

# *African State Governance: Subnational Politics and National Power*

## **Excerpts from the Introduction**

### **“Subnational Legislative Politics and African Democratic Development”**

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Despite significant urbanization, democratization, and economic globalization over the last few decades, Africans still have few direct interactions with national government officials. The president and the politicians in the capital remain abstract, making the relationship between rulers and ruled largely an indirect one. Elections, whether competitive or merely ritualistic, do little to reduce this distance between citizen and government, leaving much room for misinterpretation of the people’s preferences or abuse of authority that citizens entrust in the government. ‘A food should not be cooked in Uror and prepared by somebody coming from Juba,’ explains a Nuer villager in South Sudan, Africa’s newest country. ‘These small levels are the eyes; they see and solve the problems out there’ (Cook, Moro, and Lo-Lujo 2013, 29). Her views are echoed in surveys across twenty countries, where Africans describe local officials as more responsive than national ones by an average margin of 11 points, sometimes by substantially more (Bratton 2010a). At the same time, waves of institutional reforms are multiplying the opportunities for interactions with subnational tiers of government. Tanzania now has nearly 285,000 elected offices, Burkina Faso has some 17,000, and in Ethiopia 3.6 million people – an estimated ten percent of all adults – run for office across its five levels of government (Dickovick and Beatty Riedl 2010).

Many of these new elected positions do not formally entail responsibility for making laws. But this book builds from the premise that subnational institutions increasingly serve as way-stations for Africa's legislative politics. They are becoming the face of policy, incubators of higher political ambition, and instruments of accountability and representation. They may serve as vehicles for communication with informal economic actors or traditional institutions of governance. We have clues about this transformation from research on voter preferences, constitutional reforms, and research on decentralization, amounting to a large literature that considers governance beyond the question of why democratization takes place. But even though legislatures and executives have emerged as major themes in institutional research, we know strikingly little about Africa's subnational legislatures and emerging local arenas of policy making.

On the one hand this omission is not surprising. Only a handful of formally federal political systems exist on the continent including Nigeria, Ethiopia, South Africa, and arguably Sudan and South Sudan. Federalism appears to be a constitutional prerequisite for the existence of subnational legislatures in general, and political centralization in the latter two cases has deepened authoritarian tendencies. On the other hand, the neglect of subnational legislatures is surprising given broader interests in how political patronage links urban and rural, an appreciation for the importance of elections below the national level, and a significant donor emphasis on decentralization. In addition, a broad research agenda on Africa's legislatures has emerged. These scholars point out that the continent's democratization during the 1990s strengthened many legislatures (Boadi 1998; Barkan 2009). Legislative efficacy is linked to democratic consolidation (Akech 2011; van Cranenburgh 2009), while weak or corrupt legislatures are conversely associated with illiberal reversals (Fish 2006; Salih 2006). Through a

combination of case studies and analysis of thematic trends, Stapenhurst et al. (2011) document how African legislatures have helped reduce corruption, overseen new petroleum resources, and formulated constructive political solutions around emerging challenges such as climate change. Yet these projects have been largely silent on subnational legislative politics and the states, provinces, and counties where they occur.

A few comparative projects explore legislatures through a focus on subnational constitutionalism, but they integrate African cases only in passing (Deschouwer and Depauw 2014; Tarr, Williams, and Marko 2004). This is problematic not only because it establishes the potential for Western bias and sets up Europe as a foil for comparative research, but because Europe is grappling with radically different phenomena shaping subnational politics. These include declining party membership, doubts about economic integration, post-industrial values, and increasingly secular attitudes; fewer than a quarter of people in Spain, Germany, Britain and France mention religion as ‘very important in their lives’ (Pew Research Center 2012). All of these generate very different rationales for representation compared to Africa where evangelical Christianity and fundamentalist Islam are both growing, and where subnational institutional weakness has contributed to significant violence in places such as Northeastern Nigeria, northern Mali, and South Sudan . The contexts also vary significantly in other important ways: Europe not only has more experience with democracy and greater human capacity at the subnational level, its relative wealth means that even the ‘losers’ of resource distribution debates still fare pretty well; scarcity is a weaker force for conditioning political behavior.

The essays in this volume differ from the existing research on African legislative politics in important ways too. Barkan’s influential project, cited by almost all of this volume’s contributors, departs from a largely functionalist orientation outlining the purposes of

legislatures. Legislatures (1) are the primary institution for representation for governance on a day-to-day basis, where interest articulation and competition over competing policy preferences play out; (2) pass laws that implement policy, with varying degrees of cooperation from civil society and the executive; (3) exercise oversight of the executive to ensure that policies are implemented, thus promoting horizontal accountability across government agencies to one branch whose primary function is representation; and (4) carry out constituency services. From this framework, Barkan's book then argues that tensions among these different functions impact the capacity of African legislatures. For example, the demands of a specific geographical constituency may put the individual member's interests at odds with the legislature as a whole, as a corporate body of diverse preferences. Balancing these competing roles impacts the likelihood that 'coalitions of reform' will form within the legislature to strengthen capacity and advance democratic consolidation (Barkan 2009).

Much of the recent research on African legislatures borrows from this framework and follows its emphasis on representation (Kivuva, Odhiambo, and Mbeya 2011). The World Bank's African Legislatures Project (ALP) applies Barkan's framework to a dataset exploring 'role orientations' of legislators across eleven countries. Based on how legislators describe their priorities in surveys and resolve perceived tensions among the four functions of legislatures, ALP then labels them institutionalists, partisans, or constituents. Africa has few institutionalists (about ten percent) – those seeking to strengthen the legislature's power – compared to those who see their primary role as performing constituency services (about 40 percent) and who enjoy doing so over other functions of the legislature (African Legislatures Project 2014). Deschouwer and Depaw's recent study (2014) of eleven European countries plus Israel similarly focuses on the role orientations of legislators. Their extensive survey data report first, that because parties

select candidates and generate ideological loyalties, they significantly influence subnational representation, and second, the wide variety of electoral systems in Europe generate radically different incentives for politicians to be responsible to the party or more directly to the voters. Their third principal finding – representation is different at the national and sub-national levels – reflects an important idea that was outside the scope of Barkan book and the ALP. As representation plays out in smaller geographical units and on a more local scale in subnational institutions, preference gaps between individual legislators and the legislature collective are smaller, especially where parties generate weak loyalties.

The essays in this volume share the existing literature's focus on representation and accountability, but differ by suggesting the tradeoff between the two is overstated and by adopting an analytical approach that is more institutional than functional or behavioral (ie, based on attitudes). Therefore when the authors here explore how legislative politics at state, provincial and county levels impact representation, they highlight how politics at the center can drive subnational politicking or reflect aggregations of local demands filtering upwards. For example, power-sharing arrangements or multicultural accommodations in national governments can emanate from ethnic and religious grassroots demands for representation, rather than reflecting elite top-down strategies for co-optation. Interactions between national and subnational institutions generate variation relating to the degrees of power, independence, and policy-making relevance of subnational institutions. This is due to common constraints on legislatures such as inadequate funding and facilities, untrained or inexperienced support staff, offers of patronage that undermine assertiveness, and poor information management.

The authors in this volume acknowledge the importance of these limitations but assess them on an institutional level. This advances a broader, collective claim that to understand

Africa's subnational politics, we need to more systematically examine party structure, fiscal federalism, judicial independence, and constitutional congruence, by which we mean the compatibility and potential for tension between the formal rules of national and subnational institutions. At the same time, the contributors interrogate informal institutions and their interactions with these constitutional components. This dual approach facilitates analysis within comparative literatures, identifies patterns of political behavior based on constraints and opportunities, and generates theoretically informed predictions.

The chapters further question the idea that there is a tradeoff between accountability and representation. Institutional reforms, including the growth of elected offices through decentralization, have stimulated demands for accountability across different levels of government. Thus constituents may ask their legislators or other subnational officials to hold other parts of the government accountable. This occurs in countries with dominant parties because opposition legislators have strong incentives to horizontally monitor politicians from other parties, or from bureaucrats in other branches of government. Indeed, the ALP data count Nigeria and Uganda, which have never experienced alternation of power between parties, among the cases where legislators are much more likely to adopt the 'institutionalist' role, demanding checks and balances. In Nigeria, oversight has emerged as an important tool in the National Assembly for building up the opposition across levels of government (Fashagba 2009), and in Zimbabwe, corruption investigations weakened the ruling party's hold on the legislature (Godwin 2010; Masunungure 2009). Frustration with ruling party corruption has bolstered opposition in Kenya and Nigeria, marking a departure from many elections where geographical concentration of ethnicity drove the subnational basis for opposition. Parties with regional

strength, such as the recently dissolved Action Congress of Nigeria, increasingly have a programmatic rather than an ethnic basis for organizing opposition.

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### **Broader Contributions of the Study**

By taking a holistic view of political systems that focuses on incentives for behavior and observed outcomes the authors in this volume – who primarily come from a new generation of African political scientists – strive to make at least five broad contributions to research on African politics.

First, the contributors to this volume seek to understand the urban/rural nexus – without getting mired in demographic debates about whether the heart of the nation resides in cities or in the countryside. Instead, the authors view provinces and states as spaces where legislative politics play out through a variety of institutions and forms. Studying the local has a long tradition in African studies, and has often been used as a trope to challenge the view from the capital. This was necessary because early anthropological work either fueled the engine of colonialism or fetishized the African exotic, leading writers such as Chinua Achebe and Ngũgĩ wa Thiong’o to develop cultural and historical correctives. For students of politics, Robert Bates’ *Markets and States in Tropical Africa: the Political Basis of Agricultural Policies* (1981) marked a turning point because he argued that post-colonial policies contained an urban bias because politicians had a self-interest in keeping the urban poor pacified; this naturally hurt rural producers by suppressing prices. Today, the signs of a rural research revival are apparent in analyses of land conflicts (Boone 2013), the discriminatory effects of citizenship laws as people

move from one part of the country to another (Bøås and Dunn 2013), patronage (Posner 2005; Wantchekon 2003), and a variety of other topics.

Second, the essays also contribute to institutional research by engaging classic debates and studying different forms and formalities of Africa's institutions. This research helpfully disaggregates political regimes into legislatures, parties, electoral systems and other components in order to broadly understand the frameworks that characterize democracy. This prompts countries to make a set of choices about these interconnected institutions, including the type of electoral system, the devolution of power through federalism, and executive selection processes (Lijphart 2012; Norris 2008). These choices impact forms of representation and accepted levels of exclusion from political power. Using different methodological orientations, this volume asks many of the same questions about institutional interactions at the state instead of the federal level. This is in fact where much of the grassroots interactions with politicians actually occur. Yet even though legislatures are central to the institutional literature, we have few comparative conceptual tools for understanding interactions and alliances between grassroots activists and local politicians, or between state legislators and their constituents in Africa. Since these legislators are geographically closer to the citizens who (presumably) elected them, one might expect more contact between them, and perhaps lower information costs if citizens want to hold them accountable.

Several essays here suggest that delegation from citizens to politicians is interrupted in Africa by obligations to national-level institutions such as the political party. Moreover, it is difficult to understand those interruptions without incorporating another debate from the institutional literature, concerning formality versus informality. While some of the research on Africa has pointed to informality as a challenge to institutionalism entirely (Hyden 2012), other



literature seeks to reconcile their role with more visible structures of politics (Bratton 2010b; LeVan 2015). A recent forum in *Perspectives on Politics* argues that informal institutions, are ‘the unwritten rules of political life,’ and as such they ‘complete or fill gaps in formal institutions, coordinate the operation of overlapping (and perhaps clashing) institutions, and operate parallel to formal institutions in regulating political behavior’ (Azari and Smith 2012, 37). We see each of these types here: Parallel institutions feature prominently in the chapters on Nigeria, where ‘godfathers’ bankroll campaigns, construct their own constituencies through patronage, and often manipulate candidate selections. These local power brokers show how informal mechanisms can acquire institutional qualities through their sustained influence over formal politics. In Ethiopia, we see how more subtle but no less powerful interventions ‘filling gaps’ through rhetoric and discourse that define the boundaries and limits of political opposition. Finally in terms of coordination, all of the book’s cases provide examples of informal mechanisms at work. In Kenya, for example, elites at the center conspired to resist decentralization after 2010 constitutional reforms, in order to defend their access to government procurement contracts.

Comparative federalism is a third, important field engaged by this volume’s contributors. African scholars have long taken a special interest in federalism because of the role it can play in mitigating secessionist tendencies, protecting minority rights (Gana and Egwu 2004), or limiting executive power (Deng et al. 2008; Suberu 2001). Will such moves enhance representation, improve governance, and promote accountability? Answering such questions requires new research about how politicians at the state level construct their own sense of power or powerlessness, particularly where governors wield tremendous resources for patronage. Federalism in Nigeria has long been considered weak because the states depend (in varying

degrees, as Elemo points out) on revenue allocation from the federal government. However the allocations are determined statutorily, and the formula has remained surprisingly stable since the transition in 1999 – despite a violent rebellion in the oil producing Niger Delta that placed a new formula at the center of its demands (Ikein, Alamiyeseigha, and Azaiki 2008).

Fourth, decentralization emerged in the 1990s as an antidote to Africa's authoritarianism of the previous two decades, symbolizing the hope that it would enable democratic reform by weakening central governments (Olowu and Wunsch 2004). It was also seen as complementing free market reforms by deconstructing state control over the economy and deemphasizing central planning. Development agencies variously embraced decentralization as a means of combating corruption, stimulating participation through community empowerment, or identifying grassroots solutions to underdevelopment. However performance monitoring by implementers and new academic research have uncovered a mixed empirical record in comparative perspective. For example, decentralization enabled corruption in some post-Soviet states (Treisman 2007), facilitated patronage networks in Uganda (Lambright 2011), and often undermined local bases for democratic reform in Latin America (Dickovick 2011). As USAID's *Comparative Assessment of Decentralization in Africa* makes clear, policy makers and scholars are converging on a more cautious and holistic approach to this nearly omnipresent governance reform.

The essays offer some evidence that stronger state legislatures correspond with more effective decentralization, even while Shilaho's chapter on Kenya suggests that USAID's cautionary notes about the decentralization of corruption are well warranted. Fashagba's chapter sends a similar message about decentralization, since informal institutions and decentralized power in the political party system undermine many of formal powers the state assemblies ostensibly hold. The decentralization literature forms an important reference point for Gofie's

chapter on Ethiopia as well, where the image of subnational authority and ethnic federalism is eclipsed by highly effective institutions of authoritarian party structures.

Finally, this volume helps unpack subnational dimensions of illiberal politics, including subtle powers subverting democracy that have emerged as a stark contrast with democratization since the 1990s. In 2014, Freedom House reported the eighth consecutive year of global decline in political and civil liberties, and the state of freedom was most volatile in Sub-Saharan Africa (Freedom House 2014). The apparent ebb and flow of democratization's 'waves' (Diamond and Plattner 2010) is not entirely new, but it has led to a robust new literature about comparative authoritarianism, Do state legislatures similarly guard against authoritarian impulses from Africa's governors or presidents? Or do they embed autocracy within otherwise democratizing polities, running against the nation's liberalizing grain? Argentina and the United States entrenched authoritarianism amidst democratization at the center (Gibson 2012). By contrast, in Mexico states formed breeding grounds for political opposition that drove democratization at the national level culminating in the defeat of a party that had ruled for 71 years (Cornelius, Eisenstadt, and Hindley 1999; Eisenstadt 2004). An emerging literature on comparative authoritarianism makes the case that political parties are especially important for determining which national governments can survive demands for liberalization (Levitsky and Way 2012; Brownlee 2007). Despite a surge of research on African institutions, parties have only recently emerged as a focus of attention, and the evidence suggests that opportunities for subnational institutional capture are closely related to democratization. For example in Sudan, asymmetrical decentralization enabled southern-based political parties to focus their ire on Khartoum, strengthening the opposition and contributing to the creation of South Sudan. The opposite occurred in Ethiopia, enabling the federal government to limit and undermine local centers of

opposition (Green 2011). In sum, the experience elsewhere in the developing world suggests that subnational legislatures are relevant across a range of liberal and illiberal regimes for a variety of reasons, and they may hold the key to the future political reform.

The essays here showcase new African voices of political science and bring important insights about subnational institutions to the growing constituency of scholars and practitioners examining subnational politics. Not only do the authors add new depth to horizontal interactions between state executives and assemblies, they examine linkages between urban and rural, between citizen and government, and between state and society, situating these analyses within broader comparative literatures.

## **OUTLINE OF THE BOOK**

The book opens with four chapters on Nigeria, a country with a rich but conflicted history of federalism. A creation of imperial imagination, the amalgamation that united the northern and southern regions under British colonial rule is marking its centennial in 2014. Even before the two regions came together under their new national name, a lively debate took place over the appropriate number of subnational units. Lord Lugard, the British architect of indirect rule, won out over colonial officers who argued for the virtues of additional provinces or states (Osadolor 2000). Thus well before independence in 1960, Nigeria was birthed by what Alfred Stepan (1999) calls ‘putting together federalism,’ with units patched together by external forces and without the benefits of endogenous incentives for cooperation. Ethno-national demands for new states, the damage inflicted by two long stretches of military rule (1966 through 1979, and then 1984 through 1999), and oil’s corrupting influence have all been extensively researched. In this book, a new generation of scholars brings fresh insights into subnational politics, informed by comparative literature on political parties, legislatures, democratization, and federalism. By

focusing on different combinations of Nigeria's 36 states, dispersed across the country's informally clustered six socio-cultural 'zones,' this section resembles a natural experiment on state assemblies.

The first two chapters address fiscal federalism and recent innovations in African accountability. Rotimi Suberu reflects on the successes and failures of Nigeria's revenue allocation system in a chapter entitled, 'Lessons in Fiscal Federalism for Africa's New Oil Exporters.' A vast literature on the 'resource curse' documents a robust, inverse relationship between the level of democracy and natural resource income (Ahmadov 2013; Ross 2001). Liberated from revenue constraints, governments face weak popular challenges from citizens who pay few taxes, have few incentives to invest surplus in future development, and allocate spending according to political logic. Nigeria's experience managing oil income through an elaborate formula that allocates money to states and local government holds important lessons for emerging producers of hydrocarbons. Many of these countries – including Ghana, Liberia, Sierra Leone and Uganda – have incorporated similar mechanisms for central transfers to subnational governments. This has considerable ramifications for inter-governmental relations, inter-regional equity, as well as politics, governance and institutional capacities at the regional level. These new hydrocarbon producers also share with Nigeria a centralized national framework for managing natural resources, as distinct from the more decentralized natural resource governance systems associated with mature federations like Australia, Canada and the United States.

Among the continent's leading oil exporters, petroleum assumed a large role in their economies during dictatorships. For example Angola produced oil throughout a protracted civil war. And Nigeria's oil production largely followed the collapse of the First Republic in 1966. At

that time, oil contributed less than five percent of federal revenue. When democracy was restored in 1979 with the (short-lived) Second Republic, the federal government earned upwards of 70 percent of its revenue from oil exports; the democratic dispensation since 1999 has struggled to shed authoritarian atavisms financed by oil. However Africa's new oil exporters are distinguished by experience with production post-democratization. These countries face new domestic, international, and market pressures to create regulatory mechanisms and revenue allocation systems through a more watchful public. In Ghana for example, former president John Kufuor points out that a Public Interest and Accountability Committee which includes journalists, is monitoring the management of oil revenue. Explaining how the parliament approves oil contracts, he said 'The government is committed to the highest level of transparency in the oil sector because oil belongs to the people' (Kasujja and Anguyo 2013). Such promises should not be taken at their word, but leaders in Africa's developing democracies now face scrutiny from NGOs such as Revenue Watch and Global Witness, and foreign oil officials operate in a climate of increased enforcement of western anti-corruption laws.

Can Africa's new oil exporters therefore avoid the natural resource curse through fiscal federalism that counterbalances illiberal impulses with subnational democracy? Suberu's chapter starts with a theoretical discussion that examines the extent to which formal political institutions, especially fiscal federal constitutions, may help cauterize or exacerbate the corrupt neo-patrimonial practices associated with African states generally, and resource rich African countries particularly. Next, he outlines the evolution and basic features of Nigeria's current fiscal federalism, and highlights lessons for Africa's new oil producers. These include, on the positive side, the constitutional and legislative balancing of competing national and sub-national claims to natural resource revenues, the entrenching of considerable sub-national budgetary and

policy autonomy, the judicial arbitration and enforcement of intergovernmental revenue sharing rights, nominal compliance with global fiscal transparency standards, and the incorporation of natural resource governance issues into ongoing national debates about constitutional change and institutional reform.

Nevertheless, he concludes that the negative lessons from Nigeria significantly outstrip the positives. He reports large gaps between formal transparency reforms and actual financial accountability, the over-centralized executive presidential control and manipulation of oil sector governance, the weak and corrupt management of the oil revenues sharing system, the elimination of sub-national hard budget constraints contributing to decentralized corruption, the subversion and repression of local governments by state administrations, and the development of severe inter-regional grievances. He concludes by relating some of the Nigerian lessons to Ghana, Liberia, and Tanzania, which have instituted comparatively more accountable and transparent frameworks for resource revenues governance. These successes are contrasted alongside Angola, Chad, Equatorial Guinea, Gabon, Sudan, which have thus far failed to develop effective institutions to manage natural resources and revenues. Across both groups of these countries, fiscal federalism has significant implications for subnational institutions and democratic development.

Olufunmbi Elemo explores a different set of questions related to oil income. Whereas Suberu is primarily interested in the politics and mechanisms of revenue allocation and how they impact federal/state relations, Elemo's chapter tests how different forms and levels of revenue shape elite political behavior. Her chapter departs from Barkan's theoretical framework positing that the different functions of legislatures come into conflict with each other. She then hones in on an important attitudinal gap: Africans believe that 'representing the people' is an elected

official's most important responsibility, but only 16 percent say their legislators listen to them. In fact, Nigeria ranked at the bottom of 20 countries in 2008 for the perceived responsiveness of local governments (Bratton 2010a). Given this gap between preferences for responsive legislators and their performance, Elemo asks, under what conditions are African legislators most likely to represent constituents' interests?

Her chapter, 'Taxation and Determinants of Legislative Representation in Africa,' then outlines two well-known answers to this question. One large body of literature links the development of representation historically to the taxation of citizens. In order to raise revenue, rulers enter into a contract with citizens. Citizens agree to provide tax revenue in exchange for an enhanced role in governance. With taxation comes the incentive for decision-makers to shift policy toward citizen interests (Levi 1988, North and Weingast 1996, Tilly 1990). The other literature, referenced by Suberu in his chapter, points out that where politicians have the ability to raise revenue without raising taxes, this relationship between citizens and rulers breaks down (Beblawi 1990, Ross 2001). Not only does Africa have plentiful natural resources that generate revenue for democrats and autocrats alike, the slave trade and colonialism devastated endogenous development of ties between rulers and the ruled. Oil and mineral rents have been especially harmful to democratic development in Africa (Shaxson 2007; Jensen and Wantchekon 2004).

By uncovering significant and surprising subnational variation in tax revenue across six states in Nigeria, Elemo draws upon original data to demonstrate that natural resource wealth does indeed influence the link between taxation and the development of political representation. Using data collected during extensive fieldwork, including 109 interviews with state legislators, tests of hierarchical linear models show that elected officials from states generating higher levels



of income from taxation better represent their constituents, when compared to their counterparts in resource-dependent states. One obvious implication is that improved tax administration can bolster responsive and democratic governance. This is consistent with evidence from recent surveys, which suggest that taxation improves vertical ties between citizens and the state, and that Africans are willing to pay taxes when it improves access to public services (D'Arcy 2011). Contrary to her predictions, her data also demonstrate a kind of 'representation fatigue' – the longer a state legislator serves in office the less likely he/she is to oppose her party and the more negative are their perceptions of representation.

But more fundamentally, why would subnational officials bother to increase tax revenue at all when the constitution guarantees billions of dollars in oil income transfers to the states each year? An implication of Elemo's analysis is that even though internally-generated revenues carry some political costs for governors and state assemblies, subnational responsiveness to citizens provides the state administrations some insulation from meddling by Abuja's power brokers. Lagos State offers a prominent example: as improved administration increased the number of residents paying taxes from 500,000 to over three million, service delivery improved. Its opposition governor clashed with the federal government over the price of fuel, raising the minimum wage, the creation of local governments, and the federal government's refusal to release statutorily-guaranteed funds for the state. Rather than political grandstanding though, through these confrontations he could plausibly claim to be representing his constituency's preferences. Performance thus provides a source of legitimacy, independent of the nation's dominant political party.

The next chapter, 'Subnational Legislatures and National Governing Institutions in Nigeria, 1999-2014,' by Joseph Olayinka Fashagba, undertakes two complimentary tasks. An

overview of the constitution hastily promulgated during the 1999 transition establishes the formal basis for the subordination of subnational representative institutions. The constitution allocates power horizontally between a strong executive and a National Assembly in a presidential system. It also organizes power vertically along three distinct tiers of government: federal, state, and local. The constitution provides for elected governments in the states, and vests them with some autonomous and shared authorities. The federal government has more power over a wider range of items than the states, especially in matters of monetary and economic policies, foreign affairs, and security. The absence of state or local police, along with several presidential declarations of states of emergency since the transition offer compelling examples of the latter. Though it is not unique among federal systems (Watts 1999), Nigeria's states also lack their own constitutions.

Fashagba then draws upon questionnaires and Key Informant Interviews to argue that state legislators face both direct and indirect interference (or intimidation) that weakens their incentives to challenge governors, or the party – often at the expense of their constituents. He provides four different sources of interference with state legislators. First, governors, through ties to the national government and political parties, control an array of political patronage, including political appointments and access to contracts through the procurement process. Second, they exert tremendous control over candidate selection through nomination procedures internal to the party. Third, governors dominate the process of proposing budgets, and since the state assemblies have virtually no institutionalized expertise for analyzing budgets, governors also dominate spending. Finally, Fashagba uses an innovative approach to expose a problem at the core of Nigeria's weak state assemblies: data about the career path of legislators show that they depend on the governor and the party for future job prospects, giving them few incentives to

question governors' spending decisions. Similarly, to become a governor, politicians tend to rise through the party hierarchy (meaning that the party system generates few outsiders). As a result, Fashagba offers novel evidence to demonstrate how central political authorities including the president, the National Assembly, and the parties shape executive-legislative relations at the state level.

The third chapter on Nigeria interrogates how a dominant political party, led by a strong national executive, influences legislative-executive relations at the state level. Though the People's Democratic Party (PDP) accurately describes itself as the largest political party in Africa, there is little empirical research examining how it shapes the powers of governors. Yahaya T. Baba explores how changes in such powers impact the organization, conduct and autonomy of state legislatures. His interviews with politicians in three northwestern states reveal several sources of variation in executive power. First, in a number of highly visible (and sometimes violent) cases, state officials fall out of favor with the party. This leads to disputes over the choice of candidates in state and local elections, for example. Second, political parties in the capital remain the major source of funding for party activities in the states, creating a hidden dependence deterring disobedience when re-election calls. Third, governors, like the national presidency, exhibit significant control over the legislative agenda. Both within and outside the state assemblies, parties thus limit the powers and functionality of legislatures.

Given the importance of legislatures for democratic consolidation in the long run, Baba outlines issues at the national level in order to assess the power of three state legislatures. During numerous crises within National Assembly, including several impeachment attempts against President Olusegun Obasanjo between 2000 and 2006, the PDP mediated the disputes among its elected officials. The incendiary nature of such disputes by itself presents a puzzle where

institutional analysis would expect little friction where the same party controls the presidency and the Assembly. In other instances, the Assembly rejected PDP edicts by refusing to amend the constitution in 2006 to allow the president another term, and by electing its preferred Speaker of House in 2011. Does such a legislative assertiveness exist in the states, and if so, what enables it and what undermines it?

Baba suggests that Nigeria's governors exercise control over state legislatures to an even greater extent than the presidency does over the National Assembly. The phenomenon of one-party legislatures is the result of governors' influence over candidate selection within the party. In addition, most state legislatures rely on executive bureaucracy for staffing, undermining the intended separation of power. Worse still, the funding of state legislatures has always been at the pleasure of the state governors. Are state governments seeing the same kind of cracks within political parties in states as those experienced at the national level? Disagreement within the ranks has erupted in Lagos, Ekiti, Anambra, Plateau, Sokoto, Oyo, Osun, Bayelsa and Kano states. Governors of Oyo, Ekiti and Bayelsa were impeached. But most governors subjected to impeachment attempts not only survived, with the support and interference of the presidency, they often went on to engineer the impeachment of the leadership of the state assembly. The results have overwhelmingly been weak assemblies with limited public accountability, transparency and probity in the states.

The title of the book's next section, 'New Institutional Frontiers in Federalism,' carries a dual meaning. The essays all illustrate how institutional analysis has evolved over the last few decades. At least three traditions emerged from the 'new institutionalism' in the 1980s, including a historical tradition that examined routines and procedures through political economy, a sociological tradition that focused on symbols and norms, and a rational choice approach that

took institutions as humanly devised constraints that incentivized behavior through sanctions or rewards. The unit of analysis differed depending on the tradition, and Africanists were sensitive to the implication that similar institutions operated similarly across different contexts. Today the ability to empirically specify the conditions of any given context has greatly improved, meaning that comparative analysis can account for unusual features of a given African case while uncovering patterns or causal processes.

In addition, the new institutional label carries a literal meaning too, since subnational institutions in many cases are innovations. Decentralization caught on as a tool for both redistributing political power – and for paying lip service to democratization. For some rulers it was federalism ‘on the cheap,’ allowing rulers to dodge more meaningful political reforms. This is apparent in USAID’s *Comparative Assessment of Decentralization in Africa* (2011) cited above. Its findings report that reforms in Africa on the one hand transferred authority via new subnational institutions, legal frameworks, elections, and revenue transfers, thus increasing subnational autonomy. But on the other hand, these institutions remain limited politically, administratively, and in fiscal terms. The authors here also confirm that study’s general findings that these reforms enhanced accountability, but this is often stronger upward through state and party rather than downward to locals.

In their analyses of Kenya, South Africa, and Ethiopia, the authors in this section explore how central party control, weak judiciaries, and fragmented civil societies undermine federalism. Westen Shilaho considers the implications of Kenya’s new constitution in 2010 for subnational accountability. The constitution strengthened the Judiciary by establishing a Supreme Court to check the powers of an imperial presidency, and created an upper chamber in the national legislature. Such upper chambers are key feature of federalism, since they tend to represent

geographical constituencies on the basis of equality, rather than population or some other criteria (Lijphart 2012). The constitution also created new subnational units by creating counties. Should we consider this decentralization, or a step towards federalism? The Constitution not only restructured the country's governance but also entrenched devolution as a mechanism of promoting democratic governance and a transparent accountable exercise of power. County governments and legislatures were also created to both check each other (in true Madisonian fashion) as well as the national government. To stimulate a culture of accountability at both the county and national level, the Constitution and the Devolved Government Act (2012) mandates popular participation.

Shilaho suggests that devolution was meant to reduce corruption generated by centralized revenue collection and policy-making, which enabled patronage distribution dictated from Nairobi. It was also intended to build social cohesion impeded by intense competition for the presidency. But there was a certain 'glamour for devolution' that the recent reform may not deliver, as the struggle over control of state resources continues, albeit at lower levels. Constituent Development Funds, once hailed by donors as innovative tools for improving resource distribution across the nation, in many cases have apparently become slush funds controlled by national legislators who use them to influence county politics. 'Devolution was embroiled in sheer vanity,' he argues. 'Governors behaved as if they presided over mini states.' It is also unclear whether the new counties will increase social cohesion since the country was so regionally divided on how much power to devolve to them. Kalenjin and ethnic groups on the coast supported local control or *majimbo* as a safeguard against domination by ethnic Kikuyu. Highlighting the urban/rural nexus, he explains how Kikuyu control over land motivated these

fears. For other reasons he discusses, territorial integrity has in fact already emerged as one of the major disputes between county governors and the national senate.

The next chapter, 'Provincial Path to Democratic Accountability in Post-Apartheid South Africa: the Case of Limpopo Province,' focuses entirely on one regional province. Majuta Mamogale begins by noting the generally positive evaluations of democracy in South Africa, due to high levels of popular engagement, participation in policy decision making, party competition, a free press, and an independent and functioning judiciary. Unlike most African legislatures, South Africa's can point to some successful oversight of the executive, deepening democratic accountability and responsiveness. In formal, constitutional terms, South Africa's provincial legislatures exactly mirror the characteristics of the national parliament. Mamogale then uses his own experience working in the legislature to complement research that compares the behavior of politicians in subnational and national institutions, and then to generally assess the impact of subnational institutions on the quality of democracy in South Africa.

To assess gaps between national and subnational democratization in South Africa, Mamogale focuses on three questions related to parliamentary performance: First, what kind of political party system exists in Limpopo province, and what does it tell us about the state of democratic consolidation in South Africa? Second, to what extent is the Limpopo Provincial Legislature independent to exercise its formal powers enshrined in the South African Constitution? Lastly, what is the role of the judiciary in balancing power relations between the legislature and the executive? He explores these questions through interviews with the legislature's leadership and staff from governing and opposition parties, as well as a few members of the judiciary. To probe for additional explanatory details, he conducted a focus group meeting with legislative support staff in order to ascertain how they perceive the

legislature's independence, and he analyzes the career paths of several key politicians after they left politics.

He concludes that Limpopo Province has a 'hybrid' political party system. Despite adequate resources in terms of human resources and finances, the provincial legislature has little independence and exercises minimal oversight over the executive. This impedes accountability, transparency and responsiveness which are not uncommon at the national level. Perhaps of most concern, he reports that the provincial legislature does not have control over the executive budget and largely rubber stamps executive branch decisions. Bankruptcy proceedings by the national legislature against five executive departments in Limpopo Province in 2011 undermined the credibility and autonomy of subnational policy making authorities, notwithstanding constitutional protections of their authority. Thus today, the legislature does not determine its own budget. The judiciary offers one ray of hope by providing some checks and balances through judicial review of legislation. In sum, the end of white minority rule has generated a more fragmented democratic revolution than previously recognized.

Solomon Gofie's chapter, 'Central Control and Regional States' Autonomy in Ethiopia,' analyzes the institutional and ideological mechanisms that enable state control in Ethiopia. Following the collapse of the Derg in 1991 (formally known as Coordinating Committee of the Armed Forces, Police, and Territorial Army), Ethiopia embraced the discourse of a 'new vision' meant to reorient the center and the regions. The ideological component of this program is a 'revolutionary democracy,' that guides policies and shapes political culture. Politics is seen through a dialectical lens which posits the state's 'revolutionary democratic forces' against social forces opposed to peace, development, and democracy; liberalism opens the door to instability. The institutional component of the new vision is centralization.



The Charter of 1991 and the 1995 constitution formally implemented the vision by dividing powers between the federal and regional governments through a radical, federal reorganization. For example, all powers not expressly given to the federal government alone or concurrently to the federal government and the regional states are reserved to regional states. The right to self-determination – including the right to secession – has become part of the official discourse. All national groupings are formally represented in the House of Federation of the parliament and the new ‘National Regional States’ or the federating units representing the ‘Nations, Nationalities and Peoples’ presumably exercise a measure of self-government. These subnational governments operate with legislative, executive and judicial organs. State councils assume the highest coercive-administrative power in the regions. The personnel that serve as executive committee of the regional states are elected by state councils and are responsible for managing the day-to-day activities of the regional states. The Executive Committee also elects the president and other key executive officials such as Zone administrators.

Gofie’s analysis then explores how the discourse of the ‘Peoples’ altered state and civil society relations, and argues that the institutionalization of national regional states ironically undermined the conditions of ‘the people.’ He shows that regional and local administrative units enable the federal government to exercise control over individuals and groups through the implementation of national policies. The Ethiopian People's Revolutionary Democratic Front (EPRDF) makes these policies and enforces their implementation. It tolerates little dissent and it fuses party and state, like other former liberation movements-turned political parties in Africa (Lebas 2011). It is difficult to distinguish the EPRDF from the military, security services, the bureaucracy, or the parliament; even the media are monopolized by the EPRDF. An inner nucleus manages Peoples’ Democratic Organizations, through local state organs, lower level

administrative apparatuses (the *woreda council and kebele*), and regional legislatures. As a result, subnational institutions subvert rather than enable federalism.

Taken together, the essays here identify some of the new horizons of federalism and decentralization in contemporary Africa, bringing innovations – from Nigeria’s revenue allocation to Kenya’s Constituency Development Funds – into mainstream comparative analyses of institutions. The authors further engage core debates over formality and informality, but bring fresh ideas to an old dichotomy by bringing in discursive analysis and other novel approaches. Finally, the volume takes an honest look at incentives for reform in states and localities in Africa – units of analysis often overlooked in institutional research. By showing how governance at the national, state, and local levels may vary significantly within a single country, the authors reveal how reformers must grapple with contradictory responses to Africa’s resurgent illiberalism as well as the hopeful messages rising up from the grassroots through uncertain institutional vessels of decentralization, democracy, and development.

## References

- Ahmadov, A. 2013. 'Oil, Democracy, and Context: A Meta-Analysis,' *Comparative Political Studies*, 47(9): 1238-1267.
- Akech, M. 2011. 'Constraining Government Power in Africa,' *Journal of Democracy* 22 (1): 96-106.
- Azari, J. and J. Smith. 2012. 'Unwritten Rules: Informal Institutions in Established Democracies,' *Perspectives on Politics* 10(1): 37-55.
- Barkan, J. (ed.) 2009. *Legislative Power in Emerging African Democracies*. Boulder: Lynne Rienner.
- Bates, R. 1981. *Markets and States in Tropical Africa: the Political Basis of Agricultural Policies*. Berkeley: University of California Press.
- Beblawi, H. 1990. 'The Rentier State in the Arab World.' In Luciani, G. (ed.) *The Arab State*, 85-98. Berkeley and Los Angeles: University of California Press.
- Boadi, G. 1998. 'The Birth of African Liberalism,' *Journal of Democracy*, 9(2): 18-33.
- Bøås, M. and Dunn, K. 2013. *Politics of Origin in Africa: Autochthony, Citizenship and Conflict*. London: Zed Books.
- Boone, C. 2013. *Property and Political Order: Land Rights and the Structure of Politics in Africa*. Cambridge and New York: Cambridge University Press.
- Bratton, M. 2010a. Citizen Perceptions of Local Government Responsiveness in Sub-Saharan Africa. Afrobarometer.

- \_\_\_\_\_. 2010b. Formal versus Informal Institutions in Africa. In L. Diamond and Plattner, M. (eds.) *Democratization in Africa: Progress and Retreat*, 103-120. Baltimore: Johns Hopkins University Press.
- Brownlee, J. 2007. *Authoritarianism in an Age of Democratization*. Cambridge and New York: Cambridge University Press.
- Cook, T., Leben, N. and Lo-Lujo, O.Y.. 2013. *From a Transitional to a Permanent Constitution: View of Men and Women in South Sudan on Constitution-Making*. Washington, DC: National Democratic Institute for International Affairs.
- Cornelius, W., Eisenstadt, T. and Hindley, J. (eds.) 1999. *Subnational Politics and Democratization in Mexico, U.S.-Mexico contemporary perspectives series*. La Jolla: Center for U.S.-Mexican Studies, University of California, San Diego.
- D'Arcy, M. 2011. Why Do Citizens Assent to Pay Tax? Legitimacy, Taxation and the African State. Afrobarometer Working Paper 126. [www.Afrobarometer.org](http://www.Afrobarometer.org). Accessed 10 June 2014.
- Deng, F. Deng, D. and Jiménez, V. 2008. *Identity, Diversity, and Constitutionalism in Africa*. Washington, DC: United States Institute of Peace.
- Deschouwer, K. and Depauw, S. (eds.) 2014. *Representing the People: A Survey among Members of Statewide and Sub-state Parliaments*. Oxford: Oxford University Press.
- Diamond, L. and Plattner, M. (eds.) 2010. *Democratization in Africa: Progress and Retreat*. 2nd ed. Baltimore: The Johns Hopkins University Press.
- Dickovick, J.T. 2011. *Decentralization and Recentralization in the Developing World: Comparative studies from Africa and Latin America*. University Park, Pa.: Pennsylvania State University Press.

- Dickovick, J.T and Riedl, R.B. 2010. *Comparative Assessment of Decentralization in Africa: Final Report and Summary of Findings*. Washington, DC: U.S. Agency for International Development.
- Dickovick, J.T. and Wunsch, J. (eds.) 2014. *Decentralization in Africa: the Paradox of State Strength*. Boulder: Lynne Rienner Publishers.
- Eisenstadt, T. 2004. *Courting Democracy in Mexico: Party Strategies and Electoral Institutions*. Cambridge: Cambridge University Press.
- Ekpo, A. 1994. 'Fiscal Federalism: Nigeria' Post-Independence Experience, 1960-90,' *World Development* 22(8): 1129-1146.
- Fashagba, J. 2009. 'Legislative Oversight under the Nigerian Presidential System,' *Journal of Legislative Studies* 15(4): 439-459.
- Fish, M.S. 2006. 'Stronger Legislatures, Stronger Democracies,' *Journal of Democracy* 17 (1): 5-20.
- Freedom House. 2014. *Freedom in the World 2014*. New York: Freedom House.
- Gana, A. and Egwu, S. (eds.) 2004. *Federalism in Africa: The Imperative of Democratic Development*. Vol. Vol. Two. Trenton, NJ and Eritrea: Africa World Press, Inc.
- Gibson, E. 2012. *Boundary Control: Subnational Authoritarianism in Federal Democracies*, *Cambridge studies in comparative politics*. Cambridge: Cambridge University Press.
- Godwin, P. 2010. *The Fear: Robert Mugabe and the Martyrdom of Zimbabwe*. New York: Little, Brown and Company.
- Green, E. 2011. 'Decentralization and Political Opposition in Contemporary Africa: Evidence from Sudan and Ethiopia,' *Democratization* 18(5): 1087-1105.

- Henrard, K. 2004. 'Equality Considerations and Their Relation to Minority Protections, State Constitutional Law, and Federalism.' In Tarr, G., Williams, R. and Marko, J. (eds.) *Federalism, Subnational Constitutions, and Minority Rights*, 25-39. Westport, Conn.: Praeger.
- Hyden, G. 2012. *African Politics in Comparative Perspective*. 2nd ed. Cambridge and New York: Cambridge University Press.
- Ikein, A., D.S.P. Alamiyeseigha and Azaiki, S. (eds.) 2008. *Oil, Democracy, and the Promise of True Federalism in Nigeria*. Lanham, MD: University Press of America.
- Jensen, N. and Wantchekon, L. 2004. 'Resource Wealth and Political Regimes in Africa,' *Comparative Political Studies* 37(7): 816-841.
- Keller, E. 2014. *Identity, Citizenship, and Political Conflict in Africa*. Bloomington: Indiana University Press.
- Kivuva, J, M. Odhiambo, and J. Mbeya. 2011. *Electors and the Politics of Parliamentary Representation in Kenya*. Nairobi: CLARION.
- Lambright, G. 2011. *Decentralization in Uganda: Explaining Successes and Failures in Local Governance*. Boulder, Colo.: FirstForumPress.
- Lebas, A. 2011. *From Protest to Parties: Party-building and Democratization in Africa*. Oxford: Oxford University Press.
- LeVan, C. 2015. *Dictators and Democracy in African Development: the Political Economy of Good Governance in Nigeria*. Cambridge and New York: Cambridge University Press.
- Levi, M. 1988. *Of Rule and Revenue*. Berkeley: University of California Press.
- Levitsky, S. and Way, L. 2012. 'Beyond Patronage: Violent Struggle, Ruling Party Cohesion, and Authoritarian Durability,' *Perspectives on Politics* 10(4): 869-889.

- Lijphart, A. 2012. *Patterns of Democracy: Government Forms and Performance in Thirty-six Countries*. 2nd ed. New Haven: Yale University Press.
- Masunungure, E. (ed.) 2009. *Defying the Winds of Change: Zimbabwe's 2008 Elections*. Harare: Weaver Press and Konrad Adenauer Foundation.
- Norris, P. 2008. *Driving Democracy: Do Power-Sharing Institutions Work?* Cambridge and New York: Cambridge University Press.
- North, D. and Weingast, B. 1996. 'Constitutions and Commitment: The Evolution of Institutions Governing Public Choice in Seventeenth-Century England.' In Alston, L., Eggertsson, T. and North, D. (eds.) *Empirical Studies in Institutional Change*, 134-165. Cambridge and New York: Cambridge University Press.
- Olowu, D. and Wunsch, J. (eds.) 2004. *Local Governance in Africa: the Challenges of Democratic Decentralization*. Boulder: Lynne Rienner.
- Osadolor, O. 2000. 'The Development of the Federal Idea and the Federal Framework, 1914-1960.' In Amuwo, K, Agbaje, A., Suberu, R., and Herault, G. (eds.) *Federalism and Political Restructuring in Nigeria*, 34-50. Ibadan: Spectrum.
- Pew Research Center. 2012. The America-Western European Values Gap, American Exceptionalism Subsides.
- Posner, D. 2005. *Institutions and Ethnic Politics in Africa*. Cambridge and New York: Cambridge University Press.
- Riker, W. 1964. *Federalism: Origin, Operation, Significance*. Boston: Little, Brown.
- Ross, M. 2001. 'Does Oil Hurt Democracy?' *World Politics* 53 (3):325-61.
- Salih, M. 2006. *African Parliaments: Between Governance and Government*. Cape Town, South Africa: HSRC Press.

- Shaxson, N. 2007. *Poisoned Wells: the Dirty Politics of African Oil*. New York: Palgrave Macmillan.
- Stapenhurst, F., Draman, R, and Imlach, A. (eds.) 2011. *African Parliamentary Reform*. New York: Routledge.
- Stepan, A. 1999. 'Federalism and Democracy: Beyond the U.S. Model,' *Journal of Democracy* 10(4): 19.
- Suberu, R. 2001. *Federalism and Ethnic Conflict in Nigeria*. Washington, D.C: United States Institute of Peace Press.
- Tarr, G.A., R. Williams, and J. Marko. 2004. *Federalism, Subnational Constitutions, and Minority Rights*. Westport, Conn.: Praeger.
- The Hunger Project. 2013 State of Participatory Democracy Report. Washington, DC: The Hunger Project.
- Tilly, C. 1990. *Coercion, Capital, and European states, AD 990-1990, Studies in Social Discontinuity*. Cambridge, Mass.: Blackwell.
- Treisman, D. 2007. *The Architecture of Government: Rethinking Political Decentralization*. Cambridge and New York: Cambridge University Press.
- van Cranenburgh, O. 2009. 'Restraining Executive Power in Africa: Horizontal Accountability in Africa's Hybrid Regimes,' *South African Journal of International Affairs* 16(1): 49-68.
- Wantchekon, L. 2003. 'Clientelism and Voting Behavior: A Field Experiment in Benin,' *World Politics* 55:399-422.
- Watts, R. 1999. *Comparing Federal Systems*. Montreal and Kingston: McGill-Queen's University Press.



Williams, R. and G.A. Tarr. 2004. 'Subnational Constitutional Space: A View from the States, Provinces, Regions, Lander, and Cantons.' In Tarr, G, Williams, R. and Marko, J. (eds.) *Federalism, Subnational Constitutions, and Minority Rights*, 3-24. Westport, Conn.: Praeger.

World Bank. 2014. *African Legislatures Project*. <http://www.africanlegislaturesproject.org/>. Accessed 10 June 2014.

**Newspapers:**

'Ex-Ghana President Tips on Oil Management,' *New Vision* (Accra), 5 August 2013.