

In the context of the current impassioned discourse over the nature of the federal system in Nigeria – revenue allocation, control of resources, the call for a sovereign national conference etc. – it may be consoling to be reminded that other federal systems have also experienced deep divisions and turmoil. A federation is defined as “the act of uniting with a league for common purposes, especially in forming a sovereign power with control of foreign affairs and defence while each member state retains control of internal matters.

Federations are popular globally: USA, Canada, Malaysia, Switzerland, the West Indies, Belgium, Australia etc. have all adopted one or the other type of federal systems. These range from co-ordinate, co-operative, coercive, co-coordinative to organic, according to the degree of accession of central power and the sharing of responsibilities and policy coordination between the center and the regions/states.

Throughout history, every federation has undergone crises, some so severe that the federation disintegrated – e.g. Rhodesia and Nyasaland, Singapore and Malaya state or others have been altered. I shall focus on the federal system in Australia because it has just celebrated its 100th anniversary. On the first day of the twentieth century, the six separate Australian colonies (N.S.W., Victoria, Queensland, South Australia, Tasmania and Western Australia) federated to become the Commonwealth of Australia, the only nation in the world to govern an entire continent and its outlying islands. (There is even the talk of expanding the federation to include New Zealand).

The founders of the commonwealth of Australia created a co-ordinate federal system in which the central and regional authorities would act independently of each other about topics so defined as to reduce to a minimum the possibility of overlap of confusion.

However, the depression and the Second World War necessitated increasing the powers of the federal government and led to the situation, unusual among federations, of the great concentration of revenue resources in the Australian federal government's hands and of law-making competence in state parliaments.

Unable to counter the commonwealth's superior financial strength, the states increasingly resorted to political weapons, using as their battle cries centralism and state might. Income tax is levied federally, and debate between the levels of government about access to revenue and duplication of expenditure functions is a perennial feature of Australian politics.

The Australian federation served as a model of federalism, which inspired the makers of the Nigerian Federal Constitution in the 1950s. The Australian legal system strongly influenced the evolution of the Nigerian legal system. The conceivers and designers of Abuja looked to Canberra as a model of a federal capital territory.

Like Nigeria, the creation of Australia's federal system preceded total independence from Britain but followed responsible self-government under their constitutions for the six colonies. The Australian Federal Constitution, like the US and unlike Britain, is a written one.

The Australian Constitution defines the responsibilities of the federal government, which include foreign relations and trade, defence and immigration. Governments of states and territories are responsible for the matters not assigned to the Commonwealth. A referendum is required to change the Australian Constitution.

Like the federal constitution, state constitutions originate from laws enacted by the British parliament. The power to change state constitutions, however, is by referendum. State parliaments and territory assemblies also follow the principles of responsible government and have governors appointed by the Queen, who is the Head of State.

Australia pioneered reforms, such as the secret ballot, underpin the electoral practices of modern democracies. Voting is compulsory for all citizens over 18. Aboriginal and Torres Strait Islander people have been able to vote since 1967 when Australians voted to change their constitution to give the federal government greater power to address the problems of indigenous people.

When Australians vote for the House of Representatives, which has 148 single-member constituencies, they must indicate a numbered order of preference for all candidates on the ballot. If one candidate does not have an absolute majority; the successful candidate is determined by the distribution of preferences. This full preferential system is

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# 100 years of federation blues

regarded as fairer than the 'first past the post' system, which can elect a candidate that a majority of voters in an electorate do not want.

Twelve senators are elected from each of the six states and two from each territory. Voter preferences are allocated under a system of proportional representation, with each state/territory considered as a single electorate. This gives independent candidates and minority parties a chance of being elected. Independents and small parties sometimes hold the balance of power in the Australian senate.

The Australian system tends to emphasize policy stances rather than the character of individual politicians. Political parties involve their members in developing policies and elected politicians rarely vote against their parties in parliament. Since 1984, a system of public funding administered by the Australian Electoral Commission and disclosure for election campaigns has been introduced.

Australia has an interest in supporting democratic processes throughout the world. Officers of the Australian Electoral Commission have assisted with elections in Zimbabwe, Uganda, Namibia, Mozambique, Western Sahara, Cambodia, Ethiopia, Malawi, Liberia, Zanzibar, Tanzania and South Africa. They have acted as consultants to the United Nations, the Commonwealth Secretariat, the International Foundation for Election Systems, and the International Institute for Democracy and Electoral Assistance.

The Australian Federal Constitution drew on elements from the U.K. USA, Canada and Switzerland. This led to certain contradictions. According to the British parliamentary system, governments are made and unmade by the lower house, i.e., the House of Commons, while in the US presidential system, the upper house, i.e., the Senate, representing the states as units of the federation, is the most powerful legislature.

In Australia, the election to the senate is by popular vote. This inherent contradiction produced a political and constitutional crisis in Australia in 1975. Then the federal government was controlled by the Labour Party, whose leader and the prime minister was Gough Whitlam.

The opposition Labour Party was led by Malcolm Fraser (soon thereafter to become General Obasanjo's close friend and colleague in the Commonwealth's eminent person group). In March 1975, the federal minister for minerals and energy was involved in a scandal over raising a loan of four billion dollars from the Middle East, without proper approval. The opposition accused the government of corruption and incompetence.

Through some dubious political bargaining, the opposition gained control of the Senate. It delayed passage of the government's financial

bills through the Senate to force the government "to go to the people" i.e., call an election.

With no supply of money to the government, a minor constitutional crisis loomed. The government refused to bow to the pressure. Whitlam declared: "Governments are made and unmade in the House of Representatives, not the Senate."

The opposition argued that the representative of the Head of State, the Governor-General should dismiss the Prime Minister and commission another Prime Minister who would dissolve parliament and call an election. The Chief Justice advised the Governor-General, Sir John Kerr,

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and in an unprecedented intensely controversial act, Kerr dismissed Prime Minister Whitlam on November 11, 1975.

In the general election which followed on December 13, there was a massive landslide in favor of the Liberal-Country Party Coalition and Malcolm Fraser became the new Prime Minister. He held office until 1983, thereafter he contested the office of the Secretary-General of the Commonwealth but lost to Chief Emeka Anyaoku. Fraser actively campaigned for Obasanjo's release from prison and was present at his friend's inauguration in Abuja as President of the Federal Republic of Nigeria.

The dismissal of the Whitlam government by Governor-General Kerr was perhaps the most dramatic and controversial event in Australia's constitutional and political history. Memories of it contributed to the debate regarding the future of the Australian system of government. Should the office of the Governor-General be retained? Should there be an Australian Head of State? Should an Australian Head of State possess the same powers as the Governor-General? In 1999, Australians voted in a referendum on whether to alter the constitution to establish the Commonwealth of Australia as a republic and replace the Queen and Governor-General with a President appointed by a two-thirds majority of parlia-

ment. This was the most significant attempt to change the Australian constitution since its enactment 100 years ago.

Publicly supporting the calls for the Australian Republic were both Whitlam and Fraser. The proposal did not succeed for some reasons but the issue will remain on the political agenda. In the meantime, bitter conflicts between the federal government and state governments, especially those led by the party of the federal opposition, continue over financial and economic allocations and policies.

From all the above, a lesson might be learnt for the Nigerian debate on federalism. Every federal country has found that a fairly high degree of control over public finance and the general lines of national economic policy has become essential in the contemporary world but in no case has this need caused the abandonment of federalism: instead, there have occurred fairly considerable re-allocation of functions, frequently by informal process of cooperative federalism rather than by formal constitutional changes in the legal competence of the federal units.

Both co-operative federalism, with its implied acceptance of the inviolability of state rights and coercive federalism based on notions of centralism or federal domination, must give way to a system of coordinative federalism in which decision-making responsibility is shared and the policies of different governments are coordinated.

Each federation has to work out its *modus vivendi* from its perspective. That depends of course from where the perspective is based. In Australia, there is a popular credo about perspective: "I believe the world is round and down under is on top."

From Australia, we can move up or down to Japan, for a joke in lieu of a numeracy rhyme this week. It is a joke which makes a very important point: one little word makes all the difference.

*The Japanese Prime Minister, Yoshiro Mori, speaks no English and is normally happy to work through interpreters. But on his way to meet Bill Clinton, a travelling Japanese sports reporter told him he should try five small words of English as a courtesy before reverting to the comfort of interpreters.*

*"Just say, 'How are you?' the reporter told Mori, 'he'll respond with 'I'm fine.' Then you can say 'Me too,' before going back to Japanese."*

*The first three words proved one too many for Mori. On being presented to Clinton in Washington, Mori firmly shook hands. "Who are you?" He enquired. The US President was reportedly taken somewhat by surprise but, in typical Clinton style, he laughed it off, replying: "I'm Hillary's husband."*