</sup> Or it may be intended as a form of decentralisation, i.e. of “bringing power to the people” through a devolution of authority from the national to a more local level. Even though the two approaches are thus each other’s opposites, it does not follow that they are necessarily mutually exclusive. They might, at least in principle, be combined in an intricate system of “nested federalisms,” where a federal state may form part of a regional federation which may in turn be one component of a larger, perhaps even global, federation.

In the following, we shall look more closely at the African continent, which has both seen attempts at the forging of a larger, ideally all-African, political entity and attempts at promoting national democracy through federalism. As a preliminary to this, however, a bit of conceptual clarification seems indispensable.

## 2. Conceptual and Theoretical Clarification

The term “federalism” is derived from the Latin term *foedus*, i.e. covenant, referring to the fact that such a covenant is usually the starting point for the merger of two or more political entities. Federalism is sometimes confused with the term confederalism and, as we shall see, the real world of politics (at least in Africa) features several hybrid forms of government, as well as confederations posing as federations and *vice versa*.

To the extent that a distinction between the two is possible, however, the difference is to be found in the locus of sovereignty. In a confederation the constituent parts retain their sovereign rights, including that of abrogating the founding document of the confederation, thus regaining their initial independence, but in a federation the formerly sovereign entities have irreversibly transferred their sovereignty to the new political entity. By implication, confederation thus entails a formal “exit option,” whereas federation does not, in which respect a federation constitutes a state (Majone 2006). However, even



though a federation thus forms one sovereign political entity, it nevertheless retains some authority at lower levels, usually (but not necessarily) that of the formerly independent units. Typically, foreign and defence policy are the prerogatives of the federal authorities, whereas the lower levels remain in charge of such policy fields as education and culture, but the exact division of responsibility is a matter of negotiations and is usually codified in a federal constitution. In the European Union (EU)—which may be viewed as something more than a mere confederation, but something less than a fully-fledged federation (Wallace 1982; Elazar 1998)—this division of powers and responsibilities is sometimes referred to as “multilevel governance,” a term which is conveniently vague enough to capture a continuously changing and inherently fragile consensus on where power ought to reside (Marks 1993; Marks & al. 1996; Hooghe 1996).

In a federal system, the constituent units typically maintain their separate legislatures and executives and often also judiciaries, entailing a two tier structure—and they usually also have a representation at the federal level. Hence, federations almost always have bicameral legislatures in which one chamber is supposed to consist of representatives of the constituent parts, usually with equal representation for all part-states, regardless of sizes, i.e. with a greater-than-proportional influence to the smaller constituent entities. There may or may not be a similar overrepresentation of the small constituent entities in the other chamber, the members of which are supposed to deal with the common matters of the federation even though they are elected locally. To the extent that constituent parts also maintain (at least semi-) independent judiciaries, the federation will almost inevitably be characterised by a degree of “legal pluralism,” in the sense that different laws will apply in different parts of the same sovereign political entity (Griffiths 1986; Merry 1988).

“Subsidiarity” may be a useful term to describe the “vertical” division of responsibility between the various levels (Møller 2005) and is often referred to as one of the main norms in the EU—for instance in the (now defunct) Constitutional Treaty<sup>III</sup> (Barber 2005; Henkel 2002; Kersbergen & Verbeek 2004). The term is, however, much older, apparently first used by Pope Leo XIII in 1891 in the papal encyclicals *Rerum Novarum* as well as in the *Quadragesimo Anno* by his successor, Pius XI in 1931. According to the latter, the principle entails that

The supreme authority of the State ought, therefore, to let subordinate groups handle matters and concerns of lesser importance, which would otherwise dissipate its efforts greatly (...) Therefore,



those in power should be sure that the more perfectly a graduated order is kept among the various associations, in observance of the principle of “subsidiary function,” the stronger social authority and effectiveness will be the happier and more prosperous the condition of the State. (Pius XI 1931: 79-80)

The fact that the other main norm in the EU, as listed in the Constitutional Treaty, was that of “conferral,” according to which the members voluntarily confer decision-making authority to the Union, does, on the other hand, indicate that the EU was envisioned as something less than a federation, where it would be the Union that voluntarily devolves such authority “downwards.” (Swended 2004)

It has also been proposed to apply the term “federalism” to non-territorial arrangements. Carl J. Friedrich (1975) thus proposed the term “corporate federalism,” the gist of which was included in the model advocated by Aaron Lijphart as “consociationalism” (1969; 1977; Lustick 1997). It does not so much refer to any specific constitutional arrangement as to the general principle of granting “significant minorities” veto rights with regard to special issues (e.g. religion) usually along with a share of government power, as in a “government of national unity.”

As mentioned above, in some cases smaller federations are included in larger ones, for which phenomenon the term “nested (or embedded) federalism” seems appropriate. Some of the EU’s member states (e.g. Germany and Austria) are thus federations in their own right, but we find the same phenomenon in the case of the rather baroque and almost Byzantine constitution of Bosnia-Herzegovina, resulting from the Dayton Accords. It formally comprises the Republica Srbska and what is called the Federation of Bosnia and Herzegovina (i.e. the Croat and Muslim parts of the country), the whole rather confusingly named the Republic of Herzegovina (Chandler 2000; ICG 2010a).<sup>IV</sup> As it is formally recognised by the EU as a “potential candidate” for membership, it is surely conceivable that it will eventually join the EU, which would make embedment/nesting even more convoluted and complex.

We may also want to distinguish between formal and informal federalism. Whereas the EU’s status remains indeterminate, the real world contains a number of states which describe themselves as federations (even though the label may not really be appropriate) as well as a number of others which would seem to fit the description, at least in some



respects, even though they do not call themselves federations or “unions.” The Forum of Federations (2010) thus lists 24 of the world’s 193 countries as federations: Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Canada, The Comoros, Ethiopia, Germany, India, Malaysia, Mexico, Micronesia, Nepal, Nigeria, Pakistan, Russia, St. Kitts and Nevis, South Africa, Spain, Switzerland, United Arab Emirates, the USA and Venezuela. However, it only arrives at this high number by including states which do not describe themselves in these terms, e.g. South Africa (*vide infra*). On the other hand the list excludes several countries which might well deserve the label such as China (because of the special status enjoyed by Hong Kong and Macau), Denmark (with sovereignty over Greenland and the Faroe Islands, both enjoying self-government), Tanzania (*vide infra*) and Iraq (including the autonomous status of Iraqi Kurdistan).

We might also want pin the label of “informal federalism” on the “mother state” in those cases where a constituent part has seceded and been recognised as independent state by some, but not all other states (e.g. Kosovo at the time of writing, see Weller 2008) or where the break-away entity has not been officially been recognised by any other states, but functions as a state (e.g. Somaliland (*vide infra*)) or where the self-governing polity has not even officially proclaimed its independence (e.g. Taiwan, see Davis 1999). Some of these cases might alternatively be labelled “asymmetrical federations” implying that the bulk of a country forms a unitary state, while one or several minor parts enjoy a special autonomous status, as is arguably the case in some of the aforementioned instances of informal federalism (Hueglin & Fenna 2006: 81-82).

As all forms of federalism (except consociationalism, if we choose to accept that as a member of the federal “family”) constitute spatially defined self-government, they presuppose a subdivision of the territory which may thus have great significance without always being obvious and uncontroversial. Splitting up a provincial or regional entity, merging previously separate entities or changing of borders between them may, for instance, impact strongly on who will be in the majority and may thus, at least in democracies, be tantamount to gerrymandering. It may also affect the distribution of national resources, even in non-democracies with elements of “fiscal federalism” (Bauböck 2000).



### 3. African Federal States

Africa has a number of countries which exhibit various forms of federalism, most of them diverging from the standard forms in some respects. We may roughly subdivide them into constitutional and informal federalisms, the latter including what might in fact deserve the label “fake” or “bogus federalism.” In the following we shall briefly summarize the most important cases, followed by an account of the miscellaneous abortive or failed federalist schemes which were promoted by the departing colonial powers—as a kind of bridge between federalism at the level of states and that which is implied by the various pan-African or regional schemes of integration and federalism.

### 4. Constitutional Federations

Considering the ethnic and religious diversity of Africa it is actually surprising that not more than a handful of the continent’s states have opted for formal or constitutional federalism.

The continent’s most populous state, **Nigeria**, has been a federation ever since independence (Suberu 2001; Alli 2003; Gana 2003; ICG 2006a), and federalism has apparently served a number of purposes. It may have helped limit ethnic and religious conflict by granting those minorities which form majorities in their respective states extensive autonomy—including the right of some states in the northern parts to base their legislation on Islamic law. It may have served as a guideline for a presumably more fair and equitable distribution of the country’s resources, based on the size of population, than might otherwise have resulted. And it may, finally, have promoted democracy by bringing government closer to the people. A closer look, however, reveals that there is a downside to each of these advantages.

First of all, even though the adoption of *shari’a* law in a number of states (Iwobi 2004) was a reflection of an Islamic revivalism which was partly a response to the increasingly assertive Christian (predominantly Pentecostal) missionaries in the northern parts of the country (Gaiya 2004) it does entail human rights problems—and some of the Islamic groups operating in the north are in fact profoundly atavistic, religiously fanatical,



xenophobic, gender-oppressive and generally reactionary—a good example being the *Boko Haram* group (Mantzikos 2010). One may also question just how much such legal pluralism a country can uphold without eventually falling apart.

Secondly, just as the federal system did not suffice for preventing the attempted secession by Biafra (1967-70), which also produced a massive humanitarian disaster (St. Jorre 1972) it has not been able to prevent insurgencies in the southern parts of the country, especially in the Niger Delta region (ICG 2006b). Part of the explanation has to do with the distribution of costs and benefits of the oil industry, where the states and peoples in the Delta region demand a larger share of the revenues, partly as a consequence of its allegedly being “their” oil and partly as compensation for damages incurred by the drilling (Idemudia & Ite 2006; Onuoha 2005). Whether these would have been even worse in a unitary state is impossible to tell.

Thirdly, whereas one would think that trust would be commensurate with closeness, empirical studies do not confirm this hypothesis. Opinion polls in 2009 thus showed that whereas 45% expressed either “a lot of” or “a very great deal” of trust in the national President, only 28% trusted their elected local leaders—and whereas 36% suspected the President’s office of involvement in corruption, the corresponding figure for local elected councils was 55% (Little & Logan 2009).

Multi-national **Ethiopia** has been less consistently federal than Nigeria. As we shall see below, it was first federated with Eritrea pursuant to a UN decision, but it then unilaterally ended the federalist stage by simply incorporating Eritrea. Following the overthrow of the *Dergue* regime in 1991, partly thanks to the armed strength of the Eritrean insurgents in the EPLF (Eritrean People’s Liberation Front), a Transitional Charter was adopted in 1991, in which the right to secede was acknowledged (Micheau 1996). This right was subsequently codified when Ethiopia in 1994 adopted a new constitution based on what it called “ethnic federalism.” Further to this, the country has been subdivided into regions named after their majority ethnic group and each of these regions has been granted partial autonomy, a certain amount of seats in the national parliament and the formal right to secede from the federation. The latter is a very major concession to ethnic and regional autonomy demands, even though one is allowed to question whether this right would be honoured in practice if any constituent part of the country should opt for it, which has not happened yet (Haile 1996; Turton 2006; Habtu 2005). After all, the 1936 constitution of



the Soviet Union formally granted the union republics the same right, but there were other and less formal parts of the political dispensation—especially the all-dominant role of the CPSU (Communist Party of the Soviet Union)—which prevented the question from ever being raised (Getty 1991). According to critics, there are similar (albeit far less sinister and totalitarian) informal power structures in the present Ethiopia such as the intricate power structure of the EPRDF (Ethiopian People’s Revolutionary Democratic Front) and its nucleus, the TPLF (Tigray People’s Liberation Front), which would, likewise, prevent any playing of the “secession card.” (Aalen 2002; Pausewang & al. 2002; Young 1997).

There has been one actual referendum in Ethiopia, albeit not on secession, but about ethnic identity, when in 2001 the Siltie people voted for separation from the Gurage ethnic group in which they had previously been counted (Smith 2007), but the impact of this on the rest of the country was minimal, so one cannot deduce from this that the federal government would allow a more important part of the country to secede. On the other hand, Ethiopia did in fact allow Eritrea to secede in 1994 (Ottaway 1995; Haile 1994), even though this left the large country land-locked (Muluneh 1998). While the level of hostility between the two neighbours has ever since been extremely strained, to the point of full-scale war from 1998 to 2000 (Negash & Tronvoll 2000; Iyob 2000) followed by various proxy wars, none of these wars have been motivated by a desire to reincorporate the lost Eritrea. As was the case of Nigeria, there is no way of ascertaining whether the federal political dispensation has really helped contain or mollify ethnic strife, which has certainly not disappeared—particularly as far as the ethnic Somalis and Oromos are concerned (Samatar 2004; Khalif & Doornbos 2002; Gudina 2007). Whether it would have been even worse in a more centralised and unitary state remains uncertain.

As indicated by its official name “The United Republic of **Tanzania**” is also a federation, albeit of a very asymmetrical nature. Federalism only pertains to relations between the rest of the country and Zanzibar, which was federated with the former German colony and subsequent British mandate/trust territory Tanganyika in 1964 (Tronvell 2006; Killian 2008). The federal arrangement ensures the small island with its almost exclusively Muslim population considerable autonomy, entailing a measure of legal pluralism, as well as some reserved seats in the national parliament (Bierwagen & Peter 1989). There have been some problems, including allegations about rigged elections and some riots, quelled with some brutality by the police, but by and large the federation seems



to have worked fairly well (Cameron 2002; Killan 2008; Liviga 2009). However, rather surprisingly, the government website almost seems to be concealing its federal nature with the rather opaque formulation, “The Government of the United Republic of Tanzania is a unitary republic consisting of the Union Government and the Zanzibar Revolutionary Government.”

Finally, we have a “liliput federation,” in **The Comoros** (officially “Union of Comoros”) with a total of less than one million inhabitants (Hassan 2009; Anckar 2003; 2007). Surprisingly, smallness has not tempered secessionist urges, as all three constituent parts have at some stage or other seen demands for secession from the Union (Horn 2004).

## 5. Informal Federations

Besides the above formal federations, Africa has also been home to several *de facto* or informal federal political dispensations, each of them exhibiting special features without any clear pattern to them.

One might argue that **Guinea Bissau-Cape Verde** should count as the first example. Even though each of the constituent parts, following the protracted war of national liberation from the Portuguese, had been granted *de jure* independence in 1974, until 1980 the two were effectively united and ruled by a party covering both territories, i.e. the PAIGC (*Partido Africano da Independência da Guiné e Cabo Verde*), founded by the famous Amílcar Cabral (Chabal 1983; 2002: 3-28). In 1980, however, a coup on the mainland deposed the incumbent president, a Cape Verdean national, in favour of a Guinean. This provoked a nationalist faction of the party to break away, form a new party (*Partido Africano da Independência de Cabo Verde, PAICV*) and take power in Cape Verde, ensuring *de facto* independence (Andrade 2002: 265-270; Duarte & Curto 1984).

If only because of its vast size and ethnic and religious diversity (Kalpakian 2006), federalism would seem to be the obvious choice for **Sudan**, and two different versions of federalism were in fact debated on the eve of the country’s independence in 1956: a Union with Egypt which would most likely have been tantamount to a kind of federalism<sup>V</sup> and a federation for an independent Sudan (Holt & Daly 2000: 123-135). The latter would, at the very least, have offered the non-Muslim southern parts of the country a degree of self-government comparable to what they enjoyed during the colonial period, when the South



was treated (for good as well as bad) as a special area (“Closed District”) by the condominium powers, Britain and Egypt (Deng 1995: 101-134; Lesch: 31-33; Sidahmed: 11-12; Johnson 2003: 9-19, 25).

As it happened, however, the advocates of a unitary state prevailed, leading immediately to the first round of the civil war between the (Arab and Muslim) northern parts of the country and the (African and combined Christian-animist) South (Johnson 2003: 21-37). The demands for a federal political dispensation were not only disregarded by the commission drafting the new constitution, but the advocacy of federalism was banned, a ban which did not, however, prevent organisations such as the Sudan African Closed Districts National Union (later renamed SANU, i.e. Sudan African National Union) from federalist advocacy (Deng 1995: 137-149). What brought this war to an end was the signing in February 1972 by the government of Jafar Nimeiry and the rebel group, the *Anya-nya*, of the Addis Ababa agreement, which granted the South considerable autonomy (Beshir 1975: 99-121, 158-177; Kasfir 1977; Johnson 2003: 39-58; Pirouet 1976; Mitchell 1989). Afterwards this came a Southern Provinces Regional Self-Government Act of March 1972 which codified this autonomy, and the provisions of which were included in a new constitution adopted the following year (Deng 1995: 156-160; Collins 2008: 109-115, 133-145). A contentious issue was, however, where to draw the line between north and south, and in 1980 the Sudanese parliament revised the previous borders to ensure that most the newly discovered oil would end up in the north (Johnson 2003: 45). In 1983, however, the entire edifice of the Addis Ababa Accord was destroyed by President Nimeiry, which immediately reignited the civil war.

Following a few years of civilian rule after the overthrow of Nimeiry in 1985, a group of officers belonging to the National Islamic Front (NIF) took power in a coup in 1989 and proceeded to Islamise the country (Warburg 2003: 205-226). Rather surprisingly, however, the new NIF regime also instituted a kind of federal system, which however was so artificial and phony that it did not succeed in bringing an end to the civil war (Lesch 1998: 125-128). This only came to an end with the signing of the Machakos Protokol in 2002, which was followed by a series of negotiations between the government and the SPLM (Sudan People’s Liberation Movement) on issues such as power and wealth sharing, the products of which were in January 2005 folded into what was called the Comprehensive Peace Agreement (CPA).<sup>VI</sup> Even though neither this nor the following



interim constitution contained any explicit references to federalism (except for a reference to a “Ministry of Federal Governance”) what was outlined was clearly a *de facto* federal arrangement (Al-Karsani 2003; Dar & al. 2004; ICG 2005; Young 2005). Not only did the South obtain self-government, but representatives of the SPLM were also granted the post of first Vice-President and included in a Government of National Unity. Provisions for a sharing of the oil were also stipulated, as were arrangements for a tripartite division of the combined armed forces into national (but *de facto* northern-dominated) forces, southern forces (to serve as a kind of territorial army) and integrated joint forces. Most important was, however, the codification of an exit option in the form of a stipulation that after a six years transition period the south would be allowed democratically to decide whether to remain a part of Sudan or secede to form an independent state. When the “moment of truth” came in January 2011 the overwhelming majority of the electorate of the south votes in favour of secession—and there were indications that the North would respond to the secession of the South with an abolition in the rest of the country of whatever remnants there might be from the federalist interlude.

A formal federal arrangement was also contemplated for **South Africa** in the 1990-94 run-up to the country’s transition to democracy and would, indeed, seem to have made a lot of sense (Horowitz 1991: 214-226; De Villiers 1993; Steytler & Mettler 2001). However, the “bogus federalism” of the apartheid regime with its independent homelands (“bantustans”) Transkei, Venda, Bophutatswana and Ciskei (Lipton 1972) militated strongly against such a solution (Irvine 1984; Nolutshungu 1992; Osaghae 2003). The federal idea was further compromised by the fact that it was being advocated by the extreme right of the Afrikaner movement, e.g. the *Afrikaner Weerstandsbeweging* (AWB) of the notorious Eugene Terreblanche (Du Toit 1991). Nevertheless, both the constitution of 1996 and the political practice since then have entailed a considerable devolution of authority from the national level to provincial and regional elected bodies (Lodge 2005; Simeon & Murray 2001), the administrative borders between which have now been drawn through a transparent and consultative process intended to rule out ethnic manipulation and gerrymandering (Muthien & Khosa 1995; Christopher 1995; Naido 2009). What also resembles federalism is the roles granted in the new political dispensation to traditional chiefs and the customary law to be administered by them (Oomen 1999).

**Somalia** also exhibits several forms of federalism, even though some of them



deserve the label of “bogus federalism,” mainly because they are based on the charade that Somalia has remained a state after the overthrow of dictator Siyyad Barre in 1991. Somalia did in fact come into being in the same way as many federations, i.e. through a merger in 1960 of two former colonies, British Somaliland and Italian Somalia. The former achieved independence five days before the latter, the independence of which coincided with the unification, and Somaliland thus enjoyed five days of independence (Hess 1966: 191-196; Lewis 2002: 164-165; Bradbury 2008: 32-35; Mohamed 2002), which just might constitute a loophole for any state that might want to recognise diplomatically the *de facto* independent state which was declared in 1991 without thereby creating any precedence for the right of secession. The resultant Republic of Somalia of 1960 did not, however, embrace the notion of federalism, but was constituted as a regular unitary state, yet with a strong irridentist agenda which might have necessitated federalism, if it had ever been implemented. This would have entailed a “reconquest” of three additional territories populated by ethnic Somalis: Djibouti, a northern province of Kenya and the Ogaden region of neighbouring Ethiopia (Laitin 1976; Barned 2007).

A civil war broke out in 1988, which in 1991 resulted in the defeat of the Siyyad Barre regime, yet without producing any clear winner who might take over the reins of government, leaving the country stateless (Adam 1995). It has remained in this condition, more than a dozen (mainly externally promoted) state-building attempts notwithstanding (Jan 2001; Lortan 2000; Kasaija 2010). Somaliland did, however, proclaim independence and has managed gradually to build a functioning state virtually without any foreign involvement or support, but, alas, also without gaining international recognition of its statehood. It is thus left in a kind of limbo as a “*de facto* state” (Bradbury 2008; Kibble 2001; Eggers 2007). The northeastern part of Somalia in 1998 proclaimed itself autonomous as “Puntland,” yet without going all the way to secession. It has, likewise, proceeded to build structures of governance which may not quite match those of Somaliland, but which certainly compare very favourably to those of the rest of the country (Höhne 2006; 2009; Doornbos 2000; ICG 2009).

South-central Somalia has seen the emergence of societal institutions (e.g. the clan, shari’a courts and the *bazaar*) able to provide a modicum of “governance without government,” and especially so in the periods such as 1995-2005 when the “international community” has not meddled in its affairs (Menkhaus 2006; 2007a; Hesse 2010). Each and



every one of the fourteen or so state-building attempts since 1991 has, however, failed miserably, at most producing “governments without government,” i.e. what Robert Jackson (1990) called “quasi-states.” However, if one insists, as does the international community—including the subregional organisation for north-eastern Africa, IGAD (Inter-Governmental Organisation for Development) and the African Union, AU—on turning a blind eye to the actual dismemberment of the former Somalia, then one certainly has to acknowledge this as a federal state or even a looser confederation, although the label “state system” may in fact be a more appropriate description (Haldén 2008).

What has since 2004 been posing as the government of all of Somalia is generally labelled the “Transitional Federal Government” (TFG). It was created under the auspices of IGAD as a successor to the almost stillborn Transitional National Government, lasting from 2001 to 2003 (Bryden 1999; Dornboos 2002). Its “constitutional” foundation was a “draft transitional federal charter,” which underlined the unity of the Somali nation, but proceeded to describe a federalist political dispensation, although completely disregarding the question of secessionist Somaliland.<sup>VII</sup> When it came to actual governance, however, the TFG was just as impotent as its predecessor, serving mainly as the provider of a fig-leaf of international legality to what was in fact an Ethiopian invasion in December 2006. Its main mission was to remove from power the Union of Islamic Courts (UIC) which had in the summer of 2006 taken control of the country (minus Somaliland and Puntland) following the defeat of a US-instigated “Alliance for the Restoration of Peace and Counter-Terrorism” (Menkhaus 2007b; Prendergast & Thomas-Jensen 2007; Prunier 2006).

The TFG has since 2006 extended its own mandate whilst expanding the number of “parliamentarians” by around fifty percent, the co-opted newcomers mainly drawn from the ranks of the moderate wing of what used to be the UIC, now renamed ARS-D (Alliance for the Re-Liberation of Somalia, Djibouti faction). However, neither do the new parliament and government have any democratic basis, having never been elected, nor do they possess any governance capacity whatsoever, leaving Somalia as a (federal) failed state (Dagne 2009; Bruton 2009; 2010).



## 6. Abortive or Failed Federations

On the eve of their departure from Africa, some of the colonial powers actually experimented with the idea of larger federations or confederations of their colonial territories, but most of these schemes failed or were not even attempted (Cooper 2008; Hughes 2004; Rothchild 1966; 1970; Lewis & Robinson 1994; Cell 1980; Flint 1983). While some of them produced federal states, most of them envisaged the integration of formerly separate colonial possessions, i.e. regional or subregional federations.

France in 1946 established what they called the *Union Française* as a replacement of their colonial empire, in continuity with various steps taken by the Vichy regime during the war (Ginio 2003; Hitchcock 2001; Aldrich 1996: 266-306). It granted the various French colonies some representation accompanied by a degree of autonomy, yet far from enough to satisfy the aspirations for independence of the colonial elites. Hence, the French colonies in Indochina and the Mahgreb left the Union in 1954 and 1956, respectively, whereas the French possessions in West and Central Africa, grouped into two separate federations (*Fédération d'Afrique Occidentale Française* and *Fédération d'Afrique Equatoriale Française*, respectively), remained in the Union along with Madagascar (Skurnik 1967; Mytelka 1974; Nugent 2004: 41-49). With the birth of De Gaulle's Fifth Republic and in the shadow of the Algerian War, lasting from 1954 to 1962 (Horne 1979), the Union was in 1958 replaced by the somewhat looser *Communauté Française*. Having allowed the various colonies the choice between independence and membership of their federations, nested within the Union, France was obliged to accept that one country opted for immediate independent statehood, namely Guinée under the leadership of Sekou Tourée (Schmidt 2009). Soon after, both federations effectively disintegrated as the other states followed Guinée's example. The colonial schemes in the *Afrique Occidentale Française* were thus largely abortive or nearly still-born (Skurnik 1967; Mytelka 1974; Chafer 2003; Mortimer 1972; Thomas 2008), including the very short-lived Mali Federation (Kurtz 1970) and the union of Senegal and Gambia under the name Senegambia (Robson 1965). During and partly related to the Algerian War the French government and its main African allies (e.g. Félix Houphouët-Boigny, then leader of the African Democratic Rally and later president of Côte d'Ivoire from 1960 to 1993) had also from around 1957 to 1962 considered a project



for a federation comprising the Sahara region, the OCRS, i.e. the *Organisation Commune des Régions Sahariennes*, including the southern parts of Algeria along with Niger, Mauritania, Mali and Chad (Sèbe 2010; Flory 1957; Du Jonchay 1957; Lacoste 1986). Whatever its merits might have been, its legitimacy was tarnished by the all-too obvious hidden agendas of weakening France's main adversaries in Algeria, the FLN (*Front de Libération Nationale*), and of ensuring French control of the oil in the region (Kraft 1960).

The UK also promoted various federalist schemes in the run-up to the independence of its colonies in Africa, especially an East African Federation and a Central African Federation (Nugent 2004: 23-41). An obstacle to the former was, however, the fact that Tanganyika was a former mandate (now trust) territory, entailing a requirement of UN authorisation. This obstacle was, of course, removed with the independence of the various colonies, but by now Britain's influence had been severely diminished (Westcott 1981; Cell 1980; Darwin 1984; Muzan 1994). The idea was, however, promoted by new leaders such as Julius Nyerere (1964) of Tanganyika, and several conferences were held about the project, but ultimately it was abandoned (Banfield 1963; Rothchild 1964; Leys 1965), with the aforementioned merger of Tanganyika and Zanzibar into the present Tanzania as the only trace of the more ambitious scheme (Bakar 2000: 133-135).

In 2000 federalist plans were reinvigorated with a very ambitious scheme involving Tanzania, Kenya and Uganda for nothing less than Federation of Eastern African States to be completed in 2013 following the envisaged creation of a customs union, a common market and a monetary union. Even though a committee for Fast Tracking East African Federation ("Wako Committee") was established,<sup>VIII</sup> it takes a lot more than such an institution to realise such ambitious intentions, so only time can tell whether it will actually come about or remain just one of many frustrated pipe-dreams. (Kasaija 2004). The fact that, according to a recent survey, most Kenyans know very little about it and that those who do know are not in favour, does not bode well for the initiative, especially as its entry into force is supposed to depend on a referendum (AfriBarometer 2010).

The British plan for a Central African Federation comprising North and South Rhodesia (i.e. the present Zambia and Zimbabwe) as well as the present Malawi (previously known as Nyasaland) fared a little better, as this actually saw the light of day, but it nevertheless proved short-lived, lasting only from 1953 to 1963 (Sommerville 1963; Hance 1954; Baxter & Hodgens 1957; Rosberg 1956; Albinski 1957; Sills 1974; McKee 1952;



Butler 2000; 2008; Hyam 1987; Stapleton 2009). Part of its rationale was to contain the southern neighbour, South Africa, whose apartheid leaders had ideological allies among the largest white minority, i.e. the one in South Rhodesia, but the federation was also intended as a means to the exploitation of synergies between the mineral-rich North Rhodesia and the others—to which might be added Britain’s special interest in the uranium deposits in this country. The federation came to an end when Zambia and Malawi attained independence in 1963, leaving South Rhodesia with its significant white minority and legislation based on principles similar to those of the apartheid regime in South Africa. In 1964, Ian Smith of the Rhodesian Front and Prime Minister since earlier in 1964 preempted the independence-*cum*-democracy which was otherwise to be expected with a unilateral declaration of independence, usually known as the “UDI” (Smith 1964; 1997: 37-108; Barber 1966; Henderson 1972). Whether a maintenance of the federation beyond independence might have prevented this from happening—thus also sparing the country a very destructive and protracted civil war and its civilian population from the consequences of the sanctions imposed on the UDI regime by the United Nations—remains a moot question (Minter & Schmidt 1988; McDougal & Reisman 1968; Martin & Johnson 2001).

Besides these schemes for their own colonies, both Britain and France also assumed responsibility for the colonies of other European powers, in which connection federalism also played a role. For instance, following the First World War, the colonies of defeated Germany had formally been taken over by the League of Nations as mandate territories, but the League had outsourced the administration of these territories to member states such as the UK, France and Belgium (Callahan 1999; Louis 1965; Pedersen 2006; Wilson 1994: 26-29; Walters 1960: 56-58, 171-173, 211-213; Anghie 2002). After (or, strictly speaking, during) the Second World War something similar happened to the Italian colonies, i.e. Libya, Eritrea and Somalia, as well as Ethiopia which the fascist regime of Mussolini had conquered and ruled as a colony for a short period. The Italians had established a loose federal structure in what they called *Africa Orientale Italiana* (Steiner 1936; Zoli 1937; Novati 1994; 2008) which was completed with the conquest of Haile Selassie’s Ethiopia (Mockler 2003; Marcus 1994: 139-146; Baer 1976). However, early in the war, the UK managed to dislodge Italy from its possessions. Having liberated Ethiopia, the UK in 1942 recognised its independence while maintaining the British hold on parts of Ethiopian territory and flirting with ideas of a “Greater Somalia” and/or an East African



federation until 1954 (Cumming 1953; Kelly 2000; Bowring 1992; Marcus 1983: 8-78; 2003; Wilson 1994: 117-125; Hrbek 1999: 150-155). What remained of the federal schemes was the UN-mandated federation of formerly Italian Eritrea and independent Ethiopia (Schiller 1953; Scholler 1994; Haile 1987), which only lasted until Addis Ababa decided to incorporate Eritrea, thereby provoking what turned out to be a very protracted secessionist civil war waged by the ELF (Eritrean Liberation Front) and subsequently the aforementioned EPLF (Iyob 1995: 82-97; Pool 2001; Tseggai 1988).

The Anglophone Southern Cameroon and the Francophone Cameroon were in 1961 merged into one federal state as a consequence of a UN-organised plebescite, but the results were apparently not entirely satisfactory—and neither of the two former colonial (or, strictly speaking, mandate) powers were particularly happy with the solution. In 1972 the country changed its name to the United Republic of Cameroon and in 1984 the last trace of federalism was removed with the new name Republic of Cameroon (Gros 1995; Takougang 2003; Stark 1976; Awasom 2000; 2002a; 2002b). However, the provinces (in 2008 renamed “regions”) have continued to enjoy considerable autonomy. Even though the country has remained at peace (which is no small accomplishment) the Anglophone minority’s dissatisfaction with (what it views as) marginalisation nevertheless seems to be growing (ICG 2010b: 21-23; Konings & Nyamnjoh 1997; 2003); Anyefru 2010). Nigeria is clearly part of the picture as “patron” of the Anglophones, leading to very strained relations and occasional (minor) armed clashes between the two countries, but there are also numerous day-to-day interactions across the common border (Konings 2005), perhaps implying the existence of a cross-border “micro-region.”

## 7. African Integration and/or Federalism

The eve of independence for the major part of Africa, i.e. the late 1950s and early 1960s, saw a rather heated debate about the future of the former colonial territories, to some extent spurred by the various ideas and plans promoted by the colonial powers as listed above. Even though the end result was that each territory was transformed into an independent state this was by no means a given at the time. In these debates the idea of federalism played quite a prominent role, albeit usually couched in terms of pan-Africanism, i.e. the idea that “Africa must unite,” in the famous words of Kwame Nkrumah (1963; White 2003; Williams 1984; Biney 2008).



The ideology of pan-Africanism has established itself almost as a Foucauldian “regime of truth” in Africa (Foucault 1980; Keeley 1990), much like pan-Arabism as described by Michael Barnett (1998). As a united Africa is something one cannot be against with impunity, African leaders find themselves trapped in a symbolic competition with each other over their pan-African credentials, forcing them to frame their political objectives, including such as evidently point in the opposite direction, as at least incremental steps towards the pan-African ideal of unity. The rest of the world was thus probably astounded when the African Union (AU) at its twelfth summit meeting in Addis Ababa in January 2009 decided to press ahead with plans for nothing less than a government for all of Africa,<sup>ix</sup> but the same objective was already graphically illustrated on the front page of the African Union’s website, showing the disparate pieces of an African puzzle coming together.

## 8. Pan-Africanism: From Ideology to Movement

The intellectual roots of Pan-Africanism can be traced back at least as far as the 19<sup>th</sup> Century (Achah 1999; Prah 2003; Clapham 1996: 106-133; Nadubere 2001; Duffield 1986). Among its main features have always been a number of central myths as well as stated ambitions, even though not all of them have always been present in the discourse, and not all elements really go well together.

One important component of the Pan-Africanist ideology is a particular reading of the past, blending a narrative of shared victimisation with a mythology of a glorious past, with both flourishing African states and African unity. The fact that these three elements seem to contradict each other is usually forgotten: How could there have been unity if the continent was divided into states or empires, however glorious; and why did such glorious states or a united Africa succumb so easily to such devious schemes by foreigners as the slave trade and the 19<sup>th</sup> Century “Scramble for Africa”? This incompatibility notwithstanding, pan-Africanism does entail a cherishing of history as evidenced by the notion of an “African Renaissance” to which we shall turn shortly. This rationale was, for instance, spelled out in one of the first academic journals devoted to pan-Africanism, *The Journal of Negro History*, the first issue of which featured an article on “The Passing Tradition and the African Civilization” which concluded with the following admonition, that



“[N]egroes should not despise the rock from which they were hewn. (...) [T]hrough long periods of time there were powerful black nations which have left records of their achievements and of which we are just now beginning to learn a little” (Work 1916: 41).

The second main element in pan-Africanism is the belief that “Africans” form a meaningful community, i.e. that all of Africa (including the diaspora) somehow “belongs together,” sometimes even in the sense of forming one nation (Muchie 2003). It is, of course, entirely conceivable that ethnic, national and supra-national identities in Africa may be harmoniously embedded within each other, but at least as frequently sub-state, national and supranational identities conflict with each other, in which case it is rarely the supranational pan-African identity which prevails in the battle for loyalty—especially not as far as incumbent rulers are concerned. While it is thus debatable, to say the least, just how deep or “thick” the pan-African identity really is, it is undeniable that it matters and that it may be activated and occasionally plays a significant role. Just as nations, according to constructivists such as Benedict Anderson (1991), constitute “imagined communities,” it is entirely possible to “imagine” an all-African community, and the very imagining of it would, in a certain sense, constitute it as a reality of sorts.

One among several “frames” for this imagined community has been that of “*Négritude*,” usually associated with the name of the poet-statesman Léopole Senghor of Senegal (Senghor 1997; Irele 1965; 2002), but with W.E.B. du Bois as an intellectual precursor (Byerman 2004; Kendhammer 2007). For all their merits, however, such ideologies are almost inevitably exclusive in the sense of seeking a black/African identity-based “in-group” by creating an “out-group” of non-blacks/non-Africans (Cervello 2004). This can only succeed to the detriment of those inhabitants of Africa who fail to satisfy the criteria for inclusion such as Arabs, Asians or whites of European descent, but in some cases with a presence on the continent for centuries.

A much more benign manifestation of this “black ideology” has been the acknowledged obligation to show solidarity with other members of the “African community,” initially including those colonies that had not yet achieved independence. With the successive achievement of independence/majority rule of these countries from 1975 to 1994, however, it became increasingly unclear with whom to show the kind of solidarity flowing from a common identity. Perversely, the pan-African ideology could now be abused to legitimate a *noli me tangere* or “hands off” attitude towards any non-African



attempts, however well-intended, to help African peoples against their incumbent leaders. The latter could claim to stand up against the (former) imperialists, thereby posing as beacons of anti-imperialism and pan-African values, one of the worst examples being President Mugabe of Zimbabwe who shamelessly portrayed his disastrous economic policies, including the farm invasions, as a new, third, round in the *Chimurenga* (Phimister & Raftopoulos 2004; Ranger 2004), even though the main victims have been his own electorate and migrant workers from neighbouring countries .

Much more appealing is the final element of pan-Africanism, i.e. the shared hope for an “African renaissance,” which has been pronounced on several occasions, e.g. by former South African president, Nelson Mandela (Mills 2000: 139-140), but most eloquently by his deputy and successor Thabo Mbeki (1998; Makgoba 1999; Maloka & La Roux, eds. 2000; Okumu 2002; Vale & Maseko 1998; Bongmba 2004; Schraeder 2001). What has been labelled “Afrenaissance” by Ali Mazrui (2003) is a very broad and almost all-encompassing concept, involving many elements with which is difficult to disagree such as democracy, human rights, development, independence, etc. The concept may be criticised for being analytically useless, as well as for constituting an ideology rather than a political strategy. For all its inherent flaws and inconsistencies, Pan-Africanism has nevertheless continued to inspire and motivate actual policies, first in the broad pan-African movement and then in the policies of independent African states leading, inter alia, to the formation of international organisations devoted to collaboration and perhaps even integration.

## 9. Casablancans, Monroviens and the OAU

The Pan-African movement sprang out of the African diaspora, mainly in the United States and the West Indies, with the aforementioned Du Bois as the unchallenged leader. Somewhat reluctantly the movement gradually co-opted a number of intellectuals and others from what were then still colonies, including people such as Kwame Nkrumah and Julius Nyerere (Mboukou 1983; Shepperson 1960; 1962; Andrain 1962). At the Fifth Pan-African Congress in Manchester in 1945 the pan-African ideal was most famously enunciated in a “Declaration to the Colonial Peoples,” presumably drafted by Nkrumah (Schraeder 2000: 127), and this call was followed up by the leaders of the various liberation



movements which sprang up in the course of the 1950s, all of which were applauded by the pan-Africanists (Kodjo & Chanaiwa 1999; Tekle 1988).

However, upon the achievement of independence by the former colonies, i.e. from the late 1950s onwards, dilemmas and disagreements emerged. While the main tenets of the shared ideology continued to exert some influence on the former leaders of liberation movements—now incumbent leaders of independent states—they now faced the choice of pursuing the quest for African unity or seeking to consolidate their power in their respective states, which was effectively a choice between the near certainty of becoming a big fish in a small pond or the less certain hope of becoming a smaller fish in a big lake. Understandably, many of them found the former more appealing, even though they felt obliged to continue paying, at least rhetorical, tribute to the pan-African ideal and trying to “square the circle” by creating the illusion that independent statehood and African unity were somehow two sides of the same coin.

Even before this moment of truth actually arrived, i.e. in the period from the early 1950s when independence was obviously approaching, the “shadow of the future” influenced behaviour and alignments. By 1961 this had produced a *de facto* split in the pan-African movement between the so-called Monrovia and Casablanca groups (Padelfort 1964; McWilliams & Polier 1964; Adogambe 2008), the latter led by Nkrumah who at the inaugural meeting of the OAU advocated the formation of nothing less than the establishment of an “all-African government,” albeit, according to his critics, as part of a power game intended to present himself as the leader of Africa, an approach which made Ali Mazrui label him “a Leninist czar” (1966).

Whereas the radicals of the Casablanca group wanted to proceed directly to a united Africa upon the achievement of independence by the various colonial territories, and saw the formation of individual states as a betrayal of this ideal, the conservatives or gradualists of the Monrovia group viewed (or at least justified) state formation as a necessary step towards the goal of unity. The rationale for this strategy was described by Julius Nyerere in the following words.

[D]ifferent areas may advance on the road to unity at different speeds, and the method of advance will vary according to the conditions now existing (...). Thus it will happen that in some parts of Africa a loose association of states, with consultation on matters of mutual interest and the constant exchange of visits, is all that is possible in the first stage. In other areas, a common market and joint action on



certain economic questions may be attainable, while political association of any type is rejected by the people. In still other combinations of countries, a political association without any real economic integration may be welcomed, and in a few the formation of some sort of federation might be possible. Again, continent-wide discussions on certain matters, even without commitment to the decisions, would be fruitful. None of these things are the final goal, but all of them take us a step nearer (Nyerere 1963: 4).

Just as the departing colonial powers, as we saw above, had promoted various subregional integration schemes without any lasting results, the new national governments also, more or less wholeheartedly, devised several such schemes. Unfortunately, however, most of them were stillborn and even those that did survive birth soon receded into near oblivion (Kloman 1962; Asante & Chanaiwa 1999), leaving Africa just as fragmented or “balkanised” as other parts of the world.

When the OAU was established in 1963 it thus, unsurprisingly, reflected a rather fragile compromise between the Monrovia and Casablanca positions. On the one hand the preamble of the OAU Charter referred to “a common determination to promote (...) a larger unity transcending ethnic and national differences,” but it then proceeded to state the basic principles of the OAU—all based on state rights such as “the sovereign equality of all member states,” and “non-interference in the internal affairs of states.” The OAU thus became a guardian of state rights, at the expense not only of the goal of African unity, but also of the rights of the African peoples who were often oppressed by the incumbent regimes (Umozurike 1979).

## 10. From the OAU to the AU: Déjà Vu All Over Again?

The years from 1999 to 2002 saw a gradual metamorphosis of the OAU into what is now the African Union (AU), a process which might best be understood as a convergence or fusion of three projects (Tieku 2004; Kouassi 2007; Landsberg 2008a).

First and apparently driving the transformation was a grandiose (and utterly unrealistic) pan-African scheme of the Libyan dictator Gadaffi (Ronen 2002; Huliaras 2001; St. John 2008.). However, the flamboyant Libyan leader could not have made any of these plans fly without the support of some of the main players in Africa. Fortunately for Gadaffi, both Nigeria and South Africa had their own “pet projects” for which they



wanted an all-African stamp of approval, in return for which they lent their support to the plans for a new union, now incorporating their projects. The pet project of Nigeria (or, perhaps more accurately, of its incumbent president, Olesogun Obasanjo) was a Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), the plans for which had been developed by the so-called “Kampala Movement,” (Deng & Zartman 2002) obviously inspired by the Conference on Security and Cooperation in Europe (CSCE) and its post-Cold War successor, the OSCE (Organisation for Security and Cooperation in Europe). South Africa’s pet project, or at least that of Thabo Mbeki, was what has now become known as NEPAD (New Partnership for Africa’s Development), based on the aforementioned vision of an African Renaissance and at first called the “New Africa Initiative” (Olivier 2003; De Waal 2002; Loxley 2003; Akokpari 2004; Bunwaree 2008; Landsberg 2008b).

A grand bargain was thus struck between the “neo-Casablancans,” personified by Gadaffi and the pragmatic and less ostentatious “neo-Monroviaans,” personified by Obasanjo and Mbeki, clearing the road to the launch of a new organisation. Following a hectic drafting process the Constitutive Act of the African Union (CAAU) was signed by 53 African heads of state at a summit meeting in Lomé in July 2000 (reprinted in Makinda & Okumu 2008: 122-141); and the AU was then solemnly inaugurated at a summit in Durban in July 2002 (Maluwa 2003; Cilliers 2002). The preamble of the CAAU paid tribute to the ideology of pan-Africanism with the claim that it was

INSPIRED by the noble ideals, which guided the founding fathers of our Continental Organization and generations of Pan-Africanists in their determination to promote unity, solidarity, cohesion and cooperation among the peoples of Africa and African States; and (...)

GUIDED by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector, in order to strengthen solidarity and cohesion among our peoples.

While there was nothing new in this, CAAU did feature one significant departure from the past. While upholding the principles of sovereignty and non-interference in domestic affairs, it stipulated the right of the Union to intervene in cases of “war crimes, genocide and crimes against humanity” (Cilliers & Sturman 2002; Murithi 2007; Mwanasali 2008; Williams 2007; Kioko 2003) to which was later added “serious threats to legitimate order” (Baimu & Sturman 2003; Maluwa 2004: 215-220). The AU thus positioned itself far



ahead of the rest of the international community, where there had for some years been a debate on the “responsibility to protect,” (Bellamy 2009) according to which states would risk forfeiting their sovereign rights if they failed to protect their citizens or, indeed, if they were the ones against which people need protection. Moreover, with this formulation the AU went far beyond the role envisioned for regional organisations in Chapter VII of the UN which explicitly limits their role to “the pacific settlement of local disputes” whilst *expressis verbis* prohibiting enforcement action without the authorization of the Security Council. Notwithstanding the potential incompatibility with international law, the AU with this envisaged encroachment on state rights may have moved towards a federal structure. The same might be the case with its stated ambition in article 4d of CAAU to establish “a common defence policy for the African continent,” which is exactly what one would expect from a federation. In 2004 it was followed up with a “Solemn Declaration on a Common African Defence and Security Policy” (CADSP) as well as an “African Union Non-Aggression and Common Defence Pact” (AUNACDP) adopted in 2005.

The CAAU also listed among the AU’s objectives to “promote and defend African common positions on issues of interest to the continent and its peoples” (art. 3d), yet without really specifying how this should take place. A test-case became the run-up to the anniversary summit of the UN, which appeared to open some scope for a change of the composition of the Security Council (UNSC). The AU in 2005 reached agreement on the so-called “Ezulwini consensus,” entailing a demand for no less than five ordinary seats as well as two permanent ones on the UNSC, all to be filled by the AU—a consensus which was, alas, broken by unilateral Nigerian negotiations with the so-called G4 countries (Ikome & Samasuwo 2005; Adebajo 2006; Jonah 2006).

## 11. Towards a United States of Africa?

The AU has thus in very vague and general terms confirmed its commitment to unity as well as officially endorsed—albeit not really implemented—more concrete provisions for this which might be interpreted as a federation *in statu nascendi*. It has also embarked upon an exploration of the modalities of unification.

In 2006 a study was prepared on nothing less than “An African Union Government towards the United States of Africa.”<sup>x</sup> It explicitly referred to incrementalism as the



appropriate strategy and envisioned three consecutive stages. In the first (2006-2009) a “Union government” would be established; in the second (2009-12) it would be made operational and only in the third stage (2012-15) would the “United States of Africa” become a reality. At the summit meeting in 2007 it was decided to launch a “grand debate” on the topic. Countries such as Libya and Senegal advocated setting up a union government immediately, and received support from Guinea, Gabon, Mali, Chad, the Central African Republic, Liberia, Equatorial Guinea and Guinea-Bissau. Others such as South Africa and Nigeria proposed placing first priority on strengthening the subregional organisations, usually referred to as “regional economic communities” (RECs), as building blocks for a future, in which view they were supported by Uganda, Kenya, Gambia, Angola, Lesotho, Mozambique, Zambia, Zimbabwe and Mauritius. A few countries such as Algeria and Egypt maintained a swing position rather than joining either camp, and President Omar Bongo of Gabon sought to bridge the divide by arguing, defying all logic, that the two positions were actually compatible, claiming that

The formation of an African government does not mean the end of national sovereignties. States, governments and their ministers will, at this stage, continue to have all their current national authorities. The Federal government, with a number of federal ministers will be based on the principle of subsidiarity. We should therefore decide which portions of sovereignty we are ready to give up (Lecoutre 2008: 52).

The controversy ended in a tie as seventeen heads of state and government were unambiguously against an African government whereas fifteen were clearly in favour of it and nine were in favour of it as a long-term prospect—allowing both the leader of the gradualist camp, Mbeki, and that of the maximalists, his colleague from Senegal, President Abdoulaye Wade, to claim victory (Lecoutre 2008: 55-56). The only concrete decision to date has been a change of name for the AU Commission to “African Union Authority,” which does not seem to make any difference.

The plans of the maximalists are, of course, utterly unrealistic, and the entire debate raises a range of questions and dilemmas which have not been properly addressed, both with regard to the envisioned end-state and the process. As far as the latter is concerned, there seems to be (at least) two different understandings in play on what gradualism or incrementalism entails, both of which are logically valid, but which point in



opposite directions when formulated as strategies. According to one, gradualism may involve a “grand scheme” to which only some members subscribe, the strategy being for some countries to adopt it *in toto* and then persuade others to get on board one by one. The result of this will be that at any given time the degrees of integration will vary across the continent, reminiscent of what has been labelled “variable geometry” in the EU debate, also known as the “*a la carte*” or “multiple speed” model (Stubbs 1996; Goldsmith 2003; Usher 1997). According to the other, incrementalism means taking small steps in unison, based on the formula of the “lowest common denominator,” (Haas 1961; Moravcsik 1991) producing at any given time a uniform, but in all likelihood quite low, degree of integration within the AU.

Quite a few incrementalists also advocate (following Nyerere in the quote above) that strengthening the subregional organisations (usually referred to as “RECs”, i.e. regional economic communities) will promote all-African unity, turning a blind eye to the possibility that it might point towards the exact opposite. Why would African states who had finally managed to create a strong REC want to transfer authority from it to an even larger, but weaker, multi- or supranational authority—or why would such a REC, hypothetically vested with supranational authority, want to relinquish this to the AU? An even more serious problem which is almost always left unmentioned is how one could possibly create a strong integrated (subregional or all-African) federal polity based on states which are sorely lacking in national integration, as is the case of a large number of the AU’s member states, perhaps even the majority.

It is not really helpful to conceal (as the aforementioned study apparently sought to do) the implications of instituting an all-African government, however federal, for the governments already in existence. Either the AU government will not be a real government, enjoying sovereign powers, but simply a coordinating mechanism for the sovereign member states (as are virtually all international organisations) or it will, *mirabile dictu*, be a real government of a sovereign polity, in which case its constituent parts will have lost their sovereignty. Neither in ordinary life nor in politics can one have one’s cake and eat it at the same time.

This does not, of course, mean that there is no “middle ground,” just as one can obviously limit oneself to eating half the cake and keeping the rest for later. Likewise, sovereignty may in fact be subdivided, so that an actor may relinquish sovereignty in a



piecemeal fashion, e.g. in a particular issue area, rather than all at once—as is arguably the case of federalism (Lake 2007). As mentioned above, the EU operates with two guiding principles for this, i.e. conferral, according to which the members voluntarily confer decision-making authority to the Union, and subsidiarity, entailing a vertical power-sharing between levels of governance and a corresponding division of responsibility.

## 12. Conclusion

We have thus seen that federalist ideas have played quite a prominent role in African politics from the eve of decolonisation until today, yet without achieving many lasting results. This does not necessarily mean that the federal idea is irrelevant for the troubled continent, and it is certainly conceivable that a more realistic and constructive approach to federalism may produce more federations—both in the sense of federalising now unitary states and of creating viable supranational federal polities—and that this may help overcome at least some of Africa’s problems such as ethnic strife and poor governance.

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<sup>I</sup> See also Dosenrode in this issue.

<sup>II</sup> See, for instance, the Montreux Declaration adopted 23 August 1947 by the World Federalist Movement (WFM) on its website at [www.wfm-igp.org/site/files/Montreux%20Declaration.pdf](http://www.wfm-igp.org/site/files/Montreux%20Declaration.pdf). For a critique of world federalism see Glossop 1993.

<sup>III</sup> "Treaty Establishing a Constitution for Europe," *Official Journal of the European Union*, vol. 47, no. C-310 (16 December 2004).

<sup>IV</sup> See "The Constitution of Bosnia and Herzegovina," Annex 4 of The General Framework Agreement (i.e. the Dayton Peace Agreement), at [www.ohr.int/dpa/default.asp?content\\_id=372](http://www.ohr.int/dpa/default.asp?content_id=372).

<sup>V</sup> Until the Juba conference in 1954 this was actually the favoured option of most politicians from the south, albeit probably mainly as a lesser evil than an independent, but centralised Sudan (Johnson 2003, p. 27; Collins 2008, pp. 62-64; Abushouk 2010).

<sup>VI</sup> The CPA is available at [www.aec-sudan.org/docs/cpa/cpa-en.pdf](http://www.aec-sudan.org/docs/cpa/cpa-en.pdf).

<sup>VII</sup> Available at [www.iss.co.za/AF/profiles/Somalia/charterfeb04.pdf](http://www.iss.co.za/AF/profiles/Somalia/charterfeb04.pdf).

<sup>VIII</sup> East African Community Secretariat: *Report of the Committee on Fast Tracking East African Federation* (2007) at [www.eac.int/politicalfederation/](http://www.eac.int/politicalfederation/).

<sup>IX</sup> See the conference website at [www.africa-union.org/root/au/Conferences/2009/january/summit/12thsummit.html](http://www.africa-union.org/root/au/Conferences/2009/january/summit/12thsummit.html).

<sup>X</sup> The document is available at [www.africa-union.org/Doc/study\\_on\\_AUGovernment\\_june2006.pdf](http://www.africa-union.org/Doc/study_on_AUGovernment_june2006.pdf).