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SECESSIONS, *MAJIMBOISM* AND THE FEDERALIST DEBATE IN AFRICA: A COMPARATIVE STUDY OF SOUTH SUDAN, KENYA AND NIGERIA

KEVIN KARANGI KARIUKI

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Declaration

This project is my original work and has not been submitted for degree to any other University.

Signature...   Date 3 |11| 2014 .

Kevin Karangi Kariuki

This project has been submitted for examination with our approval as University supervisors.

Signature..   Date........3./.11./.2014.......

Dr. Ibrahim Farah

Acknowledgments

Abstract

The study sought to critically analyze the contribution of secessions, *majimboism* and the federalism debates to the ethnic conflicts as well as possible solutions to the conflicts in Africa with a focus Kenya, South Sudan and Nigeria. The study objectives were to establish the views, roles, and extent in which secessions, *majimboism* and the federalism provided solutions to the ethnic conflicts in African countries. This study was grounded on ethno nationalist approach which emerged in reaction to the modernist position which dominated the study of nationalism. Descriptive research design was used in the study where both primary and secondary sources were used to collect data. Interviews were conducted and data was analyzed qualitatively using content analysis. The study found out that secession could be reconsidered as a solution to ethnic conflict. The misunderstanding of pluralism and *majimboism* was a source of ethnic conflicts in Kenya resulting to the eruption of ethnic clashes in Western, Rift Valley, Nyanza and Coast provinces. The study also found out that in Nigeria, the federal structure was defective and had promoted bitter struggles between interests groups to capture the state and its attendant wealth; and facilitated the emergence of violent ethnic militias.

TABLE OF CONTENTS

CHAPTER THREE: SECESSIONS, *MAJIMBOISM* AND THE FEDERALIST DEBATE IN AFRICA: A COMPARATIVE STUDY OF SOUTH SUDAN, KENYA AND NIGERIA

CHAPTER FOUR: A CRITICAL ANALYSIS OF EMERGING ISSUES IN SECESSIONS, *MAJIMBOISM* AND THE FEDERALIST DEBATE IN SOUTH SUDAN, KENYA AND NIGERIA

CHAPTER FIVE: CONCLUSION

CHAPTER ONE

INTRODUCTION OF THE STUDY

1.0 Introduction

According to Defne[1] secession is the pulling out of territory, by the community that occupies that territory, from the jurisdiction of a larger entity. Several attempts have been made to identify the situations under which secession is more likely to occur. The elucidation of secession as the expression of ethnic demands derives from the conception, nationalism is rooted in ethnicity and that 'true' nations are ethnic-nations. A constitution that is willing to go as far as endorsing ethnic secession cannot be expected to ignore one of its underlying motivations: the desire to foster linguistic security and cultural preservation.[2] Secession seemingly provides a simpler and tidier solution to the dilemma of ethnic pluralism.

According to Amoretti [3]federalism is a political concept in which a group of members are bound together by covenant with a governing representative head. Federalism, because it divides a country's administration along regional lines, is believed to also segregate its population along the same lines. The physical separation of the various population groups can break down existing connections between these groups and create a segmented society. Generally, an overarching national government governs issues that affect the entire country, and smaller subdivisions govern issues of local concern.[4] Both the national government and the smaller political subdivisions have the power to make laws and both have a certain level of

[1] Defne Ezgi. *Making Secession Possible: Federalism as a Capacity Building Instrument.* New York University Abu Dhabi (2011).

[2] Jacquin Dominique. *Nationalism and Secession in the Horn of Africa. A Critique of the Ethnic Interpretation.* Thesis submitted for the PhD in International Relation London School of Economies and Political Science University of London (1999).

[3] Amoretti, Micheal and Bermeo, Nick, *Federalism and Territorial Cleavages* (London: The Johns Hopkins University Press) (2004).

[4] Kenneth R. Thomas, Federalism, State Sovereignty, and the Constitution: Basis and Limits of Congressional Power (2013).

autonomy from each other. Federalism addresses and reflects philosophical, ideological and empirical concerns. It is multifaceted precisely because human beings are complex. It is elusive and difficult to study precisely because it arises from and reflects this complexity.

Majimbo, on the other hand, is a 'Swahili' term that is commonly used in Kenya to refer to the idea of political devolution of power to the country's regions.[5] One of the most fiercely debated constitutional questions in Kenya is the appropriateness of reviving majimboism-a system of government that, like Ethiopia's constitution, proposes to divide the country into ethnic regions. In many a Kenyan mind, it is twined with what both national and international human rights watchdogs have unmasked as politically-sponsored ethnic cleansing, indeed genocide, in the Rift Valley, Western, Nyanza and Coast provinces. As a system of devolving state power horizontally, *Majimboism* is viewed as accommodating and inclusive of diverse cultures and identities. It, therefore, suits large countries or those with competing racial or religious identity problems and is widely prescribed for ethnically divided societies in Africa.

1.1 Background of the Study

All over the world have seen a resurgence of ethnic and cultural demands by minority people who do not control the power of the state. Many of the major political (including violent) conflicts that the world has witness have a clear cut ethnic dimension.[6] Ethnic mobilization defies the fundamental concepts on which the modern nation state has been built and therefore presents a formidable challenge to policy makers and "nation building". In Africa, not all states have faced this question head- on in their Constitutions and legislations. Ethnic enlistment has many causes. It is partly a response to the problems and tensions engendered by the process of

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[5] State Violence in Kenya. *An Alternative Report to the United Nations Human Rights Committee.* Nairobi and Geneva: The Kenyan Section of the International Commission of Jurists (2005).
[6] Aseka, Makarious. Ethnicity, Governance and Prevention of Conflict: State of the Issue and Research Perspective. *Africa Development.* (1999) Vol. XXIV, Nos. 3 & 4, pp. 71-102.

economic development. In many cases unequal development is linked to governance systems in which subordinate ethnic groups, often regionally localized, bear the social costs of capital accumulation and unequal exchange which causes them to resist.

Ethnic conflicts are often the expression of underlying social and political conflicts between classes, population segments, or interest groups within the wider society.[7] Over time, the ease with which ethnic myths have become powerful political instruments testifies to the strength and resilience of ethnic identities as a fundamental expression of human solidarity and social integration. The social and economic policies of state can only ignore these forces at their own peril.[8]

Selassie[9] argues that ethnic identity is especially convenient as a basis for building political community precisely because it often provides the unconditional and blind support and loyalty of ethnic members who view themselves as family members. Despite official hostility to the idea, however, ethnicity-based demands for self-rule have not abated. Several factors account for the staying power of these demands. Ethnic groups in Sub Saharan Africa states are almost invariably associated with or concentrated in particular regions of the country, thereby serving to support a group's claim that it constitutes a distinct society entitled to self-rule. Many ethnic communities in Africa exercised a degree of self-rule prior to becoming part of the current unitary states, lending apparent legitimacy to their demands. Finally, even when an ethnic group is otherwise indistinguishable from and forms part of a larger population, geographical and

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[7] Aseka, E.M. Ethnicity, Governance and Prevention of Conflict: State of the Issue and Research Perspective. *Africa Development*. (1999) Vol. XXIV, Nos. 3 & 4, pp. 71-102.
[8] Ibid
[9] Selassie, Alemante G., Ethnic Federalism: Its Promise and Pitfalls for Africa (2003). *Faculty Publications*. Paper 88. http://scholarship.law.wm.edu/facpubs/88

historical factors have fostered a distinctive sense of regional consciousness that has fueled demands for self-rule.[10]

The constituent ethnic groups branded as atavistic 'tribal' ruminants of 'uncivilized' past thus soon became the main targets of the nation-building project. Thus, one common theme running through almost all the constitutions of these countries has been the refusal to give any legal or political recognition and institutional expression to the various distinct groups constituting the state. According to Leftwich[11] the belief that ethnicity is divisive and undermines national unity informs the constitutional and political discourse of many African states throughout the post- colonial period. In almost all the multinational countries of Africa, expression of ethnic solidarity and the mobilization of people on the basis of group identity have therefore been proscribed in various ways.

Much the same may be said of the sense of distinctiveness that has led to the formation of two separate states (one of which is still de facto) out of the otherwise ethnically and religiously homogeneous Somali people. Beyond ethnic based conflicts, certain communities in Kenya struggle for recognition and enjoyment of their citizenship rights. Indeed, while most Kenyans may take citizenship rights for granted, to some communities and individuals, these rights are realized, if at all, after numerous hurdles and struggles.[12]

1.2 Statement of Research Problem

Since the advent of independence for most African countries, the African continent has struggled with a seemingly endless array of development challenges, from civil war and political instability

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[10] Aseka, E.M. Ethnicity, Governance and Prevention of Conflict: State of the Issue and Research Perspective. *Africa Development*. (1999) Vol. XXIV, Nos. 3 & 4, pp. 71-102.
[11] Leftwich, A. Debate: Democracy and Development. A contradiction in the Politics of Economies. *New Political Economy*. (2002) Vol. 7, No. 2, pp. 269-281.
[12] Christopher Clapham, Rethinking African States, *African Security Review*. (2001) Vol. 10, No. 3.

to epidemic disease, chronic food insecurity and pervasive poverty.[13] Recently, there had been extraordinary tide of political events which led to revolutions in Tunisia and Egypt, civil war in Libya, and stirrings of discontent across a number of other countries. All states, including federations, are formed through a combination of coercion and compromise.[14] The study of nation building is problematic partly because it is primarily about the evolution of a political idea or principle that has been construed by many people in different ways at different times in different circumstances.

Given that such fears are founded on the assumption that claims for national self-determination and secession are ultimately made by ethnic groups and given the multi-ethnic composition of most states, fix filling such demands would indeed seem suicidal. As Scott[15] argues, without a recognized and widely accepted doctrine of self-determination, few secessionist movements would arise. It is the availability of this doctrine and its enshrinement in the international moral order as a right that has facilitated, if not created, many separatist movements. Debate as to what exactly is understood by self-determination has led to it being interpreted to mean anything from complete sovereignty to relative autonomy.[16] Intrinsically linked with the idea of democracy, self-determination was to correct the arbitrariness and injustices of dynastic rule.

Despite the existence of institutional frameworks that are supposed to guide processes and delivery on essential services, the continued weakening of these institutions, through

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[13] Southall, R. Democracy in Africa: Fragile and Necessary but Uncertain. *Journal of Contemporary Studies.* (2003) Vol. 21, No. 1, pp. 121-130.
[14] Leftwich, A. Debate: Democracy and Development. A contradiction in the Politics of Economies. *New Political Economy.* (2002) Vol. 7, No. 2, pp. 269-281.
[15] Scott, James C. *The Art of Not Being Governed.* New Haven and London: Yale University Press (2009).
[16] Turton, David, Introduction, in: Turton, David (ed.), War and Ethnicity. Global Connections and Locol Violence. University of Rochester Press, San Marino (1997).

political mechanization and predatory nature of African elites, working in cohorts with external interests also contributes further to the undermining of stability in Africa. These tendencies exacerbate resources wars, ethnic rivalry, and more recently, the emergence of electoral violence as a characteristic of multi-party era elections in African. Although many events and occurrences might give the impression that African continent is still "drifting", there are also positive things taking place in the continent and "the drift" needs to be analyzed from several perspectives that capture both the positive and negative developments and what informs the direction of these developments.[17] As alludes to the above notion, the research sought to critically analyze the contribution of secessions, *majimboism* and the federalism debates to the ethnic conflicts as well as possible solutions to the conflicts in Africa with a focus Kenya, South Sudan and Nigeria. As such the key guiding question that the current study sought to answer what was the contribution of secessions, *majimboism* and the federalism debates to the ethnic conflicts and how they were the possible solutions to the conflicts in African countries like Kenya, South Sudan and Nigeria?

1.4 Objectives of the Study

The main objective of this study is to critically analyze the contribution of secessions, majimboism and the federalism debates to the ethnic conflicts as well as possible solutions to the conflicts in Africa with a focus Kenya, South Sudan and Nigeria. The study was being guided by the following specific objectives:

i.   To analyze the various views surrounding secessions, *majimboism* and the federalist debate in African countries.

ii. To establish the role of secessions, *majimboism* and the federalist debate on ethnic conflicts in African countries.

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[17] Aseka, Esau Munuva. Ethnicity, Governance and Prevention of Conflict: State of the Issue and Research Perspective. *Africa Development.* (1999) Vol. XXIV, Nos. 3 & 4, pp. 71-102.

iii. To determine the extent to which secessions, *majimboism* and the federalism provides

solutions to the ethnic conflicts in African countries.

1.5 Literature Review

This section reviewed the available literature which is related to the study based on the key

thematic areas; the theoretical underpinnings of the study. In this study the origins, nature and

formation of secessions, '*majimbos*' and federal governments, are outlined. This section will

further discuss the various outcomes that are achieved through the secessions, *majimboism* and

the federalism debates in the view of causes of ethnic conflicts and possible solutions in African

countries and more specifically in Kenya, South Sudan and Nigeria. The section finalizes by

identifying the gaps in the literature,

1.5.1 Federal Systems of Government

Stephan discusses that an essential feature of a genuine federal system is the autonomy of the

regional units to manage regional interests without interference from the center. Federal systems

of government are inherently fragile even without adding ethnicity into the mix.[18] A federal

government is most likely to be formed when the question arises whether several small states

shall remain perfectly independent, or shall be consolidated into a single great state. A federal tie

harmonizes the two contending principles by reconciling a certain amount of union with a certain

amount of independence.[19]

A federal government then is a mean between the system of large states and the system of

small states. Osaghae argues that both the large states, the small states and the intermediate

federal system, may assume a democratic, an aristocratic, or even a monarchic form of

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[18] Stephan, Aloysius. *Arguing Comparative Politics* Oxford: Oxford University Press (2001).
[19] King, P., *Federalism and Federation* Baltimore: Johns Hopkins University Press (1982).

government.[20] Federalism is an especially powerful capacity building instrument due to the territorial unit to which it imparts this experience. He further posits that the regional governments correspond precisely to the territorial unit of the proposed independent state and when the secessionist region learns to properly govern this unit, it simulates more closely the various aspects of governing the independent state.[21]

This renders the experiences gained during federalism much more relevant to the expected costs of independence and its effects to the welfare of the citizens of the proposed state. Clapham argues that once a region has gained enough experience, it is unlikely that the initial mistakes of the trial and error period will be repeated.[22] Consequently, the region is unlikely to suffer from any problems that jeopardize the population's welfare, making secession an increasingly a welfare enhancing outcome. The intellectual debate about modern federalism – its meaning and significance – can be traced back to the late eighteenth century.

Osiander contends that, the peculiar circumstances that surrounded the shift from confederation to federation in the United States of America in the years between 1781 and 1789 shaped and molded the nature of the subsequent intellectual debate in a way which had far-reaching consequences for understanding one of the most important historical innovations in modern government and politics.[23] The American federal model established in 1789 was based upon a set of core principles that were consciously imitated by others, and in consequence it

[20] Osaghae, Eliam, Embeut. (1990), 'A Reassessment of Federalism as a Degree of Decentralization', Publius: *The Journal of Federalism*, vol. 20, no. 1.
[21] Ibid
[22] Clapham Christopher, Rethinking African States, *African Security Review* (2001) Vol. 10, No. 3. paradox.
[23] Osiander, Alpha. Sovereignty, International Relations, and the Westphalian Myth, *International Organization*, 55(2), 270 (2001).

helped to spark an enduring analytical debate about what it meant to be 'federal'. In this sense the American federal precedent corresponded simultaneously to both theory and practice. [24]

Elazar discusses that, a federal system thus aims to provide a mechanism for uniting different communities within the framework of an overarching political system which still allows each community to maintain its fundamental integrity.[25] Although a variety of factors, including third-party support, natural resources, economic development or military prowess can generate capacity the most effective means of building capacity is acquiring prior experience in self-government. There are a number of institutions that can provide the necessary experience to build capacity. However, federalism is most effective because of the extent to which it exposes the region to the correct procedures of governing the territorial unit in question.

1.5.3 Secessions

Predictions of disaster following Eritrea's secession were overstated—the Ethiopia-Eritrea war that followed was catastrophic, but there was no subsequent surge in secessionist efforts elsewhere in Africa. Southall posits that, any secession in Africa challenges the long-held norm of accepting borders drawn by colonial powers, illogical as some of them may be.[26] This principle of uti possidetis (Latin for "as you possess") was enshrined by participants in a meeting of the Organization of African Unity in 1964, whose final declaration "solemnly declares that all Member States pledge themselves to respect the borders existing on their achievement of national independence." In the 1960s this made sense: African states were brand new, weak and looking to ensure their very existence.

[24] Elazar, Daniel. *Exploring Federalism* Tuscaloosa: University of Alabama Press (1987).
[25] Ibid
[26] Southall, Roney. Democracy in Africa: Fragile and Necessary but Uncertain. *Journal of Contemporary Studies.* (2003) Vol. 21, No. 1, pp. 121-130.

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[24] Elazar, Daniel. *Exploring Federalism* Tuscaloosa: University of Alabama Press (1987).
[25] Ibid
[26] Southall, Roney. Democracy in Africa: Fragile and Necessary but Uncertain. *Journal of Contemporary Studies.* (2003) Vol. 21, No. 1, pp. 121-130.

When Biafra (in Nigeria) and Katanga (in the Democratic Republic of Congo) tried to

break away from their mother states in the 1960s, it was prudent to discourage their secession

given the weakness of those states and the confusion that could have resulted from their

secession given that other African states were only then coming into existence. At the time, it

was important to establish the principle that colonial borders would stand. But 50 years later, the

context is different. Kymlicka argues that, most African states are well-established and their

borders are accepted. By and large, the map of Africa is settled.[27]

Zacher stresses that, if Southern Sudanese vote to secede and gain their independence, it

will be the most significant redrawing of African borders since decolonization. Eritrea, though

strategically located given its access to the Red Sea, is small and somewhat peripheral to the rest

of the continent. Sudan, on the contrary, is the largest physical country on the continent and

borders nine other states.[28] Dividing it in two would be a seismic cartographic shift. Even so,

there is not a lot of evidence that other secession movements would succeed in following suit. To

argue that the breakup of Sudan would be followed by other secessions, there must be other

secession movements positioned to do so. He further argued that today there are no other

movements in Africa with the history, local following and international support comparable to

that of Southern Sudan.[29]

Lustik contends that, secession movements elsewhere in Africa exist today in Casamance

(Senegal), Cabinda (Angola), Zanzibar (Tanzania), Somaliland (Somalia) and Western Sahara

(the disputed territory bordering Morocco). They are the same movements that were cited as

[27] Kymlicka, Willis. Is Federalism a Viable Alternative to Secessionism? In Lehning P. B.
(Ed.), *Theories of Secessionism*. New York: Routledge Press (1998).
[28] Zacher, Mike. Watson., The Territorial Integrity Norm: International Boundaries and the Use of Force, *International Organization*, (2001) 55(2) 215–50.
[29] Ibid

potentially "next to secede" when Eritrea gained independence. With the exception of Somaliland, none of these movements are stronger now than they were in the 1990s. In fact, many are weaker; secession movements in Casamance, Cabinda and Zanzibar have been relatively inactive in recent years. With the exception of Western Sahara, the people and rebels of these other secessionist regions have not been through what those in Southern Sudan and Eritrea have endured.[30]

Herbst posits that Sudan's North-South civil wars lasted roughly 40 years—almost their entire post-colonial history—and resulted in approximately two million deaths.[31] While people in other secessionist regions have no doubt suffered immensely and have legitimate grievances, they have not put in the time or paid a price that puts them on par with Southern Sudan (again with the exception of Western Sahara). This history matters, because it demonstrates the intractability of the conflict, and suggests that partition may be a necessary option.[32] The determination and sacrifice of secession movements elsewhere should not be casually questioned, but there should be a threshold at which secession movements are considered to be credible, and the support and commitment demonstrated by the movement should be key factors in meeting that threshold. Beyond Sudan, few if any movements in Africa can show that requisite level of support and commitment.

Ibrahim argues that, between 1967 and 2000, the unrecognized state of Biafra (The Republic of Biafra) seceded from Nigeria, resulting in a civil war that ended with the state returning to Nigeria. Later in 1999 at the beginning of a new democratic regime, other

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[30] Lustik, Ison. Snowfield, Miodownik, Daiani. and Eidelson, Raymond. James. Secessionism in Multicultural States: Does Sharing Power Prevent or Encourage It? *American Political Science Review*, (2004). 98(2), 209-229.
[31] Ibid
[32] Herbst, Johnston. *States and Power in Africa: Comparative Lessons in Authority and Control.* Princeton: Princeton University Press (2000).

secessionist movements emerged, the movement for the Actualization of a Sovereign state of Biafra was formed as a military wing of the Republic of Biafra. In addition, Somaliland is autonomous regions which is part of the Federal Republic of Somalia Those who call the area the Republic of Somaliland consider it to be the successor state of the former British Somaliland protectorate. Having established its own local government in Somalia in 1991, the region's self-declared independence remains unrecognized by any country or international organization.[33]

Jackson stresses that, international recognition is crucial to successful secession— Somaliland's lack of recognition provides a case in point. Without that international backing, other African secession movements are unlikely to get very far.[34] What of the prospect that the secession of Southern Sudan could precipitate the breakup of some of Africa's other large, conflict-ridden states, such as the Democratic Republic of Congo, Ethiopia (whose constitution says "every Nation, Nationality and People in Ethiopia has an unconditional right to self-determination, including the right to secession") or Nigeria? (Col. Gaddafi suggested that Nigeria should split into two). While those states have plenty of opposition movements and rebels, none of the major opposition forces are currently advocating for secession. Without a powerful champion pushing for secession, any precedent set elsewhere, such as in Sudan, is unlikely to gain much traction at home.[35]

Iyob posits that, the combination of factors giving Southern Sudanese the option to secede is unlikely to be repeated elsewhere in Africa any time soon. If Southern Sudanese choose

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[33] Ibrahim, Julius. 'State Crisis in Africa: The Case for Federalism and Decentralization', in L.R. Bastia and J. Ibrahim ed. (1999) *Federalism and Decentralization in Africa: The Multicultural Challenge* Suisse: Institut du Federalisme Fribourg Suisse (1999).
[34] Englebert, P., & Hummel, R. Let's stick together: Understanding Africa's secessionist deficit. *African Affairs.* (2005)104 (416).
[35] Jackson, Ribery. Hector, & Rosberg, Gregory. Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood. *World Politics*, (2002) 35 (1), 1-24.

to secede, perhaps more concerning than follow-on secessions is the prospect that the threat of follow-on secessions—real or exaggerated—will be used by leaders in other states to clamp down on internal dissent in the name of unity.[36] A wave of imitation secession movements across the continent is unlikely, or at least unlikely to get very far. For the same reasons that it's been 17 years since Eritrea's secession, it may be just as long until there is another prospect for internationally recognized secession in Africa. Just as warnings of a domino effect following Eritrea's creation were overstated, so are similar warnings concerning Southern Sudan.[37]

Taras argues that, if secessionist movements escalate into a civil war, then the problem is exacerbated. Civil wars between ethnic groups are becoming much more intense, occurring more frequently, and lasting much longer. The average length of a civil war has more than tripled in the post-World War II period and the costs of these conflicts in terms of life and property are vast. Given the trend of increased secessionism starting in the 20th century, the 21st century presents itself as a time period where many ethnic groups are likely to assert their identities and seek self-determination or outright independent status for their regions.[38]

Yahya posits that in Kenya, elections create huge anxiety and they seem to bolster any differences that may exist between different ethnic communities, creating fertile ground for violent conflict. There is, however, a new form of conflict that has been simmering in the Coast region, pitting the Mombasa Republican Council Members (MRC) and/or their sympathisers against government security forces. The MRC, a self-described social movement, outlawed in October 2010 through Gazette Notice No. 12585, had been carrying out activities in the region

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[36] Iyob, Robinson, & Khadiagala, Gilbert. *Sudan: The elusive quest for peace*. Boulder, CO: Lynne Rienner (2006).
[37] Ibid
[38] Taras, Christien, & Ganguly, Romeo. *Understanding ethnic conflict: The international dimension*. New York: Longman (2002).

despite the ban.[39] The High Court, however, lifted the ban on 25th July 2012. Abdullahi stressed that, MRC has largely been viewed as a voice of the Coastal people; that the grievances they are airing are grievances of the Coastal communities, which successive regimes have failed to address.[40]

The emergence of the Mombasa Republican Council (MRC) can be viewed as a larger effort to use civil society channels to formalize their grievances following the disputed 2007 general election.[41] Indigenous activists under the lead of Community House (an NGO) have amassed facts and information about land rights and expired leases where high-ranking civil servants have resold the land. The continuing failure to address the issues, a rash of large estate acquisitions by state elites and powerful civil servants, and increasing disenchantment with the government since 2007, will make for a more incendiary mix during the run-up to the 2012 national elections. The MRC's strategy centers on the *Pwani iwe huru* message and the use of legal challenges to defend coastal interests. They place very strong emphasis on the contested legal agreements approach, while stating they understand its impact across the wider social and political spectrum.[42]

For many sympathetic observers, the *Pwani si Kenya* stance is nevertheless a non-starter; this section, observations in the report's conclusions, and the postscript on contrasting narratives and annex on non-violent action, all attempt to rationalize this critical aspect of the MRC strategy. The negatives are clear. Klopp discusses that the coast is an intrinsic part of the nation's

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[39] Yahya, Saad. *Who Owns the Kenya Coast? The Climaxing of Land Conflicts on the Indian Ocean Seaboard.* Unpublished paper (2011).
[40] MRC Conflict Assessment Report | November 2013
[41] Abdullahi Boru., Kenya Must Engage With Mombasa Republican Council, Not Demonise It. *Sahan Journal* (2013) (2) 7-9.
[42] Ibid

identity and figures prominently in campaigns promoting the Kenya "brand".[43] It enjoys the reputation as the one region of Kenya where peace and tranquility is not conditional on balancing the political and economic tensions prevailing elsewhere. It is the vacation destination of choice for the elite and professional class, a playground for the jet set and Western tourists, and home to Kilindini harbor—which makes coastal stability a key national interest for Uganda, Rwanda, Burundi, the South Sudan, and the eastern Congo.

1.5.4 *Majimboism*

Majimboism is a quasi-federal government system akin to the devolved government we now have but is yet to be fully implemented. The pro-*majimbo* crowd is a coat of many colors knit together by the common fear of the effects of liberal democracy. Others have drawn out their swords against the unitary state, disowning it as a relic of colonial autocracy that privileged ethnic majorities and trampled on the cultural, social and economic rights of ethnic minorities.[44]

Mamdani posits that *Majimbo* system guaranteed self-governance at local level with oversight of local resources including land while and while providing checks and balances to the exercise of power at the national level. The idea of *Majimboism* is popularized by the notion that it will encourage the distribution of the national cake more equitably throughout the country, as opposed to the perception that the present day government financially benefits small groups.[45]

Lonsdale posits that, the success or failure of *Majimboism* as a policy in Kenya will depend entirely on the manner in which its two conflicting interpretations are delivered to the people. Many people, and entire communities, feel that the getting into Statehouse gives

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[43] Klopp, Jameson. *Electoral Despotism in Kenya: Land, Patronage and Resistance in the Multi-Party Context.* PhD thesis, McGil University (2009).
[44] Ibid
[45] Mamdani, Mamadou. "The Social Basis of Constitutionalism". *The Journal of Modern African Studies* (2000) 28(3): 359–374.

communities exclusive, or at least, priority access to the feeding trough --where they literally take food from the mouths of poor Kenyans --including from their own communities. Proponents of the system comprised primarily of political luminaries of the day including Jean Marie Seroney, Taita Towett and Daniel Arap Moi from the then Rift Valley Province and Ronald Ngala from Coast.[46]

The violence has coincided with calls by high-ranking Kalenjins within the government for the creation of a *majimbo* system of government in Kenya, a federal system based on ethnicity. The proponents of *majimboism* have simultaneously called for the expulsion of all other ethnic groups from land occupied before the colonial era by the Kalenjin and other pastoral groups, including the Maasai, Turkana, and Samburu. Inflammatory statements by these figures have been ignored by the government, while similar calls made by opposition politicians have led to immediate action, including arrest and detention.

The calls for *majimboism* have taken on a decidedly ominous tone. Its proponents have called for *majimboism* as a means of undermining the recent political liberalization and as a way of demanding the expulsion of all ethnic groups from the Rift Valley except for those pastoralist groups-Kalenjins, Maasai, Turkana and Samburu-that were on the land before colonialism. Nyukuri analyses that if implemented, *majimboism* would mean the expulsion of millions of members of other ethnic groups who have settled there since the 1920s and who have legally purchased land since the 1950s. Almost all the political parties in Kenya are made up of powerful tribal leaders who command immense despotic powers in the areas of their origin.[47]

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[46] Lonsdale, Joey. *"Moral and Political Discourse in Kenya"*. Paper presented to the conference "Ethnicity and Democracy in Africa" at Queen's University, Kingston, 17–21March 2000
[47] Nyukuri Barasa, *"Ethnicity and the Politics of National Integration in Kenya"*. A paper presented on 22nd October at Kisumu (1992).

In addition, few of the proponents of *majimboism* have attempted to articulate the mechanism--federalism, semi-autonomous states or regional confederations--by which such a system could be established.[48] It is interesting to investigate the link, if any, between the *Majimboism* debates, with the associated rhetoric of resources being taken from non-GEMA communities to the center, and the clashes that erupted after the voting. Leo discusses that any people, and entire communities, feel that the getting into Statehouse gives communities exclusive, or at least, priority access to the feeding trough -- where they literally take food from the mouths of poor Kenyans -- including from their own communities. This opinion has been reinforced in the blogosphere this week when many Kenyans from various communities have asked "when will it be our time to eat."[49]

1.5.5 Literature Gap

States use their power as federal servants to resist, challenge, and even dissent from federal policy. This form of resistance, however, is a surprisingly neglected topic in contemporary federalism scholarship. Those scholars most interested in the states' role as rivals or challengers to the federal government tend to focus on the power of the sovereign, the areas in which the states are autonomous policymakers outside the federal regulatory scheme. Those scholars most interested in the role states play within the realm of federal regulation, in contrast, largely depict states as "cooperative" friends and allies to the federal government. As a result, little thought has been devoted to considering how the state's status as servant, insider, and ally might enable it to be a sometime rival, challenger, and dissenter thereby contributing to ethnic conflicts. This study will therefore aim to fill this gap by analyzing the contribution of secessions, majimboism and

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[48] Bienien, Henry, *Kenya: The Politics of Participation and Control.* Princeton University Press, New Jersey (1994).
[49] Leo Christopher, *Land and Class in Kenya.* University of Toronto Press (2004).

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the federalism debates to the ethnic conflicts as well as possible solutions to the conflicts in Africa with a focus Kenya, South Sudan and Nigeria.

1.6 Justification of the Study

The maintenance of separate spheres does not mean that cooperation between states and governments is precluded, but that differences in priorities between agencies reflecting local and national views are settled by negotiation and compromise. If the differences persist, there is no automatic presumption that the central government will have its way through financial dominance or favorable judicial interpretation of the constitution. And if there is doubt as to the appropriate category for a particular matter, two methods of resolving persistent differences are provided: first, an appeal to a constitutional court that is imbued, both in its composition and its jurisprudence, with the federal principle of divided spheres of governmental authority; and secondly, a method of constitutional amendment that, while giving the national majority a final veto, enables local majorities to initiate constitutional changes and be a part of their endorsement.

Federalism's greatest strength is that it provides an ideal local nursery where skills and leadership are tried out before being transplanted to the national level.[50] To describe such a system is to remind us how our system has fallen short. The blurring of responsibilities and the constant harping on the virtues of uniformity and national solutions to every problem, no matter how trivial, has created a system of government that is shapeless, and remote. Like the index of the current phone directory, the attempt to force every government activity into a single alphabetical listing destroys the sense of differentiation between local, State and national

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[50] Hironaka, Alex. *Never ending Wars: Weak States, the International Community, and the Perpetuation of Civil War.* Cambridge: Harvard University Press (2005).

responsibilities and fosters the belief that we should not distinguish between State concerns and national ones. As well as being a recipe for inefficiency and unresponsiveness in government, such a system leads to the alienation of those communities who know they are not at the centre of things.[51]

Such communities resent the easy assumption that, because it suits a distant majority, it must apply to them: with justification, they feel that they are losing their ability to shape their own destinies in matters that are of predominant concern to them alone. This is the benefit of thinking about secession. Chief among these are the mechanisms that differentiate between the responsibilities of State political communities and national majorities. Without this clear distinction, citizens cannot exercise their political rights effectively. Since secessionist, federalist and *majimboism* movements and debates are becoming more prevalent and at an increasing rate, it is of central importance to understand how these movements develop and are resolved in various African Countries as a possible solution to ethnic conflicts and this paper is a contribution towards this goal. The purpose of the study is to assess the role of secessions, *majimboism* and the federalism debate in preventing, reducing or accelerating conflict. Consequently, the findings will be used by media practitioners as a mirror to gauge their approach to conflict reporting.

1.7 Hypotheses

The study tested the following hypotheses:

- There exist a positive relationship between secessions, *majimboism* and federalist debate and the rise in ethnic conflicts in Africa;

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[51] Enloe, Chiboe. Internal Colonialism, Federalism, and Alternative State Development Strategies, *Publius*, 7(4), Federalism and Ethnicity, (1997)145-160.

- Secessions, *majimboism* and federalism can help resolve the ethnic conflicts in Africa;

- There is a correlation between secessions, *majimboism* and the federalist debate in Africa.

1.8 Theoretical Framework

This study is grounded on ethno nationalist approach. This approach emerged in reaction to the modernist position which dominated the study of nationalism until the nationalist 'revival' of the 1960s and 2000s. Although the main proponents of the ethno nationalist approach claim to endorse a modernist stance on the origins of nationalism, it will be argued that given their understanding of ethnicity their position is ultimately a reformulation of the primordialist position.

The tensions between these two conceptions of the nation - organic and voluntaristic - was more recently translated into the debate as to whether nations are expressions of age old feelings of belonging, rooted in language, ethnicity, or territory, or are instead modem constructs, inventions or imaginations.[52] These contrasting views of the nation have been reflected in the scholarly literature on nationalism and have developed into what has been commonly referred to as the primordialist – modernist debate. The implications of the debate as to whether nations are a modem construction or the emanation of a perennial ethnicity are not merely academic.

The genuineness of one's claim to independent nation-statehood will thus tend to be measured with respect to its historicity. Thus, in the same way that opposing groups contest the validity of each other's historical claims to nationhood, theorists of nationalism debate the historical reality or authenticity of nations. Primordialists insist that nations have existed since time immemorial. They are accredited with the "sleeping beauty" thesis according to which each

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[52] Armstrong, John., *Nations Before Nationalism*, University of North Carolina Press, Chapell Hill (1982).

nation that has not yet manifested itself is only awaiting for the appropriate leader, or circumstance, to re-awaken.[53] This organic view of nationalism holds that peoples are naturally divided into nations. Among those who uphold a primordialist conception of the nation are many nationalists themselves and a number of socio-biologists, historians and social scientists; although, few scholars now uphold such an extreme essentialist conception of nationalism.

The modernist position emerged in reaction to the organic and atavistic conception of the nation put forth by nationalists and primordialists. They argued instead that nationalism was a recent phenomenon rooted in the ideals of the Enlightenment. The French and American revolutions, where the notions of citizenship, popular participation, democracy and liberalism were for the first time explicitly put forth, are seen as landmarks in the establishment of the nation as the sole legitimate structuring feature in modem politics. The shift from agrarian or feudal to industrial or capitalist societies is also considered to be of foremost importance as the dynamic factor responsible for the advent of nations and nationalism. Industrialization entailed greater social mobility and rationalization which, in turn, allowed for the expression of the enlightenment ideals.[54]

1.9 Research Methodology

This research was a descriptive study aimed at carrying out a critical assessment of secessions, *majimboism* and the federalism debate in Africa with a focus on Kenya, South Sudan and Nigeria. Descriptive studies are helpful in revealing patterns and connections that might otherwise go unnoticed.[55] The target population of this study was the staffs working with offices

[53] Breuilly, John, *Nationalism and the State*, Manchester University Press, 2nd edition (1993).
[54] Hayes, Carlton, *The Historical Evolution of Modem Nationalism*, Macmillan, New York (1988).
[55] Ngechu. Maina. *Understanding the research process and methods*. An introduction to research methods. Acts Press, Nairobi (2004).

of international laws. Simple random sampling was used to select 45 respondents to form part of the study. From the Embassies of the relevant countries under the study located in Nairobi, fifteen respondents in the rank of top, middle and low level management were selected from each of the represented countries using simple random sampling from the respondents for the study.

The study collected both primary and secondary data. A number of methods were employed for eliciting data for this study. One of the various ways to be employed was the participating observation of researchers. Informants (sourced from international laws) were classified into two groups of educated and uneducated speakers. The informal interview is yet another method used for collecting data. Here, researcher needed pad and pen to take down important facts. Interviews were conducted in a relaxed manner so much so that informants will open up naturally.

Secondary data was obtained from analysis and review of journals, papers and other available literature on the issue of the contribution of secessions, *majimboism* and the federalism debates to the ethnic conflicts as well as possible solutions to the conflicts in Africa with a focus Kenya, South Sudan and Nigeria. The data was analyzed in two fold[56], one general approach was applying content analysis. Content analysis as a technique for making inferences by systematically and objectively identifying specified characteristics of messages and using the same to relate trends.[57] The data was qualitative in nature, due to this fact, content analysis was used to analyze the data.

[56] Jankowicz Dosayia., *Research methods in* social science (6th ed. London: Thomson Learning,) (2002) p 87
[57] Cooper Ribery. and Schindler, Patrick. *Research Methods* (7th ed. New York: Irwin/McGraw-Hill) (2000) p 112

1.10 Chapter Outline

The study is organized in five chapters.

I. Chapter one covers background of the study, problem statement, purpose of the study, objectives and research questions. It also covers significance of the study, basic assumptions, limitations and delimitations of the study and finally organization of the study.

II. Chapter two covers historical framework from works that have been done in the same area of study.

III. Chapter three spells out the comparative case studies on secession, *majimboism* and federalism in African countries.

IV. Chapter four covers emerging issues-critical analysis.

V. Chapter five covers summary and key findings as well as areas for further research.

CHAPTER TWO

AN OVERVIEW OF SECESSIONS, *MAJIMBOISM* AND THE FEDERALIST DEBATE

IN AFRICA

2.1 Introduction

The previous chapter covered the background of the study, problem statement, purpose of the study, objectives, literature review related to the study based on the key thematic areas; the theoretical underpinnings of the study. In this study the origins, nature and formation of secessions, *'majimbos'* and federal governments, are outlined. Justification of the study, methodology to be used in the study as well as the organization of the study. It laid down the foundation of the study in a briefly way.

The chapter contains the literature of historical framework, the purpose of literature review is to determine the available work that has been done already related to the research problem being studied. The chapter explores the descriptive overview of the research area on the secessions, *majimboism* and the federalism debate in Africa with a focus on Kenya, South Sudan and Nigeria.

2.2 Definitions and Debates

Secession in practical terms meant that about a third of the population with substantial material resources had withdrawn from what had constituted a single nation and established a separate government. According to Leftwich[58]status quo grievances are the primary factor that creates and sustains the preference for secession and the elimination of these grievances significantly weakens the secessionist preference in the region. Secession is the formal act by which a territory

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[58] Leftwich, Achipello. Debate: Democracy and Development. A contradiction in the Politics of Economies. *New Political Economy.* (2002) Vol. 7, No. 2, pp. 269-281.

and its inhabitants withdraw or separate from an already existing state with the aim of establishing themselves as a distinct, independent and sovereign state.[59] Secessionist movements are highly disruptive to domestic affairs and inter-ethnic cooperation and they have a high propensity to turn violent, since both the center and the region have much invested in the territory in question, the former for maintaining its territorial integrity and the latter for symbolic attachments that the territory might possess.[60]

Human Rights Watch,[61] Africa defines *Majimboism* as a quasi-federal government system akin to the devolved government we now have but is yet to be fully implemented.[62] *Majimboism* is conceived as an antidote to the excesses of liberal democracy, as a system that gives undue political muscle to numerically larger ethnic groups and threatened ethnic minorities with perpetual exclusion from power. The 1963 '*Majimbo* Constitution' of Kenya established a quasi-federal arrangement that divided legislative and executive powers between the central government and the seven regions. Its aim was to provide a framework in which the interests of smaller ethnic groups would be accommodated. It however had a very short existence. *Majimboism* was conceived under the premise of allowing semi-autonomous regions, based on ethnicity, to have substantial decision-making power.[63] The central government would, in turn, have a limited and defined federal role. While many Kenyans have no quarrel with the concept of regionalism, *per se*, they view these calls as nothing less than calls for ethnic cleansing.

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[59] Brilmayer, Lea. Secession and Self-Determination: A Territorial Interpretation. *Yale Journal of International Law*, 16 (1991).

[60] Ibid

[61] Human Rights Watch, Africa Divide and Rule: State-Sponsored Ethnic Violence in Kenya. United States of America. (1993) *ISBN* 1-56432-117-7.

[62]Ibid

[63] State Violence in Kenya. *An Alternative Report to the United Nations Human Rights Committee*. Nairobi and Geneva: The Kenyan Section of the International Commission of Jurists (2005).

Federalism is a system based upon democratic rules and institutions in which the power to govern is shared between national and provincial/state governments, creating what is often called a federation. Federalism is a system of government in which the same territory is controlled by two levels of government.[64] Federalism is a hierarchical division of power among multiple levels of government in which each level has decision-making authority over at least one issue area. This hierarchical division applies to territorial segments of the state where there are local and regional governments, which possess some level of autonomy while remaining under the jurisdiction of a national government.[65] Despite the heterogeneity of terms, federalism as an abstract, universal principle is in truth much more undisputed than federalism as an applied principle that concretely underlies a federal state. The debate about the origins of federations was bound up with the reassertion of the exclusively political approach to the striking of a federal bargain that created a federal constitution. According to Enloe[66] for federations to appear it was necessary that there should be some significant threat and that this would be sufficient to compel the participating actors to strike a bargain or compact that would be mutually beneficial.

2.3 Secessions and the Logic Behind

The term secession had been used as early as 1776. South Carolina threatened separation when the Continental Congress sought to tax all the colonies on the basis of a total population count that would include slaves. Secession in this instance and throughout the antebellum period came to mean the assertion of minority sectional interests against what was perceived to be a hostile or indifferent majority. Secession had been a matter of concern to some members of the Constitutional Convention that met at Philadelphia in 1787. Theoretically, secession was bound

[64] Defne Ezgi. Making Secession Possible: Federalism as a Capacity Building Instrument. New York University Abu Dhabi (2011).
[65] Enloe, Chiboe. Internal Colonialism, Federalism, and Alternative State Development Strategies, *Publius*, 7(4), Federalism and Ethnicity, (1997)145-160.
[66] Ibid

up closely with the thought, which claimed the right of revolution against a despotic government. Algernon Sidney, John Locke, and the British Commonwealth Men argued this theme, and it played a prominent role in the American Revolution.[67]

A number of breakaway groups have surfaced in the wake of a democratic tide that has lifted popular expectations of the continent's leaders—but stirred unrest over flawed elections, corruption and inequality. Some groups have taken up arms, creating fresh turmoil on the continent.[68] Kenya is confronting on its coastline an independence movement local officials say is allied with militants in Somalia—a charge the main separatist group denies. In Mali, ethnic Tuareg rebels joined al Qaeda militants who created an Islamist fief, until French and African forces recaptured that territory this year. In the Democratic Republic of Congo's restive Katanga province, militiamen in March occupied the provincial capital Lubumbashi, and raised the old flag of the state of Katanga, which in the early 1960s enjoyed de facto independence.[69]

Today, calls for independence are gaining traction among those shunted aside amid fast urban-led growth. More than a third of African countries have 6% or more annual growth in gross domestic product, the International Monetary Fund said. But some of the largest economies—and democracies—have seen wider income disparity in recent years, including Kenya, South Africa and Nigeria, the latest figures from the African Development Bank show.[70] Technology has fueled such sentiment, too. News of breakaway regions including Somaliland—which declared independence in 1991 during an outbreak of civil war in Somalia—has spread across Africa thanks to the Internet and mobile phones. In 2011, Africans learned how foreign

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[67] Graham, John Remington. *A Constitutional History of Secession.* Gretna, La.: Pelican Publishing (2002)
[68] Morse, Newcomb. The Foundations and Meaning of Secession. *Stetson Law Review* 15, (1996) no. 2: 419-36.
[69] Ostrom, Elinor. *Governing the Commons: The Evolution of Institutions for Collective Action.* Cambridge: Cambridge University Press (1990).
[70] Phillips, Anne. *Engendering Democracy.* Oxford: Polity Press (2011).

powers intervened to end a civil war and midwife a new nation, South Sudan. Some see in South Sudan an encouraging precedent for resolving conflict and fulfilling aspirations of statehood.[71]

South Sudan's secession is a result of an amalgamation of a series of dynamic 'conditions.' However, these conditions are not unchanging particularly as the war between Khartoum and the South extended for more than four decades. For example, while the first civil war could be understood in terms of Horowitz's propositions, a backward group in a backward region, the oil discovery in the 2000s in the south changed the dynamics of the situation to perhaps a backward group in an advanced region.[72]

Scholars such as Heather Sharky and El-Fatih Salam emphasized the role of social determinants.[73] Southern Sudanese, although they form different tribes with different tongues, see themselves as distinct groups of people who differ from the racially mixed Northerners. Colonization left only a fraction of the Sudanese society educated and in power, a small Northern Arab minority. As the power fell in their hands, they started to build Sudan on the tenets of Arab tradition. This assimilationist agenda suppressed cultural freedom and incited secessionist sentiments.

David Rodin is another expert on Sudan. Unlike Sharky and Salam, he focused on the economic regional inequity in Sudan.[74] Khartoum, already with limited resources at the time of independence, concentrated all of its social and economic projects in the Northern region creating regional inequity, marginalization, and underdevelopment. Therefore, it was not a surprise that regional groups, such as the South since the 1950s, the West (Darfur) and East since

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[71] Waal, Alex de. "Sudan's Choices: Scenarios beyond the CPA." *Heinrich-Boll-Stiftung Foundation.* 18: 9-31(2010).

[72] Ibid

[73] Sharkey, "Arab Identity and Ideology in Sudan: The Politics of Language, Ethnicity and Race," *African Affairs:* 4 (2008).

[74] David Rodin. "Regional inequality and Rebellion in the Sudan," *JSTOR* 496 (1974).

the 1980s and 1990s, have ascended demanding autonomous models of governance with equal wealth and power sharing.

Scholars like Emeric Rogier stressed the role of international pressure and intrusiveness in the development of Sudan's internal affairs.[75] It is difficult for a country that is bordered by nine countries to shield itself from foreign meddling. Sudan's location, as the frontier of Islam and the Arab world in Africa, and its valuable resources internationalized the matter further. Each of its neighbours has an agenda concerning Sudan's progress and has contributed to the civil war directly or indirectly. Some supported Khartoum, some backed the South and ironically some supported both.

The support that has been given to Khartoum or the South has always been the factor that tipped the scale favouring one side over the other. Intergovernmental Authority on Development (IGAD) (an East African organization), and the Friends of IGAD, a few western powers including the United States, will ultimately tip the scale to the South.[76] The above groups assisted the South in negotiating one of the most decentralized forms of government, giving it de facto independence before the referendum.

Kenya has taken steps to invest more decision-making at local levels, in part to alleviate separatist tensions on its coast. In 2010, it adopted a new constitution that would shift more powers to locally elected leaders. Kenya's recently elected president, Uhuru Kenyatta, has agreed to meet with members of the main separatist group, the Mombasa Republican Council, a spokesman said. Before Kenya's independence in 1963, a thin coastal strip was administered as a British protectorate. Today, Kenya's coast is a showcase for jagged development—luxury

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[75] Emeric Rogier, (2005) "No More Hills Ahead? The Sudan's Tortuous Ascent to Heights of Peace," *The Hague, Clingendael:* 5.
[76] Van Evera, Sierra. (2012) *Hypothesis on nationalism and war, International Security,* 18(4), p 17.

beachfront hotels are down the road from flimsy straw huts. MRC Chairman Ali Mwatebe is currently out on bail awaiting trial from an October clash with police outside his goat farm. His left front tooth is missing where he said police smashed his face with a rifle butt. Local police said he was resisting arrest.[77]

Kenyan officials said the group has formed a paramilitary wing and forged links with Somali militants.[78] Mr. Mwatebe scoffs at the allegations, saying the government is trying to discredit his organization. The retired soldier and his followers said they haven't ruled out violence as a path to independence, though. In Zambia, Barotseland activists said reports they are putting together a militia are untrue. But as the government shuts down their efforts to establish a new administration, some say they are keeping options open.

When the Comprehensive Peace Agreement (CPA) ending its decades-long civil war was signed in 2005, the clock began to tick on Sudan's life as Africa's largest state. Although the break-up of Sudan was not then a foregone conclusion, both African and non-African leaders voiced fears that it could destabilize parts of the continent and lead to a domino effect of other nationalist secessions, most worryingly in large, conflict-ridden states like the Democratic Republic of the Congo or Nigeria.[79]

This is 'the beginning of the crack in Africa's map', predicted Africa's then-longest serving ruler in late 2010. 'What is happening in Sudan', he warned, 'could become a contagious disease that affects the whole of Africa'. History proved that Muammar Gaddafi was right to fear

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[77] Omar, Hassan Omar. The threat of tribalism is greater than the threat of terrorism, *The Standard on Sunday* 24-7-2011. 2011
[78] Ibid
[79] Southall, Romeo. (2008) Democracy in Africa: Fragile and Necessary but Uncertain. *Journal of Contemporary Studies*. Vol. 21, No. 1, pp. 121-130.

the consequences of a 'contagious disease', though the one that would prove fatal for him was unrelated to events in Sudan. More apposite was the stark acknowledgement of Chad's President, Idriss Deby: 'we all have a south'. It was a warning to his fellow African leaders that Sudan's imminent split could herald a new bellicosity in existing north-south type disputes, especially where competition for scarce resources comes into play. [80]

On 9 July 2011, six years after the CPA was signed, the South formally went its own way, creating Africa's 54th state. The consensus, following two days of discussions, was that further changes to the map were unlikely any time soon.[81] After the seismic unforeseen events in North Africa and the Arab world in 2011, however, no one could rule it out. Six months on from achieving statehood, there is no evidence that South Sudan's secession has made independence more likely for other would-be states in Africa, as many had assumed. Just as the predictions that Eritrea's independence in the early 1990s would open a Pandora's Box of secessions from Cape Town to Cairo never materialized, South Sudan's successful struggle is unlikely to become a 'precedent' for Casamance, Cabinda, the Ogaden or any other nationalist movement.[82] Even Somaliland does not seem any closer to recognition despite wide acceptance that it already functions as a de facto sovereign state and probably deserves recognition, insofar as subjective judgements of that kind can be made.[83] The idea of self-determination is not on the wane in Africa – South Sudan's long struggle will surely embolden existing secessionist groups and may inspire new movements – but the obstacles to independent statehood appear as formidable as ever.

[80] Welsh, May Ying. "Sudan: Transcending Tribes," Al Jazeera. Accessed July 2011, http://english.aljazeera.net/photo_galleries/africa/201111010324526960.html
[81] Marchal, Roland. (2012) "The Regional Dimension of Sudanese Politics." *Heinrich-Boll-Stiftung Foundation.* 18: 79-
[82] Ibid
[83] Azam, John.-Peters. (2010). *A State is Born: Transport Infrastructure and Democracy in Somaliland.* University of Toulouse.

Unlike the Basque or Kurdish separatist movements, South Sudan's tortuous struggle for independence was comparatively unknown internationally prior to 2005. That said, the major political and cultural forces that, over more than a hundred years, drove a deep wedge between Sudan's north and south are largely uncontested.[84] In the 19th century the southern Sudanese, a predominantly black animist population, were frequently victims of slave raiding and agriculture exploitation by northern merchant tribes of 'Arab' Muslim descent. The consequent emergence of a regional imbalance in power and wealth was entrenched during the colonial period of Anglo–Egyptian rule (1899–1955). Governance and investment was concentrated in the North whilst the neglected South became an isolated backwater, subject to a meagre 'native administration'. In the years after independence in 1956 a Khartoum-based political elite manipulated the sharp disparity in resources and institutional capacity that had evolved in Sudan, prompting sustained resistance from groups in the deprived and marginalised South.[85] The result was two devastating periods of prolonged North–South conflict, the second alone cost more than two million lives and displaced twice that number. Such was the level of underdevelopment in the South that by war's end there were just three surgeons to serve a population of ten million. Despite being roughly the size of France, the South had just 4kms of tarred road.

For all the inequities and misery southerners endured, first under colonial rule and then for half a century due to Khartoum's neglect – to say nothing of the suffering caused by vicious intra-South conflicts that periodically erupted – it was still possible to believe in 2005 that something short of full independence would satisfy the political leadership in the South.[86] With each passing year following the signing of the CPA, however, the likelihood that southerners

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[84] "Sudan: The Next Somalia." *Christian Century.* (1993) 110: 359-361.
[85] Ibid
[86] Sidahmed, Abdel Salam. (2010) "Institutional Reform and Political Party Engagement: Challenges to Democratic Transformation in post-CPA Sudan." *International Journal of African Renaissance Studies* 5: 1.

might opt to remain in union with the North receded. The record of 'lost opportunities' to forge a new compact with the North has been examined in several recent studies on Sudan.[87] Suffice to say that officials in the South became convinced, certainly by the time of the 2008 SPLM convention, that Khartoum would never implement the provisions of the CPA or respect the benchmarks built into the agreement. Of signal importance was the sharply contrasting perspectives on the 'one country, two systems' concept: the North interpreted it as a federal-type arrangement, to the South it meant a confederation.[88]

Currently, no would-be secessionist state in Africa has even tacit agreement of the parent government to secede under any circumstances, save in Ethiopia, where the right of 'self-determination, up to and including secession' by one of the country's nine ethnically-based administrative regions, is enshrined in the constitution.[89] Even then – and despite Ethiopia's decision to let Eritrea go in the early 90s – in practice the government in Addis Ababa has been highly reluctant to extend powers to its 'semi-autonomous' ethnic regions, which raises doubts about its commitment to the principle of secession. The other features of the South Sudan struggle that set it apart may have echoes in other self-determination movements across the continent, though in scale and intensity Juba's case was exceptional. The briefest of lists include the length of the struggle (at least half a century); the sharp racial and religious divide between north and south; the extreme economic hardship experienced in the south due largely to policies implemented in the north; the sustained support given to the south by major external players, from the United States and Israel to Sudan's powerful neighbour, Ethiopia; and the level of

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[87] Wood, John R. (1991) "Secession: A Comparative Analytical Framework." *Canadian Journal of Political Science.* 14: 107-134.
[88] Ibid
[89] Ibid

coherence and organization in the movement, though on this score much the same could be said of Somaliland or even the Western Sahara.[90]

2.4 *Majimboism*

Majimboism, which seems to mean different things to different people is a federal system based on ethnicity which would allow semi-autonomous regions, based on ethnicity, to have substantial decision-making power. It could very well be the future of the country. Since the ending of colonial rule, the struggle for independence in Kenya has been seen as a triumph for the nationalist politics of the Kenya African National Union (KANU), the party that was victorious in the 1963 elections and held power until 2002.[91] This article returns to the party politics of decolonization to reconsider the alternative vision of Kenya's future then promoted by KANU's rival party, the Kenya African Democratic Union (KADU). KADU supported *majimboism* (regionalism), a proposal for decentralization in which six or more provinces would each have equal status.

In the heated politics of the early 1960s, *Majimboists* were derided by KANU as tribalists. Under the de facto one-party state of Kenyatta's KANU government, the *majimboist* cause was obscured by the nationalist project. Kenya used to be considered one of the most promising countries in Africa. Now it is in the throes of ethnically segregating itself. Ever since a deeply flawed election in December kicked off a wave of ethnic and political violence, hundreds

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[90] Gatkuoth, James Mabor. (2006) "Ethnicity and Nationalism in Sudan." *Ecumenical review*. 95: 206-216.
[91] State Violence in Kenya. *An Alternative Report to the United Nations Human Rights Committee*. Nairobi and Geneva: The Kenyan Section of the International Commission of Jurists. 2005

of thousands of people have been violently driven from their homes and many are now resettling in ethnically homogenous zones.[92]

Majimbo has become a major political issue in Kenya that has severe national and economic ramifications. There's nothing inherently wrong with the concept itself. In fact, the goal of *Majimbo* is to decrease political and economic disparities through regional decentralization. It is evident that there is unequal distribution of power and wealth in Kenya and *Majimbo* has been a proposed solution. But the reality is that Kenya is in a global market. Instead of bickering about the redistribution of political administration, our leaders should strategize on how to make the marginalized regions more conducive to investment and development. They could create a special fund to explore profitable resources in marginalized regions.[93]

If the Northern Province does not have the resources to be as agriculturally productive as the central or western provinces, creating a regional government should not be the remedy. In a progressive democracy, politics should facilitate economic developments, not regulate what groups can capitalize on them. Kenya has been independent for almost half a century and has benefited significantly from multi-party politics and free markets over the past decade. At this point any national restructuring that is as controversial as *Majimbo* should be unanimously accepted before implementation is even considered. But if political debates and campaigns expose the confusion and risks concerning *Majimbo*, it may turn against them.[94]

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[92] Kiraitu Murungi, (1995), *Ethnicity and Multi-partism in Kenya. Thoughts of Democracy*: Series III Kenya Human Rights Commission Publication, February.
[93] Ibid
[94] Nyukuri Barasa, (1992), "*Ethnicity and the Politics of National Integration in Kenya*". A paper presented on 22nd October at Kisumu

Majimboism is not seen as a distinct principle of its own, but as a mere emanation of the principle of decentralization that may either create a federal system or a unitary state with only administrative regions or local government. *Majimboism* has had a peculiar history and role, since it is the official ideology of a political movement promoting political unification. Therefore, the literature often analyses if *Majimboist* ideas and personalities played a role in the process.[95]

The introduction of a multi-party system has also been accompanied by calls from Kalenjin and Maasai politicians in KANU for the introduction of the *Majimbo* system proposed at independence. A number of high profile political rallies, known as *Majimbo* rallies, have been held by certain Kalenjin and Maasai politicians who have asserted that the Rift Valley, which is allocated the largest number of seats in Parliament, was traditionally Kalenjin/Maasai territory and that other ethnic groups living in the area should not be permitted to express differing political views in a multi-party system.[96]

Majimboism was initially also very clear and simple. The crisis of the nation-states required to unite to survive as a political entity, although probably initially under the protectorate of national powers. *Majimboism* was considered the only institutional formula to create an efficient central government compatible with the greatest autonomy of the member. Therefore, the only way forward was the call of a *Majimboism* constituent assembly or procedure to let the

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[95] Africa Watch, (1993), *Divide and Rule: State -sponsored Ethnic Violence in Kenya*, Human Rights Watch, New York, Washington, November.
[96] Ibid

Majimbo people decide its own destiny. The goal was the federation, the main actor the *Majimboism* people to be mobilized by the federalist vanguard.[97]

2.5 Devolution of Power

Devolution is the transfer of powers from the central government to local units. Devolution hands over certain functions to the local democratic governments granting them full power to decide in terms of planning and implementation and will bear the full responsibility for the decision. The goal of devolved government system is to decrease political and economic disparities through regional decentralization. According to Cameron, (1995)[98] devolution has been practiced in many countries worldwide with each country having its own story of this form of government. It would therefore be in order to use examples from the experiences of the people in the United Kingdom to predict the likely effects of devolution on the economic development of Kenya in the marginalized areas.

Resources devoted for public purposes should be left to the local people to enhance their preferences for public expenditure that optimizes costs which is usually not the case. Devolution has gained significant importance as one of the key measures of decentralization of governance. Changing the system of governance to a devolved one is not an overnight affair but an issue that requires sensitization and education of the masses and the evaluation and analysis of the merits and the demerits of the system of governance. In countries where there is constant contestation

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[97] Robert Cameron, (1995) 'The History of Devolution of Powers to Local Authorities in South Africa: The Shifting Stands of State Control.' *Local Government Studies*, Vol. 21.
[98] Ibid

for state power between the government and the people, genuine devolution of power has in many instances provided a panacea for resolving the conflict.[99]

In addition, devolution, as a foundation of good governance has become a reality of global norms and practices. In any part of the world where democratisation is not in tandem with devolved governance, democracy can only be synonymous with legitimizing the elites' accession to power. In Africa, despite the numerous ethnic communities with competing political and economic interests, South Africa, Rwanda and Uganda, among others, have appreciably implemented modern devolved systems of governance with ease. In all of these instances, positive aspects of ethnicity and pragmatic approaches to decentralization have been recognized to contribute to stability and enhance human development.[100]

2.6 Federalism

Federalism institutionalizes the division of powers and creates the circumstances that render inter-governmental disputes almost inevitable. It is therefore necessary that federal constitutions establish mechanisms for the peaceful umpiring of such disputes.[101] This is partly due to the fact that a different focus is set by the relevant academic disciplines, in particular political science and constitutional law, so that more emphasis is put either on the political practice or on the legal norms that establish the federal system. Even within the respective disciplines, however, no unanimity exists as to what the essentials of a federal state are.[102]

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[99] Steffensen and Tidemand, (2004) Decentralisation in East Africa, A Comparative Study of Tanzania, Uganda and Kenya, *Syntheses Report*, NCG, World Bank.
[100] Ibid
[101] Harry, Scheiber, (1979) *Federalism and Legal Process: Historical and Contemporary Analysis of the American System*, 14 *Law & Soc'y Rev.* 663
[102] Ibid

Usually, federal states may be defined in two different ways, namely on an abstract level that deals with qualities such as hierarchical composition, statehood and sovereignty and on a more concrete level that explores the institutional elements of federal states.[103] In the contemporary world, federalism as a political idea has become increasingly important as a way of peacefully reconciling unity and diversity within a political system. The reasons for this can be found in the changing nature of the world leading to simultaneous pressures for both larger states and also for smaller ones. Modern developments in transportation, social communications, technology, industrial organisation, globalisation and knowledge-based, and hence learning societies, have all contributed to this trend.[104]

Federalism has evolved over the course of American history. At different points in time, the balance and boundaries between the national and state government have changed substantially.[105] In the twentieth century, the role of the national government expanded dramatically, and it continues to expand in the twenty-first century. Currently, there are more than thirty federal states, including the United States, Canada, Switzerland, Germany, Austria, Belgium, Australia, South Africa, Nigeria, India, Indonesia, Malaysia, Mexico, Argentina and Brazil.[106]

The federalists had a political goal and organization. This forced them to continuously develop their analytical tools to make a realistic assessment of the integration process in order to

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[103] Enloe, Chiboe. (1997). Internal Colonialism, Federalism, and Alternative State Development Strategies, *Publius*, 7(4), Federalism and Ethnicity, 145-160.
[104] Christopher Clapham, (2001) Rethinking African States, *African Security Review* (Vol. 10, No. 3,). paradox.
[105] Ostrom, Elinor. (1990) *Governing the Commons: The Evolution of Institutions for Collective Action. Cambridge*: Cambridge University Press.
[106] Ibid

try to direct it towards their goal.[107] A sound analysis of the situation is a necessary precondition to develop a political strategy. Precisely the recognition of the distance between social reality and federalist goals and the need to distinguish between their normative preferences and the social data is at the basis of the Italian federalist school, which revised the analytical and normative stands of the federalist authors at the beginning of the process. To do so, they had to consider the limits of the other existing theories, but also their useful insights that the federalists needed to consider to grasp the dynamics of the process.[108]

After the war, the superpowers helped to rebuild the old nation-states as their satellites, and the federalist initially turned to the national governments to reach the European federation. Federalists suggest locate properly the comparative studies within the framework offered by the ideal type of the process. It is not possible to explain one aspect of the integration process or the EU decision-making in isolation from the others.[109] To provide an effective understanding, it is necessary to identify the value of different approaches in relation to different aspects of the process, but they must be placed within a single framework. Historically there may be several intermediate positions: the issue is if they are sustainable in the long-term, or if they have not built-in such tensions and contradictions that they must move in one direction or the other. If this is the case, the intermediate positions being only an instable equilibrium between opposing tendencies, none of them can constitute a theoretical model in its own right.

It is theoretically significant it this respect, that the integration process can be considered as a series of institutional changes – including even of the name of the organization which crystallizes the level of the integration process at a given time – which have gradually but

[107] Bagchi, Amya Kumar (2000). The Post and Future of the Developmental State, *The Journal of World-system Research*, Vol.5, PP. 398-442.
[108] Ibid
[109] Ibid

steadily increased their federal features.[110] Indeed different theories attribute more relevance to institution-building, functional scope, substantive bargains, etc. In some cases, due to the lack of a representative chamber or to the lack of legislative competences of the constituent units, the classical distinction between a federal state and a regional state is still adequate, whereas in other cases the only reason for denying classification as a federal system seems to lie in its historical development.[111]

Much emphasis has been put on the foundation act of a federal state that, according to the classical theory, was based on the agreement of the hitherto independent constituent units that joined the new state which was given a federal constitution. If, however, the state was originally founded as a unitary state it is often treated as a merely "regionalized" system, even though the constitution has meanwhile been strongly decentralized, adopting the same institutional characteristics that are peculiar to federal states.[112]

2.7 Federalist Debate in Africa

In the African context, while some have argued that federalism has the potential to accommodate ethnic, religious, and racial diversity, others, including most of Africa's independence heroes, have posited that federalism exacerbates division and enmity leading to fragmentation and ultimately the collapse of the nation state.[113] However, it is debatable whether federalism may in and of itself contribute to accommodating diversity or exacerbating antagonism. It appears that, mainly due to the nationalist fervor that characterized post-independence Africa, the view that

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[110] Cameron, Maxwell and Tulia Falleti (2004): "Federalism and the Separation of Powers at The Subnational Level, "Prepared for Delivery at the 2004 Annual Meeting of The American Political Science Association, September 2 - September 5, 2004.
[111] Ibid
[112] Duchacek, Ivo (1997): 'Antagonistic Cooperation: Territorial and Ethnic Communities', *Publius: The Journal of Federalism*, 7(4), 8-9.
[113] Elaigwu, Julius. (1994): 'Ethnicity and the Federal Option in Africa', *The Nigerian Journal of Federalism*, 1(1), June.

federalism is unnecessary and undesirable in the context of Africa has won the day. Although government power is decentralized to different levels in many states, the overwhelming majority of African countries have rejected a constitutionally sanctioned federal structure of government.[114]

Despite the fact that most African states demonstrate high levels of linguistic, ethnic and religious diversity, governments have generally been reluctant and even hostile to the idea of establishing a federal form of government. Federalism has been and continues to be an outcast. For example, Egwu (2003) observes that the word federalism has been anathema almost everywhere in Africa. Ethnic politics in Africa has been "remarkably subdued.[115] Currently, the only African country that practices ethnic-based federalism is Ethiopia, the success or failure of which is hard to assess and even harder to attribute to the ethnic basis of the federation. In contrast to the fact that many federal states are drawn mainly along linguistic and ethnic lines, ethnicity is seen as divisive and antithetical to the state formation and building aspirations of African nations.[116]

There are clear constitutional provisions in relation to the organ that is charged with arbitrating federalism disputes. Section 232(1) of the 1999 Constitution of Nigeria grants original and exclusive jurisdiction to the Federal Supreme Court to resolve any dispute between the Federation and a State or between States if and in so far as that dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends.[117] Similarly, the South African Constitution is explicit on which organ is charged with resolving disputes

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[114] Egwu, Samuel (2003): 'Ethnicity and Citizenship Rights in the Nigerian Federal State', in Gana and Egwu (eds) *Federalism in Africa*, vol. 2, NJ: Africa World Press Inc.
[115] Ibid
[116] Ibid
[117] Jinadu, Adele (September 2002): "Ethnic Conflict of Federalism in Nigeria". ZEF Discussion papers on Development Policy, Bonn, Nov. 49.

between federal and provincial governments. The Constitutional Court has the first and final say on all "disputes between organs of state in the national or provincial sphere concerning the constitutional status, powers or functions of any of those organs of state.[118] The Ethiopian Constitution grants the power of constitutional adjudication to the House of Federation, the upper chamber composed of representatives of "nations, nationalities and peoples" (essentially ethnic groups).[119] The power of the House of Federation extends to interpreting the Constitution in case of disputes on the content and consequences of federalism provisions. Because of the existence of these explicit constitutional provisions which empower the constitutional adjudicators in the respective countries with the power to resolve federalism disputes, the political safeguards theory, which purports to exclude constitutional review from the resolution of federalism disputes, is untenable in the context of federal states in Africa.[120]

In addition to the one-party dominance, African governments have historically shown a general tendency to centralize power. In fact, that tendency is one of the reasons why there are very few federal states, despite the fact that African states demonstrate high levels of diversity. The judicial review of federalism disputes can partly contribute to taming the rampant centralizing tradition in African politics.[121] Moreover, unlike U.S. states, which collect more than half of their revenue from their own sources of taxation and other revenues, the states in African federal countries are highly dependent on disbursals in the form of subsidies and loans from the central government. This dependency on federal subventions undermines their capacity to resist federal incursions. The states within African federal countries have an inferior bargaining power

[118] Huntington, Samuel (1993a): *The Third Wave: Democratization in the Late Twentieth Country.* Norman: University of Oklahoma Press.
[119] Kidane Mengisteab (1997): "New Approaches to State Building in Afirca: The case of Ethiopia's ethnic based federalism." *African Studies Review* 40, pp.111-132.
[120] Ibid
[121] Leftwich, Alex. (2002) Debate: Democracy and Development. A contradiction in the Politics of Economies. *New Political Economy.* Vol. 7, No. 2, pp. 269-281.

compared to U.S. states. This weakens the importance of the political process as a reliable tool to maintain the federal balance.[122]

Another general scenario where the political safeguards theory will be defective is in cases where there is a clear line of difference between the constituent states. In South Africa, for instance, the interests of the Western Cape Province, which is currently (since 2009) the only province that is governed by the opposition Democratic Alliance (DA), can be legitimately considered to be different from the other provinces. Hence, despite the fact that all the provinces are represented in the federal government, the central government and the eight other provinces might collude to undermine the interests of the Western Cape.[123] Precisely, wherever the interest of the majority of the provinces is in conflict with the interest of one or few provinces, the political safeguards theory cannot be relied on to equitably protect the pariah state/s, i.e., those that are governed by the opposition party. In summary, for several reasons, some applicable generally to all states, others specific to one or more federal states, the political process cannot be relied on as an exclusive safeguard of federalism in the context of Africa. Indeed, the three federal states under study have crafted both political and judicial or quasi-judicial safeguards of federalism.[124]

Indeed some 40% of the world's population today lives in countries that can be considered, or claim to be federations, many of which are multicultural or even multinational in their composition. During the past decade especially there has been an international burgeoning of interest in federalism. Political leaders, leading intellectuals and even some journalists are now increasingly speaking of federalism as a healthy, liberating and positive form of political

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[122] Kimenyi, Mwangi (2011): "Harmonizing Ethnic Claims in Africa; A proposal for Ethnic- Based Federalism," *Cato Journal*, 18(1), 43-63.
[123] Ibid
[124] Ibid

organization.[125] Furthermore, Belgium, Spain, South Africa, Ethiopia, Italy and the United Kingdom appear to be emerging towards new innovative federal forms. In a number of other countries some consideration is being given to the efficacy of incorporating at least some federal features, although not necessarily all the features of a full-fledged federation. Furthermore, the European Union (EU), with the addition of new member states, is in the process of evolving its own unique hybrid of con-federal and federal institutions. Thus, everywhere, with changing world conditions, federalism continues to evolve.[126]

Therefore, to understand how a given federation operates, it is necessary to examine not only its constitutional law but also its political practices and processes. Significant characteristics of federal processes include: A strong disposition to democratic procedures since they presume the voluntary consent of citizens in the constituent units; Non-centralization as a principle expressed through multiple centers of political decision making; Open political bargaining as a major feature of the way in which decisions are arrived at; The operation of checks and balances to avoid the concentration of political power; and A respect for constitutionalism and the rule of law since each order of government derives its authority from the constitution.[127]

The demand for stability and flexibility in any federal arrangement requires the operation of a fine mix of political and judicial, formal and informal mechanisms for the prevention, management, and resolution of federalism disputes. The main purpose of this article is to look at formal judicial resolution mechanism. Despite the prominence of theoretical objections to the judicial safeguards of federalism, the constitutions of federal states in Africa have clear provisions empowering the constitutional adjudicator to ultimately resolve federalism

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[125] King P. (2002): *Federalism and Federation*. London: Croom Helm.
[126] Ibid
[127] Huntington, Samuel (1993a): *The Third Wave: Democratization in the Late Twentieth Country*. Norman: University of Oklahoma Press.

disputes.[128] All the constitutions considered here establish constitutional adjudication mechanisms in addition to the political safeguards and other informal dispute resolution mechanisms. To that extent, the constitutional adjudicators have an enormous potential to shape the contours of the federal distribution of powers. Judicial safeguards are important and perhaps necessary.

It is interesting to note that the institutional choices in the judicial resolution of federalism disputes in federal countries in Africa are quite diverse. In Ethiopia, the formal political safeguards are weak. In Nigeria, the political safeguards appear strong. In fact, the Nigerian system of constitutional review in relation to federalism disputes is in many respects a replica of the U.S. system. The constitutions considered here, except for Ethiopia, have adopted judicial safeguards in addition and complementary to any political safeguards. In Ethiopia, the power to decide on disputes between the central and regional governments is granted to the HoF, which is composed of representatives of ethnic groups. To the extent that the HoF exercises the power of constitutional review, the political and judicial safeguards have been conflated.[129]

All the countries have adopted a centralized form of constitutional review in relation to the adjudication of federalism disputes. In Nigeria, the power to resolve federalism disputes rests only with the Federal Supreme Court; in South Africa only with the Constitutional Court; and in Ethiopia only with the HoF, with the advisory support of the Council of Constitutional Inquiry. This tendency to centralize the constitutional review of federalism disputes is also visible in established federal countries such as the U.S., Germany, and Switzerland.[130] Clearly, the premiums on federalism disputes are high. Such disputes are also politically salient. Most

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[128] Elaigwu, Jameson., (1994): 'Ethnicity and the Federal Option in Africa', *The Nigerian Journal of Federalism*, 1(1), June.
[129] Ibid
[130] Ibid

importantly, there is need to ensure that disputes are resolved promptly to avoid delay and government inefficiency and stagnation that the normal appellate process could often have entailed. As such, the constitutions have granted direct and original jurisdiction to the final constitutional adjudicator to resolve federalism disputes.

2.8 Conclusion

In terms of conflicts in Africa, many hot spots are recovering, and making big leaps towards peaceful coexistence. Even though there are some pockets of unresolved cases like Somalia, Darfur, Congo and Northern Uganda among others, there are encouraging examples such as Sierra Leone, Liberia, Rwanda, and Southern Sudan. In this context Africa is undergoing a complex process of multiple transformations. Solutions to some of these cases have been found from within, coupled with external support. For this reason, it can be argued that part solution to the conflict situation and political instability in Africa lies in the West. More specifically is for the Western governments to address the issue of arms manufacture and sale of arms, weapons to Africa and to address the conduct of their multinational involved in extractive activities at the expense of African lives.

Calls for African countries to solve such problems on their own ignore the reality on the ground and at the international level where special interests often determine the course of events in the periphery. Just as much as the problem is complex and multifaceted, their solution also requires a similar approach which encompasses, a greater commitment from the leadership in the North. More crucial for international community attentions are the impact of their trade deals with Africa and the distribution of the accruing benefits of foreign economic involvement in the continent. Absence of any form of redistribution does not change the tense situations or lull condition of previous conflicts. As result of unfavorable economic policies from the North,

Africa continues to experience social dislocation and unrest. As pointed out by Erk and Gagnon[131] one of the crucial determinants of weather shooting and looting will start again especially in context that have gone through violent experiences, depend on the degree of economic and social development, and the fair distribution of its fruits to different groups of the population.

According to Bahcheli[132], a lack of equal distribution would be detrimental to the democratization process as the struggle for scarce resources and hegemony of one group would ensue. Most solutions that have been prescribed in recent times seem to view Africa through the prism of the continents natural resources and the competition to reap the benefit of their exploitation or as an object of humanitarian or military concerns. However what needs recognition is the fact that Africa is beginning to see the emergence of new social actors, different form of social and political mobilization. In the process, the political and economic play field is also changing.

The integration of peoples and tribes in many of the newly-independent states never came; the social underpinning to the new political dispensation did not develop, in some cases because authoritarian leaders prevented it. With the number of conflicts on the continent in decline, democracy in the ascendant and economic growth leading the world, the time is ripe for African states to become societies − in the best sense of the word. The chapter reviewed the available information on secessions, *Majimboism* and the federalism debate in Africa with a focus on Kenya, South Sudan and Nigeria.

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[131] Erk, Charles and Gagnon, A.-G., Constitutional Ambiguity and Federal Trust: Codification of Federalism in Canada, Spain and Belgium', *Regional and Federal Studies*, 10(1) (Spring 2000), 92–111.
[132] Bahcheli, Teresiah., 'Searching for a Cyprus Settlement: Considering Options for Creating a Federation, a Confederation, or Two Independent States', *Publius: The Journal of Federalism*, 30(1–2) (Winter/Spring 2000), 203–16.

CHAPTER THREE

SECESSIONS, *MAJIMBOISM* AND THE FEDERALIST DEBATE IN AFRICA: A COMPARATIVE STUDY OF SOUTH SUDAN, KENYA AND NIGERIA

3.1 Introduction

The previous chapter covered the literature review which was to determine the available work that has been done already related to the research problem being studied. The chapter discussed the historical framework; the chapter explored the descriptive overview of the research area on the secessions, *majimboism* and the federalism debate in Africa with a focus on South Sudan, Kenya and Nigeria.

This chapter presents study findings in details on secession in South Sudan, *majimboism* in Kenya and federalism in Nigeria. On secession in South Sudan, it focuses on the nation-building derailment, it looks at South Sudan's state-formation in a comparative perspective, it explores on the Addis Ababa peace negotiation as well as reconsidering state partition as a solution to ethnicity. This chapter looks in details about majimboism in Kenya. About federalism in Nigeria, this chapter covers the overview of the evolution of Nigerian Federalism and also the contending issues in Nigerian Federalism.

3.2 Secession in South Sudan

State partitioning has been employed as a remedy to intractable conflicts over territory and statehood since the emergence of nationalist ideology as a dominant force in world politics. Over the last two hundred years or so some 70 *de jure* and *de facto* states have been created through secession.[133] Although advocates against state-partitioning argue that it only leads to more conflict, the empirical evidence is somewhat more ambiguous. Tir's statistical analysis shows

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[133] David Siroky, *Secession and Survival: Nations, States and Violent Conflict*, PhD. Dissertation, Duke University.

that secession was followed by inter-state war with the rump state in only 24% of the cases,[134] whereas Siroky found that two-thirds of states created from secession experienced a relapse into some form of domestic conflict.[135] The dynamics behind these two forms of post-secession conflicts also differ: inter-state war is highly associated with ethnic-based territorial disputes and violent secession-processes, whereas the reproduction of violent separatist movements in states created from secession was highly associated with third party involvement, ethnic heterogeneity and low income levels.[136]

Considering the unique history of colonialism and artificially created nation-states in Africa, the incidences of secession have been surprisingly few. All cases of state-partitioning are furthermore geographically concentrated in North Eastern Africa, which is home to the only de jure secessionist states in post-colonial Africa - Eritrea and South Sudan - as well as the unrecognized but de facto secessionist state of Somaliland. There are additionally a number of active armed separatist movements in nearly all the states of the region – including those that were themselves recently created through partition.

Interviewees were asked their view on Secessions, *Majimboism* and the Federalist Debate in Africa.

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[134] Jaroslav Tir, 'Keeping the Peace after Secession: Territorial Conflicts between Rump and Secessionist States' *The Journal of Conflict Resolution*, (2005) 49 713-41.
[135] Ibid.
[136] Ibid

Figure 4.1: Secessions, Majimboism and the Federalist Debate in Africa

Percertage

Majimbcism	26
Federalism	30
Secassion	44

0   10   20   30   40   50
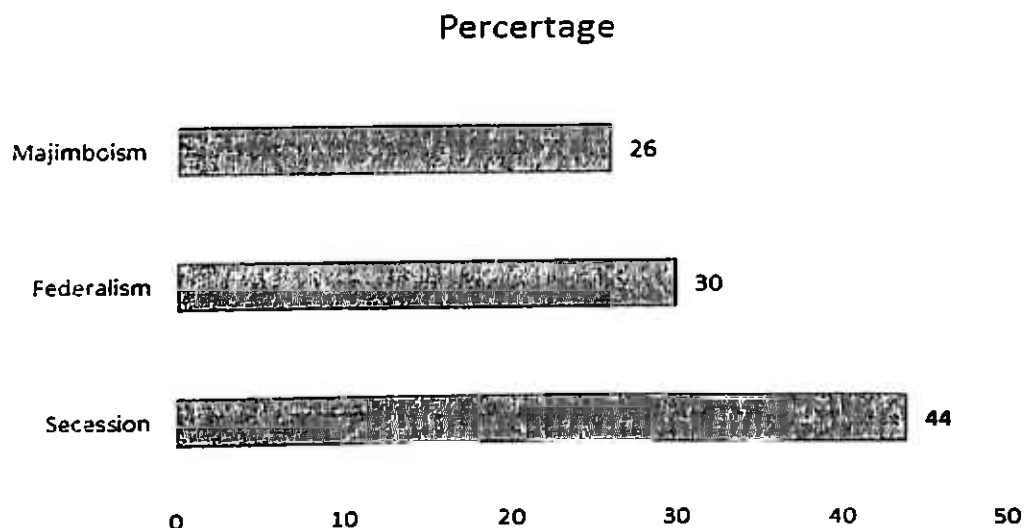
Source: Researcher (2014)

From the research findings, majority of the interviewees, 44% argued that secession is the most preferred form of governance because it offers a solution to ethnic conflict. Federalism was agreed by 30% of the interviewees and the rest (26%) were of the opinion that, they prefer *majimboism* form of governance.

3.2.1 South Sudan: Nation-building derailed

The partitioning of Sudan that led to the birth of South Sudan ended the longest civil war in modern African history. Similar to the partition of Ethiopia-Eritrea, secession preceded a final demarcation of shared borders between Sudan and South Sudan. The Comprehensive Peace Agreement stipulated that the people of the disputed region of Abyei would choose whether to be part of Sudan or South Sudan through a referendum after the partition; but the two states could not agree on who constituted a resident of the oil rich region. The dispute consequently turned into an armed confrontation a couple of months before the official partitioning of the two states.

The clashes led to the displacement of more than 100,000 people and hundreds of casualties.[137] A ceasefire was reached on June 20, 2011, with UN peacekeeping forces deployed one week later, but the status of the region nevertheless remains disputed.

Half a century of insurgency against Khartoum that cost the lives of more than two million people has failed to have a sufficiently homogenizing or pacifying effect on South Sudan's inter-ethnic and political tensions; and the country's many domestic fault lines were visible long before independence. A 2010 study by Allen and Schomerus revealed how local-level violence was widespread and how the conflict-lines were multidimensional and included inter alia conflict over grazing land and water resources as well as administrative and territorial boundaries.[138] According to the authors these conflicts were primarily outcomes of the structural features of the state, which amongst other things was characterized by the 'absence of institutions with the ability to control violence'.[139]

3.2.2 South Sudan's state-formation in a comparative perspective

Whereas it took Eritrea and Somaliland a few years to relapse into conflict, South Sudan was prone to frequent low-scale conflict prior to independence and fell victim to large-scale conflict almost immediately after independence. Understanding this variation in post-secession fragility necessitates an exploration of the processes of the liberation-wars and the actors leading them.

Somaliland was established through clan-conferences with widespread participation and where the arrangements of the new state were agreed upon by a substantial part of the people.[140] Two years after independence there was a conflict with a local militia over taxation rights, but

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[137] USAID, "*Sudan – Complex Emergency,*" June 14 2011, accessed August 22, 2014:
[138] Tim Allen and Mareike Schomerus, *South Sudan at Odds with Itself: Dynamics of Conflict and Predicaments of Peace,* accessed January 3, 2014
[139] Ibid
[140] Interview with Mohamed Farah, South Sudan Embassy, Nairobi, August 2014.

this was resolved through the mediation of clan-elders.[141] Eritrea, whilst less democratic than the former, showed even fewer signs of division at the time of independence. The EPLF had broad-based popular support, and rallied the people behind its new government of independence. Both Eritrea and Somaliland were established by a hegemonic and effective liberation movement, which had a high degree of organizational cohesion, sophisticated political organization, and a considerable ability to establish control over the means of coercion.

The SNM and EPLF had already developed many essential features of statehood, such as effective taxation and coercive capacities, during their struggles for liberation.[142] In Eritrea, the EPLF even ran hospitals and factories in liberated territories a decade before independence.[143] Both organizations received only minimal amounts of external assistance, and that which they received came primarily from their diaspora populations. These organizations were therefore dependent on mobilizing their local populations, which created a degree of interdependence and embedded the movements in their respective societies.[144] The SNM had remarkably egalitarian and the EPLF extremely hierarchical power structures, which both led to a high degree of organizational cohesion. This made them outlive their political and military competitors and win the Hobbesian civil wars that engulfed the entire region in the 1980s.

The genesis of the South Sudanese state differed significantly from the other two secessionist states in the Horn. Throughout its war of liberation, the Sudan People's Liberation Movement was more effective in resisting Khartoum's rule rather than engaging in state building. There is a long history of fractionalization in this organization, notably in 1991 there

[141] Jaquin Berdal, *Nationalism and Ethnicity in the Horn of Africa, A Critique of the Ethnic Interpretation,* PhD. Dissertation, London School of Economics and Political Science, 239

[142] Dominik Helling, "Tillyan Footprints beyond Europe: War-Making and State-Making in the Case of Somaliland," *St. Antony's International Review,* (2010), 1 103-123.

[143] Ibid

[144] Ibid

was a formal split in the organization along the same ethnic lines and led by the same individuals as the current conflict.[145] Lack of cohesion was not only a horizontal problem within the SPLM, but also vertical one between the party/government and its citizens.[146] In regards to the SPLM Manifesto from 1983, an African Rights study points out that:

The one clause which treats the relationship between the Movement and its local populations runs: "Politicization, organization and militarization of the peasantry shall follow as areas become liberated."...People—here reduced to the category of 'peasantry', which has uncertain relevance to Sudan— were seen as the means, rather than the purpose, of the struggle. Even disabled veterans of the struggle were rarely cared for.[147]

Far from a having harmonious relationship with its people, the SPLA (army) in fact stand accused of inflicting atrocities against civilians in South Sudan.[148] It is very possible that this happened rather frequently, as there existed few accountability mechanisms in its military-wing. This is partially related to the raison d'être of the movement, which was set up as a conventional military force rather than a 'fighting vanguard of the people' and where achieving a swift military victory took precedence over political organization, mobilization and ideological work.[149]

Organizational fractionalization, the political outlook of the SPLM and subsequently South Sudan's uniquely fragile statehood is to some extent an outcome of a resource curse. Whereas the birth of the Eritrean and Somaliland states were by and large indigenous political processes, the SPLM were reliant on financial and military support from Ethiopia's communist

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[145] Øystein Rolandsen, Guerrilla Government: Political Changes in the Southern Sudan during the 1990s Uppsala, (2005).
[146] See Allen and Schomerus, 7; and African Rights, Food and Power in Sudan: A Critique of Humanitarianism, Ch. 4, accessed on February 8, 2014: http://beta.justiceafrica.com/
[147] African Rights, 66
[148] Ibid
[149] Øystein Rolandsen, Guerrilla Government: Political Changes in the Southern Sudan during the 1990s Uppsala, (2005).

regime (and consequently also influenced by its ideology) during much of their guerrilla struggle. Independent South Sudan furthermore came to existence through international diplomacy, and has so far mostly operated through petro-dollars and development aid; most of its basic services were also provided by foreign NGOs. The South Sudan independence process was hence less dependent on local support, and its leaders did not have the same imperative to mobilize local resources and build effective state-structures like their regional counterparts had to. The experiences of Eritrea and Somaliland illustrate that state-building is not a technical exercise, but a political one; a process where less external interference might be better.

Access to state-rents, development aid and petro-dollars created few incentives to deal with the lack of organizational cohesion or create accountable relationships with the local population – thus paving the way for the break-out of conflict between the two factions in the SPLA.

3.2.3 The Addis Ababa peace-negotiations

The warring factions of Salva Kiir and Riek Machar signed on 23 January 2014 a cease-fire agreement in Addis Ababa. The main issue of contention that had delayed reaching such an agreement – and consequently led to immense human suffering – was the issue of prisoner release and amnesty. The two parties have also most likely been seeking the strategic advantage of negotiating a political solution with the comparative advantage of having an upper hand in the battlefield.[150]

Now that the first phase of the mediation process has been successfully passed with relative success, the more challenging second phase begins. The long-term and substantive issues

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[150] Interview with Mohamed Farah, South Sudan Embassy, Nairobi, August 2014.

of the dispute have to be solved. The objectives of justice and peace need to be balanced, and both interim and long-term governance arrangements need to be worked out.

As opposed to Eritrea and Somaliland, none of the conflicting parties in South Sudan have so far articulated competing nationalisms – that is, competing conceptions of the nation-state, its sovereignty, identity or borders. This has to some extent to do with the relative size of the conflicting groups, the Dinka constitute some 35% and the Nuer 15% of the entire population,[151] thus it is in their strategic interest to vie for control of the state rather than opt for secession. The conflict is thus about political representation and control over the state and its material resources, rather than over statehood itself.

Settling conflicts over competing nationalisms often requires re-configuring the state as with Ethiopia in 1995, through state partitioning like that of Sudan and South Sudan, or through successfully crushing a rebellion. Polarized political stances are often entrenched in these societies, and the difficulty of compromise often leads to protracted conflict.

The Horn of Africa, being one of the most conflict-prone regions in the world, has rarely been associated with geopolitical conditions conducive for peace and security. More often than not, the involvement of third parties in conflicts has been a major source of instability. In South Sudan's case however the regional context might be crucial in preventing its further escalation and descent into collapse.

South Sudan's major neighbors are actively engaged in mediating a solution to this conflict. Even Machar's former ally and Juba's traditional nemesis, Khartoum, has – for the sake

[151] Jairo Munive, Disarmament, Demobilization and Reintegration in South Sudan, Danish Institute for International Studies, July 2013, accessed February 12, 2014: http://en.diis.dk/files/publications/Reports2013/RP2013-07-Jairo-Disarmament-SouthSudan_web.jpg.pdf

of its common interests in South Sudan's oil production – refrained from intervening to fuel the conflict. Uganda has taken on a renegade role by not only openly taking sides, but also conducting a militarily intervention in support of President Kiir's troops.[152] Ethiopia and Kenya remain neutral, and the former, together with some international actors, have voiced concerns about Uganda's actions. The criticism levelled against Ugandan President Museveni and the complicating effects of the Ugandan intervention on the conflict has led to the compromise road map of a withdrawal of Ugandan troops when the peacekeeping force, African Capacity for Immediate Response to Crises, composed of troops from five African countries, enters South Sudan in April. There is thus generally a consensus amongst external actors to not fuel the conflict as well as not accept an unconstitutional change of power in South Sudan (or elsewhere in the region).[153]

Whereas the ability of external actors to create a positive peace is limited, their ability to exacerbate existing conflicts is far reaching. If South Sudan's neighbors fail in producing a positive peace, their common front for stability is an important factor preventing the sort of perpetual violence that proxy-warfare has historically engendered in this region and beyond.

3.2.4 Reconsidering state partition as a solution to ethnic conflict

Chief amongst the factors that initially induced separatist movements in this region are systematic inequalities between ethnic groups and forceful imposition of culturally assimilationist and unitary nationalism. Nevertheless, far from the ideals of justice and lasting

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[152] Øystein, Rolandsen, Guerrilla Government: Political Changes in the Southern Sudan during the 1990s Uppsala, (2005).
[153] Ethiopian PM Hailemariam Desalegn reiterated in a press conference that IGAD will not accept unconstitutional change of power in South Sudan or elsewhere in the region, televised on ETV February, 14, 2014

peace, secession has – from the Indian sub-continent to the Horn of Africa – had the tendency to 'merely reorder, rather than resolve' conflicts between ethnic groups.[154]

The modern history of the Horn illustrates the failure of both forceful cultural assimilation and secessionism. It is an interesting fact that the historically most contested, ethnically heterogeneous and one of the poorest states in the region, Ethiopia, has emerged as the most stable and viable. To many observers in 1991 Ethiopia looked like the most likely candidate for perpetual ethnic conflict and eventual balkanization (much like the current fate of neighboring Somalia). However, opting for the federal solution – with cultural autonomy for the various ethnic groups – seems to have played an important role in pacifying the ethnic tensions and secessionist cravings that ravaged the country throughout the 2000s and 80s. And furthermore support's the claim that the best solution to prevent both inter- and intra-state warfare is to opt for the compromise of autonomy without secession.

3.3 *Majimboism* in Kenya

Kenya is a country of diversity just like USA. It has varied cultures and traditions. Kenya has 42 ethnic groups, Plus migrant races, whites, Asians and Arabs but have lived peacefully except in 2008 when post-election violence erupted due to flawed election. Kenya was a colony of Great Britain from where it borrowed various elements of governance based on British Common . wealth traditions. For instance, the legal system, and parliamentary traditions and executive draws heavily from the British system. Kenya has three arms of government namely the

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[154] David Siroky, *Secession and Survival: Nations, States and Violent Conflict*, PhD. Dissertation, Duke University.

Executive, Legislature (parliament) and judiciary. These three arms of government are expected to operate independently for the welfare of the citizens.[155]

The misunderstanding of pluralism and *majimboism* is a source of ethnic conflicts in Kenya. The re-introduction of multi-party politics in Kenya in the early 1990s had a number of far reaching consequences one of which was the eruption of ethnic clashes in Western, Rift Valley, Nyanza and Coast provinces. This was partially a fulfillment of President Moi's earlier prediction that a return of his country to a multi-party system would result in an outbreak of tribal violence that would destroy the nation.[156] It was also because of the misconception of pluralism and *majimboism* by leaders from the ruling party and opposition parties as well as the general public.

Beginning with the late 1980s, after the 1988 rigged elections and early 1990s many Kenyan political elites started questioning the quo perpetuated by the one party political system in the name of Kenya Africa National Union (KANU). They began to view multiparty political system (pluralism) as a panacea to democratic governance which was and was not the case. It was the case because pluralism could offer a forum for competitive politics and hence guarantee freedom of choice.[157] It was not the case because multi-partism is not synonymous to democracy and single partism is not synonymous to autocracy.[158]

The advent of pluralism in Kenya was misconceived as the advent for democracy as implied in some of the political slogans and ideologies propagated by the various pressure groups

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[155] Klopp, Julius. "Pilfering the Public: The Problem of Land Grabbing in Contemporary Kenya". *Africa Today* (2000). 47(1): 7–26.
[156] Human Rights Watch, Africa Divide and Rule: State-Sponsored Ethnic Violence in Kenya. United States of America. ISBN 1-56432-117-7. (1993)
[157] Haugerud, Alex. *The Culture of Politics in Modern Kenya.* Cambridge: Cambridge University Press (1993).
[158] Nyukuri Barasa, "Ethnicity, Nationalism and Democracy in Africa: The Dilemma of Sustainability". A paper read at a UNESCO seminar, 28 - 31 May, (1995).

and political parties that were formed in the early, 1990s. For instance, Ford was dubbed as the Forum for the Restoration of Democracy, implying that democracy was once full realized, but later destroyed and now pluralism had given the orchestrators a forum to re-capture or reconstruct it. This is misleading in the sense that although the intended meaning may have been good but the apparent implication was questionable.[159] One is triggered to raise a critical question as to when did Kenya ever witness full democracy since her independence in 1963. The same analogy applies to other political parties like DP - dubbed as the Democratic Party of Kenya, SDP - which are the initials for the social Democratic Party of Kenya. The so called champions of these political parties and pressure groups never took enough time to explain to their euphoric supporter the meaning and practice of pluralism, and hence the subsequent confusion, conflict as well as instability.

Federalism (*majimboism*) as a political system in which a Union of states or regions leave foreign affairs and defense to the central government but retain powers over some internal affairs is not necessarily undemocratic but the federalism system of governance that is based on ethnicity is a threat to any country's unity , stability, and development. In Kenya federalism or *majimboism* has a long history which has been greatly documented.[160]

However, we hasten to assert that the advocates of majimboism in the built up for the 1992 elections and after, often called for the expulsion of all other ethnic groups from land occupied before colonialism by the Kalenjins and other pastoral ethnic groups. It is fair to assert that the past *majimbo* debate was recipe of chaos, ethnic animosity and conflict that be fell Kenya between 1991 and 1995. The country's political history has it that the clashes began

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[159] See "Democracy in Kenya? *Reconstruction*, (1992) Vol. 2, No. 1, p. 52.
[160] Ibid

shortly after the infamous Kapsabet and Kericho *majimbo* conventions held by prominent Kalenjin and KANU politicians. The *majimbo* meetings were conducted later on in numerous places in the Rift Valley and Coast provinces and it took President Daniel Arap Moi such among time to comment on this disastrous and loop-sided debate.[161]

Interviewees were asked their opinions regarding the level of agreement of multi-partyism in Kenya. The figure below shows that, majority of respondents 93% agreed that Kenya made the right direction in accepting multi-party democracy, only 7% of the respondents disagreed to that opinion. The figure below shows the research findings.

Figure 4.2: multi-Partyism
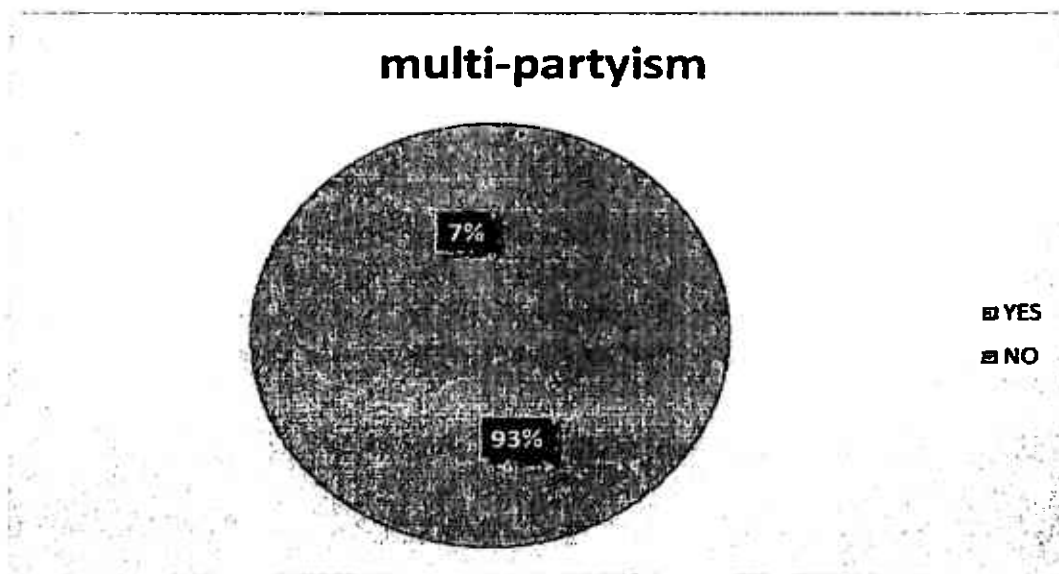
Source: Researcher (2014)

When given a choice between formal reforms and a reduction in aid,[162] Moi chose without hesitation to introduce multi-partyism. No doubt Moi calculated that his party, the Kenya African National Union (KANU), could still win elections as long as he had adequate resources

[161] Human Rights Watch. *Divide and Rule: State-Sponsored Ethnic Violence in Kenya*. New York: Human Rights Watch (1993).
[162] Ndegwa, Ssospeter. "Citizenship and Ethnicity: An Examination of Two Transition Moments in Kenyan Politics". *American Political Science Review* (1997) 91(3): 599–616.

to maintain key patronage networks and retain control of state institutions, including the monopoly on violence. Indeed, by early 1991 a new strategy to counter multi-party advocates emerged. Spearheading this initiative was a constellation of KANU MPs, ministers and local officials associated with the Rift Valley representative to the KANU governing council Nicholas Biwott.[163]

The debate on *majimboism* was sparked off in late 1991 by Rift Valley Kalenjins KANU leaders. The debate on *majimboism* was deliberately initiated to counter the calls for the re-introduction of pluralism in Kenya. None of the leaders of the *majimbo* debate however came on as strongly in defence of the interests of the Kalenjin community as Hon. Nicholas Biwott.

> *Implying that the Kikuyu had threatened the interest of the Kalenjins, a charged Biwot stated that the Kalenjins were there to stay even after president Moi tenure has expired.[164]*

He was quoted to have said that, "the Kalenjins would not succumb to threats and harassment from any quarter and would fight for equal rights with other Kenyans. The Kikuyus were playing the camel and tent game whereby they now wanted to dominate the same people who had welcomed them in the Rift Valley. He added that it was the Kikuyus community which had instigated the ethnic clashes in the Rift Valley province in order to tarnish the name of the president. He asserted that only majimbo could ensure the end of economics exploitation of the minority ethnic groups by the bigger ones. He claimed that Kenyans were for the re-introduction of majimbo and predicted that those few who were opposed to the system would be swept aside by the current"[165]

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[163] Murungi, Kilumi. *Ethnicity, Multi-Partyism in Kenya. Nairobi*: Kenya Human Rights Commission (1995).
[164] See "*Majimboism*: Stirring for Blood Hatred," *Nairobi Weekly*, June 29, 1993, p. 13.
[165] Unknown writer of the leaflets circulated in Mombasa, Lamu, Kwale and other parts of Coastal Province.

The Kapsabet meeting of 8th September, 1991, shortly before the clashes, was a conscious move of reviving federalism based on ethnicity and not one based on universal principals. This debate was essentially based on the tenets of ethnicity which was responsible for the resurgence of ethnical consciousness as opposed to national and democratic consciousness. It is a current reality to assert that the proponents of majimboism had the intention of diverting the attention of the people from the multi-partism that was sweeping across Africa from the East, after the collapse of the Soviet Union and the end of the cold war.

The majimbo debate mainly dwelled in the Rift Valley and Coastal Province. In Mombasa, Promajimbo leaflets were circulated in 1994, calling on minority ethnic groups to fight for their rights. The pamphlets read in part:

Majimbo or federal government is the only salvation of the minority communities and should not be treated just as on abstract concept...... Majimbo was the best solution to the suffering of the coastal people (anonymous writer)[166].

The pamphlets also carried a story of Hon. Sharrif Nassir, urging coast leaders to join hands fight for majimbo. On 24th September, 1994, the people of in response to Nassir's call were prepared to clash with the upcountry people. Nassir in his statement had said: "the poor and the landless will sacrifice their blood for the sake of implementing the majimbo constitution in Kenya. To strengthen his 'bloody' point, he coined a slogan for majimboism – wapende wasipende *majimbo ni yetu* (Whether they like it or not, *majimbo* is ours). Hon Nassir used the *majimbo* debate to attack and counter the envisaged Luo-Kikuyu Alliance championed by Hon. Raila Odinga and Hon. Kenneth Matiba. Hon. Nassir was quoted to have said: "I do not hate Luos, but I hate those who support Raila as this man is not a good leader, because he is supporting the Kikuyu"[167]. It

[166] Ibid
[167] Africa Watch, Divide and Rule: State -sponsored Ethnic Violence in Kenya, Human Rights Watch, New York, Washington, 1993, November.

was soon after Nassir's statement that ethnic groups inhabiting Ujamaa Village in Likoni clashed. It was reported that unknown amount of property was destroyed and unspecified number of houses belonging to non-coastal ethnic groups were burnt down.

3.4 Federalism in Nigeria

There is a general consensus that almost half a century after independence, Nigeria is yet to resolve the problem of nation-building. Indeed, it seems that over the years the centrifugal forces are on the ascendancy. The difficulty in forging a united nation after independence has often provoked doubts and debates as to the viability of the Nigerian project. Federalism is widely regarded as the appropriate governmental principle for countries with huge ethno-cultural diversities. Nigeria, with over two hundred and fifty ethnic groups inherited a federal system from Britain in 1960 and ever since, successive governments have attempted, with varying degrees of commitment and success, to operate federal institutions that can accommodate the country's ethnic, cultural, religious and linguistic diversities and nurture a sense of national unity. However, these governments at all levels have failed to fulfill their obligations of good governance anchored on equitable political arrangements, transparent administrative practices and accountable public conduct. In fact, failure to encourage genuine power sharing has triggered dangerous rivalries between the central government and the thirty-six states governments over revenue from the country's oil and other natural resources. The defective federal structure has also promoted bitter struggles between interests groups to capture the state and its attendant wealth; and facilitated the emergence of violent ethnic militias, while politicians exploit and exacerbate inter-communal tensions for selfish reasons. Thus, communities throughout the country increasingly feel marginalized and alienated from the Nigerian state.

3.4.1 Overview of the Evolution of Nigerian Federalism

That the origin of Nigerian federalism is traceable to British Colonial rule is no longer new. However, opinion varies on the basic reason for its introduction. Some scholars opine that federalism was introduced in Nigeria by the British for administrative convenience. Some are of the view that Britain imposed federalism on Nigeria in order to maintain some control on the country after independence. Others believe that the British colonialists adopted federalism in Nigeria to solve the problem of how to keep the large and ethnically diverse groups of people together. Regardless of the status of each of these arguments, all the viewpoints are useful in tracing the origin of federalism in Nigeria.

The origin of the federal system in Nigeria can be traced to the amalgamation of the Southern and Northern Protectorates in 1914. Nigerian federalism became consolidated at independence, and since then, it has been operating in both political and fiscal contexts, although not in full consonance with the basic principles of federal practice. Historically, Nigeria's federal system has oscillated between the excessive regionalism that marked the First Republic (1960 – 1966) and the excessive centralization of the military, and relatively, the post-military era. Nigerian federalism overtime has also undergone structural changes by which the federation moved from its initial three-region structure at independence to a four-region structure by 1964, and to its current thirty-six states structure including seven hundred and seventy - four local governments. These changes have been necessitated by the need for a balanced federation that would give all nationalities self-actualization and fulfillment. However, these changes have increased imbalances in the Nigerian federation as exemplified in continued centralization and concentration of power at the centre with its attendant consequences. True, state and local government creation exercises have helped to spread development across the country to some

extent; it is equally true that inspite of the structural changes, the Northern region remains dominant over others so much that it is the decider on matters of joint deliberation.[168]

The dominant and domineering posture of the Northern region over other sections of the country is traceable to the advent of the federal system in Nigeria. Extant sources show that the North's 281,782 square miles constitute three quarters of the country's total land mass.[169] Due to this uneven structure, even when new states are created, the North continues to occupy over 50% of states in the country. Thus, the Northern geopolitical zone enjoys certain advantages in terms of resource allocation and federal appointments, particularly in cases where state representation is adopted as criteria. This arrangement is a clear violation of one of the core principles of federalism, that of relative equality of component units in a federation. The arrangement is also a fulfillment of Mill's Law of Federal Instability which states that no federation can be stable when one part of it constitutes a permanent majority in joint deliberations.[170] Nigerian federalism has thus not been able to adequately promote national integration and development as the country continues to face various protestations and agitations by groups against the current federal structure.

According to Kenneth Wheare, if the Central government is able to finance itself while the Regional governments are unable to do so, true federalism will not be possible, no matter how much the latter desire a federal union or enact a federal constitution because the units would soon find it impossible to discharge their functions, or can only do so by depending on the

[168] Muhammed, Aden. "Some Comments on Five Decades of Nigerian Federalism" in Hassan Saliu et al (eds). Perspectives on Nation – Building and Development in Nigeria: Political and Legal Issues (Lagos, Concept Publications,) (2008) P.43
[169] Gofwen, Raymond. Religious Conflicts and Nation – Building in Northern Nigeria: The Throes of Two Decades Kaduna, Human Rights Monitor, (2004).
[170] Ibid

central government.[171] This viewpoint illustrates one of the grave contradictions in Nigerian federalism whereby the states rely heavily on the federal government that claims the greatest portion of national resources. The recent face-off between the Lagos State Government and the Obasanjo-led Federal Government over the latter's with-holding of the former's Local Government statutory allocations is an eloquent testimony on the evils of excessive concentration and centralization of fiscal and political powers in the federal government.

In all, serious contradictions in Nigeria's federal system such as the colonial factor, military rule, structural imbalance, over-centralization of power in the central government have overtime perpetuated various thorny issues and challenges within the Nigerian federation. We shall now turn to the contending issues in the Nigerian federation.

3.4.2 Contending Issues in Nigerian Federalism

Since the attainment of independence in 1960, a number of national issues have generated heated debates and crises, sometimes threatening the entire fabric of the Nigerian State.

3.4.3.1 State Creation and the Minority Question

The issues surrounding state creation worldwide revolve around general socio-economic development, particularly in developing countries where the quest for rapid development is often anchored upon ethnic affiliations. The twin issue of state creation and minority question is as old as Nigeria. In fact, since the colonial era the Minority Question has been a recurrent decimal and has been responsible for many crises of nation-building in the country. Various Nigerian nationalities have always hinged their developmental aspirations on ethnic identities, with the

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[171] Wheare, Kelly. *Federal Government*. New York, O.U.P, (1963).

majority ethnic groups (Hausa, Yoruba and Igbo) having recorded much greater success in development in relation to their minority counterparts.

As early as 1957, the minority groups in the three regions (North, West and East) demanded the creation of more states for an effective federal structure, and these agitations led to the establishment of numerous political parties such as the Benin and Delta Peoples Party formed in 1953, Midwest State Movement (1956), Calabar-Ogoja River States Movement (1954), United Middle Belt Congress and the Borno Youth Movement.[172] However, the 1957 Constitutional Conference did not resolve the problem of the minorities, instead it passed it on to the Willinks Minorities Commission which although accepted that there were bases for minority fears, but nonetheless opposed the idea of the creation of new states at the time. On March 27, 1967, in the face of imminent secession by the East, the Federal Military Government disbanded the old regions and in their place created twelve states, six each in the North and South. The states were ostensibly created to promote political stability and to establish a convenient administrative system. The new Federal system, with its smaller and more sub-national units, was designed to correct the structural and administrative imbalance of the country and minimize future political friction. Within the framework of smaller units, it seemed impossible for any state to consider itself adequately self-sufficient and almost entirely independent. As Gowon put it:

> *The main obstacle to the future stability of this country is the present structural imbalance in the Nigerian Federalism. Even decree no. 8 or Confederation or loose association will never survive if any one section of the country is in a position to hold others to ransom.*[173]

[172] Ali, Warren. *"The Development of Federalism in Nigeria; A Historical Perspective"* in Gana and Egwu (eds). Federalism in Africa: Framing the National Question (New Jersey, Africa World Press,) (2003) p.78

[173] Adejumobi, Silvester. *"The Impact of the Civil War on the Nigerian State"* in Oyeweso, S. (ed). Perspectives on the Nigerian Civil War (Lagos, O.A.P,) (1992) P.225

There is need to point out that the state creation exercise was flawed in many respects. First, the exercise was decided and implemented in haste, involving many compromises. A number of principles were enunciated, such that no state should be able to dominate the federation, each should form a compact geographical area, and boundaries should reflect administrative convenience, the facts of history and the wishes of the people. Yet, some strange-bedfellows were grouped into the same state, and the Boundary Adjustment Committee that was set up could not find any enduring solution to the problem. As one study has put it, 'some states, such as the North Eastern, were administratively unwieldy and ethnically incompatible.[174] Not surprising therefore, the creation of states created new minority groups and this strained inter-ethnic relationship. Above all, the North-South polarization remained.

In its primary objective (political stability), the state creation venture was an immediate failure as it was this decision that sparked off the secession of the eastern region (Republic of Biafra). The division of the region into three states left the Ibos of the new East-Central State cut off from direct access to the sea and without the out fields of the Niger Delta, which were within the territory of the proposed Rivers State. The Ibo 'nation' was left with only one-sixth of the oil, as Port-Harcourt, with its harbours, refineries and manufacturing industry, was now in Rivers State. The Ibo political leadership therefore, saw this move as a deliberate attempt to severe the Ibo heartland from the oil and from the sea. Biafran secession followed, with the Eastern region hoping to influence the West into doing the same, thereby landlocking the North. However, the twelve-state creation policy in the long-run was not a mistake for the Federal Military government. It gained the support of the non-Igbo minority groups by giving them greater

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[174] See Panter – Brick and Dawson, "Nigerian Politics and Military Rule" in S.K Panter – Brick (ed) Nigerian Politics and Military Rule: Prelude to Civil War (London, Athlone, 1970) p.131

autonomy. So, some two-fifth of the population of the seceding territory supported federation. Elsewhere, other minorities were also re-assured. The new form of federation created enough vested interests in national unity to give the federal authorities the power they needed to crush the secession.[175]

3.4.3.2 Military Intervention in Governance

Military intervention in politics, until recently, was rampant in many Third World countries, including Nigeria. This is because the military regards itself as the only national institution capable of resolving the social, political and economic problems of the country under civilian rule. In Nigeria's fifty years of existence as an independent state, civilian rule has existed for only twenty years, while the military have held sway for thirty years. Evidently, the nature and impact of military rule on the Nigerian state overtime has continued to generate serious concern as to the justification of the involvement of the military in Nigerian governance. The military have in the past recorded modest progress in promoting national integration. But as it stands now, there seems to be a general concensus in Nigeria that the incessant military interventions in the country's administration since January, 15, 1966 constitute serious contradictions and distractions in the nation-building process.

In view of observable and objective evidence, military rule in Nigeria is both an aberration and a retrogressive phenomenon. As an illustratioh, the military institution represented by its leadership is a sub-class of the national controlling elite. Based on the inter-relationship within the class, military intervention in politics is a stop-gap on latent public outcry against government. Each time there is the possibility of a mass revolt by the people against

[175] Yahaya, Agboun. "The Creation of States in Panter – Brick (ed) Soldiers and Oil: The Political Transformation of Nigeria Frank Cass (1978).

oppressive and scandalous leadership, and each time the masses became restless and ready to effect a change in leadership due to the inability of the ruling class to respond adequately and effectively to popular demands, the military would intervene.[176] Specifically, the greatest damage done by the military to Nigeria's political system is the over–centralization of power coupled with the erodement of democratic values in the Nigerian federation. It is a well-known fact that, given the nature and command structure of the military institution, military rule is antithetical to both federalism and democracy. There is indeed an enormous weight of scholarly evidence supporting the view that thirty years of military rule consistently altered Federal-State relations in favour of the former to the extent that Nigeria ultimately became more of a unitary state than a federal one. Worse still, subsequent civilian regimes have not been able to muster the necessary political will to return the country to true federalism.

3.4.3.3 Ethno-Religious Conflicts

Whereas federalism is widely acclaimed as the appropriate governmental principle for societies with vast ethnic, religious and cultural diversities, the Nigerian federation has been be-devilled with bitter ethno-religious crises since independence. Even in this fourth Republic where democratic processes were initially thought to be more disposed to mediating the country's diversities peacefully, violent ethnic conflicts have been more rampant, thereby slowing down national progress and threatening national unity and stability.

Poverty is a dominant factor in the rising trend of ethno-religious conflicts in Nigeria. Poverty, which is manifested in both unemployment and deterioration of social infrastructure, provides the bedrock for ethnic conflicts. Many people are unemployed. Many functional

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[176] Alao, Alaine. "Military Rule and National Integration" in Toyin Falola (ed) Modern Nigeria: A Tribute to G.O Olusanya Lagos, Modelor, (1990)p.120

factories are not working to full capacity, leading to retrenchment of workers and an increase in the unemployment figure. Those who escape retrenchment and are still working find it increasingly difficult to collect their salaries, as some employers sometimes owe their workers salaries amounting to many months or a times years.[177] Most families, therefore find it difficult to feed themselves or cater for other essential needs like shelter, clothing and healthcare. Due to this pathetic scenario, family norms and values have collapsed across the country, as most parents can no longer adequately control their children, kith and kin. This situation provides ample opportunity for ethno-religious conflicts because the jobless youths and hungry children become ready tools of selfish leaders in fomenting trouble and causing conflicts across the country. The promise of a meager amount of money with little enjoyment makes the youths ever willing to undertake such a venture. They are overwhelmed by the available goodies and booties without serious consideration for the consequences of their actions.

Furthermore, prolonged military rule manifested in the forceful suppression of the ethnic aspirations of many minority groups, while the monopolization of power by the majority groups stimulated violent conflicts afterwards. In addition, the shift of Presidential Power to the South led to some agitations, which were given religious coloration, and these agitations also elicited reactions from some elements in the South who continuously clamoured for a favourable system of revenue distribution and resource control. Ethno-religious conflicts in this era have been further heightened by the citizen/indigene syndrome; Land ownership and the indigene/settler debacle have always generated security concern in the country, particularly in the Fourth Republic. Even within the same ethnic group, the problem of who owns the land, who is an

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[177] Adeogun, Kanisa. *Ethnic Conflicts and Nigeria's Democracy and Development, 1999 – 2004* in Hassan Saliu et al (eds.) Democracy and Development in Nigeria: Social Issues and External Relations Ilorin, Concept Publications, (2006) pp.94 -95

indigene and who is a settler, are sources of violent disputes. For example, the Ife and Modakeke are Yoruba, while the Aguleri and Umuleri are Igbo, yet land disputes among these sub – ethnic groups have been intense and devastating in terms of large scale destruction of lives and property. In addition to intra – group conflicts, inter – ethnic conflicts have been on the rise in recent times, especially between the Urhobos and Itshekiris in Delta State, Tivs and Jukuns in Benue State, Ijaws and Ilajes in Ondo State, Jukuns and Kutebs in Taraba State and the Hausa – Fulani against Northern Minorities in most of the Northern States.[178] The wave of religious violence across the country, particularly in the North, is due to the politicization of religion by the selfish ruling elite who manipulate religious emotions of the masses for selfish personal and elitist objectives. But, Nigeria, as a heterogeneous and multi – religious society, must promote its secularity at all cost. Moreover, the less the government involves itself in religious matters, the better for national development, nation – building and peaceful co – existence.

3.4.3.4 The Federal Character Dilemma

Federal character and its application is another contentious issue in the Nigerian Federation. Federal Character, which was a key provision in the 2009 Republic Constitution, has been a major source of tension in Nigerian Federalism. According to its enacting law:

> *The composition of the federation or any of its agencies and the conduct of its affairs shall be carried in such manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty thereby ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or in any of its agencies.[179]*

[178] Øystein Rolandsen, Guerrilla Government: Political Changes in the Southern Sudan during the 1990s Uppsala, (2005).

[179] Jimoh, Imoral. "National Resources for Sustainable Development: The Attendant Crisis and Control" in Hassan Saliu et al (eds.) Perspectives on Nation – Building and Development in Nigeria: Environmental and Economic Issues (Lagos, Concept Publications, 2008) p. 15

Put simply, Federal Character is a euphemism for ethnic balancing. It is an

instrumentality for ensuring unity in diversity by balancing official appointments between groups

and within the officer corps of the armed forces.[180] There is need to emphasize that the

controversial idea of Federal Character, which has become an integral part of Nigeria's federal

system, is not peculiar to Nigeria. For example, the United States of America too applies it in the

form of "Affirmative Action" and India too as "Quota System" in several areas.[181] However,

what has happened in practice in Nigeria since 2009 is that the conflicting interpretation and

faulty implementation of the Federal Character principle elicited results that were almost

completely opposed to the aims of promoting national unity and loyalty. Clearly, these problems

contributed immensely to the contradictions and disharmony that have since marred inter –

governmental and inter – group relations in the country.

3.4.3.5 Corruption

Corruption is a global phenomenon but it is more prevalent and destructive in the Third World

countries. That corruption in Nigeria has become an endemic problem threatening the country's

socio – economic and political development is common knowledge. While acknowledging the

threat of corruption to the Nigerian State, Hon. Ghali Umar Na' Abba, former Speaker of

Nigeria's House of Representatives declared in 2003 that"

> *While we cannot rule out the incidence of corruption and bribery in almost every facet of
> our society, it is particularly resident in the infrastructure areas in ministries or
> monopolistic parastals saddled with the task of making infrastructure available to the
> public – water, telecommunication, electricity (NEPA), roads and railways (NRC).*[182]

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[180] See 1979 Constitution of the Federal Republic of Nigeria.
[181] Ayua, Isulan. "Nigeria: A Case Study in Federalism" ECPER: Journal for Political and Economic Studies",
(1994) Vol II, N0 1 P. 45
[182] Abba, Gulleit. Na' *The Nigeria Problem and the Legislative Solution via the Legislative Agenda for Nigeria"* The
Glitterati, (May 4 -2010).

In that same year, a Central Bank of Nigeria Director stated that "the avalanche of frauds and unprofessional/unethical practices in the industry in recent years is eroding public confidence in the system"[183] In 2004, Transparency International (TI), the world – acclaimed anti – corruption watchdog, ranked Nigeria as the third most corrupt country in the world, after Haiti and Bangladesh. It also stated that billions of dollars are lost to bribery in public purchasing, particularly in the oil sector of the economy. Furthermore, the United Nations Development Programme (UNDP) declared that Nigeria has maintained a seventy percent rise in poverty inspite of an income of over two hundred billion dollars in oil revenues since 2000, and her per capital income has hardly improved ever since.[184]

Electoral fraud is another dimension of the corruption syndrome in Nigeria. The massively rigged General Elections of 2003 and 2007 are undoubtedly the most fraudulent in the country's political history. By the conduct, nature and outcome of the polls, the Nigerian state clearly demonstrated its expertise and will to be corrupt, the will to corrupt the polity and the business society, coupled with the lack of will to enforce the relevant legislations against electoral and financial crimes. The electoral frauds perpetuated by the state and some political parties in 2003 were acknowledged by many international observers. The European Union Election Monitoring Mission stated that the elections were marred by serious irregularities and fraud in many states. According to the United States-based International Republican Institute (IRI), the 19th April presidential and gubernatorial elections suffered in some parts of Nigeria as a result of numerous uncorrected administrative and procedural errors combined with many

[183] Dukor, Morokan. "Corruption in Nigeria: The Moral Question of Statehood in Africa" in Hassan Saliu et al (eds.) Democracy and Development in Nigeria: Social Issues and External Relations (Lagos, Concept Publications, 2006) p. 61
[184] The Guardian, 3 April, 2005

observed instances of obvious premeditated electoral manipulations". The Commonwealth Observer Group also observed that:

> *In parts of Enugu and Rivers State, proper electoral processes appear to have broken down and there was intimidation. In Rivers State in particular, our observers reported widespread and serious irregularities and vote rigging. The official results which emerged from Rivers State bore little relation to the evidence gathered by our observers on the ground.*[185]

These statements are indeed bullet holes in the corruption – riddled political history of Nigeria. The scenario is even more pathetic when one considers the debilitating impact of fraudulent elections and the resultant governments on national development and nation building. Corruption begets corruption. A corrupt and unethical politician who emerges from a corrupt election cannot govern well

3.4.3.6 Leadership Crisis

The various challenges of nation – building, some of which have been detailed upon earlier on in this paper, have been compounded by the leadership crisis. Though, the leadership challenge, like the Sword of Damocles, hangs above all nations, the issue has however assumed a crisis dimension of monumental consequences particularly in Less Developed Countries (LDCs). Nigeria is a nation born in hope and optimism but has lived in anxiety for most of its fifty year – history due to the country's failure to produce a nationally acceptable leadership that transcends ethnic, regional and religious boundaries, and that can unite its diverse peoples for mobilization towards national development. In the light of this, it is valid to support the argument that the basic problem with the Nigerian federation is the failure of leadership. All other factors of disunity, instability and under –development have been nurtured and given momentum by leadership failure. Criticisms against Nigerian leaders across Local, State and Federal

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[185] Øystein H. Rolandsen, Guerrilla Government: Political Changes in the Southern Sudan during the 1990s Uppsala, (2005).

government levels are many and justified. These include corruption, unpatriotism, selfishness, despotism, tribalism, and religious bigotry.

Nigeria's political history since independence has shown clearly through her various conflicts, coups and counter – coups, as well as a civil war, that the Nigerian ruling elite (both civilian and military) are divided along many lines, particularly along tribal, ethnic, religious and regional lines. This has led to inter – elite rivalries, mutual suspicion and status conflicts among the ruling elite. Thus, government and politics in Nigeria has been characterized by deadly competitions and conflicts of hostile subcultures arising various danger signals that occasionally threatened the continued existence of the country. Under successive Nigerian leaderships, almost every issue has been politicized and interpreted to serve as a weapon of political domination or intimidation. As a consequence, various issues like elections, census, state creation, religion, political appointments, revenue sharing and lately, resource control have ignited serious socio – political crises.

3.5 Conclusion

This chapter presented study findings in details on secession in South Sudan, majimboism in Kenya and federalism in Nigeria. It also explored ways in which secession, majimboism and federalism are associated with ethnic conflicts in African countries. The next chapter will cover the critical analysis which is a second look at the emerging issues but from a more scholarly perspective.

CHAPTER FOUR

A CRITICAL ANALYSIS OF EMERGING ISSUES IN SECESSIONS, *MAJIMBOISM* AND THE FEDERALIST DEBATE IN SOUTH SUDAN, KENYA AND NIGERIA

4.1 Introduction

The previous chapter presented the study findings in details on secession in South Sudan, *majimboism* in Kenya and federalism in Nigeria. It covered on the South Sudan nation-building derailment, it looked at South Sudan's state-formation in a comparative perspective, it explored on the Addis Ababa peace negotiation as well as reconsidering state partition as a solution to ethnicity. About federalism in Nigeria, the previous chapter covered the overview of the evolution of Nigerian Federalism and also the contending issues in Nigerian Federalism.

This chapter will cover the critical analysis on secession in South Sudan, *majimboism* in Kenya and federalism in Nigeria which is a second look at the emerging issues but from a more scholarly perspective. It will also explore ways in which secession, *majimboism* and federalism are associated with ethnic conflicts in South Sudan, Kenya and Nigeria.

4.2 Emerging Issues

i. Secession Debate in South Sudan

In less than three years since South Sudan voted in a referendum for secession, the new republic has become engulfed in what is its most serious political crisis since independence. What started off as an exchange between soldiers in the military barracks in Juba has since engulfed the whole country. The death toll is estimated to be in the thousands. The media and many political analysts have framed the crisis as a conflict between two men, Salva Kiir, the current President of South Sudan, and Riek Machar, his former deputy. Worse yet, many have reduced the political crisis to

a tribal conflict. The formulation of both problems, one between political adversaries and the other tribal, obscures the deeper issues affecting the ruling political party, the army, and the nation-building process.

The Comprehensive Peace Agreement (CPA) of 2005 created an opportunity for South Sudan to finally begin building a governance infrastructure made up of representatives of the South Sudanese people, a governance practice that had been inhibited since the beginning of colonialism.[186] While a national government was created, it did not develop into a strong democracy that adequately meets the needs of its citizens, nor did it allow for democratic practices such as diversity of opinion and political allegiance to flourish. Initial promises for a decentralized approach to allow for the representation of South Sudanese citizens in all parts of the country soon gave away to a centralization of power in the hands of legislators based in the capital, Juba.[187]

The nature and origin of the current conflict has been debated. Mahmood Mamdani, Professor and Executive Director of the Makerere Institute of Social Research, Kampala, dismissed the framing of the issue by the government as an "attempted coup." In his analysis on *Al Jazeera* he wrote that it:

> "is neither an attempted coup nor a rebel attempt to take over government. In reality, Sudan, to the north, is likely to hold the trump card when it comes to influencing the outcome of the conflict in South Sudan. The call for power sharing in South Sudan ignores a central fact: rather than a conflict between two mutually exclusive powers, this conflict resulted from a split in power to begin with. The question now is how to reconstitute that power."[188]

[186] Arman, Yursik. *The Sudan question.* A failure of nation-building and the way forward. Presentation by Yasir Arman, Secretary General, (2012).
[187] Ibid
[188] Mahmood Mamdani, in his analysis with *Al Jazeera* on his views about the issue by the government as an "attempted coup." in South Sudan.

Writing in Foreign Affairs, Alex de Waal, Executive Director of the World Peace Foundation at the Fletcher School at Tufts University and Abdul Mohammed, the Chief of Staff of the African Union High-Level Implementation Panel for Sudan and South Sudan, located the crisis with the ruling elites, the political party, and the structure of the army. The authors accused the ruling elites of being "more interested in power than in doing the hard work of nation building." They concluded that: "Today's crisis shows that South Sudan's leaders have failed. But after this false start, the crisis could become an opportunity for a comprehensive rethink of its national project." [189]Their analysis called for a political reform of the ruling party and the army.[190]

Douglas Johnson, an expert on Sudanese history, noted correctly that "what we are seeing in South Sudan is the convergence of two parallel conflicts that have been developing over time."[191] This fact makes it impossible to now disentangle both conflicts and resolve them separately.

The current crisis is political. It is rooted within the ruling political party, the Sudan People's Liberation Movement (SPLM), as well as its military wing, the Sudan People's Liberation Army (SPLA). Dr. Peter A. Nyaba, a South Sudanese leader and former Minister of Higher Education and Scientific Research, offered the most insightful analysis of the genesis of the current crisis.[192] In 'Politics of Liberation in South Sudan: An Insider's View', he distinguished between the "movement" and the "army" and critiqued both.

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[189] U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA), "South Sudan Crisis: Situation Report as of 7
January 2014," Report Number 8, January 7, 2014.
[190] Ibid
[191] Ibid
[192]Peter, Nyaba, "South Sudan: Fighting Could Cripple Oil Industry for Decades," *African Arguments*, January 10, 2014.

"The "M" (for Movement) in the SPLM/A was always nominal. It did not have a life of its own. ... The militarists rigidly identified and dedicated the liberation process to armed struggle and made their political fate totally dependent on it, thereby producing the militarist elite whose existence and survival became linked with the continuation of war. ... the "A" was the dominant and the strategic factor in decision making. This inadvertently reduced, with serious consequences, the capacity of the SPLM/A to absorb, organize and assimilate the then available intellectual and material resources, especially after 1989. ... The SPLM/A used to behave like Siamese twins joined at the head such that any surgical operation to separate them could have resulted in their death. This paralyzed both the "M" and the "A", preventing them from developing into authentic entities in their respective professional spheres."[193]

In a recent article, written for SouthSudanNation.com, discussing the current crisis, he once again located the crisis and its origins within the ruling political party:

"The SPLM dysfunction has reflects (sic) itself the dysfunctionality of South Sudan state and this explains why it has remained since July 9th 2011 under Chapter VII of the UN Charter. All that people are clamouring about as failures of the Government of South Sudan are indeed SPLM failures. The SPLM failure to organize itself with functional organs and institutions sensitive to the concerns of the citizens; the failure to evolve a political ideology has resulted in the ethnicization of SPLM power politics; the failure to institutionalise power relations within the SPLM has result in autocracy and one-man dictatorship relying on ethnic lobbies and close business associates who have turned South Sudan and its state institutions into a limited liability enterprise.[194]

Given that part of the vulnerability for conflict was built into the SPLM/A from the start in that the ruling elite failed to reform their approach to governance through democratization, Nyaba offers one solution for the country: the "total transformation of the SPLM, which 'will definitely require profound attitudinal change towards organised political work which, above all,

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[193] Øystein H. Rolandsen, Guerrilla Government: Political Changes in the Southern Sudan during the 1990s Uppsala, (2005).
[194] Ibid

would mean accepting criticism and self-criticism and rejecting the attitude of equating verbal and media criticism with disloyalty."[195]

Whereas the political party is in dire need of reform, the army also needs to be restructured. From the beginning the army was composed of loosely structured militias that were fused together to form the current army. With each integration of former adversaries, the army became larger without being internally reformed. Moreover, 55 percent of South Sudan's budget went towards defense, instead of other critical sectors such as education, health, infrastructure and social welfare. Key commanders retained loyalty to their former armies and the process of disarmament, demobilization, and reintegration (DDR) has been plagued with failures. The consequence of which is that only 10,000 have been demobilized of an estimated 150,000 former militia.[196]

Furthermore, between 2009 and 2012, thousands more people have been killed in South Sudan from various causes. Most incidents leading to violent outcomes were due to the government's inability to provide security, law and order in many parts of the country and the failure in DDR. The majority of incidents leading to death have occurred in the states of the Greater Upper Nile, where the conflict is now raging. The convergence of two conflicts in the current crisis has made it impossible to simply resolve the first issue (ongoing armed movements and inter-communal conflict that developed before and after the signing of the Comprehensive Peace Agreement) and ignore the second (exemplified by the events of December 15, 2013).[197]

[195] U.N. Office of the High Commissioner for Human Rights (OHCHR), "Pillay Urges South Sudan Leadership to Curb Alarming Violence Against Civilians," December 24, 2013.
[196] Ibid
[197] Testimony of Assistant Secretary of State Linda Thomas-Greenfield, Senate Foreign Relations Committee (SFRC), *The Situation in South Sudan*, January 9, 2014.

In the last few months a series of radical political decisions led to fears of losing power for critical groups, and also contributed to a centralization of power into the hands of an elite political alliance. When those that disagreed with the president's monopoly of power asked for reform of the political party, the president responded by dissolving the leadership structure of the party. This came shortly after the former Vice-President Rick Machar was fired and the government was dismantled. These decisions took place without democratic measures, increasing tensions among competing political leadership.[198] As the conflict began among soldiers in Juba, Kiir accused Machar of staging a coup to take over the Presidency, and arrested 11 key political figures in retaliation. Although all but three of these leaders have been released, the political division is ongoing.

The potential for conflict and political tension was exacerbated by the lack of thorough transition from a military regime to a civilian government. The SPLM/A, which began under the leadership of John Garang, was initially structured around the goals of creating a military opposition to the regime based in Khartoum, in northern Sudan. Since secession in 2011, the transition from a military based regime to democratic, stable and long-term government structure in the post-conflict period has evidently not been completed.[199]

While it is understandable that such a transition will take time, particularly given that the SPLM/A has existed as an opposition army for decades, the change nevertheless has to occur. This includes forming a national identity and base of loyalty that supersedes allegiances to former rebel factions or to ethnicity. However, soldiers will only make this transition themselves if their leaders have already done so, and if they have established a history of being trustworthy

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[198] "South Sudan Rebel Leader Riek Machar Wary of Truce Offer," *BBC News*, December 27, 2013.
[199] Akshaya Kumar of the Enough Project, "South Sudan's Salva Kiir Needs to Put His Black Hat Back On," *Al Jazeera America*, December 20, 2013.

and respectable. This will lessen their fear of being marginalized in terms of access to power, economic resources and services. A study by UNOCHA [200] has shown that young men at risk of joining militias are less likely to make that decision if they can envision a viable future for them and their families – this includes the promise of access to education and employment.

Additionally, alternative strategies of dealing with political competition, as well as dissent on the part of journalists and civilians, need to be developed for a healthy and democratic environment to emerge. Since 2011 there have been key examples across the country of the government shutting down expressions of dissent on the part of civilians, including peaceful movements, as well as targeting journalists that have spoken out against the government. Civilians should not fear their government, nor should they doubt that they are able to access truthful information about the government's operations and leadership.[201]

Peace talks began on New Year's Day in Addis Ababa with mediators from key neighboring countries that play a critical role in regional politics; Ethiopia, Uganda and Kenya. These countries also comprise key leadership positions in regional bodies such as the Intergovernmental Authority on Development (IGAD) and the African Union (AU).[202]

This transition to key African leaders maintaining a leadership role in mediation is significant as recent political discourse within Africa has advocated for the greater use of regional and continental bodies to resolve conflict, as opposed to western institutions that are alleged to be biased, favor political alliances and interests, and lack in training and knowledge

[200] UNOCHA, "Aid Agencies in South Sudan Need $166 Million Now to Save Lives of People Caught in Crisis," December 25, 2013.
[201] Ibid
[202] OHCHR, "Pillay Urges South Sudan Leadership to Curb Alarming Violence Against Civilians," December 24, 2013.

for African-specific issues. This has been particularly evident in the discussion of the International Criminal Court's (ICC) prosecution of African leaders[203]

Unfortunately little development has been evident from peace talks in Addis Ababa thus far and conflict has continued across the country, particularly in the northeastern states of the Greater Upper Nile and the capital of Juba. The conflict in South Sudan will become a case study in the region's history of African-mediated resolutions, and can either be held as an example of continued failure in South Sudanese leadership, or it can be heralded as an illustration of the possibilities of a government that acts in the interests of its citizens.

South Sudan's post-colonial history has been marked by failed peace agreements and temporary political appeasements brokered by external mediators. To bring a stop to cyclical regimes that do not act in the interest of the South Sudanese citizens, the current leading actors need to come to an agreement that will have a long-term impact and promote stability.[204] With elections on the horizon in 2015, the peace talks should not end by creating an environment that allows for conflict to arise again in response to disagreement within political leadership. Rather, political practices need to develop to such a point that military action does not become a habitual response for disagreement.

In order to build sustainable peace in South Sudan, "a democratic process, which in turn requires that all the key stakeholders be accounted for in the process leading to an agreement" is required. Greste [205]furthermore sees a problem of accountability in both the government and the political party. He notes that when President Kiir "dismissed both the vice chair and the

[203] African Union, Press Statement of the 410th Meeting of the Peace and Security Council on the Situation in South Sudan, December 24, 2013.
[204] Radio Tamazuj (Juba), "Salva Kiir: 'We lost control over Unity State and Jonglei,'" December 23, 2013.
[205] Peter Greste, "Thinking Outside the Ethnic Box in S Sudan," Al Jazeera, December 28, 2013.

secretary-general of the party, along with other senior officials, from leadership positions, the move did away with structures of accountability in both the party and the state," and that "Neither external nor internal conditions for peace are possible without a change of political perspective in IGAD and the region, and a new political leadership in South Sudan."[206]

Regarding the geopolitical consequences of the South's secession, an essential link between past and present is indicative. Soon afterwards, however, and despite the tension accompanying the final stage of the CPA, some are leading efforts to turn attention to the benefits of future North-South cooperation and peaceful coexistence. For example, promising initiatives have developed in the form of regular meetings that are supposed to bring together leaders of each of the Sudan's North- -South border states as well as the special administrative area of Abyei to work toward greater economic, social, security and development integration[207].

The physical absence of the South has, however, produced new circumstances allowing for a fresh approach to deal with the problems facing the North. Although the issue of the South would no longer dominate the political stage, the quest for state building will continue[208]. Simultaneously, talking about the South state, and in order to fulfill internal obligations, a number of conditions must be satisfied. One fairly clear condition is the tendency towards nation building. By the way, here one can mention public discourse and debate even in the North, which might help Southerners to rebuild their nation. Once again nation building is not just about physical reconstruction, service provision, or material wealth. It is also about using the country's shared customs to prevent further escalation of conflict as well as upholding values, customs, and

[206] Øystein H. Rolandsen, Guerrilla Government: Political Changes in the Southern Sudan during the 1990s Uppsala, (2005).
[207] International Crisis Group, Policy Briefing, Africa Briefing No. 75, 2 September 2010.
[208] Al Atabani, Goshale. Lecture about: Post-Secession Sudan: Challenges and Opportunities, School of Oriented and African Studies (SOAS), London, 17 December, 2012.

national practices that can be enshrined in common national identity[209]. In the meantime, raising the motto of mutual coordination between the two states is an urgent task. i.e. working with all concerned figures, institutions and key players to pre- pare to counter the negative consequences of secession and to promote peaceful coexistence and cooperation between the North and the independent South[210].

It worth mentioning that the roots of Sudanese state formation (before secession) trace back hundreds of years and even under the best circumstances, the geographical features of the State of South Sudan as a landlocked country require it to rely on neighboring countries with a strategic location on the sea, especially the state of Kenya in the east or the state of North Sudan. Moreover, the multi-tribal and ethnic and social heterogeneity are factors that lead to conflicts of wealth and power within the newly independent state. Considering these facts, what is dangerous is that secession of the South will lead to a dramatic change in the geo-strategic nature of the region of the Horn of Africa in Eastern Africa. Ethiopia is expected to become the most prominent regional power. This will encourage the newly independent state of South Sudan to ally itself with the mass of East Africa, particularly given its strained relations with the state of North Sudan. These new regional alliances might represent an unpredictable threat to the security and interests of the neighboring Arab states particularly Egypt. Yet, the regional distinction between North and South may encourage Egypt and the Arab world to work hard, using their soft power, to attract the Northern Sudan to the Arab side. This is because of their belief in the distinctive geostrategic features of North Sudan that make it an effective part of Arab Regional

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[209] Jok, Jamweti. *Diversity, Unity, and Nation Building in South Sudan (Special Report)*, 287, October, United States Institute of Peace, (2011).
[210] Dange, Tango. (2011) *The Republic of South Sudan: Opportunities and Challenges for Africa's Newest country*, CRS Report for Congress Prepared for Member and Committees of Congress, September 16, , p. 7.

Security. All this is unsurprising, given that the development of the modern nation-state of the South is still taking place.

Much becomes obvious from the foregoing analysis. For example, there are a number of considerations governing the new strategic trend of the new South State, including the historical ties that connect the Sudanese people in South Sudan with the African nations of the neighboring countries, Uganda, Kenya, and Ethiopia. On the other way round, if the two states joined the growing East African Alliance, whether voluntarily or in response to intensive pressure from international and domestic forces, this will be considered a great strategic loss to the Egyptians who are looking for strong partnership with Northern Sudan.[211] In this context, some analysts point to the possibility of establishing a trilateral economic partnership based on oil, water and food production, between the three states of North Sudan, South Sudan and Ethiopia.

Since the Ja'afar Numeiri Regime (1969-1985) and the uprising that toppled him from power (1985), Sudanese political thought focused on seeking an indigenous solution for the North -South conflict, that developed into regular civil war. In reaction, critics of the war raise important theoretical issues and findings.

One of the major results of the war, particularly on the eve of signing the CPA, is the escalating tensions between the North and South that transformed into antagonistic trends in post secession era. In this sense, the secession of the South means not only that Sudan lost one fifth of its land mass and one third of its population, but also that its geopolitics has changed. Despite these sacrifices the most important goal, i.e. peace, has not been achieved and the two nations created by partition are teetering on the verge of war. However, there is still hope among

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[211] Øystein H. Rolandsen, Guerrilla Government: Political Changes in the Southern Sudan during the 1990s Uppsala, (2005).

Sudanese that the future will witness an end to the civil-military cycle (vicious circle) that has dominated politics since independence, that the issues of governance, power- sharing and socio-economic development will be addressed with a more consensual attitude, and that a new and more enduring constitution will be in place[212].

One of the most significant effects of the post-civil war tensions has been to redefine the idea of peaceful North South bilateral relations. A lot has been done recently to support this sort of argument, in terms of negotiations, mediations and efforts of standing committees. To avoid potential collapse in relations between the two countries, it is now time to adopt as an initial option an effective and future policy to counter the complex situation of the two sides.[213] The two countries should affirm their willingness to resolve the dispute through a platform for national dialogue. Otherwise, serious consequences are going to take place throughout the region, particularly when considering issues like water security, border trade and regional cooperation. This fact requires that the central authority pay attention to the fact that forty five percent of the resources of the Nile Basin lie in the South, and ninety percent of the South lies in this River Basin, while twenty eight percent of the Nile waters cross the border from the South to the North and then to Egypt. The total water extracted from the South marshes and added to the totality of the Nile is about twenty cubic meters[214].

Throughout history, the central question for the relationship between North and South Sudan is highly affected by the status of Sudan in the African continent. Sudan has often been described as a microcosm of Africa, implying that developments in Sudan have a tendency to

[212] Øystein H. Rolandsen, Guerrilla Government: Political Changes in the Southern Sudan during the 1990s Uppsala, (2005).
[213] Dersso, Sarioyo. International Law and the Self-Determination of South Sudan. Institute for Security Studies (ISS). Paper 231, February 2012. Pretoria: Institute for Security Studies (ISS).
[214] Al Kabashi, Abdifatal. Sudan Post-Referendum Issues under Serious Discussion. Report prepared by the Director of Aljazeera Office in Sudan, September 29, 2010. p. 4.

echo in the rest of Africa. The impact of secession on Africa is yet to be seen, but it is prudent to assume that it will have a lasting impact. Sudan, which in the past have served as an important nexus with sub Saharan Africa, appears destined to continue being an agent in the continent, even after secession of the South. Modern Afro-Arab relations and cooperation began developing in the context of inevitable Third World solidarity in challenging the prevailing core to periphery geopolitics[215]. This is why a considerable part of this study has been devoted to explain the factors behind the failure of relations between the North and South after the rebirth of the new state. One clear indication following this statement that it is not enough to ascribe the failure of relations merely to the present, but to the troubles related to building social consciousness over the question of identity and the rise of modern Sudan. So, still the challenge remains for Sudan is to create a new consciousness of common identity and a new meaning of belonging that grants peace, dignity, development and fundamental human rights. The main conclusion one can draw from this chaos, is somehow the domination of instable situation.

This can only be achieved through political restructuring based on equality as well as viewing the peace process in terms of the whole country, and moving beyond the North-South paradigm. Otherwise, Sudan will yet again, fall victim to regional rebellions, and the devastating violence will continue[216]. Moreover, it is clear that political instability also manifested itself in Sudan's failed efforts to establish a functioning constitution or to hold regular and consequential elections. Besides that, and the almost seven years since the signing of the CPA in (2005), the development of press in Sudan was upset by financial and technical problems. These problems, to a great extent, belong to the nature of the underdevelopment that characterized all developing

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[215] Kamal, Mohhamed. *Some Aspects of the Writing of History in Modern Sudan*, Policy Monograph Series No. 3, 2007. p. 1, Khartoum, Future Trends Foundation for Strategic Studies and Dialogue.
[216] Poshoff. Haji. *Sudan's Old and New Conflicts: A Comparative Study*, Master of Philosophy, Political Management, University of Stellenbosch, (2005) p. 22.

countries[217]. In the end, the media could not play a positive role in sustaining North South relation, as well as the civil society institutions.

ii. *Majimboism* in Kenya

Like other parts of the continent, by early 1990 Kenya's highly repressive form of rule was experiencing pressure for change. Crowds filled the streets of Nairobi demanding multi-partyism and relief from the stifling repression that had deepened dramatically during the 1980s. Many of the major donors grew increasingly disenchanted with the scale of corruption and were more inclined to support some limited reforms. In November 1991 a group of major donors, including the World Bank, took the unusual step of coordinating their actions. Pending reforms, they suspended for six months US\$ 350 million in non-humanitarian balance of payment support to the government of President Moi. Moi acted quickly. By early December 1991, the president signaled to donors his willingness to introduce formal reform; he legalized.

Beginning in 1991 this KANU cabal launched a series of *majimbo* rallies. These rallies drew on a narrative of a pre-independence movement for provincial autonomy, or majimboism. In the 1950s this movement involved conservative white settlers fearful that universal franchise would result in a loss of control and property, particularly the loss of their large Rift Valley farms.[218] Joined by some leaders of the small coastal and pastoralist communities (including Moi), the *majimboists* of colonial Kenya promoted the idea of provincial autonomy, reaffirming colonially defined boundaries that in reality included intermingled ethnic communities.

Rift Valley pastoralist communities hosted numerous minorities, migrants from other areas, most of who came to work in plantations and settler farms. In some areas, many of these

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[217] Mukhtar, Aliame. *The Press and Politics in the Sudan, Alrasid*, Issue No. 2, p. 39 (research journal focuses on African international relation, published by Alrasid Centre for Studies, Khartoum, Sudan (2006).

[218] Lonsdale, Jasos. "KAU's Cultures: Imaginations of Community and Constructions of Leadership in Kenya after the Second World War". *Journal of African Cultural Studies* (2000b) 13(1): 107–124.

migrants were Kikuyu. Pushed out of their "home area" of Central Province by extreme land pressures, these labourers were the backbone of the Mau Mau revolt which "was the seed of Kenya's all African sovereignty"[219] The *majimbo* strategy was justified as a means to safeguard minority communities within the Rift Valley and Coast from the larger Kikuyu community, even though none of Kenya's communities, however their boundaries are defined, has a numerical majority. It was in this post-independence jostling for power that "the fear of Kikuyu domination was invented" [220]

To evoke *majimboism* in the 1990s was to imply that once again "minority groups" needed protection from a feared Kikuyu domination of the state. *Majimboism* was used to counter the idea of multi-partyism by painting it as an exclusionary project of domination. To legitimise this project KANU bosses equated *majimboism* with federalism, which academic circles were advocating as a solution to ethnic conflict. However, this was sheer rhetoric; any discussion of democratizing provincial politics or devolving power to a provincial parliament was muted. As even the pro-establishment journal the *Weekly Review* remarked about *majimboist* Dr. Joseph Misoi, he "did not bother to explain the merits of federalism as a political system" but, rather, wielded it "as some kind of threat against continuing agitation for political pluralism"[221]

In reaction, multi-party advocates protested that the *majimboists* were eroding national unity. The pro-multi-party coalition Forum for the Restoration of Democracy (FORD) propounded a liberal agenda favoured by both donors and middle class populated urban NGOs. While this agenda, if implemented, would have constituted significant change, the reality was

[219] Ibid
[220] Atieno-Odhiambo, Ephantus. "Hegemonic Enterprises and Instrumentalities of Survival: Ethnicity and Democracy in Kenya". Paper presented to the conference "Ethnicity and Democracy in Africa" at Queen's University, Kingston, 17–21 March 2000.
[221] *Weekly Review*. "No Future for *Majimboism*", 23 August 1991, pp. 4–6.

that FORD did very little to recognise the genuine concerns of pastoralists in the Rift Valley, the majority of whom suffered the worst forms of dispossession under both the Kenyatta and Moi governments.[222] By not recognising this historical marginalisation, particularly with regards to land, and the related fear of domination by the multitudinous and "more developed" Kikuyu[223], the coalition failed to undermine the appeal of *majimbo* ideology for Kenya's KAMATUSA (Kalenjin, Maasai, Turkana and Samburu) pastoralist communities of the Rift Valley. The involvement of wealthy Kikuyu brokers in the privatisation and accumulation of pastoralist land, especially Maasai land[224], gave concrete expression to these fears of domination. KANU majimboists directly played upon these fears by telling their pastoralist constituents that a victory for FORD would mean a loss of their land.

The historical basis for these fears lay in the memory of Kenya's first president, Kenyatta, whose rule was widely perceived as deepening already existing inequities across regions. Most contemporary Kikuyu politicians, lawyers and thinkers, with the exception of journalists from the opposition newspaper *The People* and land rights activists have done very little to recognize and address these fears. Instead, they respond with a liberal vision which asserts the constitutional right of any Kenyan to live, own land, and have property rights protected in any part of the country. Without a "politics of recognition"[225] that involves grappling with the fears of communities who simultaneously absorb migrants and have little authority over land allocations, this liberal vision too easily masks the process of dispossession that has accelerated over the last decade.[226] This is critical in understanding why majimboism

[222] Muigai, Githu. 1995. "*Ethnicity and the Renewal of Competitive Politics in Kenya*", in H. Glickman (ed), Ethnic Conflict and Democratization in Africa. Atlanta: African Studies Association Press, pp. 161–196.
[223] Ibid
[224] Galaty, Juliet and ole Munei, Kamoiro.(1999). "Maasai Land, Law and Dispossession". *Cultural Survival Quarterly* 22(4): 68–71.
[225] Imanyara, Gitobu. and Maina, Wainaina. 1991. "What Future Kenya?" *The Nairobi Law Monthly* 37: 19–23.
[226] Kanyinga, Karim. 2000. *Re-Distribution from Above*. Uppsala: Nordiska Africainstitutet.

provided an appealing narrative by claiming that "the violence was aimed at achieving justice in land claims by expelling those who had illicitly occupied land belonging to 'traditional' occupants of the Rift Valley"[227]

In a series of 1991 rallies in the Rift Valley, the *majimboists* overtly threatened multi-party proponents with violence. Ethicizing the opposition as Kikuyu and playing on these fears of Kikuyu domination, the speakers made the implications of their ideology clear when they asserted that all those Kikuyu settled in the Rift Valley would have to pack up and return to Central Province. The rhetoric grew increasingly strident. On 21 September 1991 at a rally in Kapkatet, MP Chepkok encouraged the audience to "take up arms and destroy dissidents on sight".[228] Biwott appealed to Kalenjin pride by arguing that "the Kalenjin are not cowards and are not afraid to fight any attempts to relegate them from leadership"[229]. Biwott was referring to attempts to change the presidency with its cascading patronage networks from which he and his clients were personally benefiting.

Witnesses to the violence that would follow pointed to the *majimbo* rallies as the start of the trouble[230]. Indeed, these rallies, as public displays of power, served to transmit messages about how far the KANU cabal was willing to go to stay in power. Staged in areas of the Rift Valley that were monitored and controlled by KANU, these public displays conveyed a new message to provincial administrators and local politicians about what constituted "loyalty" to the president. Further, they implied that loyalty would be rewarded with land currently occupied by those migrants defined as "outsiders". Multi-ethnic communities of smallholder settlement schemes and trading centres became targets and were disproportionately affected, indicating a

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[227] Ibid
[228] *Weekly Review* 27 September 1991
[229] Ibid
[230] Republic of Kenya. (1992). Report of the Parliamentary Select Committee to Investigate Ethnic Clashes in Western and Other Parts of Kenya. Nairobi: Government of Kenya.

profound class dimension to the violence. It seems that the *majimbo* barons, wealthy farmers themselves, did not want to set a precedent of invading large farms regardless of the ethnicity of the owners. Taken en masse as supporters of the opposition, conduits of "subversive ideas" and, thus, potentially of a trans-ethnic politics in the KANU dominated rural areas, migrant "outsiders" became the focus of violence organized by patronage bosses, mostly centered around Biwott.[231]

This rise of majimboism and the violent purification of multi-ethnic communities, first in the Rift Valley, Western, and Nyanza provinces and later on the Coast, constituted one of the most decisive and dangerous breaks in Kenya's independence politics.[232] It left thousands dead, half a million displaced and deep divides between Kenya's communities. In particular, despite the fact that the violence was carried out by organized militias and small groups of collaborators at a local level, those communities "represented" by the majimboists now live in fear of collective retribution.[233] Unsurprisingly, the violence provoked a deep feeling among many Kikuyu that they were being persecuted, and some commentators lamented the "burden of being Kikuyu" in contemporary Kenya[234]. Not only was *majimbo* violence targeted at "outsiders" as part of an electoral strategy, it also aimed at policing community boundaries through fear and, in this way, undermining potentially threatening trans-ethnic organizing. There is the tendency to assume that trans-ethnic organising is rare or a deviation from the norm. In fact, wheeling and dealing across fuzzy ethnic boundaries has been an essential part of patrimonial politics in a polyethnic society. In a multi-party context different local factions find alternative parties as

[231] Kenya Human Rights Commission. 1996. *Ours by Right, Theirs by Might: A Study on Land Clashes.* Nairobi: Kenya Human Rights Commission.
[232] Klopp, Jatelo. 2001a. *Electoral Despotism in Kenya: Land, Patronage and Resistance in the Multi-Party Context.* Ph.D thesis, McGill University.
[233] Øystein H. Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan during the 1990s* Uppsala, (2005).
[234] *The People Daily* 5 December 1999

national allies in their local struggles and in the process draw in migrants, less often as representatives, more often as important swing voters that need to be courted or, in the period of majimboism, cleansed. Kenya's *majimbo* bosses as much wished to avoid the strengthening of dissent in their strongholds by cleansing migrant swing voters and potential allies of dissenters as they wished to merely get rid of recalcitrant voters.[235] This is a point that tends to get lost in many analyses.

iii. Ethnic Conflict and Federalism in Nigeria

Even if there is no agreement on the number of ethnic groups in Nigeria and on the classificatory schemata to use in identifying them, this is not to say that ethnicity has not been an important factor in the politics of Nigerian federalism. Indeed, ethnicity, in the form of "ethnic politics" has been a central feature of Nigerian politics.[236] To talk of ethnicity and federalism in Nigeria is, in this sense, to focus on those ethnic groups and sub-ethnic groups, even if by self-identification, which have emerged as significant and major protagonists in the politics of Nigerian federalism.

What must be emphasized is that the primary *ethnicised* building block of Nigerian federalism provides a changing and expanding competitive political space for self-defined ethnic groups or sub-ethnic groups who, hitherto denied statehood, through unit-level self-government in their homelands, are successful in asserting and winning recognition for the right to such statehood, as part of the broader process of ethnic accommodation within the country's ethnic based federal structure or arrangement. This is the essence of the politics of state-creation in

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[235] Me´dard, C. 1998. "Dispositifs e´le´ctoraux et violences ethniques: reflexions sur quelques strategies te´rritoriales du regime Kenyan". *Politique Africaine* 70 June: 32–39.
[236] Nnoli, Okwudiba (1980): *Ethnic Politics in Nigeria*. Fourth Dimension Publishing Co., Enugu.

country despite the assertion in official quarters that state-creation in Nigeria has been informed less by ethnic than by other considerations, such as even development.[237]

The emergence of these self-defined ethnic and sub-ethnic groups as a political force has characteristically been propelled by self-seeking and self-styled ethnic/sub-ethnic group political leaders, who are seeking a niche for themselves in the country's enormous "apple pie," to enable them disburse patronage and to divert state resources to corruptly enrich themselves, under a political economy characterized by "pirate capitalism,"[238], compounded by lack of accountability and transparency.

Nnoli makes much the same point when, analyzing the relationship between "ethnicity and the creation of states,"[239] he concludes that, "the foregone analysis of ethnic politics suggests that the relevant explanation (of the endless stream of demand for the creation of more states) lies in the class character of Nigerian ethnicity, particularly the desire of the various regional factions of the privileged classes to carve out their own spheres of economic domination." The clamour for state creation has also been fuelled by the Nigerian variant of fiscal federalism, especially "... revenue sharing formulae (which) give considerable, even inordinate, importance to the principle of inter-state equality," by means of which "... half of the statutory central revenues assigned to the states was divided equally among the state administrations."[240]

Federalism, as ideology, seems well suited to forging a covenant, a political accommodation or "consociation," grounded in autonomy and self-government, and shared control of power at the center, in some cases with entrenched "mutual veto" or nullification

[237] Federal Republic of Nigeria. (1975). *Report of the Panel Appointed by The Federal Military Government to Investigate the Issue of the Creation of More States and Boundary Adjustments in Nigeria*. Federal Government Printer, Lagos.
[238] Schatz, Sayre P. (1984): Pirate Capitalism and the Inert Economy of Nigeria. *Journal of Modern African Studies*, 22, (1), pp. 45-58.
[239] Ibid
[240] Suberu, Rotimi T. (1994): Recent Demands for New States in Nigeria. *Nigerian Journal of Federalsim*, 1, (2).

rights for the covenanting ethnic groups in a multiethnic society. This is because the federalist ideology of "diversity in unity," and its requirement of a "compound republic" or of a polycentric, as opposed to the Hobbesian or Austinian monocentric, solution to the problem of sovereignty seem, at face value, more suited than a unitarist or centralist ideology to meet the interrelated demands of ethnic and sub-ethnic groups for self-determination, for control over "their" own affairs within their own separate sub-national territories or homeland and for enhanced participation and representation in the national government to protect their larger interests.[241]

It is pertinent to situate the political significance of ethnicity in Nigerian politics within a broader setting, if only to show that it reflects a broader kaleidoscope. This is the more necessary since ethnicity continues to be a pervasive feature of national and international politics in the contemporary world. In the challenge it has posed to liberal (including social) democratic and Marxist theories of the modern nation-state, ethnicity has proved to be a durable and complex source of efforts or, better still, of conflict-ridden contention to reconstitute or redesign the character and nature of the state in many parts of the world.[242]

In other words, ethnicity is at the center of politics in many countries, cross-cutting class, gender, age-grade, religious and other solidarity ties, defining and shaping the forces that seek to control and influence the composition of the state and its policy direction. "The Integrative Revolution," characterized by the opposition or tension between "primordial sentiments and civil politics," about which Geertz[243] wrote several years ago, is no longer, if ever it was, confined to

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[241] Baubock, Rainer (2000): Why Stay Together? A Pluralist Approach to Secession and Federation, Chapter 15. In: Will Kymlicka and Wayne Norman (eds): Citizenship in Divided Societies. Oxford University Press, Oxford.
[242] Weinstock, Dickson. (2001): Towards a Normative Theory of Federalism. International Social Science Journal, LVIII, (1).
[243] Geertz, Clifford (1973): The Interpretation of Cultures: Selected Essays. Basic Books, New

the "New States." But we should seek the explanation for this ethnic-generated tension, not in ethnicity as such but in what Frantz Fanon and other radical Afro-centric critics of colonialism and imperialism have described as the "Manichean" nature and character of the colonial situation and colonial rule generally.

Colonial rule and the form that finance capital assumed in colonial Africa and Asia contributed in no small scale to the fragility of state formation processes. It left an inheritance of coercion, lack of representation and accountability. It institutionalized arbitrariness as an instrument of rule. The colonial state was little more than the embodiment and enforcer of coercion in many of these former colonies in Africa and Asia. In many cases also, the political economy of colonial rule tended to put ethnic groups in the colonies into polarizing compartments, reflecting the subjective and paternalistic caricatures of African peoples held by colonial anthropologists, Christian missionaries, traders and explorers. Horowitz[244] has described these prejudices as "colonial evaluations of imputed group character." These caricatures or "colonial evaluations" favoured some ethnic groups at the expense of others, and sowed the seeds of postcolonial animosities and conflicts among the ethnic groups.

Colonial rule undermined the emergence of a sense of nationhood by using the policy of "divide and rule" to advance its hegemony with the effect of not only weakening national solidarity but also stunting the development and consolidation of overarching national loyalties across ethnic lines. As Ajayi[245] has observed, "in the uncertainties of the colonial situation (created by "Indirect Rule"), different peoples reacted to British policy in a spirit of competition

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[244] Horowitz, Donald L. (1985): *Ethnic Groups in Conflict*. University of California Press, Berkeley.
[245] Ajayi, Fredrick. Ade (1984): *The Problems of National Integration in Nigeria: A Historical Perspective*. Distinguish Lecture No. 11, Distinguished Lecture Series. Nigerian Institute of Social and Economic Research, Ibadan.

to gain whatever advantages were available and to minimize the ill effects of British policies and the insensitivities of obtuse officials. Thus, while British rule diminished existing inter-cultural linkages, it also strengthened the sense of internal cohesion within the component polities and language groups."[246]

The departure of the colonial powers, hasty in many places, was accompanied by internecine struggle to maintain control of or to capture the embodiment of violence and coercion, represented in the colonial state. As it turned out, ethnicity provided a powerful manipulative tool, albeit not the only one, in the struggle by the various fractions of the inheritance elite to control the state, as the recent histories of Angola, Burundi and Rwanda, Chad, Djibouti, Ethiopia, Liberia, Nigeria, Somali, South Africa and the Sudan illustrate only too poignantly. The postcolonial history of Africa is, therefore, littered with the decimating turn that superordinate/subordinate ethnic relations, revolving around the capture of the state, have assumed on the continent, precisely, though not only because of the colonial inheritance.[247]

An interesting dimension of the global resurgence of ethnicity is its apparent historical coincidence with the end of empire and with the subsequent re-importation to Europe of some of the unwholesome assumptions and practices of colonial racism. Another interesting historical coincidence is the apparent demonstration effect of terminal colonial nationalism and the achievement of independence by colonial territories on marginal and dominated minority ethnic groups in Europe. The radicalization of nationalism in the Celtic fringe in the United Kingdom coincided with the end of the British Empire.[248]The political anthropologist's distinction between

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[246] Ibid
[247] Cohen, Abner (1969): *Custom and Politics in Urban Africa.* University of California Press, Berkley.
[248] Hutchinson, John and Anthony D. Smith (eds), (1994): *Nationalism.* Oxford University Press, Oxford.

political pluralism and cultural pluralism, and the general application of the concept of "the plural society" to Africa and Asia by Nicholls[249], among others, has now been shown to be too restrictive. Cultural pluralism, in other words ethnically based pluralism, is as much a feature of Africa and Asia as of Europe.

The shape of the first set of building blocks was molded around the conception of federalism as a constitutional project to reflect the ethnic, as opposed to the geographical, diversity of the country. Nigerian federalism continues to rise from this set of building blocks. The period between 1945 and 1954 which, through constitutional devolution, saw the extension of representative and later responsible government and independence to Nigeria was critical in providing an ethnic mould for Nigerian federalism.

The administrative federalism, introduced gradually between 1900 and 1914, could have evolved to reflect geographical diversity in the country, incorporating within each geographical unit diverse ethnic groups. Yet, the British colonial administration did not emphasize the geographical and other geopolitical factors unifying the country in operating this administrative federalism in the country.

But once federalism had been linked to ethnic diversity, and then defined by the British and the emergent Nigerian political elite, whose leadership ranks were dominated by the three major ethnic groups, Hausa/Fulani, Igbo and Yoruba, in terms of autonomy or self-government for the dominant ethnic group within each geographical zone, it inescapably had a demonstration effect on other ethnic (minority) groups in the country. It was only a matter of time before these other ethnic (minority) groups, mobilized by their leaders, for various reasons, principally for

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[249] Nicholls, David (1974): *Three Varieties of Pluralism*. The Macmillan Press Ltd, London.

fear of domination but also on grounds of equity, fairness, human (i.e. collective group) rights and justice, would demand autonomy and the right to self-determination themselves. This was the background to the 1954 Constitution which introduced a federal constitution into the country, on the basis of three constituent regions, East, North and West, and a national or central government. The foundations of this constitutional arrangement were laid by the 1946 Constitution, which created three regions (East, North and West) and the 1951 Constitution, which combined quasi-federal and confederal features. Further constitutional developments, within the federalist foundations laid by the 1954 Constitution, led to self-government for the Eastern and Western Regions in 1956, for the Northern Region in 1959 and independence for the country in 1960.[250]

The hegemonic position of each of the three ethnic groups within the particular region where it was the numerical majority ethnic group was facilitated between 1946 and 1952 by the evolution of an ethno-regionalized party system in the country. Each of the three nascent major political parties substantially drew its electoral strength in its region of dominance from the majority ethnic group in the region to which it leader belonged. The Northern People's Congress (NPC) drew its strength mainly from the Hausa/Fulani dominated North and was seen as a northern party because its leader, Ahmadu Bello, belonged to the majority Hausa/Fulani ethnic group; the National Council of Nigeria and the Cameroons, later to become the National Council of Nigerian Citizens (NCNC), was strong among the majority Igbo-speaking people in the East, although it also had considerable support among the Yoruba-speaking and non-Yoruba-speaking peoples in the West, because its leader after 1946 was Nnamdi Azikiwe, an Igbo; and the Action Group (AG), had its stronghold in the West, but with substantial support among the non-

[250] Elias, Taslim Onesmus: *Nigeria: The Development of Its Laws and Constitution*. Steven and Sons, London (1966).

Igbospeaking peoples in the East and the minorities in the North, because its leader, Obafemi Awolowo was Yoruba. Each of the three major parties, therefore, derived substantial electoral strength and support from the geographical zone where its leadership was a member of the dominant ethnic group.[251]

In fact, at least two of these three major political parties, the NPC and the AG, each respectively grew out of Hausa/Fulani and Yoruba pan-ethnic cultural movements, while the third, the NCNC, was. after 1946, closely associated with the Igbo-speaking people's pancultural movement, the Ibo State Union. Their hegemonic position in their respective geographical strongholds and ethnic homelands was also facilitated by an electoral system that was based on the first-past-the-post, winners-take-all system.[252]

It was against this geopolitical background that the issue of representation, accountability and collective ethnic group rights became so much important for minority ethnic groups in each of the three regions that they began, even before independence, to demand the creation of their own state in each of their sub-national territories. This was because each of the three regions contained sizeable minority ethnic groups.[253] The Tiv, Idoma, the Kanuri, Jukun, the Nupe Igbirra, the Yoruba and other minority ethnic groups were in the Northern Region; the Efik, Ibibio, Ijaw and other minority ethnic groups were in the Eastern Region; and the Edo, Ishan, Ijaw, Itshekiri, Igbo and other minority ethnic groups were in the Western Region.

In the circumstance, minority ethnic groups' fears of domination were politicized and mobilized by their political leadership, through the formation of political parties or quasipolitical

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[251] Coleman. James: *Nigeria: Background to Nationalism.* University of Calfornia Press, Berkeley (1958).
[252] Øystein Rolandsen, Guerrilla Government: Political Changes in the Southern Sudan during the 1990s Uppsala, (2005).
[253] Ibid

103

parties and minority ethnic group pan-cultural movements.[254] There was, in addition to the minorities' fear of domination, a general fear of Northern domination in the South, particular among the Igbo and Yoruba, because of what was seen as the structural imbalance of the tripolar federation.[255] The imbalance lay in the fact that, in population size (containing, by 1960, about 54% of the country's population of 55 million) and geographical size (occupying about three-quarters of the country's land mass), the North was larger than the two other regions combined. This was enormous political capital that the Northern leadership used to good effect and with political sagacity, although there was a general perception in the South that colonial population censuses, which gave the North a higher population figure than the East and West combined were contrived by the colonial administration to give the North an electoral advantage. For this reason the population census has continued to be a controversial issue in Nigeria because of its implications for national electoral politics and federal fiscal disbursements.

This is because under federal parliamentary electoral politics and an electoral system that is based on first-past-the-post, it is apparent that, given its "contested" predominant population size, and a constituency delimitation on the basis of population size, the North was assured control of the federal parliament and, therefore, of the national government in the 1959 general elections, leading to independence. This electoral advantage of the North was strengthened by the rivalry between the two other major ethnic groups, the Igbo in the Eastern region and the Yoruba in the Western region.[256]

Had the Igbo and Yoruba been able to coalesce or form an electoral alliance for the 1959 general elections and to exploit the electoral weakness of the Hausa/Fulani in the minority areas

[254] Ibid
[255] Oyovbaire, Sam Egite: *Federalsim in Nigeria*. Macmillan, London (1985).
[256] Jinadu, Ladele: Federalism and the Structure of the Nigerian Federation. *The Nigerian Journal of Federalism*, 1, (2), December, 1994. pp. 57-66.

of the Northern Nigeria, particularly in the Middle Belt, where between them, the AG and the NCNC had won a sizeable number of seats in both regional and federal elections since 1954, thereby eroding the electoral strength of the NPC in the North, they might have been able to gain political control of the national government. As it turned out, the NPC was able to manipulate, exploit and turn the Igbo-Yoruba rivalry to its own advantage at the federal level by entering into coalition at the federal level to form a government with the NCNC in 1959. The NPC was helped in this respect by the hasty and preemptive invitation extended to it by the British Governor-General to form a government, at a time when the election results were inconclusive and while the AG and NCNC were seriously in negotiation over the terms of a coalition government between the two political parties, AG and NCNC.[257]

The NPC realized its electoral vulnerability because of the substantial erosion of its electoral strength in the minorities' areas of the North. It launched its own counter–offensive in the mid-1960s to seek electoral base in the Eastern and Western regions. It did this by seeking alliance with the leadership of minority ethnic groups in both regions and by taking advantage of debilitating leadership fissures and cleavages within the Yoruba leadership of the AG in the Western Region. The fissures and cleavages, arising out of intra-ethnic leadership rivalry, enabled the NPC, in pursuing its counter-offensive, to deploy federal patronage and constitutional powers to deepen the cleavages to its advantage. It achieved this objective by using its majority in the federal parliament to declare a state of emergency in the Western region

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[257] Jinadu, Ladele. Ethnicity, External Intervention and Local Conflict: The Case of the Nigerian Civil War. *Research in Race and Ethnic Relations.* 7, pp. 191-231; In: Rutlegde M. Denis (ed.): *Racial and Ethnic Politics.* JAI Press Inc., Greenwich, Connecticut (1994).

and through the appointment by the Prime Minister of an Administrator to run the affairs of the

region for an initial six-month period, thereby destabilizing the politics of the region.[258]

This goes to illustrate a point made earlier on above. This is that the dynamics of

ethnicity may impel accommodation, cooperation, and coalition building, in a situation of

competitive electoral politics, across ethnic lines. In other words, ethnic conflict or competition

is not necessarily a zero-sum game, even if the cumulative outcome of politics in Nigeria

entailed great loss for the losers. Ethnic leaders, if not their followers, are rational actors in the

game of competitive ethnic politics. They calculate the comparative cost of alternative lines of

action and option before they make their next move. This is why party electoral politics in

Nigeria between 1959 and early 1966 was characterized by shifting electoral coalitions among

the country's major and minority ethnic groups.[259]

The dynamic logic of competitive electoral politics during this period impelled the

federalization of the ethno-regionalized party system. It encouraged political horse-trading across

ethnic and regional boundaries, as the major ethnic-based political parties were compelled, by

the need to control the national government, to move outside their ethno-regional homelands.

Federalism forced them to be multiethnic, or at least to pretend to be multiethnic and national,

even if their origins lay in or were closely linked with pan ethno-cultural movements. In fact, this

could not have been otherwise, given that each political party was not a closed shop, open only

to particular ethnic groups.[260]

[258] Ibid
[259] Dudley, Billy: *Instability and Political Order: Politics and Crisis in Nigeria.* University of Ibadan Press, Ibadan (1973).
[260] Ibid

The leadership cadres of the parties at the national and state levels were necessarily multiethnic, given the imperative logic competitive electoral politics and the vision of a united Nigeria that was proclaimed in their various party constitutions and manifestos.[261] In this way, the three major political parties were forced to cross-cut ethnic ties, not only in their search for alliances across the country but also in the appeal of their ideologies and programs to the electorate, especially in the cosmopolitan urban areas across the federation. Yet, the appeal of ethnicity constituted a pall over the federalization of the party system.

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[261] Jinadu, Ladele (1985): Federalism, the Consociational State and Political Conflict Nigeria. *Publius: The Journal of Federalism*, 15, (2).

4.3 Conclusion

This chapter was a critical analysis of issues of secession, *majimboism* and federalism in South Sudan, Kenya and Nigeria. The secession debate was discussed with emphasis on secession crisis in context, crisis with the SPLM/A, mediating peace in South Sudan, the geopolitical consequences following secession and the future prospects. The issues regarding *majimboism* in Kenya were discussed with their connection with ethnic conflicts in Kenya. Finally, the chapter covered ethnic conflict and federalism in Nigeria where different aspects were discussed.

CHAPTER FIVE

CONCLUSION

5.1 Summary

State partitioning has been employed as a remedy to intractable conflicts over territory and statehood since the emergence of nationalist ideology as a dominant force in world politics. Over the last two hundred years or so some 70 *de jure* and *de facto* states have been created through secession.[262] Although advocates against state-partitioning argue that it only leads to more conflict, the empirical evidence is somewhat more ambiguous. The dynamics behind the two forms of post-secession conflicts also differ: inter-state war is highly associated with ethnic-based territorial disputes and violent secession-processes, whereas the reproduction of violent separatist movements in states created from secession was highly associated with third party involvement, ethnic heterogeneity and low income levels.[263]

The misunderstanding of pluralism and *majimboism* is a source of ethnic conflicts in Kenya. The re-introduction of multi-party politics in Kenya in the early 1990s had a number of far reaching consequences one of which was the eruption of ethnic clashes in Western, Rift Valley, Nyanza and Coast provinces. This was partially a fulfillment of President Moi's earlier prediction that a return of his country to a multi-party system would result in an outbreak of tribal violence that would destroy the nation.[264] It was also because of the misconception of pluralism and *majimboism* by leaders from the ruling party and opposition parties as well as the general public.

[262] David Siroky, *Secession and Survival: Nations, States and Violent Conflict*, PhD. Dissertation, Duke University.
[263] Ibid
[264] Human Rights Watch, Africa Divide and Rule: State-Sponsored Ethnic Violence in Kenya. United States of America. ISBN 1-56432-117-7 (1993).

Federalism is widely regarded as the appropriate governmental principle for countries with huge ethno-cultural diversities. Nigeria, with over two hundred and fifty ethnic groups inherited a federal system from Britain in 1960 and ever since, successive governments have attempted, with varying degrees of commitment and success, to operate federal institutions that can accommodate the country's ethnic, cultural, religious and linguistic diversities and nurture a sense of national unity. However, these governments at all levels have failed to fulfill their obligations of good governance anchored on equitable political arrangements, transparent administrative practices and accountable public conduct. The defective federal structure has also promoted bitter struggles between interests groups to capture the state and its attendant wealth; and facilitated the emergence of violent ethnic militias, while politicians exploit and exacerbate inter-communal tensions for selfish reasons. Thus, communities throughout the country increasingly feel marginalized and alienated from the Nigerian state.

5.2 Key Findings

The study found out that secession could be reconsidering as a solution to ethnic conflict. This was because chief amongst the factors that initially induced separatist movements in the horn of Africa region were systematic inequalities between ethnic groups and forceful imposition of culturally assimilationist and unitary nationalism. Nevertheless, far from the ideals of justice and lasting peace, secession has — from the Indian sub-continent to the Horn of Africa — had the tendency to 'merely reorder, rather than resolve' conflicts between ethnic groups.

The modern history of the Horn of Africa illustrates the failure of both forceful cultural assimilation and secessionism. It is an interesting fact that the historically most contested, ethnically heterogeneous and one of the poorest states in the region, Ethiopia, has emerged as the most stable and viable. To many observers in 1991 Ethiopia looked like the most likely candidate

for perpetual ethnic conflict and eventual balkanization (much like the current fate of neighboring Somalia). However, opting for the federal solution – with cultural autonomy for the various ethnic groups – seems to have played an important role in pacifying the ethnic tensions and secessionist cravings that ravaged the country throughout the 2000s and 80s. And furthermore support's the claim that the best solution to prevent both inter- and intra-state warfare is to opt for the compromise of autonomy without secession.

Calls to secede recur during alienation of populations with specific reference to socio-economic and political exclusion, as well as due to the urge for ethnic unification. Calls to secede on the African continent were made from as early as the 1950's with the start of the decolonising era through independence granted by colonial powers. This can be depicted through examples such as the Tuaregs who demanded a central Saharan state from the French colonial rulers, Biafra that gained independence from Nigeria during 1967 and southern Sudan's demands for self-governance prior to Sudan's independence that resulted in a civil war, all linked to homogenous groups determined to exercise their own destiny free from interference and oppression. South Sudan's secession was prompted by ethnic and religious oppression as well as economic and developmental exclusion aggravated by the absence of effective governance structures.

The debate on *majimboism* was sparked off in late 1991 by Rift Valley Kalenjins KANU leaders. The debate on *majimboism* was deliberately initiated to counter the calls for the re-introduction of pluralism in Kenya. This rise of *majimboism* and the violent purification of multi-ethnic communities, first in the Rift Valley, Western, and Nyanza provinces and later on the Coast, constituted one of the most decisive and dangerous breaks in Kenya's independence

111

politics.[265] It left thousands dead, half a million displaced and deep divides between Kenya's communities. Not only was *majimbo* violence targeted at "outsiders" as part of an electoral strategy, it also aimed at policing community boundaries through fear and, in this way, undermining potentially threatening trans-ethnic organizing.

There is the tendency to assume that trans-ethnic organizing is rare or a deviation from the norm. In fact, wheeling and dealing across fuzzy ethnic boundaries had been an essential part of patrimonial politics in a polyethnic society. In a multi-party context different local factions found alternative parties as national allies in their local struggles and in the process drew in migrants, less often as representatives, more often as important swing voters that needed to be courted or, in the period of *majimboism*, cleansed. Kenya's *majimbo* bosses as much wished to avoid the strengthening of dissent in their strongholds by cleansing migrant swing voters and potential allies of dissenters as they wished to merely get rid of recalcitrant voters.

The study found out that whereas federalism is widely acclaimed as the appropriate governmental principle for societies with vast ethnic, religious and cultural diversities, the Nigerian federation has been be-devilled with bitter ethno-religious crises since independence. The dynamics of ethnicity may impel accommodation, cooperation, and coalition building, in a situation of competitive electoral politics, across ethnic lines. In other words, ethnic conflict or competition is not necessarily a zero-sum game, even if the cumulative outcome of politics in Nigeria entailed great loss for the losers. The defective federal structure has also promoted bitter struggles between interests groups to capture the state and its attendant wealth; and facilitated the emergence of violent ethnic militias, while politicians exploit and exacerbate inter-communal

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[265] Klopp, Josiah. *Electoral Despotism in Kenya: Land, Patronage and Resistance in the Multi-Party Context.* Ph.D thesis, McGill University (2001a).

112

tensions for selfish reasons. Thus, communities throughout the country increasingly feel marginalized and alienated from the Nigerian state.

In addition, the shift of Presidential Power to the South of Nigeria led to some agitations, which were given religious coloration, and these agitations also elicited reactions from some elements in the South who continuously clamored for a favorable system of revenue distribution and resource control. Ethno-religious conflicts in this era have been further heightened by the citizen/indigene syndrome; Land ownership and the indigene/settler debacle have always generated security concern in Nigeria, particularly in the Fourth Republic. Even within the same ethnic group, the problem of who owns the land, who is an indigene and who is a settler, are sources of violent disputes.

5.3 Recommendations

With reference to the main findings of the study, the following recommendations were found to be applicable:

South Sudan's secession contains elements of a blueprint to be adhered to in future secessions. However, caution should be taken not to repeat the same shortfalls such as the continuation with secession prior to resolving contentious issues between the involved states. Thus, when secession is considered as a viable option to exercise self-determination to create intrastate peace, all outstanding processes and aspects such as border demarcation, national identification, population development plans, division of income and infrastructure utilization should be addressed, negotiated and ratified by both parties directly involved in the secession Endeavour prior to the execution of secession.

Ethnical groups should be afforded equal rights and opportunities for development and participation through inclusive governance structures implementing cooperative plans that abolish ethical division to lessen peoples' desire for self-determination and marginalization that threatens intrastate security.

Discontent has to be addressed continuously through effective governing structures, oversight by cooperative structures through participation in peer reviews and participative decision making. Ignoring discontent could result in actions and calls to secede on the African continent. Weak governments should be empowered through training to employ good governance practices thereby ensure the existence of inequity, poverty and an uneducated population together with marginalization do not threaten the socio-political and security environment.

The study suggests the following aspects for future research; firstly, a study should be instituted to identify indicators that will determine the success of secession. Secession did not effect a peaceful socio-political and secure environment conducive to development and prosperity for South Sudan. Could these seceding endeavors be referred to as successful deeds of secession through the formation of sovereign states, but not necessarily successful in the formation of nation-states?

Secondly, determine the results of secession, *majimboism* and federalism in a state subjugated by secession. What is the aftermath of secession, *majimboism* and federalism? Could secession *majimboism* and federalism be deemed to the detriment or to the benefit of the state subjugated to the deed?

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117

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Appendix 1: Research Questions

1. What is the connection between secessions, *majimboism* and the federalist debate and ethnic conflicts in African countries?

2. What is the role of secessions, *majimboism* and the federalism debate on ethnic conflicts in African countries?

3. To what extent do secessions, *majimboism* and federalism provide solutions to ethnic conflicts in African countries?

4. What are the issues surrounding secessions, *majimboism* and federalism in African countries?

5. What measures are there to mitigate ethnic conflicts in Africa?