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Sovereignty and multiculturalism/ plurinationalism in the Indian and Nigerian federal systems of government[1]

Abstract

RESEARCH OBJECTIVE: The present article focuses upon the problem signalled in its title: to what extent the multicultural/plurinational nature of the Indian and Nigerian federations influences the distribution of sovereignty in those polities.

THE RESEARCH PROBLEM AND METHODS: The present research is related to two articles written by the same author, dealing with the problem of the divisibility/indivisibility of sovereignty in the federal systems of government. Both of them have led towards the conclusion that sovereignty is indivisible in federal systems of government and that it rests solely with the people (i.e. the political nation). The method applied in the present article is a comparative one (see remarks below too).

THE PROCESS OF ARGUMENTATION: First, both the basic concepts indicated in the article's title (i.e. the federal system of government; plurinationalism combined with multiculturalism; and sovereignty) as well as the analytical framework are clarified (all those elements taken together constitute the methodological spine of the text). What follows is an examination of both federal systems of government, structured by the analytical categories and analytical framework indicated above.

RESEARCH RESULTS: The research conclusion is that sovereignty is indeed indivisible in the analyzed variants of the federal system of government and it is associated with the political nation. Nevertheless, the multicultural/plurinational nature of both federations is not irrelevant for their general evolution, also involving the distribution of competences constituting sovereignty which are vested in the sovereign. That process (which is more advanced in India) can be described as a cautious decentralization.

CONCLUSIONS, INNOVATIONS AND RECOMMENDATIONS: Further research should involve comparisons with other federal systems of government and a more detailed examination of Indian and Nigerian federations in order to verify if the above interpretations (and trends) would remain valid in mid- to long-terms.

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federal system of government, India, multiculturalism/ plurinationalism, Nigeria, sovereignty

SUWERENNOŚĆ A WIELOKULTUROWOŚĆ/ WIELONARODOWOŚĆ W USTROJACH FEDERALNYCH INDYJSKIM I NIGERYJSKIM

Streszczenie

CEL NAUKOWY: Celem artykułu jest udzielenie odpowiedzi na pytanie postawione tytule: w jakim stopniu wielokulturowość/wielonarodowość wybranych państw federalnych (tj. Indii oraz Nigerii) wpływa na uplasowanie w nich suwerenności?

PROBLEM I METODY BADAWCZE: Badania te powiązane są z dwiema publikacjami autora, dotyczącymi zagadnienia podzielności/niepodzielności suwerenności w ustrojach federalnych. W obu wypadkach konkluzje wskazywały na niepodzielność suwerenności w ramach ustrojów federalnych, wynikającą z powiązania tej kategorii z ludem/narodem politycznym. W niniejszym tekście zastosowano metodę porównawczą (patrz także uwagi poniżej).

PROCES WYWODU: Najpierw omówiono zarówno główne kategorie analityczne wskazane w tytule (tj. ustrój federalny; wielokulturowość w powiązaniu z wielonarodowością; suwerenność), jak i analityczną strukturę tekstu (łącznie elementy te stanowią metodologiczną oś artykułu). Następnie przeprowadzono analizę obu ustrojów federalnych, posługując się wskazanymi powyżej kategoriami analitycznymi oraz strukturą analityczną.

WYNIKI ANALIZY NAUKOWEJ: Podjęte badania prowadzą ku następującemu wnioskowi: suwerenność, powiązana z narodem politycznym, jest niepodzielna w odniesieniu do obu badanych wariantów ustroju federalnego. Jednocześnie wielokulturowość/wielonarodowość nie pozostaje bez wpływu na kierunek zmian, jakim podlegają obie federacje. Związany jest on także z uplasowaniem w ich obrębie kompetencji składających się na suwerenność i powiązanych z suwerenem. Proces ten (bardziej zaawansowany w Indiach) określić można mianem ostrożnej decentralizacji.

WNIOSKI, REKOMENDACJE, INNOWACJE: Dalsze badania dotyczyć powinny porównań z kolejnymi wariantami ustrojów federalnych, a także monitorowania przypadków indyjskiego i nigeryjskiego w celu stwierdzenia, czy proponowane tutaj interpretacje oraz zaobserwowane trendy pozostaną istotne także w perspektywach średnio- i długookresowej.

Słowa kluczowe
    Indie, Nigeria, suwerenność, ustrój federalny,
    wielokulturowość/wielonarodowość

1. INTRODUCTION

The aim of the present article is to focus upon the problem signalled in its title: to what extent does the plurinational/multicultural nature of the chosen federal states influence the distribution of sovereignty in those polities. In order to answer this question (a) the basic concepts indicated in the article's title (i.e. the federal system of government, plurinationalism combined with multiculturalism and sovereignty) as well as (b) the analytical framework which organizes the following considerations need to be briefly clarified (both points when taken together constitute the methodological spine of the text). The research presented here is closely related to two articles written earlier by the author, dealing with the problem of the divisibility/indivisibility of sovereignty in federal systems of government (Bober, 2015; Bober, 2016). Both of them have led towards the conclusion that sovereignty

is indivisible in federal systems of government and that it rests solely with the people (i.e. political nation). Thus the role of the present text is also to verify the above mentioned assessment. In other words, one may ask: does the complex plurinationalism/multiculturalism typical for Indian and Nigerian societies adhere to the thesis which claims that sovereignty is indivisible in federal systems of government?

2. BASIC CONCEPTS AND ANALYTICAL FRAMEWORK

Of course the literature discussing the concept of a federal system of government includes a myriad of definitions. In order to pursue the aims of the present text a concise, working conceptualization of the federal system of government is going to be proposed.[2] It is inspired by the considerations of various authors taking part in the debate regarding the nature of federal polity (George Anderson, Ivo Duchacek, Daniel Elazar, John Kincaid, Jerzy Kranz, William H. Riker, Ronald L. Watts, Joseph F. Zimmerman etc.). Therefore a federal system of government is characterized by the following qualities, combining the elements that emphasize the unity and diversity of any federation (this conceptualization was originally included in Bober, 2016; it is broadened here):

(1)   There are at least two autonomous (but not sovereign) levels of government. Each of them is responsible for its own set of competences which are indicated in a constitution.

(2)   A constitution includes a set of rules guaranteeing the inviolability of the scope of the above mentioned autonomy. As a consequence, the competences of a given level of government cannot be unilaterally modified (i.e. limited, expanded or otherwise amended) by another level of government.

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2   The present author is of opinion that there is a distinction between the concepts of a federal system of government and federalism. The latter should be perceived as related to ideologies (with various degrees of conceptual advancement or coherence) arguing for the establishment of a federal system of government on a given territory or the reform of an already functioning one.

(3)   The establishment of a so called federal chamber of parliament. As a result the representatives of the sub-units of a given federation (states, provinces etc.) take part in matters concerning the federation perceived as a political whole.

(4)   The functioning of an umpire (usually it is a constitutional court) capable – among other things – of more or less precisely demarcating the spheres of competences at the levels of government mentioned above.

(5)   There are various bodies and procedures facilitating the cooperation between levels of government.

The qualities typical for any federal system of government outlined above can be described as formal or legal, as they are usually codified into a constitution. Their nature is relatively static. Nevertheless, in order to fully grasp the essence of a given federation, one needs to focus upon the political dynamics present within it too, because – as Wilfried Swenden (2013, p. 64-65) has remarked – "(…) there can be an important disjuncture between the legal and constitutional nature of a state and the actual dynamics of multilevel government within the state." The application of such a perspective opens the undertaken analysis also towards the questions regarding the political culture (every federal system of government creates a distinct federal political culture), federal spirit or Bundestreue (Burgess, 2012; Currie, 1994). This kind of a combined approach is used in the present article.

The second of the basic categories used in the article is plurinationalism. According to Michael Keating plurinationalism is "(…) the coexistence within a political order of more than one national identity, with all the normative claims and implications that this entails" (Keating, 2004, p. 26-27). If we add to Keating's conceptualization also other kinds of identities – cultural, ethnic, linguistic or religious – then certainly both federations considered in the present study can be described as states seeking "to accommodate a response to the *stimuli* of the diversity or plurality of the polities involved" (Moreno, 2005, p. 128). It is also possible to perceive them as model examples of plurinational states as defined by W. Swenden (this conceptualization also eliminates any doubts which could stem from Keating's narrower understanding of the term), for whom

> Plurinational or multinational states are states that are marked by the presence of at least two territorially distinct communities. Their territorial distinctiveness can be linked to the presence of a particular language, religion, tribe, a shared history, but above all a shared *understanding* of being part of a separate *political community* with a distinctive *identity* separate from or in addition to that of the state as a whole (Swenden, 2013, p. 61; the emphasis in italics is Swenden's).

The question regarding the accommodation of plurality in a single overarching polity (how to sustain unity while recognizing diversity?) brings us to the problem of multiculturalism too. For Bhikhu Parekh it is not a "political doctrine" or a "philosophical theory of man" but a certain "perspective on human life" (Parekh, 2006, p. 336). There are three elements ("insights") which constitute that attitude (Parekh, 2006, p. 336-338):

(1) Human beings are deeply rooted in the culture that surrounds them, but at the same time they are capable of being critical towards it and to be open towards other cultures.

(2) No culture encapsulates the totality of human existence and experience. As a result, a dialogue (of equal conversational partners) among cultures in necessary in order to grasp the richness of human life.

(3) Cultures and identities closely intertwined with them are ever-evolving (and thus very dynamic). At the same time, they are basically never *sui generis* in that their evolution is rarely happening in a total isolation.

In plurinational polities the adoption of Parekh's multicultural perspective on human life is probably necessary if such a polity is to survive and be economically, politically or socially successful. Thus in the present text we also ask how the plurinational bases that are present in Indian and Nigerian societies influence their constitutional superstructure, and if that influence is inspired by a multicultural perspective on human life?

The understanding of the concept of sovereignty applied in the present considerations is primarily informed by the philological definitions of that term. In such languages as Czech, English, French, German, Polish, Portuguese and Spanish (Bober, 2015; Bober, 2016) sovereignty is understood as the highest authority functioning on a given territory. Consequently, there is a relatively firm view questioning any notions

stressing that sovereignty is divisible. It is logically impossible to encounter two highest authorities functioning on the same territory at the same time. The combination of a philological perspective with a critical approach to theoretical considerations regarding sovereignty undertaken recently by lawyers, philosophers and political scientists (e.g. Jürgen Habermas, Robert Jackson, Jerzy Kranz, Neil MacCormick, Andreas Osiander, Daniel Philpott, Ryszard Stemplowski, Michel Troper etc.) have resulted in the following understanding of sovereignty (Bober, 2014, p. 15-18; the conceptualization is slightly modified here; it mentions both the internal and external dimensions of sovereignty, albeit in the present article the emphasis is put on the former):

(1)   Sovereignty is the supreme authority;

(2)   If it is the supreme authority, its indivisibility must be assumed (only one supreme authority can exist at a certain point in time and on a given territory);

(3)   Such a supreme authority belongs in a given state to the sovereign (usually the people, i.e. political nation) and is enshrined in the constitution;

(4)   There is a strong correlation between the concept of sovereignty (in its internal aspect) and the concept of a democratic legal state, as only within such a context is the sovereign able to freely express itself through various channels of social communication;

(5)   Sovereignty can be understood as the sum of various competences at the disposal of a sovereign (hence the above question regarding the distribution of sovereignty);

(6)   Sovereignty has two facets – internal and external. In both spheres the sovereign can act without interference from other subjects (this does not mean that, for example, the external context shall not be taken into account or that there are no legal obligations stemming from international treaties etc. which the states can sovereignly join or leave);

(7)   It is impossible to cede a part of indivisible sovereignty, as it is qualitative and not quantitative (hence it is not possible to be partially sovereign);

(8)   It is possible, however, to entrust the enactment of certain competences; for example, to an international organization;

(9)   Such an entrustment can concern only a certain set of competences, because the ones essential for the constitutional identity of a given state must remain with it and hence with the sovereign (otherwise it would not be sovereign anymore);

(10)   Such an entrustment of competences is revocable as the state remains sovereign;

(11)   In an interdependent world, the aim of common actions undertaken by various states is to enhance a state's sovereignty and not to diminish it;

(12)   The legal equality of sovereign states does not stipulate their equal capacity to act.

Finally, a brief sketch of the analytical framework orienting the consideration of each federal system of government discussed in the text needs to be presented. It is inspired by the approach proposed recently by W. Swenden (2013). In his opinion there are various strategies for governing plurinational states (Swenden, 2013, p. 65-71). In order to grasp them, it is crucial for us to focus upon a set of elements. First of all, the context in which a given strategy emerges or is being perfected needs to be considered. In the present article that context is understood broadly and includes primarily the social diversity of a given country (it is an element that adds certain dynamics to the federal system of government in that diversity is usually reflected in a political situation). Second, the number and size (especially in terms of population) of the sub-state units matter as it may be the source of serious systemic imbalances. Last but not least, institutional design of a territorial autonomy given to the sub-state units deserves a close scrutiny (as Swenden himself acknowledges; in that respect his thinking was influenced by M. Keating [2004]. Its examination should take into account three questions. What is the scope of sub-state units' autonomy (the element of diversity)? To what extent can sub-state units participate in matters important for the state perceived as a whole (the element of unity)? Is symbolic recognition granted to varied identities present in a given plurinational/multicultural state? In Swenden's words "Symbolic recognition assumes that national political elites are willing to identify the state as plurinational and recognize that it encompasses multiple, but possibly complimentary identities (Punjabi and Indian, Sindhi and Pakistani, Tamil and Sri Lankan)" (Swenden, 2013, p. 71).

3. THE INDIAN FEDERAL SYSTEM
OF GOVERNMENT

To say that India is one of the most complex societies in the world is a truism. According to the somewhat lyrical opinion of M.V. Pylee,

> The diversity of India is tremendous; it is obvious; it lies on the surface and anybody can see it. And yet, beneath the diversity of physical and social features, language and custom, race and religion, there exists an underlying unity and uniformity of life and living habits from Kashmir to Kanyakumari and from Gujarat to Nagaland (Pylee, 2007, p. 39).

Of course that picture is confirmed – or at least the first part stressing diversity – by statistical data. The results of the most recent 'Census of India' carried in 2011 show that in terms of religion 79.80% of Indian population declare Hinduism as their faith, 14.23% Islam, 2.30% Christianity, 1.72% Sikhism, 0.70% Buddhism, 0.37% Jainism and 0.9% other religions or no religion. Even though the domination of Hinduism is clear, in absolute numbers the diversity and size of the non-Hinduist populations is striking. In a general population of 1 210 854 977 people, there are 966 257 353 Hinduists, 172 245 158 Muslims, 27 819 588 Christians of various denominations, 20 833 116 Sikhs, 8 442 972 Buddhists, 4 452 743 Jains and 10 805 037 people of other or no religion (Census 2011). Linguistically India is even more diverse. According to 2001 'Census of India' (Census 2001) there were 29 languages with more than one million native speakers. The biggest among them were Hindi (422 048 642 speakers; 41.1% of the population), Bengali (83 369 769; 8.11%), Telugu (74 002 856; 7.19%) and Marathi (71 936 894; 6.99%). The above data certainly shows India to be a multicultural state. That context cannot be irrelevant for the Indian federal system of government.

When it comes to the territorial structure of Indian federation, there is no apparent imbalance involved. The Indian federation consists of 29 states and 7 Union Territories. The sub-units are of course varied in terms of their populations, but the situation does not resemble Australia (the population of New South Wales is 34% of the total population), Argentina (38% of the country's population lives in Buenos Aires Province) or Canada (39% in Ontario) cases

(Anderson, 2008). Although the number of inhabitants in the most populous state of Uttar Pradesh (Census, 2011) is indeed substantial (199 812 341; it equals 16.5% of India's total population), it does not eclipse other states like Maharashtra (112 374 333; 9.28%), Bihar (104 099 452; 8.6%) or West Bengal (91 276 115; 7.54%). There are much less populated sub-units too, but what is rather clear is that in the Indian federation one cannot find a single sub-unit which – due to the size of its population and the economic potential usually related to it – that dominates over the whole political system (Watts, 2008). It is important to add that some multicultural factors (linguistic and tribal but not religious (Bhattacharyya, 2010); the Preamble of the Constitution declares India to be a secular state respecting liberty of faith) play a very important role as a rationale for the creation of the new sub-units (Mathew, 2005). That process is probably not over yet, as there are sustained calls for the creation of further states; for example, Vidarbha from a part of the territory of Maharashtra or the division of Uttar Pradesh (Saxena, 2013). The newest Indian state, Telangana, was formed on 2 June 2014.

After having briefly described the multicultural context of Indian federal system of government and the basic characteristics of its sub-units, our attention should now turn to the competences of those sub-units (that is, the question regarding the distribution of sovereignty in Indian federal polity). Certainly, it is important to consider the preamble of the Indian constitution first, as it includes crucial information regarding the question of sovereignty. In spite of various and at times deep differences among them, it is "the people of India" who decided to "constitute India" and to "adopt" the constitution. Among the aims which are being pursued by the thus established Indian state (e.g. social justice, liberty of thought, equality of status and opportunity), the preamble mentions also fraternity. The pursuit of that objective is associated with "the unity and integrity of the Nation," hence one can argue that a continuing functioning of the united Indian state is among the most important of constitutional principles (in that context article 51A is very interesting: it is the duty of every citizen "to uphold and protect the sovereignty, unity and integrity of India"). In the face of the above, it is beyond doubt who is the holder of sovereignty: it is the Indian people; that is, the Indian political nation. That statement is additionally reinforced by article 1, describing

India as the "Union of States" (indicating a top-down model of federation establishment), especially if a dominant – at least up to a certain point in time – constitutional and political practice of putting more stress on the union rather than on the states stemming from it is taken into account (it gave the origin to the perception of India as a "quasi-federation" [Watts, 2013, p. 24] or a "federation without federalism" [Mathew, 2005, p. 168]; frequently it is associated with articles 250, 355, 356 and 365 of the constitution [Austin, 1999; Mathew, 2005]).

Even in the face of the above considerations it needs to be acknowledged that the competences of the sub-units of the Indian federation are not negligible (Bhattacharyya, 2010). According to the Seventh Schedule of the Constitution, for example, they are related to: public order, policing, local government, public health, communication infrastructure, agriculture or water supply. Nevertheless, their constitutional position in the Indian federal system of government, even if they are improving (see below), cannot be described as excessively powerful. It is additionally limited by the persisting centralization of fiscal relations in the federation (Saxena, 2013), sometimes coupled with politically influenced financial arrangements (Govinda Rao & Singh, 2005). Of course, the individual states are not capable of blocking constitutional amendments related to the so-called federal provisions (article 368; when it comes to the threshold, such an amendment must be ratified by the Legislatures of no less than one-half of the states). Their symbolic recognition cannot be perceived as exaggerated either, as the states do not have their separate constitutions; there is no separate judicial system, governors are nominated by the president etc. (Majeed, 2005).

Certainly, then, the sub-units of Indian federation are not sovereign or even co-sovereign, as beyond any doubt, sovereignty is vested in the Indian people and – as for example S. Sen argues (2007, passim) – rather actively used by it. On the other hand, if political dynamics are taken into account as it was suggested earlier, it has to be remembered that the position of the sub-units in the Indian federation is evolving. One of the factors adding momentum to that process is India's internal diversity (multiculturalism/plurinationalism). Among the four "important changes" which in recent decades have modified the ultra-centralist nature of Indian federal system of government, M. Govinda Rao mentions (1) "the replacement of the

dominance of one-party rule with coalition governments at the centre and in some states," (2) "the emergence of regional parties" leading to various and at times contradictory state-centric policy agendas and (3) the growing influence of regional parties at the centre – due to coalition politics – related to the already mentioned "asymmetric arrangements in the functioning of fiscal federalism" (Govinda Rao, 2007, p. 155). This constant decentralizing trend is seemingly pushing India further away from "quasi-federal" system of government towards a "real" federal system of government and ever-stronger regionalism, at the same time it is not without its contradictions, as the observations of Shashi Tharoor (2007) and Rekha Saxena (2013) prove. Thus multiculturalism/plurinationalism can be described as an important feature shaping the development of Indian political system, however until now its influence was/is not strong enough to justify the need for a radical overhaul of the above presented views regarding the main features of the distribution of sovereignty in it.

4. THE NIGERIAN FEDERAL SYSTEM OF GOVERNMENT

J. Isawa Elaigwu, one of the most renowned academics who specializes in the Nigerian federal system of government, recently described Nigeria as an "extraordinarily heterogeneous society" (Isawa Elaigwu, 2007a, p. 11). That statement is confirmed by the statistical estimates provided in the overview of that country by the CIA's World Factbook (CIA, 2016). The estimated population of Nigeria is over 180 million and it is the most populous of the African states. The Nigerian population is composed of more than 250 ethnic groups. Among them the most important ones are (in numerical as well as political terms): Hausa/Fulani (29% of the overall population), Yoruba (21%) and Igbo/Ibo (18%). Other substantial groups are Ijaw (10%), Kanuri (4%), Ibibio (3.5%) and Tiv (2,5%). The most important languages are English, Hausa, Yoruba, Igbo/Ibo and Fulani. Besides them there are hundreds of smaller languages spoken in the country. In terms of religious denomination, the most substantial groups are Muslims (50%) and Christians of various denominations (40%). When it comes to the geographic distribution of ethnic and religious

groups, the predominantly Muslim Hausa/Fulani are concentrated in the Northwestern part of Nigeria (probably the most explicit expression of that concentration of Muslim population in that region is the fact that twelve northern states – Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe, Zamfara [Paden, 2005] – chose to introduce some form of shari'a law), Igbo/Ibo (usually Christian) usually reside in the Southeast and finally Yoruba (mixed group in terms of religion) inhabit the Southwest (Akaayar Ayua & Dakas, 2005). As those authors add

> (…) almost a century of living under one rule has dispersed people of all ethnic and religious groups throughout all parts of Nigeria. While that dispersion has reduced the country's traditional divide between the Muslim North and Christian South, it has also produced interreligious and interethnic violence in some parts of Nigeria, such as Kano in the North, resulting in more than 10,000 deaths in recent years (Akaayar Ayua & Dakas, 2005, p. 241).

Overall then, Nigeria certainly is a multicultural/plurinational state. What is important – and as the quotation above indicates – the country is not free from internal strife. The tensions between the various communities have a long history, though its intensity tends to differ in various periods of time. The biggest eruption of internal violence in the history of Nigeria was of course the Biafran War (1967-1970) which claimed the lives of between one and three million people (Hill, 2012). These internal dynamics did have and do have enormous influence on the evolution of the Nigerian federal system of government because, for example, the creation of the new states was usually influenced by factors related to identity and the status of various minorities etc. (Suberu, 2008).

The Federal Republic of Nigeria consists of 36 states and the Federal Capital Territory (Abuja). In terms of territory, the biggest states are in the northern part of the country: Niger (76 363 square kilometeres), Borno (72 898), Taraba (54 473) etc. However, from the demographic point of view the picture is different (Census 2006), as the most populous states are Kano (9 383 682 inhabitants), Lagos (9 013 534), Kaduna (6 066 562), Katsina (5 792 578), Oyo (5 591 589) and Rivers (5 185 400). What is of importance here is the fact that three of the most populous states are non-Northern (Lagos, Oyo and

Rivers). Moreover, the southern part of the country is also administratively more fragmented as it comprises more sub-units on a smaller portion of the national territory than its northern counterpart. At the same time, however, it is more densely populated. Certainly then, the Nigerian federation – because of its structural features – is not dominated by any of its sub-units.

The next question regarding the Nigerian federal system of government is whether that multicultural/plurinational context is affecting the distribution of sovereignty? The Nigerian constitution does not leave a reader with many doubts in that respect. The opening sentence of the preamble stipulates that the constitution is made and enacted by "the people of the Federal Republic of Nigeria." That message of unity is reinforced in the first paragraph: the Nigerian people resolve "to live in unity and harmony as one indivisible and indissoluble sovereign nation." The double stress put on unity – indivisibility and indissolubility – certainly can be interpreted as a reference to the legacy of internal divisions turning into violent conflicts. It is additionally reinforced in the following paragraph indicating that among other purposes of the Constitution, there is also a consolidation of the unity of Nigerian people. Hence the question of sovereignty and sovereign is conclusively resolved at the very beginning of the constitution (it is another question – although not unimportant from the point of view of the present considerations – to what extent "the people" were indeed involved in the debates leading to the enactment of the 1999 Nigerian constitution [Akaayar Ayua & Dakas, 2005]). In its further parts the references to that question are intertwined with frequent mentions of Nigeria's territorial integrity, and only confirm the above interpretation. For example article 2 (1) repeats that "Nigeria is one indivisible and indissoluble sovereign state (…)" and article 14 (1) (a) states that "sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority (…)." References to territorial integrity of the country appear in regulations related with the functions of the National Defence Council (Third Schedule, article 17) and oaths of office (e.g. in the case of president, vice-president, governor of a state, deputy governor, minister, member of the national assembly).

When it comes to the distribution of sovereignty (i.e. competences) in the Nigerian polity it should be noted that it is a very

centralized federation, hence some students of federal systems of government classify it as an example of a "hybrid" system, combining apparent features of a federation with many aspects of a highly centralized or even unitary state (Osieke, 2006; Isawa Elaigwu, 2007b). What reinforces these centralizing tendencies are predominantly the legacy of internal strife, the long-term tight control of a political system by the military as a response to such crises, and – last but not least – "centralized redistribution of southern-based oil revenues" (Suberu, 2001; Suberu, 2015; in both publications Suberu describes Nigerian federal system as "hypercentralized"). The constitution includes (Second Schedule) the lists of powers belonging either exclusively to the federal level of government or concurrently to the federal level and the sub-units. The powers neither enlisted nor ascribed to the local governments belong to the sub-units. Although they are not insubstantial (the health service, rural development, social welfare etc.) the tilt towards the federal level is self-evident (Isawa Elaigwu, 2006). As a consequence, the centralization of fiscal relations (states – although responsible for a substantial part of public spending – are heavily dependent on fiscal transfers from the centre), the weakness of democratic standards (electoral fraud is not infrequent), a fractious political culture and numerous interventions of federal government in intra-state matters lead to a general conclusion that the influence of states at the federal level of power is relatively weak (Suberu, 2013).

Similarly, the symbolic recognition of the internal diversity of Nigeria leaves its student with somewhat paradoxical conclusions. On the one hand, the formal structure of the Nigerian federation is in itself a symbolic recognition of the multicultural/plurinational reality of that country (as discussed above). What is more, the states have their separate judiciaries, elected governors etc. However, on the other hand, the inherent centralizing streak of the Nigerian model leaves states with very limited influence over policing and public security, without their own constitutions, which creates a risk of the potential intervention of the federal government (often perceived at the state level as arbitrary) etc. It could be argued then, that in Nigeria the ultimate trade-off involved in a recognition of differences at the sub-unit level, was the states' weak political weight in a federal system.

In 1999 Wole Soyinka, the Nobel prize winner in literature in 1966, described his native Nigeria's experiment with the federal system of government with the following words:

> Nigeria serves (…) as a prime example of the failed federation, but perhaps failure is the wrong word, for it implies that an attempt has been made in the first place, one that unfortunately ended in failure. The truth is that, beyond the first four years of independence, the federal principle was simply thrown overboard. A deliberate subversion of the rational relations of the states to the centre was embarked upon, upsetting the balance between federal authority, the states and even local government (Suberu, 2001, p. 172).

Nigeria's post-1999 experiment in a democratic federation certainly could be perceived as such an attempt, albeit undertaken in a very centralist context. Because of that, it is frequently perceived as unsatisfactory. As a result, there are numerous calls for a thorough overhaul of Nigeria's constitution. Even if such a process of a deep reform was initiated, however, it probably would not lead to changes regarding any of its basic rules associating sovereignty with the Nigerian people. Nevertheless that sovereign, if given a chance, probably would distribute sovereignty (i.e. the competences constituting it) vested in it, in a noticeably different fashion, and thus directing the country away from "hybrid" model and towards a "real" federal system of government instead.

5. CONCLUSION

The undertaken research has led to the general conclusion which confirms that sovereignty – both in spite of and because of the dense multicultural/plurinational nature of both Indian and Nigerian states – is indivisible in the analyzed variants of the federal system of government (in both cases it is vested in "the people," that is, the Indian and Nigerian political nations). Thus the provisional thesis presented in the first part of the article has been confirmed. Nevertheless, the multicultural/plurinational aspect of both federations is not irrelevant for their general evolution, with the internal political dynamics and distribution of competences belonging to the sovereign.

As a consequence then, it can be perceived as the element adding dynamic to the deliberations regarding the constitutional framework. In both cases multiculturalism/plurinationalism first served as a justification of centralist tendencies suppressing the real and potential internal conflicts (in Nigeria's case they were extreme, leading to the prolonged military governments). However, in the later stages of the evolution of both the federal systems of government that factor become an important incentive leading towards the creation of new federal sub-units, often organized on the basis of the criteria related to various kinds of identities, and their relative empowerment. Therefore, it is possible to assume that the political processes and distribution of sovereignty in both countries is at least to a certain degree inspired by Parekh's "multicultural perspective on human life." That process seems to be more advanced in India (although it is not without its contradictions) than in Nigeria. Nevertheless, the latter case should not be underestimated, as the very return of non-military governments is an advance in itself, creating, albeit arduously, a civic space necessary for a sovereign to be engaged in a multilayered deliberation regarding the constitutional future of the country. Probably then, in both cases a certain reshuffle with regard to the distribution of sovereignty (i.e. the competences constituting it) can be expected, with sub-units gaining as a result more powers vis-à-vis the federal level of government (in India it could possibly happen even in a short-term perspective, in Nigeria it is probably a matter of mid-term or long-term perspective). The above interpretation should be additionally perceived in the context of the correlation between sovereignty and the democratic legal state. As a result, it can be argued that India's sustained democratic experience is possibly the most important reason for its evolution towards a "real" federation and there is a noticeable loosening of the centralist grip. It is also responsible for a relative refinement of a federal political culture, federal spirit etc. In Nigeria in turn – because of military governments severely limiting or excluding the participation of a popular sovereign in current or constitutional politics – such developments seem to be less advanced. Nonetheless, the democratization initiated in 1999 can be perceived as a crucial first step necessary for the de-hybridisation of that federal system of government. Further research stemming from the above interpretations should be focused upon two

issues. First, comparisons with other federal systems of government are crucial. With regard to the divisibility/indivisibility of sovereignty and its distribution, the cases of Belgium, Ethiopia and Bosnia and Herzegovina may well be particularly interesting. Second, a permanent close inspection of the Indian and Nigerian federal systems of government is important, in order to verify if the above interpretations would remain valid in the future and both federations would indeed continue – although at a different pace – their paths towards more "real" federal models.

Bibliography

Akaayar Ayua, I., & Dakas, D.C.J. (2005). Federal Republic of Nigeria. In J. Kincaid, G. Alan Tarr (Eds.), *Constitutional Origins, Structure and Change in Federal Countries*. Montreal & Kingston–London–Ithaca: McGill-Queen's University Press.

Anderson, G. (2008). *Federalism. An Introduction*. Toronto – New York: Oxford University Press Canada.

Austin, G. (1999). *Working a Democratic Constitution. The Indian Experience*. New Delhi – New York: Oxford University Press.

Bhattacharyya, H. (2010). *Federalism in Asia. India, Pakistan and Malaysia*. Abingdon – New York: Routledge.

Bober, S. (2014). The Concept(s) of Sovereignty in the Scottish Independence Debate. *Horyzonty Polityki, 13*, Vol. 5, 11-39.

Bober, S. (2015). Gdzie uplasować suwerenność w ustrojach federalnych? Wprowadzenie do analizy ustrojów Argentyny, Stanów Zjednoczonych Ameryki oraz Szwajcarii. *Horyzonty Polityki, 14*, Vol. 6, 161-194.

Bober, S. (2016). Status prawny ludów tubylczych a kwestia podzielności/niepodzielności suwerenności w ustrojach federalnych Argentyny, Meksyku i Stanów Zjednoczonych Ameryki. In B. Szlachta, A. Krzynówek-Arndt (Eds.), *Suwerenność. Wybrane aspekty*. Kraków: Akademia Ignatianum w Krakowie i Wydawnictwo WAM, 187-217.

Burgess, M. (2012). *In Search of the Federal Spirit: New Comparative Empirical and Theoretical Perspectives*. Oxford: Oxford University Press.

Census of India 2001. Retrived from http://www.censusindia.gov.in/2011-common/census_data_2001.html.

Census of India 2011. Retrived from http://censusindia.gov.in/.

Constitution of the Federal Republic of Nigeria.

Currie, D.P. (1994). *The Constitution of the Federal Republic of Germany*. Chicago – London: The University of Chicago Press.

Govinda Rao, M. (2007). Republic of India. In A. Shah (ed.), *The Practice of Fiscal Federalism. Comparative Perspectives*. Montreal & Kingston – London – Ithaca: McGill-Queen's University Press.

Govinda Rao, M., & Singh, N. (2005). *The Political Economy of Federalism in India*. New Delhi: Oxford University Press.

Hill, J.N.C. (2012). *Nigeria Since Independence. Forever Fragile?* Basingstoke – New York: Palgrave Macmillan.

Isawa Elaigwu, J. (2006). The Federal Republic of Nigeria. In A. Majeed, R.L. Watts, & D.M. Brown (Eds.), *Distribution of Powers and Responsibilities in Federal Countries*. Montreal & Kingston – London – Ithaca: McGill-Queen's University Press.

Isawa Elaigwu, J. (2007a). Nigeria's federal framework dampens ethnic conflicts. *Federations*, October/November 2007, 11-12.

Isawa Elaigwu, J. (2007b). *The Politics of Federalism in Nigeria*. London – Abuja: Adonis & Abbey Publishers Ltd.

Keating, M. (2004). *Plurinational Democracy. Stateless Nations in a Post-Sovereignty Era*. Oxford – New York: Oxford University Press.

Majeed, A. (2005). Republic of India. In J. Kincaid, & G. Alan Tarr (Eds.), *Constitutional Origins, Structure and Change in Federal Countries*. Montreal & Kingston – London – Ithaca: McGill –Queen's University Press.

Mathew, G. (2005). India (Republic of India). In A.L. Griffiths (Ed.), K. Nerenberg (Coord.), *Handbook of Federal Countries*. Montreal & Kingston – London – Ithaca: McGill – Queen's University Press.

Moreno, L. (2005). Multiple identities and global meso-communities. In G. Lachapelle & S. Paquin (Eds.), *Mastering Globalization. New substates' governance and strategies*. Abingdon – New York: Routledge.

Nigeria 2006 Census. Retrived from http://www.population.gov.ng/index.php/censuses.

Osieke, E. (2006). The Federal Republic of Nigeria. In K. Le Roy, Ch. Saunders (Eds.), *Legislative, Executive and Judicial Governance in Federal Countries*. Montreal & Kingston – London – Ithaca: McGill – Queen's University Press.

Paden, J.N. (2005). *Muslim Civic Cultures and Conflict Resolution. The Challenge of Democratic Federalism in Nigeria*. Washington D.C.: The Brookings Institution.

Parekh, B. (2006). *Rethinking Multiculturalism. Cultural Diversity and Political Theory (Second Edition)*. New York – Basingstoke: Palgrave Macmillan.

Pylee, M.V. (2007). *An Introduction to the Constitution of India (Fifth Edition)*. New Delhi: Vikas Publishing House PVT LTD.

Saxena, R. (2013). India. A hybrid federal-unitary state? In J. Loughlin, J. Kincaid & W. Swenden (Eds.), *Routledge Handbook of Regionalism and Federalism*. Abingdon – New York: Routledge.

Sen, S. (2007). *The constitution of India. Popular Sovereignty and Democratic Transformations*. New Delhi – New York: Oxford University Press.

Suberu, R.T. (2001). *Federalism and Ethnic Conflict in Nigeria*. Washington D.C.: United States Institute of Peace.

Suberu, R.T. (2008). Nigeria. Crafting a Compromise between the Accommodation and Integration of Diversity. In R. Chattopadhyay, A. Ostien Karos (Eds.), *Dialogues on diversity and Unity in Federal Countries*. Ottawa: Forum of Federations and International Association of Centers for Federal Studies.

Suberu, R.T. (2013). Nigeria. A Centralizing Federation. In J. Loughlin & J. Kincaid, W. Swenden (Eds.), *Routledge Handbook of Regionalism and Federalism*, Abingdon – New York: Routledge.

Suberu, R.T. (2015). Managing Constitutional Change in the Nigerian Federation. *Publius. The Journal of Federalism*, *45 (4)*, Fall 2015, 552-579.

Swenden, W. (2013). Territorial strategies for managing plurinational states. In J. Loughlin, J. Kincaid & W. Swenden (Eds.), *Routledge Handbook of Regionalism and Federalism*. Abingdon – New York: Routledge.

Tharoor, S. (2007). *India. From Midnight to the Millennium and Beyond*. New Delhi: Penguin Books.

The Constitution of India.

The World Factbook – CIA. Retrieved from https://www.cia.gov/library/publications/the-world-factbook.

Watts, R.L. (2013). Typologies of Federalism. In J. Loughlin, J. Kincaid & W. Swenden (Eds.), *Routledge Handbook of Regionalism and Federalism*. Abingdon – New York: Routledge.

Watts, R.L. (2008). *Comparing Federal Systems (Third Edition)*. Montreal & Kingston – London –Ithaca: McGill – Queen's University Press.