研究ノート

Ethnic Federalism in a Comparative Perspective: Implications for Uganda

Vick Lukwago SSALI

Introduction

Dimitrios Karmis and Wyne Norman most succinctly define federalism as "an arrangement in which two or more self-governing communities share the same political space" (Karmis and Norman 2005, 3). It is also defined by David Turton, regarding nation-states, as "a principle of self-determination for regional federated units" (Turton 2006, 1). As a form of institutional power sharing, Turton argues, "federalism is based on the territorial autonomy of regional subunits, so as to create jurisdictions which are coordinate but independent" (Turton 2006, 2).

The origins of such 'self-governing communities' and 'federated regional units', however, differ from federation to federation. Two possible origins can be identified from the existing federations. In some cases like the United States and Australia, aggregations of self-governing, former British colonies (of mainly European migrants) were created regardless of ethno cultural identities. Other federations, like Belgium and Switzerland in Europe and Nigeria, South Africa and Ethiopia in Africa, however, originate from ethno cultural groups distinguishing themselves from other groups either by language, dialect, religion, ethnicity or race. The Canadian Federation is also based on a multi-cultural society, with most French speakers living in Quebec. In such cases, federalism is often debated in terms of ethnic diversity, horizontal inequalities, citizenship, justice, and stability. It is even sometimes seen as an alternative to interethnic violence, civil wars, and secession.

In a GSGS-directed research covering ten ethnicities, I have undertaken an inquiry into the grassroots perceptions of the relevance and possibility of using ethnicity as the fundamental federal principle in Uganda.¹ The study was premised on the hypothesis that a federal arrangement is a better system of governance for Uganda, culturally, economically and politically, and there was a

significant correlation between the results and this hypothesis. All in all, a majority of respondents think the federation of tribes is a viable option for managing diversity in Uganda. Ethnic federalism is seen as a way of accommodating the differences in the beliefs and desires of Uganda's diverse ethnic groups. But Uganda is not alone. Social divisions based on ethnicity are a reality in most of sub-Saharan Africa, and many independent states have had to deal with the relationship between such groups and the rise and frequency of horizontal inequalities and other ethnic problems.

The debate about whether Federalism is relatively suitable to Uganda, nevertheless, requires a look at other democracies that favor and enforce powersharing between different cultural groups. This research note, therefore, takes a look at case studies from Switzerland, Nigeria, South Africa and Ethiopia. How do they create and maintain a nation on one hand, and preserve the integrity of the units, their identity, culture, and tradition, on the other? (Hicks 1978, 4)

I. Switzerland

Together with Canada and the United States, Switzerland has the reputation of being one of the three "classical Federations" (Linder and Steffen 2006, 222). In these models, we see the common perception of a 'federation,' by definition and identity, as "a type of polity operating a constitution which works on two levels of government: as a nation and as a collection of related but self-standing units" (Hicks 1978, 4).

Switzerland is arguably the longest standing federation, dating from as back as the thirteenth century. 26 cantons with different historical backgrounds and cultures confederated into what is recognized today as the first modern federation built on indigenous ethnic and linguistic differences. These differences, as Daniel Elazar notes, "were considered permanent and worth accommodating" (Elazar 1987, 42). They were therefore initially accommodated in separate sovereign states called cantons. The cantons joined and drafted a set of common objectives, especially defense, foreign policy and public works, which were coordinated by a representative central Diet. Said to have started with the federal charter of 1291 from three original cantons, it had expanded to eight by the end of the 15th century. The modern federal state, whose legal foundation dates back from 1848, consists of three levels of government: the Federation, 26 cantons, and 2,324 communes.

About 65% of the population speak German, 20% French, 6% Italian, less than 1% Romansch (a minor language mainly descended from Latin and spoken in a few Alpine regions in southeast Switzerland), and 8.5% immigrants who speak other languages (Linder and Steffen 2006). Although the four linguistic groups are not clearly divided by the sub-national units, most of the Swiss cantons represent an overwhelming majority of one linguistic group. Hence, there are 15 mainly German cantons, six mostly French cantons, one mainly Italian-speaking canton, and four multilingual cantons.

1. The Swiss model as a consensus democracy

Constitutionally, the Swiss federation has remained highly decentralized since its foundation in 1848, with the cantons retaining their autonomy, their statehood, their constitutions and their political and economic powers. Today the central (federal) government controls only 30% of the overall public budget, making the Swiss system a typical example of what is called a consociational model of democracy. Considered to be both empirical and normative (Lijphart 1977), a consociation is a power-sharing model of democracy in which minorities are integrated through proportional representation with a vertical division of power which ensures total autonomy and political participation for the smaller units (Linder 2012).

Arend Lijphart is one of the strongest proponents of this model, and he has argued that "in a consociation democracy, the centrifugal tendencies inherent in a plural society are counteracted by the cooperative attitudes and behavior of the leaders of different segments of the population" (Lijphart 1977, 1). It may be difficult, therefore, as Lijphart observes, "but it is not at all impossible to achieve and maintain a stable democratic government in a plural society" (Lijphart 1977, 1).

2. The institutional elements of the Swiss model

Federalism in Switzerland guarantees the autonomy of the sub-national units. The cantons and communes are granted considerable political freedom as long as they keep their side of the bargain. Their primary responsibility, as Linder and Steffen point out, is to "respect the principles of democracy, and guarantee fundamental rights and the rule of law as described in the federal constitution." In return, they are allowed "their own political authorities free from interference from the federal government, and are given ample autonomy in legislation, in the provision of public goods and services, and in taxation and financial policies" (Linder and Steffen 2006, 224). While the federal government makes general laws, cantons have considerable options at the level of implementation because of the differences in cantonal traditions. These options, therefore, give the cantons, and the communes for that matter, "a strong veto point" (Linder and Steffen 2006, citing Vatter 2002). This power of minority veto on the most important issues is indeed one of the key elements in the consociation schema of leading advocate Arend Lijphart (1977, 1985, and 1999).

The sub-national units are represented both in the National Council (the Lower Chamber) in a democratic one-person-one-vote principle. They are also represented in the Council of States (the Upper Chamber) in the federalist principle of the one-vote-for-each-member state (Steinberg 1996; Linder 1998; Linder and Steffen 2006; Trampusch and Mach 2011). Each chamber has the same competencies, and all important federal decisions are subject to a second decision rule. But since the cantons are unequal in population size and economic power, the Swiss system uses the idea of "co-operative federalism" (Linder 2012). This practice adjusts differences in fiscal revenue between rich and poor cantons or communes or compensates bigger cantons for the services they provide for the smaller ones. The minority rights of language are also guaranteed by the principle of 'territoriality,' whereby it is not a group but the language of the region that is protected (Linder and Steffen 2006, 227). Therefore, no linguistic group has individual rights. Finally, a seven-member Swiss Federal Council is considered a collective Head of State. The presidency of the Confederation is held for only one year and rotates among the seven council members in order of seniority.

It can be argued in conclusion that the strength of the Swiss Federation lies in a couple of factors that favor the process of integration, and which have made Switzerland "a country of outstanding political stability without serious societal conflicts" (Linder and Steffen 2006, 236).

II. The African contradictions

It has been demonstrated that a Power Dispersing (PD) design of political institutions is more suited for Africa's horizontal cleavages which are characterized by ethnic, cultural, religious and geographical divides (Lijphart 1977; Mine et al. 2013). It can be argued, therefore, that the Swiss national model, as described above, should be the most suitable model for multicultural African states. At independence, however, most African countries adopted either a majoritarian parliamentary democracy or the winner-take-all presidential system. These unitary systems have not worked well in these countries for several reasons:

The main reason is that in these multi-cultural societies, cultural values, beliefs and languages are heterogeneous and may lead to different political preferences. These are preferences and choices so embedded in the histories and cultures of individual ethnic groups that they are not always easy to accommodate in a unitary democratic setting.

The other reason is the consequences of the colonial policy of divide and rule. This system empowered some ethnic groups over others. It also created heightened group awareness among the colonial subjects. Nevertheless, the main argument among nationalists at independence was that unitary governments were the only way to keep culturally diverse nations together (Meredith 2005; Mutiibwa 1992; Thomson 2010).

The third reason is that a culture of patronage and clientelism has been created in countries like Uganda where, for instance, a lot of power is invested both in the executive and in the military and security forces, which, moreover, are often dominated by certain ethnic groups. Such states tend to concentrate too much power in the executive branch. "The result is semi-authoritarianism, repression and a selective use of two of the most valuable national resources: military force and money" (Tripp 2010, 194). This abuse of power, in turn, results in narrow ethnic and political clientelistic networks (Tangri 1999; Tangri and Mwenda 2001, 2003 and 2006; Mwenda 2007; Tripp 2010; Asiimwe 2013; Ssali 2016). Could Uganda, and other ethnically diverse African countries, have avoided the turmoil of the last 50 years if they had adopted the Swiss-type "consensus" model of democracy where, as Linder and Steffen argue, "structural minorities have a better chance of inclusion" (Linder and Steffen 2006, 223)?

Very few African countries defied the post-independence unitary trend and adopted federalism as a system of government. Those that chose federalism did so for various reasons. Some had regional or ethnic minorities that felt marginalized by dominant, ascendant parties. They were anxious about their political status in post-colonial Africa, and they "demanded a system that devolves power and allows communities to exercise control over their own affairs without interference from the dominant group" (Fessha 2012, 265). Other countries simply had regions and institutions with distinctive interests which they wanted to preserve as autonomous entities. The kingdom of Buganda in Uganda was a case in point.

The *Baganda* [people of Buganda kingdom] had always enjoyed a special recognition and status. They also had an extraordinary devotion to their king and his hierarchical authority, and they would accept only the federal arrangement to proceed along constitutional lines (Mutiibwa 1992). They were granted federal status at independence, and some acknowledgment of autonomous standing was similarly extended to four other tribal kingdoms: Ankole, Bunyoro, Busoga, and Toro. This arrangement would, however, become a victim of the "nation-building" trend that characterized the post-colonial period in Africa. Ultimately, in Uganda, as in most post-independence African countries that tried it, federalism was an ill-fated experiment. Indeed, very few federations have survived the half-century of independence (see Table 1 below), among them, Nigeria and Ethiopia. The South African model of federalism, embedded in the new post-apartheid constitution, is a later addition.

Country	Longevity of Federal System
Cameroon	1962 - 1972
DRC Congo	1960 – 1965
Ethiopia	1952 – 1962; 1991 – present
Kenya	1963 – 1965
Nigeria	1960 – present
South Africa	1997 – present
Sudan	1972 - 1983
Tanzania	1964 – present
Uganda	1962 - 1966

Table 1 Post-Independence Federal Systems in Africa

(Source: Dean E. McHenry, Jr. "Federalism in Africa: is it a Solution to, or a cause of Ethnic problems?" (1997:1)).

1. Nigeria

Nigeria is recognized as the longest enduring post-colonial federation in Africa. At independence in 1960, the mainly Muslim, Hausa-Fulani North already had a mostly separate ethnic administration and political party. In the South, each of the two other main ethnic groups, the Christian Igbo in the southeast, and the religiously bi-communal Yoruba in the southwest, also had their own political parties and ambitions. Besides, there were some other 250 minority groups scattered among the big three, all of which had ambitions to obtain their own states and escape dominance, neglect and discrimination. Later a fourth region, the Mid-West Region, was added but still this number of regions was too small to satisfy the fundamental needs of the ethnic minorities swallowed up in each of the four ethnic majority-dominated areas. This fluidity led to the fall of the first independence government to a military coup, and to the ethnic-military (Biafra) civil war of 1967. Further diffusion of the regions into 12 states helped the defeat of this Igbo-dominated secession war, and strengthened the federation through two Military (1966-1979 and 1984-1999) and two Democratic (1979-1983 and 1999-present) republics.

Nigeria currently features a three-tier federal system with a federal government, thirty-six states and the federal capital territory of Abuja. The system has undergone many changes and lapses in democracy corresponding with periods of military rule. Its 'federalness' has nevertheless persisted since 1960. It has also managed "not only to hold together and avoid the protracted, large-scale internal conflicts that have convulsed or pulverized several other African states but also to achieve a reasonably effective compromise of ethnic interests" (Suberu 2006, 65). One of the factors that have accounted for the persistence of the Nigerian federal system is that the country's multi-state federalism affords a good measure of autonomy for its territorial communities despite its over-centralization by soldiers and oil (Panter-Brick 1978).

The Nigerian federation has experienced both the 1960s chaos of the cessation war and periods of decline coinciding with military dictatorships. Nigeria's multi-state federalism, nevertheless, has mostly held the country together and helped it to achieve a reasonably efficient compromise of ethnic interests. It has also shown that federalism can either mitigate or exacerbate ethnic conflict.

The main challenge to the system, which is also an epitome of postindependence Nigerian history, is the near absolute dependence of all governments in the federation on centrally collected oil revenues. "This fiscal centralism has stimulated several interrelated pathologies and deficits in Nigeria's federal governance" (Suberu 2006, 77).

2. Ethiopia

Ethiopia is another of the few functioning federations in Africa, and it has undergone two arrangements during two distinct periods: the period of formal federation between Eritrea and Ethiopia (1952-1962) and the current federal experiment in 'ethnic federalism' since the adoption of the 1991 charter.

Ethiopia's experimentation with federalism began in the 1950s when Emperor Haile Selassie decided to expand the Ethiopian empire when the future of Eritrea came up for discussion at the United Nations. Eritrea had been an Italian colony for 50 years but had gained some degree of self-identity under the British caretakers after the defeat of the Italians in 1941. The Muslim half of the population supported the idea of an independent Eritrean state proposed by Arab countries while the Christian half tended to support unification with Ethiopia. The emperor intervened on the claim that Eritrea had after all historically been part of the empire. The UN also chose the option of forming a federation linking Ethiopia and Eritrea, "under which the Ethiopian government was given control of foreign affairs, defense, finance, commerce, and ports while Eritrea was allowed its own elected government and assembly to deal with local affairs." (Meredith 2011, 209)

Emperor Selassie, nevertheless, always saw the federation as only a step towards unification, and by 1959 he had discarded the Eritrean flag and imposed Ethiopian law. Eritrea's two main languages, Arabic, and Tigrinya were replaced by Amharic, and finally, "in 1962 the Eritrean Assembly was persuaded to vote for the dissolution of the federation and its own existence for annexation by Ethiopia" (Meredith 2011, 209). The formal federal arrangement had lasted only ten years.

The annexation would, nevertheless, from then on face a great deal of resistance and revolts in the name of the Eritrean insurgency. Well-equipped militarily and ideologically, the insurgency gained prominence for declaiming against what it regarded as the imperialist oppression of Ethiopia's Emperor Haile Selassie.

In 1974, the Emperor was overthrown by a radical military group under Colonel Mengistu Haile Mariam. The new revolutionary government fueled even more nationalism and rebellion by groups such as the Tigray People's Liberation Front (TPLF); the Somali supported Oromo Liberation Front; and the Ethiopian People's Revolutionary Democratic Front (EPRDF). They wanted both a civilian control of the revolution, and an end to Soviet influence and Colonel Mengistu's efforts to turn Ethiopia into a socialist state. The result was a protracted civil war. It lasted until 1991 after Mengistu had lost Soviet backing due to the end of the cold war, and the rebel Ethiopian and Eritrean coalition forces eventually claimed victory. Eritrea was immediately granted independence, Mengistu's socialist policies were abandoned, and a process began under former EPRDF rebel leader Meles Zenawi, to transform the political structure of Ethiopia. The Federal Democratic Republic of Ethiopia was eventually officially proclaimed in 1995, the nation's second take on federalism.

Federalism in the second Republic of Ethiopia has been both "radical" and "pioneering" (Turton 2006, 1). It has been radical because as a system of 'ethnic federalism' it has introduced the principle of self-determination for Ethiopia's six ethnic provinces and three multi-ethnic ones in a formerly highly centralized and unitary state. It has also been pioneering because Ethiopia has gone further than any other African state and even further than almost any country worldwide. By adopting ethnic federalism, Ethiopia wanted to assuage the concerns of her federated regional units by reconstituting them on ethnicnationalistic lines without a single dominant one.

Critics argue, nevertheless, that as an organizing principle, ethnic federalism in Ethiopia faces some challenges, and is at best a "risky" and "fragile" experiment (Turton 2006, 5-6; Kymlicka 2006, 58; Young 2012, 331). They argue, first of all, that thanks to the Afro-Marxist Mengistu legacy, it is borrowed from the Soviet nationality model, which, in any case, collapsed. They also argue that while a similar model of multination federalism has resulted in a genuinely federal system in Switzerland, Canada, Belgium and Spain, it was introduced there "in a peaceful and democratic way, consistent with human rights and liberal freedoms" (Kymlicka 2006, 58). In Ethiopia, on the other hand, there are no such conditions, and ethnic-based regional autonomy is more likely to emerge there from force rather than from peaceful and democratic reforms.

Ethiopia's second attempt on federalism thus arouses genuine interest in that it is pioneering in form, it recognizes the reality of minority nationalism through some territorial autonomy, and it could be a good formula for solving horizontal inequalities and other ethnic problems in Africa. On the other hand, as a process of institutionalization it "has not always been the outcome of peaceful democratic mobilization, but rather has been imposed from above, or captured by local elites who do not present the interests of the wider group" (Kymlicka 2006, 58). This fact, therefore, underlines the relevance of my inquiry, in the aforementioned research, into "grassroots perceptions" on the road Uganda should take moving forward.

3. South Africa

The South African model of federalism, as embedded in the new postapartheid constitution, gives the Rainbow Nation's nine provinces considerable powers. A very progressive entity in its own right, the South African constitution was the result of remarkably detailed and inclusive negotiations that were carried out with an acute awareness of the injustices of the country's non-democratic past. Given the dark history of apartheid, the constitutional makers were faced with the question of whether to have a unitary or federal system. An interim constitution was first drafted in 1993 as the country made its transition from apartheid to democracy. It was an urgent and necessary compromise among mainly the mainstream African National Congress (ANC), the Inkhata Freedom Party, seeking more autonomy for the KwaZulu-Natal province, and some minority Afrikaner groups seeking an Afrikaans homeland of sorts. Boundaries were therefore explicitly negotiated, as Inman and Rubinfeld (2009) have noted, to assure the white (National Party) and black (Inkatha) political minorities control over public resources and policies in at least one province each. The interim constitution of 1993 was thus "the result of the imperative of finding consensus among these political forces to pave the way for free elections..." (Simeon 1998, 2).

Then, after the April 1994 elections, a new constitution was written in consultation with the public as well as elected public representatives. It was approved by the Constitutional Court on 4 December 1996, signed by President Mandela on 6 December 1996, and took effect on 4 February 1997. The permanent constitution, like its 1993 precursor, continues to envisage federal, provincial (and local) spheres of government, each elected separately by proportional representation. Operating at both national and provincial levels are advisory bodies drawn from South Africa's traditional leaders. It is a stated intention in the Constitution that the country is run on a system of co-operative governance. The system thus continues to embrace the imperative of finding party agreement as did the 1993 interim constitution. It is thus, although not explicitly defined as such, by and large, a federal constitution. It has also succeeded in managing deep ethno cultural cleavages and autonomist movements in a previously deeply divided country.

Towards a synthesis

This paper has attempted to argue that federations originate and can function successfully in both homogeneous and heterogeneous societies. Majoritarian democracies, on the other hand, work better in communities where people share common cultural values, beliefs, and language. It has been argued therefore that the adoption of Unitarian, winner-take-all democracies in post-independence Africa could have been a mistake influenced by several factors. Indeed, the imposition by post-independence central governments of centralized political power on pre-existing nationalities has more than often resulted in disastrous consequences. This imposition is now being challenged in many parts of Africa. It is being challenged because it is not sustainable, and has, in the long run, failed to guarantee sustainable development and the rule of law where the rights, interests, and feelings of the different and diverse communities on the continent are respected.

The Swiss model of "consociational" democracy has been hailed as a beacon of stability and democracy in a plural society, whose strength lies in a couple of factors that favor the process of integration and a fair representation of her subnational units. As for the pathology of federations in Africa, it can be argued that the picture of federalism over half a century of independence is grim. It has worked in fewer countries than it has failed. In some countries, it collapsed almost as soon as it had been conceived (See Table 1). In others, it carries negative political baggage, and it is not mentioned even though its techniques are being practiced. The South African constitution, as mentioned earlier, is a case in point.

That said, the fact must be acknowledged that there is no causal relationship between federalism and anything else. Nigeria, for instance, has been relatively stable under a federal system, and there is no causal relationship between this model and Africa's most populous country's problems. Nigeria's problems have been rather attributed to fiscally centralized overdependence on oil revenues. Nigeria has unfortunately not adopted the Swiss model's "co-operative federalism" which would guarantee equitable resource sharing. Ethiopia returned to the ethnic federal experiment in 1995 after decades of turmoil. At the time of writing, however, the country is in a state of emergency as a result of the government's high-handed response to public protests against its development-obsessed, but an authoritarian, undemocratic and anti-federal character of leadership (Ficquet 2016²). Is the current state of the federal state because of, or in spite of ethnic federalism? The answer, according to Prof. Ficquet, lies both in the big and complicated volume of Ethiopia's history, as well as in the lack of commitment on the part of government to the implementation of the post-1995 ethnic federalism agenda. In South Africa, the resilience of the system will be tested more and more as this young democracy strives to avoid the fate of other failed African federations.

Uganda, like most unitary African states, has had tensions that have characterized and indeed restricted power-creating capacity and stability since independence. They are tensions between the desire and strife for political modernization on the one hand, and the primordial solidarity groupings namely kinship, clan, and tribe, on the other (Kilson 1975). Uganda, as a multi-ethnic state, ought to emulate Switzerland, but she can also learn a lesson or two from where the other African models of federalism have succeeded.

The debate on ethnicity and federalism in Uganda, which is the topic of the research mentioned in the introduction, was born out of the realization that in this multi-cultural society, cultural values, beliefs and languages are not only heterogeneous but may lead to different political preferences that do not change. The results of my qualitative inquiry into grassroots perceptions showed that ethnically based federal units would presumably provide safe accommodation for these preferences. Ethnic federalism has thus been depicted as one way of empowering people in their traditional institutions and enabling them to play a decisive role in socio-economic and political development. The challenge is on the political elite in Uganda to re-think the salient political, social and economic issues affecting their diverse peoples. They need to emulate Switzerland and other democracies that favor and enforce power-sharing between different cultural groups. That way, they can go a long way to solving many of the country's chronic problems of injustices and social inequalities.

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- 1 This research note was inspired by my PhD dissertation, "Ethnicity and Federalism in Uganda: Grassroots Perceptions" which is about to be submitted to the Graduate School of Global Studies at Doshisha.
- 2 Notes from the lecture, "Authoritarianism in Post-modernity: The deaf state vs buzzing social media in Ethiopia," delivered by Prof. Eloi Ficquet, at the Graduate School of Global Studies, Doshisha University on November 1, 2016.

Abstract

Ethnic Federalism in a Comparative Perspective: Implications for Uganda

Vick Lukwago SSALI

On gaining independence, most African states inherited a strongly centralized apparatus at the national level. Pro-independence nationalists rejected both the imperial masters' proposals to aggregate nations into regional federations and the temptation to devolve them for the efficient management of ethnic diversity. The first half century of the post-colonial era has however seen a succession of crises. Many leaders at the helm of overly strong, centrist governments have over this period become authoritarian and have contributed a lot to the mire of corruption, economic collapse, ethnic resentment, violence and civil war. They have exploited Africa's ethnic differences to consolidate patronage-driven democracies and economies. The result has been the personalization of states, their collapse into mini-bureaucracies, the neglect of the people at the grassroots of society, and massive social inequalities.

Given such a systematic fading of the hopes and ambitions of independence, many African countries have recently found it indispensable to re-think the structure of the state. Federalism has often been considered as one effective way of reconciling the diversity of the constituent parts of nations with their unity, and of restoring stability and equality in African countries. My research at the Doshisha Graduate School of Global Studies (Kyoto - Japan) over the past four years has been an inquiry into the grassroots perceptions of ethnicity and federalism in Uganda. What are the attitudes of the people at the grassroots of Ugandan society, about their self-identity vis a vis the center? The study was premised on the hypothesis that a federal arrangement is a better system of governance for Uganda, culturally, economically and politically, and there was a significant correlation between the results and this hypothesis. The majority of respondents see Ethnic federalism as a way of accommodating the differences in the beliefs and desires of Uganda's diverse ethnic groups.

But Uganda and Africa as a whole need good models to emulate from within

and from outside the continent. This research note looks at case studies from Switzerland, Nigeria, South Africa and Ethiopia, and how they create and maintain a nation on one hand, while preserving the integrity of the units, their identity, culture, and tradition, on the other. The Swiss model is particularly being presented as a solid argument for the theory that a consociation or powersharing model of democracy is the most suitable model for multicultural African states.

Keywords: ethnic diversity, ethnic federalism, consociation democracy, powersharing