

# Handbook of Democratization in Africa: Decentralization and Democratization

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## Introduction

Colonialism's most lasting legacy in sub-Saharan Africa has been the region's arbitrary boundaries. Boundaries across Europe today are the result of centuries of warfare. Wars there were fought to harmonize the residence patterns of ethnic groups and the borders that contain them. Yet despite a history shaped by the connection between conflict and ethnic diversity, European colonizers did not think about the downstream implications of national and sub-national boundaries for bringing together diverse ethnic groups when they carved up the sub-continent.

Africa's leaders – from the independence-era until the present – have, for the most part, successfully fought off pressures to break-up their countries into separate nation-states for individual ethnic groups. But this decision to keep the boundaries bequeathed to them by colonizers has proved problematic. Ethnic cleavages have become deep fault lines in the post-independence era for many countries, and the random lumping together of ethnic groups is cited as the root cause of dozens of the sub-continent's civil wars and violent conflicts. Even during times of peace, ethnicized struggles over power have undermined the region's efforts to democratize: instead of elections that serve as debates about the policies and ideas that are in the nation's best interests, many elections become ethnic censuses where politicians mobilize co-ethnics to demand a larger slice of the national pie at the expense of other groups.

Since national-level autonomy for ethnic groups is often not an option, many on the sub-continent have proposed ethnic autonomy *within* the state – or decentralization – to bring about both inter-ethnic peace and to deepen democratization. Decentralization's hope is to repair deeply divided societies through formal changes in institutional design. By taking power from the center and giving it to sub-national areas, and by extension the groups that live there, decentralization both increases the accountability of the state and allows groups some level of autonomy to govern themselves within a country's arbitrary borders. The promises of a less centralized state have

led to seemingly robust decentralization across the region's largest, ethnically-diverse, and most economically vibrant countries including Ethiopia, Kenya, Nigeria, South Africa, and Sudan.

But the experiences of Africa's decentralization experiment have not lived up to the hope that was promised. In many cases, decentralization has been unable to reduce the centralization of power concentrated within the hands of the president. The relationship between decentralization and democracy remains unclear at best. And indeed, some of the continent's most repressive dictatorships are among those that have the most robust *de jure* decentralization. Moreover, reforms to state structure have not prevented civil war. In fact, in some cases, decentralization has unintentionally heightened ethnic tensions further.

This chapter addresses the extent to which decentralized state structures alleviate ethnic conflict and promote democratization. It does so by examining decentralization in sub-Saharan Africa since the independence era. I argue that decentralization is not the panacea against ethnic conflict and authoritarianism that was promised for two reasons. First, decentralization on the sub-continent is not robust. National leaders have shown themselves unwilling to implement decentralization reforms because doing so takes away their power. And when decentralization reforms are pushed onto them, they have used their strong executive power to only partially implement reforms or even undermine those reforms completely. Second, decentralization reforms – whether implemented partially or fully – further ethnicize the polity by stressing localized ethnic over national identities, thereby perpetuating ethnic competition in the present and increasing the potential for ethnicized conflict and democratic breakdown in the future.

In this way, this chapter's contribution to this edited volume is to argue that we must look outside simple institutional design solutions, such as decentralization reforms, to ensure Africa's complete democratization. Institutional reforms seek to constrain strong executive power. But institutional design often fails to constrain actors with power precisely because those actors can use their position and power to undermine reforms informally.

This chapter proceeds as follows. I briefly define decentralization and the various forms it can take, before discussing the purported benefits of decentralization for multi-ethnic countries. Next, I discuss cases of decentralization on the sub-continent including those with the most robust form of *de jure* decentralization, federalism and devolution (or quasi-federalism). I contrast these with administrative unit proliferation, the form of decentralization that has proved most popular in Africa. I then explain why decentralization has not been accompanied by the peace and democratization that was promised.

# The Promise of Decentralization

A country's *state structure* is the institutionalized distribution of power between national and sub-national units and the governments that run them.<sup>1</sup> State structure determines who gets to decide what and for whom. State structure does not actually dictate how an area is governed, but instead, empowers some people over others to decide how to govern different sub-national areas: state structure determines whether appointed or elected leaders govern an area, whether those leaders are from the center or from the locality, and whether they drive local policy or implement national-level directives. For this reason, state structure is especially important in sub-Saharan Africa, where groups tend to cluster geographically within sub-national areas. The rules determining state structure thus affect a group's livelihood through their effect on who legislates policy for a group, the amount of resources that a group can expect for their sub-national unit, and thus, the way in which the group is governed.

We can classify a state's structure based on its level of centralization. On one end, we have highly centralized, unitary states. In these states, the national government is in charge of determining and implementing policy for the entire country. There may be sub-national units, but they play a passive role in governance. Units simply delineate the boundaries under which central allocations are distributed and/or national directives are implemented. Moreover, sub-national units do not have their own elected representatives. Instead, units are run by centrally-appointed bureaucrats and as such, are less accountable to the local population.

Centralized, unitary states prove problematic for ethnically diverse countries because they heighten ethnic tensions. Executive control takes on oversized importance because nearly all governance decisions are made by the president and his inner circle. Areas populated by the president's co-ethnics and important members of the regime will disproportionately receive state resources.<sup>2</sup> These co-ethnic areas are also more likely to be run by bureaucrats who understand the area's needs and care about local development.<sup>3</sup> Other groups will be left out. Without independent bureaucracies to allocate resources or strong horizontal checks on the president's power, a centralized, unitary state results in skewed resource allocation patterns. Ethnic tensions are understandably high; one's relationship with the state is based largely on her ethnic identity and political competition is often fought along ethnic lines.

This heightened ethnicization of political power has negative implications for democratic sta-

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<sup>1</sup>Ziblatt (2006).

<sup>2</sup>Bates (1989), Franck & Rainer (2012), Burgess, Jedwab, Miguel & Morjaria (2015), Hodler & Raschky (2014), Kramon & Posner (2016).

<sup>3</sup>Hassan (2017).

bility. Fortunes of political elites and their respective ethnic groups hinge on one electoral outcome, determining whose is in power and who else is excluded from many of the spoils of the state. Incumbents are therefore more willing to engage in autocratic actions because maintaining the presidency and control over the centralized state becomes so important. The amplification of ethnicity due to a centralized state structure can therefore encourage violent mobilization of politicians' supporters. A politician's co-ethnics can be spurred to violence against co-ethnics of opponents since members of a group are only guaranteed the ability to "eat" – that is, reap benefits from the state – when their co-ethnic is in office. In the past, this mobilization manifested in the breakout of civil wars – about two dozen from the independence era until today.<sup>4</sup> More recently, violent mobilization takes place around elections with nearly 20% of elections since 1990 seeing significant levels of electoral violence and another 40% seeing low - moderate levels of violence.<sup>5</sup>

Given the problems associated with highly centralized state structures, various forms of decentralization have been championed as solutions to sub-Saharan Africa's twin troubles with incomplete democratization and conflict. Decentralization administratively separates different ethnic groups and eliminates the competition between groups for decentralized resources. Absent formal statehood for individual ethnic groups, decentralization gives groups a degree of autonomy.

Greater decentralization within a unitary state can be carried out in one of two ways.<sup>6</sup> First, a state may implement greater levels of *deconcentration*. In this case, the state creates more central state outposts and dispatches more central-government agents. Those in charge of policy or resource distribution now oversee a smaller, and by definition, more homogeneous group. When appointed unit leaders have some level of discretion to determine policy, they can create policies that cater to the particulars of a group and the needs of the now smaller area. Second, a state may decentralize by inaugurating greater levels of *devolution*. Here, local elites are granted authority to interpret and implement national-level directives. Depending on the degree of devolution, sub-national units may have authority to make their own legislation, raise their own revenue, and/or distribute resources according to the area's local preferences. Devolution results in more *de facto* authority allocated to the periphery than deconcentration because sub-national units and their leaders have some latitude to diverge from the center in policy decisions.

The most extreme version of devolution is the abrogation of a unitary state and the creation of a *federal* state whereby sub-national units have some level of constitutionally-mandated autonomy. Similar to unitary countries with significant devolution, sub-national units within federal countries elect their own leaders, are expected to raise internal revenue, and are in charge of some spheres of

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<sup>4</sup>Bates (2008).

<sup>5</sup>Straus & Taylor (2012).

<sup>6</sup>Boone (2003).

policy formation and implementation within their unit. The main difference between a devolved unitary state and a federation is that is still ultimately in charge in the former. Sub-national units within a unitary state can only exercise the functions that the central government chooses allows them to. On the other hand, the central government of a federal state cannot unilaterally take away the authority devolved to sub-national units without changes to the constitution.

Federalism promises to accommodate diverse preferences within a single country, thereby promoting inter-ethnic peace.<sup>7</sup> Accommodation happens at both the individual and group level. At the individual level, citizens with diverse preferences can “vote with their feet” and sort into units where other citizens have similar policy preferences.<sup>8</sup> In countries with highly salient ethnic cleavages, citizens are often unwilling to spend resources on out-groups. The ability of individuals to sort across sub-national lines means that co-ethnics are likely to cluster so as to share resources with co-ethnics as opposed to out-group members. At the group level, federalism entrenches group autonomy. A country’s largest ethnic groups will dominate the sub-national jurisdictions where their respective group is a majority. Large groups are therefore not only guaranteed some level of resources – as would have been the case under deconcentration or devolution – but they will also win some level of political representation in their “home” area. The ability to legislate cultural norms eases fears about cultural dominance by the national leader’s ethnic group. Even if a group is not in power nationally, their way of life will can continue.<sup>9</sup> And the institutional stickiness of the constitution guarantees the group autonomy in the long-run without fear of central retaliation should they legislate policy at odds with the center.

Federalism also promotes democratization separately from its impact on ethnic accommodation for two reasons. First, federalism, and to some extent devolution within a unitary state, gives both winning and losing parties “buy-in” to the democracy and the federation. A losing party has a strong incentive to fight for both democracy and federalism even after national-level political defeat. As suggested above, losing parties want to ensure as much state autonomy and democratic rights as possible at the sub-national level where they hold at least some power. They will subsequently use their sub-national position as a “foothold” to govern well and show voters that they should be given power at the national-level next election,<sup>10</sup> as well as a base of coordination for future contests.<sup>11</sup> Moreover, to the extent that winners at the national level recognize that their hold onto power is precarious, they prefer to respect federalism and democracy: they might land in the

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<sup>7</sup>Brancati (2009).

<sup>8</sup>Tiebout (1956).

<sup>9</sup>Whereas many groups out of power in unitary countries complain about encroaching cultural dominance of the president’s ethnic group, ethnic groups in federal countries are often federally recognized.

<sup>10</sup>Riedl & Dickovick (2013).

<sup>11</sup>Levan (2017).

opposition at the national-level in the future.<sup>12</sup>

Second, federalism helps democratization because sub-national units can serve as a check on unrestrained executive power. Within centralized countries, the leader has access to the entirety of the state's coffers, and can allocate public resources in a manner that keeps him in power thereby undermining democracy. Executive power that was initially limited to a few realms grows because of the leader's power of the purse. The leader is liable to use his sweeping executive power to dictate happenings in every corner of the country, and the country can easily slip into autocracy. On the other hand, federal and devolved countries spread power across multiple leaders and decrease the amount of resources to which any one leader can access. Moreover, sub-national units can use their political authority to demand more authority in other realms, thereby reducing the formal authority of the national government.<sup>13</sup> And sub-national units can act as veto players against the encroachment of the national government.

In sum, decentralization – especially its most robust forms – is thought to increase democratization, by lowering the importance of national elections and creating sub-national checks against the president, and can promote inter-ethnic peace, by creating buy-in to the system and allowing groups excluded from national-level politics a degree of local autonomy.

## **The Decentralization Experiment in Africa**

The above section detailed the promises of decentralization for ethnically diverse countries. Now I turn to discussing the actual implementation of different forms of decentralization across sub-Saharan Africa.

I begin with cases of federalism or significant devolution within a unitary state (often termed quasi-federalism). These are the most robust forms of *de jure* decentralization. Ten countries in sub-Saharan Africa have formally implemented a version of federalism or quasi-federalism that devolves power to sub-national units. These countries are: Cameroon (1962 - 1972), Comoros (1978 - 1989, 1992 - 1999, 2001 - ), Ethiopia (1952 - 1962, 1995 -), Kenya (1963 - 1964, 2013 - ), Nigeria (1960 - 1966, 1979 - 1983, 1999 - ), Republic of Congo (1960 - 1965), South Africa (1994 - ), Sudan (1972 - 1983, 2005 - ), Tanzania (federal status for islands of Pemba and Zanzibar), and Uganda (1962 - 1966).<sup>14</sup>

This list suggests that there are two paths that lead to the implementation of federalism or quasi-federalism. First, some countries were born with a federal system at independence. Colonial

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<sup>12</sup>See O'Neill (2005), Riedl & Dickovick (2013).

<sup>13</sup>Falleti (2010).

<sup>14</sup>Suberu (2009).

powers created a federal system in Cameroon, Kenya, Nigeria, the Republic of Congo, and Uganda upon their independence. The rationale was straightforward. The post-colonial boundaries of these countries contained multiple ethnic groups or sub-national regions that had been administered differently during colonization, and it was unclear whether an abrupt transition to a centralized unitary state that put one group in power over others would succeed.

As an extreme example of ethnic accommodation, some colonial powers implemented federalism to protect powerful, but numerically small, ethnic groups. In Kenya, some pastoralist groups and the white settler community demanded federalism as a way to protect their land from the more numeric, and thus soon-to-be politically powerful upon independence, Kikuyu. The pastoralist Kalenjin threatened war, the nomadic Somali community spanning the country's northeast area demanded annexation of their lands by greater Somalia, and the settler community threatened to leave the country (and upturn the economy) if the British created a unitary state upon independence.<sup>15</sup> Despite the fact that the majority of residents in the colony voted for the party that strongly advocated for a unitary state, the British implemented a federal *majimbo* state, so as to appease minority interests. Similarly, the British also acquiesced to demands for federalism in Uganda after the Baganda Kingdom threatened secession if they were not guaranteed autonomy.<sup>16</sup> In other cases, colonial powers pushed federalism to accommodate administrative differences and variation in sub-national legal codes. Take for instance Cameroon, a German colony until WWI. The colony was divided into two with each region administered separately by the British or French. These colonial powers presumed that a federal structure would bring about less administrative and political friction between the British and French regions than jumping straight into a unitary state with unified laws. Though Tanganyika and Zanzibar were administered separately under colonialism, the two merged to form a federal union soon after colonialism and the overthrow of the Zanzibar sultanate.

Second, other African countries have turned to federalism as an institutional fix after intense periods of violent ethnic conflict or political strife. Civil conflict on the sub-continent has tended to break out after a large and politically powerful ethnic group is left out of power and feels that they are not getting their fair share of the national pie.<sup>17</sup> Reconciliation processes after these periods of violence have turned to federalism to promote inter-ethnic peace by encouraging regional, and thereby group, autonomy. We see this logic in Sudan. The country's two forays into federalism each began as a compromise to end a civil war between the north and the south.<sup>18</sup> The country's

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<sup>15</sup>Anderson (2005).

<sup>16</sup>Suberu (2009).

<sup>17</sup>For recent analysis on this, see Roessler (2017).

<sup>18</sup>Suberu (2009), El-Battahani & Gadkarim (2017).

leaders, all from the more populous Muslim north, gave preference to the north when it came time to distribute resources collected from the country's oil resources, and gave preference to Islam and *sharia* law when drafting national legislation. Greater regional autonomy for the south was seen as a way to avert future conflict by more equitably sharing oil money and allowing the region to legislate its own laws. Ethiopia also turned to federalism in the wake of violent conflict. By 1994, Ethiopia had just lost a 20-year civil war which resulted in the secession of coastal Eritrea. Other ethnic groups in the country clamored for autonomy from the hegemony of the Amhara, who have long dominated power. Ethiopia adopted a federal constitution soon afterwards which ostensibly sought to protect ethnic groups who were out of power and prevent further fracturing of the country. Similarly, South Africa adopted a quasi-federal system after the end of apartheid, as an institutional guarantee to powerful whites and the Zulu who feared potential political domination by Nelson Mandela and his new Xhosa-dominated government.<sup>19</sup>

Despite the promise that federalism and devolution would alleviate political and ethnic tensions, the form of decentralization that has proven most popular in sub-Saharan Africa is instead, the deconcentration of the state through the creation of more sub-national administrative units in an otherwise centralized state. Just as African countries' national boundaries have sparked conflict by placing together different ethnic groups, sub-national boundaries have been a source of tension because they lump together various ethnic groups within the administrative units where policy is made, implemented, and/or are where resources are distributed. Unlike national-level boundaries, leaders with strong executive power can fairly easily re-draw subnational boundaries or create new units, however.

Unit creation has proved especially useful for minority ethnic groups within existing administrative units. When an administrative unit contains two (or more) ethnic groups, the local ethnic majority group is liable to use their influence to steer resources towards parts of the unit where they live. Local ethnic minority groups within existing units are thus liable to get overlooked. In this way, existing sub-national boundaries can cause inter-ethnic tension and prevent political accountability at the sub-national level, as local leaders only have to cater to the local majority group.

Unit creation for a local ethnic minority group within an existing unit promises to alleviate the tension. After a new unit is created for a former local ethnic minority group, both the parent and the split unit are more homogeneous. The former minority group now has their own administrative unit in which they are guaranteed all of the rights and resources that other units receive. This often means a set aside allocation (e.g., a district budget), unit-specific resources (e.g., a county

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<sup>19</sup>Klug (2000).



hospital), and allotments for resources distributed at the unit level (e.g., the ability to recommend locals for nationally-recruited civil servants, such as teachers or police officers). After a wave of unit proliferation, each unit gets fewer resources than before. But minority groups are at least now guaranteed an allotment. And since all units are more homogeneous, policy implementation can better fit the needs of each group.

Unit proliferation has been widespread. Some 30 countries have increased the number of sub-national units at some tier of government by at least 10% since 1990.<sup>20</sup> This has often been to empower local ethnic minorities within (previously) large districts. For instance, in Uganda, President Yoweri Museveni has instigated four waves of district creation since 1990 growing the number of districts from 34 to 112.<sup>21</sup> In next-door Kenya, the number of sub-national administrative districts increased from 41 to 71 under President Daniel arap Moi's final decade in office (1992 - 2002).<sup>22</sup> His successor, Mwai Kibaki, doubled the number of districts by 2007 and doubled them again by the time he left office in 2013.<sup>23</sup> In Ghana, power has ping-ponged between the NDC and NPP parties, but each has seen a wave of district creation for minority groups. The number of districts now stands at 216 from 65 in 1989.<sup>24</sup>

## Decentralization Gone Awry

Though the vast majority of countries on the sub-continent have salient ethnic cleavages – if not have experienced conflict over these cleavages – and hold multi-party elections, centralized, unitary states are the norm. Those countries that have opted to decentralize have done so through less far-reaching reforms, such as administrative unit proliferation. And of the countries that have formally implemented federalism or devolution, the end result has been less *de facto* decentralization than promised. What explains the lack of robust decentralization on the sub-continent?

There are two reasons why federalism and quasi-federalism have been less robust than what institutional design suggests and policy-makers might hope. First, many national level leaders are reluctant to decentralize power away from the center. When forced to decentralize, they opt for less far-reaching decentralization reforms (such as administrative unit proliferation) or attempt to undermine robust decentralization. Second, federal unions in particular have failed in part because they result in ethnic federations which in turn further ethnicize the polity. The political instability

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<sup>20</sup>Grossman & Lewis (2014), Hassan & Sheely (Forthcoming).

<sup>21</sup>Green (2010), Grossman & Lewis (2014), Lewis (2014).

<sup>22</sup>Kasara (2006), Hassan (2016).

<sup>23</sup>The number of lower-level units also exploded during these years (Hassan & Sheely Forthcoming).

<sup>24</sup>Ayee (2012), Resnick (2017).

that results creates a situation whereby leaders find it easy and desirable to (re-)centralize the state, and citizens find it desirable to let leaders do so.

## **Reluctance to Decentralize**

Many leaders are unwilling to initiate far-reaching decentralization reforms because it would reduce their executive power. Federalism in particular has little appeal for some leaders because it entrenches sub-national political autonomy in a way that is difficult to subsequently undermine.<sup>25</sup> Leaders of sub-national units are liable to use their political autonomy to agitate for more and more authority, eventually achieving higher levels of fiscal and administrative autonomy from the center.<sup>26</sup> Moreover, when the leader (or the party) does not have political support across the country, decentralization allows the leader's opponents some autonomy with which they can cultivate their local support and grow into a bigger threat against the leader.<sup>27</sup>

Leaders on the sub-continent have decentralized their states over the past 30 years, but without oversight or extenuating circumstances, have tended to adopt forms of decentralization that do not substantially lessen executive power. Some of this pressure to decentralize has been internal, as groups (peacefully or violently) advocate for more formal autonomy. Some of this pressure has been external, as Western donors try to engineer decentralized state structures that will reduce corruption and government excess. However since leaders have a large hand in designing and implementing decentralization reforms, they often advocate for less robust forms of decentralization or allow back doors that still give the center authority to interfere in the domains of sub-national units.<sup>28</sup>

This point comes across most starkly when examining the sub-continent's most prominent mode of decentralization – administrative unit proliferation.<sup>29</sup> As described above, leaders tend to create new units for minority ethnic groups within existing administrative units. Pushed by demands to bring “democracy to the doorstep of the people” and “development to the people,” new units did allow minority ethnic groups some level of autonomy over their affairs. In actuality, however, unit proliferation has not reduced central government power. If anything, unit proliferation

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<sup>25</sup>To be sure, constitutions on the sub-continent are not as durable as constitutions elsewhere. Since 1990, more than 25 countries in the region have radically amended their constitution or adopted a new one altogether (Gathii 2007).

But constitutions are still more durable than simple legislation.

<sup>26</sup>Falleti (2010).

<sup>27</sup>Riedl & Dickovick (2013), Levan (2017).

<sup>28</sup>Wunsch (2001), Olowu (2003).

<sup>29</sup>Leaders can also subvert decentralization informally, for instance, by leaving loopholes in legislation that allows central ministries to circumvent sub-national jurisdiction or allowing centrally-employed bureaucrats to override local authorities (e.g., Wunsch (2001), Olowu (2003)).

has increased the leader's grip over these minority ethnic groups. Former local minority groups are now one step closer to the center in the administrative hierarchy, meaning that the leader can now more directly affect the group's affairs.<sup>30</sup> The leader can more ably, and thus credibly, use the central state to coerce the group should they organize against the leader or not support him to the degree that he demands. At the same time, though unit proliferation has eased international pressure to decentralize, it has not resulted in the increase in livelihoods that was promised. While there is evidence of a short-term bump in local livelihood in new units – often spurred by the initial construction of unit-wide resources – long-term development outcomes trail off.<sup>31</sup>

Consider two exceptions that proves the rule, in which leaders have initiated decentralization reforms because doing so increases executive power. First, leaders have proved willing to decentralize when doing so helps them cement bonds with local-level elites who are willing to be co-opted. Local-level elites are the ones who benefit from devolution reforms, and so leaders use devolution as a bargaining chip when they need those elites to rally local support in their respective jurisdictions. Boone (2003) recognizes that devolution proves tricky for the center, as it empowers local elites who may eventually use their authority against the leader. As such, leaders are only willing to devolve authority among elites it considers “allies”, especially when those elite have high bargaining power. In this way, Boone (2003) elegantly explains why we see different types, and varying degrees, of decentralization *within* a state – local areas are different so the best way to meet central goals and maximize executive power is for a leader to adopt different state structures sub-nationally. Similarly, Baldwin (2014) finds that leaders are more likely to devolve authority over land to local elites when those elites represent “swing” ethnic groups.

Second, Riedl & Dickovick (2013) find that more robust decentralization, in the form of federalism or quasi-federalism, is perhaps most likely in sub-Saharan Africa under authoritarianism, and specifically, when the country has an authoritarian hegemonic party regime.<sup>32</sup> In these cases, the party is willing to devolve power to lower-level units because it can then install party agents on the ground, thereby leading to better monitoring and increased recruitment of loyal followers into the party; since decentralization will create more political positions at increasingly lower levels, the party has more patronage jobs it can dole out; and to the extent that the center can monitor the behavior of agents in these local positions, the party has a large group of agents for which they can appoint to higher, more senior positions in the future. In sum, whereas most leaders are wary of robust decentralization as it will give power to opponents, hegemonic party leaders are willing to

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<sup>30</sup>Lewis (2014).

<sup>31</sup>Grossman, Pierskalla & Dean (Forthcoming).

<sup>32</sup>Also see Landry (2008) for why China, the world's largest autocracy and one of its most repressive, has robust decentralization.

implement robust decentralization because it actually strengthens their grip over the grassroots.

## Undermining Decentralization

Though leaders are reluctant to implement robust formal decentralization, sometimes leaders have no choice. As described above, federalism and devolution have often been implemented after extenuating circumstances, such as upon independence or after large-scale civil conflict. Yet, these attempts at decentralization have not proved robust either, for two reasons. First, leaders are liable to use their executive power to undermine, and eventually cripple, robust decentralization. And second, sub-national units are often too weak to hold up their end of the federal bargain.

Robust decentralization, and federalism in particular, requires that the national government and sub-national governments be committed to the enterprise and respect the constitutional separation of powers.<sup>33</sup> This requires that governments at both tiers have enough capacity to defend their constitutionally-guaranteed rights should the other tier overstep its bounds. This ideal is always difficult to meet, but especially so in sub-Saharan Africa where the central state is itself weak and sub-national units are exceedingly weak. Moreover, research on countries with federalism or quasi-federalism suggests that national-level leaders have actively undermined the formal rules of power-sharing.<sup>34</sup> Observers of Ethiopia argue that the country operates like a centralized, unitary state despite *de jure* federalism.<sup>35</sup> The center is able to send national police officers when it deems appropriate, such as during the recent Oromo protests for greater autonomy.<sup>36</sup> The integrity of the Comoros union is unstable because the President of the largest island, Grande Comoros, and the president of the entire federation keep butting heads about their respective mandates.<sup>37</sup> The longevity of the ANC's tenure has put South Africa's quasi-federation at risk as the ANC tries to amass more power at the expense of the provinces.<sup>38</sup> The majority of Nigeria's states have little power and resources to implement their own agenda and the central government intervenes regularly in state affairs.<sup>39</sup> Sudan's federal arrangements are little more than a ruse – Khartoum pulls all of the strings, in part through its appointment and management of states governors.<sup>40</sup> Kenya's devolution has succeeded in sharing some national-level resources, but the national government can still use the national security apparatus to intervene in the politics of each local

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<sup>33</sup>Bednar, William N. Eskridge & Ferejohn. (2001), Bednar (2009).

<sup>34</sup>Suberu (2009), Kendhammer (2014).

<sup>35</sup>Keller (2002).

<sup>36</sup>Arriola (2013).

<sup>37</sup>Mohadji (2005).

<sup>38</sup>Klug (2000).

<sup>39</sup>Suberu (2009).

<sup>40</sup>El-Battahani & Gadkarim (2017).

county.<sup>41</sup>

Further, in some cases, the center is required to overstep the bounds of the federal agreement because sub-national units are too weak to uphold their end of the bargain.<sup>42</sup> Case studies of resource administration in Kenya indicate that poor coordination and communication between the national level and the devolved county level have harmed the promise of devolution to improve service delivery.<sup>43</sup> In some cases, the center has re-centralized authority because devolved governments have proved unable to step up, while citizens are demanding services. Similarly, citizens themselves may have little demand for robust decentralization because of the central state's relative strength in comparison to sub-national units.<sup>44</sup> When sub-national units are too weak to provide necessary resources, citizens opt for a more direct relationship with the center. Even though centralization means that citizens or groups must subject themselves to the demands of leader, they are assured at least some level of resources. In sum, in some cases, the state recentralizes simply so that it can function.

## **Ethnicizing the Polity**

Finally, while decentralization promises to reduce ethnicization, in practice, it has often done the opposite. This increased ethnicization is most likely under federalism, and has manifested in three primary ways: increased calls for secession, formalized discrimination against minority ethnic groups within sub-national units, increased salience of sub-unit ethnic differences.

Federalism in sub-Saharan Africa is based on the idea that national boundaries have arbitrarily lumped together different ethnic groups within a nation. Through federalism, each group is granted some level of autonomy within the greater nation. But, in creating a federation based on the importance of ethnic identity, and by creating sub-national units based on those ethnic homelands, federalism heightens feelings of ethnic differences and lowers emotional connections with the nation. Secessionist claims become more viable the stronger is federalism: sub-national units that have *de facto* control over their local armies, local administration, and legislatures can more easily launch a secessionist threat. But secession is also likely when federalism is not robust. Since groups were granted *de jure* autonomy because of their distinctiveness but not given *de facto* authority, political entrepreneurs within those groups can easily transform calls for federal

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<sup>41</sup>Hassan (2015).

<sup>42</sup>Relatedly, see Ziblatt (2006) for the adoption of a unitary state in Italy: both national and regional leaders preferred federalism at the time of unification, but regional-leaders were not strong enough to collect taxes for the center, so the center decided upon a unitary state where tax administration was centralized.

<sup>43</sup>For instance, see Tsofa, Molyneux, Gilson & Goodman (2017).

<sup>44</sup>Kendhammer (2015).

autonomy into calls for statehood.

It is therefore unsurprising that federalism has served as a stepping stone for secession claims. Soon after Congo's independence as a federal country, Katanga and South Kasai provinces violently fought for their secession, in part because of claims about ethnic differences with the rest of the country. Nigeria's federalism at independence led to the Biafran War, when the Igbo in the country's southeastern region tried to leverage regional autonomy into a new state. Sudan has implemented multiple federal constitutions, and each time, the result has been a civil war sparked by southern calls for secession from the culturally-different Muslim-Arab north.<sup>45</sup> More recently, the 2005 Comprehensive Peace Agreement granted southern regions autonomy. But given the ethnicized cleavages between north and south, and the federal autonomy that the south had, southern leaders mobilized a successful referendum for secession in 2011 with little interference from Khartoum, in part because of this regional autonomy.

In addition, federalism has resulted in formalized discrimination in some cases. Even when the law allows national citizens to live anywhere and forbids sub-national units from kicking out non-indigenous groups, outsiders – i.e., individuals who are not “indigenous” to the sub-national unit in which they reside – are often taxed for state resources and services or prevented from using those services in the first place. In Nigeria, for instance, groups “whose ethnic ancestry is not local to their official state of residence face systematic discrimination that denies them full ... citizenship and the political rights that come with it” (Kendhammer 2014, 396). The logic behind this discrimination is that resources are seen as belonging to the indigenous group of the state. Individuals from other ethnic groups are expected to “vote with their feet” and re-patriate to their home sub-national unit. The ethnicization of state resources therefore proves especially problematic for groups who are not large enough to have their own unit, or for individuals who do not identify with any group at all. For instance, in Ethiopia, those “who do not choose to identify with a specific *killil* [ethnic homeland] were left with no homelands from which to exercise the full measure of their rights vested in *killils*” (Mehretu 2012, 119). Many citizens tend to return to their home unit. This self-segregation promises to only further feed into the ethnicization of the polity.

Third, decentralization more broadly, has resulted in the increased salience of ethnic (or sub-ethnic) cleavages within sub-national units. As the amount of resources and power at the sub-national level increases, sub-national politicians are liable to mobilize electoral support by increasing animosity towards out-groups.<sup>46</sup> These sub-national cleavages can turn violent. For instance,

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<sup>45</sup>Sudan was granted independence as a unitary state, though provisions in the original constitution allowed for some degree of autonomy for the south. The country launched into a civil days at independence. Sudan implemented a federal constitution in 1972 to end the war. The peace was short lived as the south attempted to secede again in 1983.

<sup>46</sup>Posner (2005).

in Kenya, counties that had previously been fairly peaceful during the country's first three rounds of electoral violence saw local leaders fomenting violence against now rival ethnic groups within the same county.<sup>47</sup> Whereas elites mobilized supporters to fight for the presidency in the past, elites are now mobilizing supporters to fight for control over county governments.

## Conclusion

Proponents of decentralization have held it up as an institutional fix to many of sub-Saharan Africa's twin problems of incomplete democratization and ethnic violence. Decentralization promises to help democratization by lowering the stakes of national-level elections and by creating sub-national checks on the president. And decentralization can temper inter-ethnic tension by helping create buy-in into the status quo for ethnic groups out of power nationally, allowing these groups some authority to govern themselves sub-nationally.

In practice, decentralization has not lived up to its promises for three reasons. First, national leaders subvert decentralization reforms because they are unwilling to relinquish strong executive control of the state. When called upon to decentralize, leaders choose forms of decentralization that take away less of their authority or make implementation decisions that maintain their link to the periphery. Second, even when implemented, Africa's decentralization experiment has shown that there is little relationship between decentralization and democratization. Two countries with the most robust federalism on paper – Ethiopia and Sudan – are among Africa's most authoritarian. Other federal countries – Comoros, Nigeria – have regimes that are only classified as “partly free.” And the continent's two largest quasi-federal countries – Kenya, South Africa – have seen little turnover at the national level, suggesting a possible slide back into single-party dominance. Indeed, if anything, research suggests that federalism on the sub-continent is associated with non-democratic regimes.<sup>48</sup> And third, decentralization has led to unexpected results, similar to other attempts at institutional design. When federalism is crafted within deeply ethnicized societies like those in sub-Saharan Africa, the results have been the further ethnicization of the polity or an uptick in secession.

While decentralization advocates may lament the sub-continent's tepid foray into decentralization, this weak decentralization may be a blessing in disguise. Prominent research on the United States, for instance, a federal country with high national and sub-national state capacity, has convincingly shown that the country did not transition towards democracy until recently *because* of its

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<sup>47</sup>Malik (2017).

<sup>48</sup>Riedl & Dickovick (2013).

state structure.<sup>49</sup> Elites in sub-national units across the South used their constitutionally-mandated separation from the center to implement authoritarian practices against African-Americans, a minority ethnic group.

In conclusion, institutional design of a state's structure is not the panacea that was promised. Since those in power can affect the particulars of how decentralization is implemented, reforms to state structure are unlikely, on their own, to put African countries on a path towards democratization and inter-ethnic peace.

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<sup>49</sup>Gibson (2010), Mickey (2015).



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