Federal Design and Supranational Integration Plans for East Africa: Regional Geopolitics, the Changing Global Order, and the Imperial Constitutional Repertoire

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Abstract

In the midst of tectonic changes to the global order, and within the context of unprecedented volatility in regional geopolitics, the political future of East Africa is no longer easy to predict. Ideas for a federation bringing together the countries of the region had been around for more than a hundred years. As the world's attention shifts to what the next global order might look like, plans for regional federal unions are likely to re-emerge. This article examines the impact of regional geopolitics, the changing global order, and the constitutional repertoire of the British Empire on federalism debates. There is one historical episode when the abstract federal plans for supranational integration in East Africa were put into action and concrete steps were taken, not only to politically integrate, but also to merge the key policies of transportation, taxation, communication, customs, and to create federal institutions to devise and administer these policies. Supranational integration between member countries was to be paralleled by stage-by-stage democratic reforms within the member states. Relying on the constitutional repertoire and experience of other federal systems in their Empire – now reformed and renamed as the Commonwealth – the British devised a detailed roadmap in 1953 and started laying the foundations for a federation. By 1963 the project was taken over by the changing global order and new regional dynamics. What was designed (with the aid of the imperial constitutional repertoire) was out of step with the times (marked by majoritarian political ideas and a desire for speedy modernization through centralization). The article examines the various official documents on the federal design of the union and the projected democratic reforms within the members, contrasting this with the changes in regional and global geopolitics. Also covered are secondary sources from the time-period. The lesson from this investigation highlights how in moments of big changes to the regional and global order, geopolitics tends to trump the intricacies and technicalities of constitutional and administrative design.

Keywords: *East African Federation, federal design, regional geopolitics, global order, imperial federalism, constitutional repertoire*

1. Introduction

As the global order changes with rapid speed and as alliances unravel, most countries – both in the West and the rest of the world – are forced to reflect on their position in a world where just a couple of world powers nakedly pursue their political, military and economic interests. The geopolitical projection of 'might is right' exposes how militarily weak, politically dependent, and economically connected almost everyone else is. Any form of supranational integration that shields a region from outside intervention and brings in better neighborly relations between neighbors will be welcome. This is especially the case when a federal union can potentially address a number of seemingly intractable cross-border issues. These could be rivers that flow across countries, the presence of ethnic kin straddling both sides of the borders, access to water/ports/pipelines/electricity-grids, transportation links between regions of natural wealth and industrializing zones, the nomadic/pastoralist communities

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who habitually cross internal and external demarcations, and of course, the combat against bandits/smugglers/terrorists who stop at no borders. Plus, the pooling of military and political power can help the new federal unions to protect some of their common interests in world of unrestrained geopolitics. The East African Federation is one such idea with a lineage that goes back more than a hundred years.

By the end of the 19th century, the British Empire had expanded to almost every corner of the world. Most of its older territories were geographically integrated, politically stable, economically self-sufficient, and bureaucratically functioning, while some of the newer additions were not. The idea of federal amalgamation was put to use to create bigger units capable of sustaining themselves internally and deterring outsiders externally. East Africa had been a candidate for such a federal union since Uganda, Kenya, and Zanzibar (the islands part of present-day Tanzania) had been absorbed into the Empire at the end of the 19th century. After the end of the First World War, Tanganyika (the mainland part of present-day Tanzania) was also placed under British rule as a League of Nations Mandated Territory. This time, a federation with four members made an appearance on the agenda. In 1924, Sir Sidney Henn was the first to articulate the need for the federal unification of in British territories in East Africa (Ochada, 2004). That initiative did not proceed much beyond the creation of a Royal Commission to explore the viability of an East African Federation (Ormsby-Gore, 1925). The idea made a re-appearance after the end of World War II; and this time there were concrete steps to set the foundations of a federation. The key policies of transportation, taxation, communication, and customs were merged. New federal institutions responsible for administering these policies were created. Detailed blueprints for step-by-step internal democratic reforms in each member state were passed. In doing so, the British relied on the constitutional repertoire and experience of other federal systems within their Empire.

The coming pages will trace the debates on supranational integration in East Africa and examine the specific plans for creating a new East African Federation. The article rests on four analytical foundations. The first focuses on the impact the big changes to the global order has had on the appeal and design of federalism. The second looks at the regional geopolitical dynamics along with the issues that influenced federalism debates in East Africa. And the third one examines the imperial constitutional legacy and how colonial-era administrative and legal policies continued to shape contemporary federalism debates in East Africa. All three rely on archival research on official documents and secondary sources from the time-period. The final analytical foundation of the article is the belief that studying 'negative cases' in federalism studies; that is, federations that have gone extinct helps build a more even-handed understanding of federalism including both successes and failures.

1.1. The Imperial Constitutional Repertoire on Federalism

The constitutional repertoire of the British Empire contained various institutional and policy blueprints for bringing separate colonial territories together in a federal union under imperial supervision. At home, there was already an *avant-la lettre* federal union between England, Wales, Scotland, Ireland, the Channel Islands, and the Isle of Man. Before their independence, the settler colonies of America were in a type of a federal union with each other and the Crown. For Britain's remaining North American territories after the creation

of the United States, the path was also federal. The British North America Act, 1867 had created a federal union for territories which had not seceded from the Empire. On the other end of the world and around the same time, the colonies in the antipodes had also been brought together, and the federal union of Australia was formed. A similar federal plan around the same time had aimed the creation of a Southern African federation. While that initiative had failed to bring all the British territories in the region together, a couple of decades later two British colonies in southern Africa and two formerly independent Boer Republics came together in the form the Union of South Africa in 1910. In the post-World War I years, the former German colony and new League of Nations Mandated territory, South West Africa (present-day Namibia) became the *de facto* fifth member of this union. There were also the British High Commission territories of Bechuanaland, Swaziland, and Basutoland (present-day Botswana, Eswatini, and Lesotho) under the direct rule of London which were not part of the Union of South Africa.

With the end of World War II and in the midst of a new Cold War taking hold of the world, and with growing demands for self-rule in the colonies running parallel to Britain's declining global power, federalism emerged as a path to simultaneously create bigger entities from the various colonial territories while injecting internal reforms. Whitehall bureaucrats in London were running this major overhaul of the imperial constitutional order. This was proceeding in parallel to changes to the very imperial system itself. There was a transformation into somewhat looser form of a political union called the British Commonwealth which, while not severing the link to the British Crown, allowed more autonomy to constituent parts of what used to be the British Empire (Erk, 2023a).

One main avenue of activity during those years of frenetic bureaucratic overhaul was amalgamation. That is, separate territories incapable of sustaining themselves militarily, politically, and economically – or those who were surrounded by colonial territories of other European powers – were first merged. Kenya, Uganda, Nigeria, Zambia, Tanzania, and Ghana are all examples of such mergers of British colonial territories – some with different constitutional statuses within the constitutional structure of the British Empire. While their French counterparts preferred a standardised model of administration on their colonial territories, the British colonial structure was diverse, both by design and in practice (Crowder, 1977).

The *sine qua non* of the imperial constitutional order was the three levels of jurisdiction. Below the level of the federation were the constituent units. In Canada and South Africa, these were Provinces, in Australia they were the (regional) States, and British Africa these would be the different types of territorial units that preceded the creation of the federal union, be it Dominions, Colonies, Protectorates, Kingdoms, or Paramount Chieftaincies. Like the other federations within the Empire, the newly amalgamated unions in British Africa were to have a Governor General at the top as the Crown's representative appointed by London, while each constituent unit would have its own London-appointed Lieutenant Governor. But the existing federations within the Empire held the imperial constitutional status of Dominions with 'responsible government' – meaning locally elected legislatures made the laws for these territories. With onerous property and income restrictions to electoral franchise, Dominions might not qualify as representative democracies in the

modern sense, but they did enjoy autonomy within the imperial constitutional order.[1] In other parts of the Empire where territories did not have legislatures, centre-appointed High Commissioners would be at the nominal head of colonial administration. London was not only the apex of imperial executive power, but also the top of the judiciary pyramid with the Privy Council of the House of Lords, which functioned as the *de facto* supreme court of the British Empire.

The post-World War II federal initiatives in British Africa relied on the constitutional repertoire of the past. What was different, however, from the previous experiences with federalism in the Empire was the speed with which federal blueprints were designed and imposed. The creation of the Australian, South African, and Canadian federal systems – and in fact, the establishment of the union of England, Scotland, Wales, and Ireland at home – took much longer, with lots of back-and-forth between the local governments of the settlers and the imperial one spread over long time-periods, interspersed by a variety of constitutional experiments until a workable balance was reached. There was urgency to the post-World War II federal plans which had not existed before. One was the shrinking global might of the Britain and the subsequent realisation that more self-rule to the colonies was imperative for the survival of the Empire. This was happening at a time when modern communication and transportation was allowing more direct decision-making from London. During the 19th century height of the Empire, slower communication and transportation means would not have allowed such a globally coordinated overhaul of the imperial constitutions.

The second reason why London had pressed fast-forward in post-World War II constitutional experiments was that – unlike the setter-dominated federations of Canada, Australia, and South Africa – the new candidates for federal unions did not have local legislatures and 'responsible' governments for implementing local laws and policies.[2] This factor seems to have allowed London-driven federal blueprints to circumvent possible settler opposition and avoid the lengthy back-and-forths which had defined the centre's past relations with its Dominions governed by settlers. Since settler communities in British Africa were opposed to any type of political reform that they feared could eventually open up the path to representative democracy, excluding them would indeed speed things up. Urgency of the need to reform colonial administration meant that deliberations with input from British bureaucrats stationed in the territory in question were also not a priority in post-World War II years. The past federal experiences within the Empire had relied on the local knowledge of Governor Generals and High Commissioners and their personal connections to the various different local communities, religious figures, and political leaders. This was particularly important for insights as to how to carefully navigate matters sensitive to the locals. Without extensive input from locally stationed British officials, the new process of designing new federal unions did indeed proceed much faster than it during the 19th century.

[1] The Union of South Africa was officially the only British territory in Africa with the status of Dominion within the imperial constitutional order. Southern Rhodesia was not officially designated as such, but with the principle of 'responsible government' in place and under the supervision of the Dominion Office in London – not the Colonial Relations Office – this settler colony for all purposes functioned as a Dominion.
[2] With the exception of the Dominion of Southern Rhodesia. Further details on the Rhodesias are in Section 3.2. on the Central African Federation

The post-World War II process of amalgamating separate imperial territories into federal unions went hand in hand with plans to inject more democratic representation and accountability internally. This second line of constitutional reform needed more local knowledge. But once again, for both Whitehall bureaucrats in London and British officials on the ground, the immediate reference points came from the imperial constitutional repertoire. In colonial territories, the executive branch of the Empire was represented by the Executive Committee (usually referred to by its shorthand ExCo) composed of British imperial bureaucrats and high-ranking officers stationed locally. The legislative branch in colonial territories was the Legislative Council (again, often referred to by the shorthand LegCo) composed of elected and appointed members. The elected came from within the settler communities (if they were present) or local property-owners. There was either a common electoral roll or separate ones for different categories of inhabitants based on race, religion, or ethnicity. All electoral franchises were restricted along property- and income-based qualifications. And in most protectorates, inhabitants were designated as 'British protected persons' rather than citizens with voting rights (Elias 1968, p. 85). Often separate systems of law existed for settlers and locals. Differences existed across administrative subunits in terms of which system of local traditional laws were recognised and applied. While the French system ran on a symmetrical rationalised order, asymmetry defined the way British the designed and managed their Empire.

Asymmetrical in constitutional status across the constituent units of the federation meant in some territories certain systems of traditional law and governance were recognised, in others where they are not; there were territories where settlers were allowed to purchase land, others where restrictions existed; some traditional systems of governance enjoyed full recognition, others were subjected to bureaucratic intrusion and political manipulation (Erk, 2023b). But most importantly, all federations within the British Empire gave the imperial executive broadly defined but rarely exercised powers to overturn unwanted local legislation. Executive power of last instance could be it in the form of powers to 'disallow' certain provincial laws, or 'reserve' certain powers to the federation, or to deny local laws or court decisions which might be deemed 'repugnant' to vaguely enumerated principles of natural justice and fairness. Britain was playing from this imperial rulebook while scrambling to retain and manage a global empire.

2. Ten Fateful Years (1953 – 1963)

2.1. The British Empire in Transition to the Commonwealth of Nations

The years following the end of World War II were marked by tectonic changes to the global order. A multipolar world marked by competing and cooperating European major powers was exiting the stage, a bipolar one marked by two superpowers capable of inflicting mutually assured nuclear catastrophe was on its way in. As seen a little earlier, this was also the time when Britain's status as a leading global power was slipping and demands for self-rule in the colonies were increasing. The renaming of the British Empire as the British Commonwealth of Nations was first announced in 1926 and was later formalised in 1931 with the Statute of Westminster. But it was the post-World War II years when real

consequences to the changes in labelling started to appear – least of which is the independence of India while remaining within the Commonwealth. During these years, federalism emerged as a way to bring together a number of separate colonial territories as well as inject internal reforms; and this was not only in British Africa but across French territories in Africa as well (Erk, 2023a).

The proliferation of federations on the continent first started as gradual and piecemeal experiments with (limited) self-rule instigated and managed by the former colonial rulers; it soon accelerated into a panicky last-minute rearguard action seeking to retain imperial constitutional ties to the newly independent nations; by the mid-1960s the frenzy had died down and the last vestiges of federalism extinguished. Historical hindsight allows us to spot these past dynamics and their abrupt end. For those devising constitutional blueprints and implementing the first phase of concrete political and administrative reforms paving the way for the federations at the time, it was a step-by-step process involving both federal unions between formerly separate colonial territories and internal democratic reforms injecting federalism. Without having the locals around the table and without advice from locally stationed imperial bureaucrats, federalisation proceeded at a much faster pace than had been previously practiced in the Empire but equally fast was the speed along which everything was to unravel. At that time, no one was aware how quickly all that was to become redundant.

The federal process was influenced by two connected but separate dynamics. At the top were the policy choices and priorities of the corridors of power in London at a time when British power was in rapid decline and a new global order representing US-Soviet rivalry was taking hold (Watts, 2011). The decision of which states were to be created from merging which colonial territories were made by both Whitehall bureaucrats who sought long-term continuity to British policies as well as elected politicians in Westminster who held slightly different views about how much autonomy was to be granted and how much control was to be maintained. Between 1945 and 1951, the British Labour Party led by Clement Atlee was in power. These were the years when the country was chaffing under the immense economic costs of having waged a world war. It was also the time when various grand initiatives were being put in place to solidify America's global position, such as the Truman doctrine committing the country to defend smaller European countries against Soviet expansionism and the Marshall Plan to help European countries finance their post-war reconstructions. For the British, economic aid had come through wartime Lend-Lease programme of the Americans. With the war over, Britain's coffers were still empty. Self-rule to the colonies was not only something that would satisfy the US which styled its global role in contrast to the European countries of a previous global order who had dominated world politics, it was also a necessity for an over-stretched Empire running low on money, people, and will.

2.2. Wind of Change

In 1951, the Conservatives under the leadership of Winston Churchill came to power again but the overall direction of disengaging from the remote spots of the Empire and reformist policies in the colonies continued. However, by this time local discontent with British rule was beginning to engender various armed insurgencies across the Empire. By 1955, the

conservatives had replaced their leader and Anthony Eden was the new Prime Minister. The following year exposed Britain's relegation from being a world power to one of America's many allies and client states. The military expedition by Britain and France to retake back the Suez Canal from newly independent Egypt did not receive any American support and had to beat a hasty retreat. Eden resigned and Harold Macmillan became the new Prime Minster in 1957. Re-elected in 1959, Macmillan's government was in power until 1963. His 1960 'wind of change' speech, first made in Accra, Ghana, and after a few revisions, later at the Parliament of the Union of South Africa a second time, perhaps best captures the spirit of the time:

> In the twentieth century, and especially since the end of the war, the processes which gave birth to the nation states of Europe have been repeated all over the world. We have seen the awakening of national consciousness in peoples who have for centuries lived in dependence upon some other power. Fifteen years ago this movement spread through Asia. Many countries there, of different races and civilizations, pressed their claim to an independent national life. Today the same thing is happening in Africa, and the most striking of all the impressions that I have formed since I left London a month ago is of the strength of this African national consciousness. In different places it takes different forms, but it is happening everywhere. The wind of change is blowing through this continent and whether we like it or not, this growth of national consciousness is a political fact. And we must all accept it as a fact, and our national policies must take account of it (Macmillan, 1960).

Things had started before Macmillan's wind of change speech, however; and had remained relatively constant. In many ways, Macmillan's acknowledgement of the big changes to world politics and the need to recognise and respond to it book-marked the end of this fateful decade of frenzied bureaucratic activity rather than marking its beginnings. The post-war years had started with the Labour Government of Atlee, it was then followed with three subsequent Conservative Governments under Churchill, Eden, and Macmillan, and then in 1964 the Labour party under Harold Wilson came to power. Such changes brought in slightly different twists-and-turns to colonial retreat and disengagement from Africa but the broad course of the historical *longue durée* remained unchanged. This is one side of the federal dynamics; that is, the policy choices and priorities of London. While decision-making was clearly in the hands of Cabinet Ministers and Whitehall, there was also a local side.

While the centre was composed of Whitehall bureaucrats and Westminster politicians, input from the colonies was based on three groups: Bureaucrats appointed by London, European settlers, and local inhabitants. By now, we know that federalisation was London's choice, but there were also political dynamics emanating from the colonies themselves. Wherever sizeable European settler communities existed, there was resistance to any constitutional plan that promised eventual self-rule to the colonies – mostly due to fears of the political power that African demographic majority would eventually acquire. While settlers were unanimously opposed to reforms, local inhabitants were divided between two broad political camps in terms of their stand vis-a-vis federalism and the coming constitutional reforms. British plans for new federal unions between former colonial territories, combined with democratic reforms within, faced an uphill struggle in trying to drip-by-drip meet the growing demands for unqualified and unadulterated independence. This was creating tensions between two versions of an independent political future.

On the one hand, were the liberation parties and their nationalist leaders riding the wave of populist support (Kwame Nkrumah in Ghana, Kenneth Kaunda in Zambia, Hastings Banda in Malawi, Julius Nyerere in Tanzania, and Milton Obote in Uganda) seeking majoritarian unitary constitutions based on the principle of one-citizen-one-vote. On the other were traditionalists (especially from within the ranks of the traditional kingdoms enjoying protectorate status within the British imperial constitutional architecture) who sought to protect their existing autonomies in non-majoritarian, often federal or semi-federal, forms of constitutional blueprints with emphasis on group autonomy and collective rights. While the wind of change in world politics was acknowledged by London, those responsible for devising the constitutions and implementing the first phase of concrete political and administrative reforms spoke the language of traditionalists and still relied on the existing constitutional repertoire of the Empire.

2.3. Amalgamation accompanying Decolonisation

When looking back at the past of decolonisation in British Africa, what tends to be highlighted is how one after another the continent's colonies gained independence. But what preceded this tends to receive less scholarly attention. The first step was that many formally separate colonial polities were first brought together in preparation for first home-rule and then independence. The French were experimenting with similar initiatives, but this dynamic was particularly consequential for territories within the British Empire/Commonwealth since its constituent parts often held different constitutional statuses. There were Dominions, Protectorates, and United Nations Trust Territories (former League of Nations Mandates), all with different degrees of self-government, with differences in bureaucratic and settler presence, and under the supervision of different bureaucratic branches of the British government (Erk, 2023a). What preceded independence was first the amalgamation of the formerly different polities under the overarching constitutional framework of the Empire/Commonwealth. In many cases, this was indeed just before independence constitutions, but sometimes it coincided with the birth of Africa's new independent states, and sometimes it immediately followed the creation of new states.

Africa's largest federation Nigeria is the primary example. The years preceding independence in 1960 was when the three separate colonial territories were first amalgamated into the Federation of Nigeria in 1954 (Cowan, 1954/1955).[3] The federal capital, Lagos, became the fourth province of this pre-independence union. Unfortunately, the country was soon engulfed internal conflict sparked by two successive military coups and a civil war. A cycle of coups, punctuated by democratic elections, and multiple constitutions defined the ups-and-downs of the coming decades – yet federalism remained a constant in post-independence Nigerian politics.

Present-day Ghana is another example of amalgamation accompanying decolonisation. In 1957, the Crown Colony of the Gold Coast along the Bight of Benin, the Ashanti Kingdom in

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[3] Earlier in 1914, the Governor General Sir Lugard had merged the Southern Nigeria Colony and Protectorate with the Northern Nigeria Protectorate.

the interior, the remote Northern Territories Protectorate looking towards the Sahel, and the Trust Territory of Togoland in the southeast were merged to create the new state of Ghana. Especially, the powerful Asante Kingdom was hoping for the four constituent units to enjoy semi-federal autonomy (Erk, 2022). Like many of the traditional kingdoms and paramount chieftaincies of the Empire/Commonwealth, the Asante had put their trust in the British and their non-majoritarian constitutional arrangements following the imperial rulebook. Restricted franchise, collective group rights, separate electoral rolls, legal pluralism, three levels of jurisdiction, and a gradual and piecemeal approach to constitutional reform were what they expected to deal with. There was however a new populist movement that was rejecting anything that fell short of unqualified and unadulterated majoritarian self-rule. Kwame Nkrumah represented the new face of Ghana's liberation movement.

Based on a one-citizen-one-vote majoritarian understanding democracy, nationalists across Africa had no patience for gradual and piecemeal constitutional reforms towards self-rule. Nkrumah was not an exception. Kenneth Kaunda in Zambia, Hastings Banda in Malawi, Julius Nyerere in Tanzania, Milton Obote in Uganda similarly championed the cause of unitary constitutions based on the principle of one-citizen-one-vote. Traditionalists were on the defensive. They wanted to protect their existing autonomies in non-majoritarian, often federal or semi-federal, forms of constitutional blueprints with emphasis on group autonomy and collective rights. By 1964 Nkrumah amended Ghana's constitution to make his party the only legal one and himself the president for life. A military coup in 1966 brought an end to his presidency and the country's first constitution. Like Nigeria, Ghana then entered a cycle of military coups interspersed with civilian constitutions until the mid-1990s.

Countries born out of amalgamations of British colonial territories include Uganda and Kenya. And both started off as federations. Uganda's first constitution introduced an asymmetrical semi-federal system whereby the traditional Buganda Kingdom enjoyed internal autonomy, the kingdoms of Bunyoro, Ankole, Toro, and the territory of Busoga enjoyed semi-autonomy while the rest of the country was directly governed by the central government (Erk, 2022). But following the now familiar pattern, federalism, collective group rights, and indeed, the constitutional recognition of traditional polities did not last long. The constitution was suspended by President Obote in 1966. The new constitution which came into force in 1967 created a centralised presidential system and removed all forms of territorial autonomy for the regions. A majoritarian unitary constitution failed to deliver on its promises, however. Uganda ended up in the brutal and chaotic rules of, first Obote, then Idi Amin, and then Obote again.

The status of Protectorate had allowed Uganda's traditional polities to survive into the early days of independence. Designated as a colony, Kenya's traditional polities did not enjoy the same recognition and protection under the imperial constitutional order, but the country's ethnic and historic divisions, and the presence of settler communities, made asymmetrical federalism a workable path for the country's post-independence future. What was particularly pressing was to manage the demographic imbalance between constituent ethnic groups of the country. Smaller ethnic groups were fearful of political domination by an alliance of the bigger ones and were thus in favour of a federal system (Karuti, 2013). Kenya's first constitution did not survive majoritarian party politics however – especially because of

the electoral dominance of the Kenyan African National Union (KANU) and its ability to absorb opposition parties. Between 1964 and 1965, federalism was first rendered unworkable by government policies of withholding resources for the regions, and soon after the practical end to the workings of federalism, its formal demise arrived. Gertzel observes that, despite the emphasis London put on eventual and piecemeal political reforms toward self-rule, most British territories in Africa quickly ditched parliamentary niceties and ended up with single party presidential systems (Gertzel, 1984).

3. The African Continent: A Graveyard for Federal Experiments

3.1. Negative Cases in federalism studies

One pressing issue concerning the generalisability of most theories of comparative federalism and constitutional politics, especially in the context of divided societies, is the reliance on still existing (positive) case-studies. In their edited volume targeting federations which failed to survive, Kawalksi and Zolkas prefer the term 'defunct federalism' (2008). Africa's recent history records these federal entities with short-lifespans – both between and within states: the Central African Federation, the Senegambia Federation, Kenya's Majimbo constitution, Uganda's first constitution, the Mali federation, the Union Française, the Afrique Occidentale Française, the Afrique Équatorial Française, and Federal Cameroon. And among those who failed to make the transition from blueprint to action, the East African Federation occupies the prominent spot. But it is especially during the years that followed the end of the Cold War when we proliferation becomes more visible. In the chapter he contributed to the 2018 *Territorial Politics Handbook*, the author labelled the years between the early 1950s and early 1960s as the "decade of a graveyard for federal experiments" in Africa (Erk 2018, p. 363).[4]

> [B]y looking at existing federations, we are in fact only looking at those that managed to survive. These are 'success' stories in the most basic sense because they are still around. In order to evaluate success or failure of decentralisation and federalism, we not only have to cast the net wider than institutional/constitutional factors but also to make sure that our case-selection does not have an inherent tendency to overplay the promise of federalism. That is, we have to adopt a *longue durée* perspective and look beyond surviving federations in order to get a more even-handed understanding (Erk 2018, p. 360)

Put in methodological terms, the literature on comparative federalism almost always relies on positive cases.[5] Since positive cases are by definition federations which have fulfilled the most basic survival function that federalism promises, there is thus a risk of distorting comparative analyses on the track-record of federalism. Past experiments with federalism and decentralisation which have gone extinct are often left out. What are also often left out are the harder to operationalise, but nonetheless potentially explanatory, historical variables. It is indeed an unacknowledged selection-bias where there is an over-representation (in the

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[4] In fact, these federal failures were part of a bigger and broad patter of constitutional failures which were "turning Africa into the graveyard of failed constitutions" (Erk, 2021, p. 55)

[5] For the importance of selecting negative cases in comparative research, see (Mahoney and Goertz, 2004.)

most basic sense) of success stories of federalism.[6]

In the midst of big changes to the world order and within the context of the unprecedented volatility of regional geopolitics, incorporating negative cases from failed federal experiments is not only the right scholarly path towards even-handed analyses and reliable findings; it is also the right applied path. That is, trying to understand what makes federalism work is as important as trying to understand what makes it fail. This allows for the construction of more durable federal foundations which can withstand the challenges ahead. The failed East Africa Federation is full of informative insights, but it is perhaps best to first look at another failed federation that had set the course.

3.2. Following the Footpath of the Central African Federation (1953-63)

One of the most informative case-studies of federal failure in Africa is the short-lived Central African Federation formed between the Protectorates of Northern Rhodesia (present-day Zambia) and Nyasaland (present-day Malawi) and the Dominion of Southern Rhodesia (present-day Zimbabwe). In fact, Northern Rhodesia itself was the product of a previous round of amalgamation of Northwestern and Northeastern Rhodesia in 1911 (McCracken, 1986). The story of the Central African Federation deserves its own in-depth study. While one cannot do justice to all the complexities of that particular constitutional experiment, it is worthwhile to highlight a few general themes for this defunct federation.

Like all the post-World War II federal initiatives Britain undertook in its colonies, the Central African Federation was designed according to the imperial rulebook. It was an asymmetrical union with non-majoritarian constitutional arrangements. The existing imperial constitutional repertoire influenced how things were designed: There was restricted/qualified franchise, collective group rights were enshrined, separate electoral rolls existed within the three member states, and legal pluralism was an in-built characteristic of the system as well the three levels of jurisdiction defining the Empire/Commonwealth. Similar to all other post-World War II federal initiatives, it was managed directly from London with little room for input from settlers and locals. For the Central African Federation, the spark was the 1951 meeting between British bureaucrats in London (McIntyre, 1966). There were however some locally informed voices of British officials on the ground joining the bureaucrats from the Colonial Office and the Commonwealth Relations Office (Macmillan, 1959).

While a number of parallels with the failed East African Federation exist, there is one key concern that was unique. South Africa's oversized role and expansionist ambitions within British Africa were creating an intra-imperial unease that did not exist in East Africa. What was a particularly pressing concern was the possibility of closer political bonds between South Africa's apartheid regime and settler-ruled Southern Rhodesia. In fact, ideas for a federal union of the Rhodesias and South Africa had been around for a while (Chanock,

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[6] The under-representation of historically informed and regionally contextualised comparative studies also brings in an additional handicap to analyses; that is when the formal façade of federalism remains, but the underlying organising logic and operational dynamics shift, in particular, in the centralist direction.

1977). But that was a type of federalism different from London's post war plans to manage decolonisation through amalgamating separate colonial territories into bigger polities while introducing internal reforms towards eventual self-rule. Most of the earlier demands for a federation of South Africa and the Rhodesias had come from South Africa – not as a way to manage decolonisation and inject internal reforms but as a way to extend South Africa's territories. Rhodesia's English-speaking settlers were hesitant to be absorbed into a union politically dominated by Afrikaans-speaking Boers. The 1953-1963 Central African Federation was not only about managing decolonisation but also about holding South Africa off. But its short life went out with a whimper however. For different reasons neither Rhodesian settlers liked it, nor did the various local communities. For some, the political reforms do not go far enough, for others, it went too far (Rothchild, 1968). King believes that the paternalistic tone of London-driven federalisation also prevented the emergence of a true partnership between the three constituent units (King, 2008).

3.3. The East African Federation

The start towards the East African Federation was given in 1942. The now-declassified secret memo of the Colonial Office, *A Federal Solution for East Africa*, was a detailed look into how this federation could be designed and the hurdles that may lie ahead. The author of the memo, Sir Anthony Dawes, had spotted the incoming 'wind of change':

> It is to be expected that after this war this Island will be much exhausted and weakened by its long ordeal. It will be natural that, when we are weak the centre, the territories overseas which are still bound to us by the old Crown Colony relationship will seek to improve their position and to obtain a wider measure of control over their own affairs. (Dawes 1942, p. 323).

Earlier plans for an East African Federation in the interwar years had not been based on a quest to comprehensively reform all parts of the Empire; nor had there been anything beyond *ad hoc* Royal Commissions, local consultations, and official reports. This time it was different (Hughes, 1963). There were concrete political and administrative reforms aiming to lay down the foundations of the federation. In his 1959 study *The Road to Self-Rule: A Study in Colonial Evolution*, W.M. Macmillan summarises how common affairs were to be managed. "[A]viation, income tax, customs, post and telegraphs, railways and harbours and other functional services" were put under the jurisdiction of the East African High Commission, where the governors of the three territories of Uganda, Kenya, and Tanganyika worked with British officials and a small legislative assembly to approve their policies (Macmillan 1959). There were also detailed plans for internal reforms towards not only responsible but also representative government. Power transfer was to take place over four stages (Robinson 1980). During the first stage, indirectly elected Africans would be granted the majority of the seats on local Legislative Councils (LegCo); one or two would be drafted into local Executive Councils (ExCo); there would be direct popular elections for local councillors; and university training would expand in order to prepare for eventual self-rule. During the second stage, legislative councillors would be made responsible to the Governor General as executive heads of domestic branches of government. One-citizen-one-vote elections would be the third stage. The final stage would be the formation of a cabinet with African ministers responsible for a number of policy areas – except finance, security, and external relations. It

was the federal union, that is, the East African High Commission, which would have jurisdiction over these common affairs (Macmillan, 1959)

These long and detailed constitutional plans evaporated the moment the colonial territories in East Africa gained independence (Uganda, Kenya, Tanganyika, and Zanzibar). Franck blames petty politics and gives a rather damning verdict on what he believes was a missed historical moment: "If ever the right political galaxies appeared to be in propitious conjunction, it was in East Africa in the summer of 1963… [The four nations'] failure to seize the moment seems, at first glance, almost a flouting of destiny" (Franck 1968, p. 3). While Franck seems to be disappointed with how politicians prioritised national politics at the expense of a federal union, it might be necessary to reflect on why no one came to the defence of federalism.

The demise of the East African federation happened while things were still at stage one of the power transfer. This means there were no directly elected locals. Handpicked local representatives appointed to the newly created or reformed Legislative Councils (LegCo) neither enjoyed popular support nor were they democratically accountable to the people they were chosen to represent. Section1.1., had shown how input from locally stationed British bureaucrats was also sidestepped. The near absence of any local input meant that federal reform blueprints were put together with relative speed, but when things got difficult, there was no one to embrace, own, and defend federalism. This was the picture internally. Externally, the world had changed. Britain had been trying to play a new game with the rulebook of the previous global order, but by 1964 Cold War geopolitics had swept over the intricacies and technicalities of constitutional and administrative design.

4. Conclusion

The lesson for federalism studies, and for East Africa, is that during big changes to the regional and global order, geopolitics tends to trump the intricacies and technicalities of constitutional and administrative design. Instead of focusing on how much self-rule member countries would enjoy and how much supranational powers the federal union should have, the analysis should start at the highest level of abstraction: the international system. Be it the heyday of British Empire, the bipolar Cold War between two superpowers, the post-Cold War global order dominated by the United States, or the unprecedented volatility marking the current times, the type of global order opens certain federal paths while foreclosing others. Below the system-level lies regional geopolitics where a set of contextual factors matter for the workings of federalism. And then there is the mismatch between old rulebooks and new games: even when things change, most decision-makers will refer to the constitutional and administrative repertoires of a previous era. The big lesson from this study is that to fully understand the workings of federalism, one should look beyond national politics and the constitutional and administrative details of the federation.

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