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## Canadian Federalism and Quebec's Struggle for Secession: Can Nigeria Learn Any Lesson in Relation to Biafra?

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### **Abstract**

*Secessionism is one of the trending issues shaping discourses in modern political history or studies today. The end of the Cold War brought about new secessionist aspirations and the strengthening and re-awakening of existing or dormant separatist claim elsewhere (Kohen 2006, 2). Further, Woodrow Wilson's Fourteen Points (Woodrow Wilson, 1918) which emphasized self-determination of all people also played a role in this self-determination awareness. Today, many developed and developing countries have witnessed secession struggle by groups of people who felt marginalized either economically, culturally, or politically, within their boundaries. Quebec, in Canada, is no exception amongst states, provinces, or groups that have attempted secession at one point or the other. The province has, in 1980 and 1995 respectively, attempted to breakaway and obtains its independence from Canada. This paper explores the rationale behind the moves by Quebec toward secession or better still, self-determination, and how the Canadian government has dealt with this issue, to have prevented the secession struggle from escalating into full scale war as opposed to what we have witnessed in the case of Nigeria against Biafra between 1967 and 1970. It will argue that Canadian government, unlike Nigeria, has been able to deal with this issue in the best possible ways, especially through executive federalism. The paper will conclude by recommending the Canadian template for Nigeria, and other countries aspiring to deal successfully with challenges of secession.*

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### **INTRODUCTION**

Quebec became one of the founding members of the Dominion of Canada on 1 July 1867 when it joined New Brunswick, Nova Scotia and Ontario in Confederation (Tatterie, 2014). This arrangement was concluded with the signing of the British North American Act commonly referred to as BNA, in 1867. The British North America Act was an act of the British Parliament passed on July 1, 1867. It created the Dominion of Canada and sets out its constitution.

The Act, however, was stationed in London, England, until when it was patriated by the Constitution Act of 1982. The BNA was an important Act which laid out the structure of the government of Canada and listed divisions of powers between the federal government and provincial governments (BNA Act, 1867). The Act granted Quebec a government of its own and included provisions that made French the official language of the Province's legislature and court, sanctioned separate Protestant and Catholic school systems, and allowed Quebec to continue its civil law, as opposed to common law system (Bakkie 2015, 188). Furthermore, the BNA Act, in sections 91-95, dealt with divisions of power between the federal and provincial governments (BNA Act, 1867). In it, all residual powers rested with the centre in a clause, giving the centre the responsibility for peace, order and good government; the Act also gave the federal government access to indirect taxes while income taxes were to be shared among the federal and provincial governments, making the federal government the financially more powerful actor (Bakkie 2015, 188-9).

One would, on the surface, expect that with the towering image and influence of Quebec

amongst other provinces and at the federal level, it had found a resting place in the Canadian federal arrangement. Surprisingly, however, reverse has been the case. The province has attempted to secede from Canada on two different but historic occasions. The first referendum for secession was held in 1980, while the second took place in 1995, with the province losing to the federalists at both attempts. This paper explores the rationale behind the moves by Quebec toward secession or better still, self-determination, and how the Canadian government has dealt with this issue, to have prevented the secession struggle from escalating into full scale war as opposed to what we have witnessed in the case of Nigeria against Biafra which lasted from 1967-1970. It will argue that Canadian government, unlike Nigeria, has been able to deal with this issue in the best possible ways, especially through executive federalism. The paper will conclude by recommending the Canadian template for any country aspiring to deal successfully with challenges of secession.

This paper is divided into five sections. The first focuses on clarification of concepts such as federalism and secession. Second deals with the two referendums of 1980 and 1995 respectively. The third section will introduce the techniques and strategies used by the successive governments of Canada to ensure that Quebec remains within Canada. The fourth section will compare Canadian federalism with Nigerian federal system to determine the effectiveness of the strategies used by these two countries in dealing with issues of secession they have been faced with. The final part will conclude this essay.

## **CONCEPTUAL CLARIFICATION**

### **Federalism**

The term federalism is a complex term; hence, it is subject to multiple definitions which overlap with one another in various ways and sometimes conflict (John Law 2013, 1). Federalism is considered to describe the relationship between the alliance and union of independent subjects, with the purpose of reaching common goals (Betaveljik 2012, 26). Federalism is also a form of government in which there is a division of powers between two levels of government of equal status (John Law 2013, E106).

In addition, federalism is a political organization in which the activities of the government are divided between the regional and central government in such a way that each kind of government has some activities on which it makes final decision (Williams V, 101). And finally, according to Kenneth Wheare's historic definition of federal system in 1946, 'by the federal principle I mean the method of dividing powers so that the general and regional governments are each, within a sphere, co-ordinate and independent (Wheare 1946, 11).

The historical mission of federalism consists in guaranteeing alliance and cooperation of different subjects in such a way that these subjects achieve common aims, however, in so doing, the subjects do not lose their identity (Betaveljik 2012, 26). These present true portrait of Canadian federalism in practice. The country has two orders of government, namely, the federal and provinces including Quebec, and each has its own power or spheres of influence as allowed by the constitution.

### **Secession**

Secession and self-determination are used interchangeably in this paper. This is because they are both making pointer to same goal which is breakaway and independence struggle. Discussion of secession as a political concept requires a firm understanding of what secession is (Kreptul 2003, 40). Secession implies struggle for self-government by members of a national minority (Patten 2002, 566). This occurs when a person or group of persons withdraws from the state as a larger whole to which they have been attached (Hulsmann 2003, 372).

Secession could also mean a complex series of claims and decisions, negotiations and/or struggle which may-or may not, lead to the creation of a new state (Kohen 2006, 14). With these, secession does not necessarily mean automatic breakaway; it is an attempt whose outcome might be favourable or unfavorable to the agitating groups as was the case with Quebec in the 1980 and 1995 referendums respectively.

### **QUEBEC SELF-DETERMINATION REFERENDUMS, 1980 AND 1995**

This section will focus on the two attempts by Quebec to secede through referendum as well trace the development that led to their failure. The 1980 referendum was championed by Party Quebecois (PQ) which came into power in November, 1976. During its campaigns, it had promised that a referendum on sovereignty-association would be held at some point during its five-year mandate (Francois and Claire 2011, 243). The plans of the Party Quebecois were contained in a historic document known as *White Paper* which was presented before the National Assembly and expected to be enacted by its majority representatives in the parliament. The document had its title as *Quebec-Canada: A New Deal-The Quebec Government Proposal for a New Partnership between Equals*, and was introduced before the Assembly in 1979. According to Donald Smiley, the *White Paper* 'is preeminently a political document addressed to the people of Quebec in an attempt to raise their level of national consciousness and to persuade them to vote 'yes' in the 1980 referendum' (Smiley 1980, 15). The *White Paper* envisioned a politically sovereign Quebec that would have its own citizenship, passport, NATO, NORAD, and UN membership (and even the possibility of remaining in the Commonwealth). Yet it would also retain a common currency and free trade with Canada (Bazay 1979). Some of the assertions made by the authors of the *White Paper*, including Rene Levesque who was Premier of Quebec as of the time are as follow:

'To live is to choose and there is no progress without movement, effort, change. To progress one must move ahead and successfully meet the challenges of time.... Here we are, men and women of Quebec, of whatever origin, at a crucial moment, a crossroad. After years of debates, constitutional crisis, inquiries and reports, the time has come for us to choose, freely and democratically, the path for our future. A historic rendezvous, next spring, will give us that opportunity' (Government of Quebec, 1979).

According to Fenwick, the motivation for secession by Quebec was due to their perceived level of 'cultural and linguistic domination, economic inequality, and exploitation, and unfavorable political and power sharing arrangements between federal government and provinces' (Fenwick 1981, 208) within the Canadian federal arrangement.

The first referendum was held on 20 May, 1980. The realization of this goal was tied to the Referendum Act of 1978 which was introduced in Quebec. The Referendum Act served as a guide to the processes to be followed in conducting a proper referendum ranging from selection of judges to eventual voting (Quebec Referendum Act, 1978). Despite the fact that PQ made relentless effort to slug it out with the federalists during the campaign leading to the referendum, the outcome of the referendum was not in its favour. The federal government, now under Pierre Trudeau, became victorious in the race. In the referendum, consent was sought through 'yes' or 'no' answers by the voters, just as we have witnessed in the recent times during Scotland's self-determination elections as well as the UK versus EU elections which gave the UK the chance to opt out of the European Union after its citizens voted in favour of exit popularly known as 'Brexit' (Brian and Alex 2016). In the Quebec referendum, a 'yes' vote meant that Quebec should leave Canada, while a 'no' vote meant that Quebec's self-determination struggle was not supported. In the end, there were 1,478,200 voters with a percentage of 40.50% who voted in favour of Quebec's self-determination, while 2, 171,913 with the percentage of 59.50% voted against Quebec's secession. The voter turnout was high

at 84.30% (Smith 2013, 8).

After the referendum, Quebecois began to analyze events that prompted majority of the voters to vote against secession (Francois 2002, 9). For instance, some have attributed part of the support for the 'NO' side, particularly by women, to an offensive remark by Lise Payette, the PQ Minister responsible for the Status of Women. Payette was alleged to have compared housewives who favoured the 'NO' side to sexist caricature of a submissive woman called Yvette. This outraged the so-called 'Yvettes' and ultimately reversed the initial trend of 47 percent in favour of the 'Yes' side to a clear minority of 40 percent (Hudson 2013). This could not have been the major factor that led to the defeat of the PQ in the referendum, though one cannot rule out the fact that it would have some weight on the chances of the PQ in the referendum.

However, several other issues such as fears of losing the Canadian identity, job loss within the English provinces by some Quebecers, as well as fear of unknown future of Quebec after secession might have also contributed to the failure of the PQ to clinch victory in that referendum. This defeat of PQ caused serious damage to nationalist ideology and to the intellectuals who were its spokespersons. The Quebec intellectuals were thus silenced (Francois 2002, 9).

The PQ, in 1994, bounced back again and championed another referendum in 1995. The motivation for this second referendum was tied to that of the first one in 1980. Most importantly, however, the issues surrounding patriation and constitutional reforms including failures of the Meech Lake Accord in 1990 and Charlottetown Accord in 1992, contributed immensely to the moves by the PQ to call for the 1995 referendum.

On April 15, 1982, Queen Elizabeth II of England proclaimed the coming into force of the Constitutional Act, 1982 (Chevrier 1996, 8). This proclamation meant that Canada had become fully independent of Great Britain thenceforth. It meant that Canada now had access and opportunity to influence its constitution without any interference by the British parliament. This would indeed, be a welcome development and a major feat for Canada and its citizens. The process leading to the patriation of this Constitution, however, began close to a decade prior to its realization in 1982.

The patriation project was championed by federal government under Prime Minister Pierre Trudeau, who, after earlier attempts to unilaterally (meaning without any previous agreement or consultation with the other national stakeholders such as provinces) 'bring home' the constitution had met with fierce reactions from Quebec and the rest of the provinces, resorted to convene a new and inclusive conference late 1981. But rather than promoting cohesion and mutual understanding amongst representatives of the participating provinces, this conference 'succeeded in isolating Quebec and negotiated a project of repatriation and the enshrinement of charter of rights in the new constitution with the nine other provinces (Chevrier 1996, 9). To this development, Quebec promptly reacted through protests. However, 'despite protests from Quebec and its National Assembly, manifested by the adoption of a parliamentary resolution, and an order in council in November 1981, the federal government submitted its project to British Authorities. It was approved by the parliament in March 1982' (Chevrier 1996, 9).

This had implications of unsettling the Canadian political system. As observed by Harvey Lazar and Roger Gibbins, 'the fact that Quebec is still not a signatory to the Canadian Constitution despite several attempts since 1982, is one of the challenges facing Canadian federalism and democracy' (Harvey and Roger 1999, V). The effect of Quebec's non-signatory to the constitution was felt during the 1997 Calgary Declaration as further pointed out by Harvey and Roger, 'the great disappointment surrounding the 1981 constitutional

agreement was Quebec's unwillingness to sign. With Quebec's non-agreement, Canada's constitutional odyssey has continued since then, the most recent manifestation becoming the Calgary Declaration of 1997' (Harvey and Roger 1999, 10). The Calgary Declaration represented a framework for the actualization of a united Canada. Despite that Quebec's uniqueness was recognized by the nine premiers and two territorial leaders there present, the province of Quebec had no representative in this discussion (Premiers' Meeting, Alberta, 1997).

In a letter written by the Premier of Quebec, Rene Levesque, dated May 5, 1982, and which was addressed to the Premier of Alberta, Peter Lougheed, he gave the reason for Quebec's non-signatory of the patriation document. According to Levesque, 'advocates of federalism, including yourself, committed themselves to a renewal of our political system along line satisfactory to the people of Quebec. However, you must admit, the constitutional agreement of November 5<sup>th</sup> is largely the opposite of that commitment'. He added, 'In fact, it has led to a reduction of Quebec's power and to the negation of the existence here of a distinct society' (Harvey and Roger 1999, 29). This implies that the 'exclusion' of Quebec at the time occurred because the terms of the constitutional arrangement were not in favour of the province. Quebec, perhaps, had more expectations than what the federal government and the other provinces who signed the document could allow.

Two key individuals who played significant roles in drafting the terms and procedures, and passage of constitutional patriation document popularly known as 'Kitchen Accord', Roy Romanow and Allan Blakeney, were 'blamed by Levesque for putting together a proposal that was acceptable to every jurisdiction except Quebec' (Machildon 2006, 345). In addition, the constitutional reform, after the arrival of the Constitutional Act in 1982, also generated some reactions from Quebec. According to Chevrier, 'the Constitution Act, 1982, adopted by the British Parliament introduced a Charter of Rights and Freedoms into Canadian Constitution. Modeled on the American Bill of Right, this charter entrusts the courts, notably the Supreme Court of Canada, with the explicit mandate of interpreting individual rights, and as the case may be, invalidating the laws of democratic assemblies deemed contrary to these rights (Chevrier 1996, 11). The constitutional reform was also seen to lower 'Quebec's status within Canadian federalism, subjected Quebec's civil and political institutions to the supremacy of the constitution shaped by non-elected judges and reduced Quebec's jurisdiction over education and language. The 1982 reform represented the second major discontinuity for Quebec since the Quebec Act of 1774' (Chevrier 1996, 12).

The need to find lasting solution to constitutional crises and disagreement between Quebec and the rest of Canada and ensure a united Canadian federation by the federal government led to the emergence of both Meech Lake Accord, 1987 and Charlottetown Accord, 1992. The Meech Lake Accord was a constitutional amendment aimed at bringing Quebec back into the constitutional fold (Machildon 2006, 363). The Meech Lake was intended to resolve the deficiency of the 1982 constitutional revision (McRoberts 1991, 21). The accord had some good tidings for Quebec within the federal arrangements, though 'it was not intended to deal with all Quebec's demands' (Chevrier 1996, 12). The Meech Lake was to have recognized Quebec as a distinct society in the Canadian Constitution. The government of Quebec and its legislature also saw in it the recognition of the role of protecting and promoting Quebec's distinct character (Chevrier 1996, 12).

In addition, the continuous existence of this accord would have signaled to the leaders of Quebec that their culture and language were recognized by all the other provinces and would be respected by them as long as the federation continued. It also would have erased some of the burning tensions between the French Canada and federal government which often led to

moves by the PQ to embark on independence referendum. Unfortunately, however, the accord failed in 1990, as it met with fierce opposition by the provinces of Manitoba and New Brunswick, leading to their delayed ratification. More so, Newfoundland also withdrew its support for the Accord. The failures of the legislatures of these provinces rendered the accord null and void (Chevrier 1996, 13) and the federal government and provinces, including Quebec, had to return to their drawing board!

Renewed optimism surfaced after two years of the failure of Meech Lake Accord through the Charlottetown Accord of 1992. Not satisfied with the historic animosities between Quebec and the entire Canada, Brian Mulroney, then Canada's Prime Minister, decided to convene meetings and forums aimed at further discussing the case of Quebec. In order to achieve this, the Prime Minister appointed Joe Clark, a former Prime Minister, as Minister of Constitutional Affairs and assigned him the task of forging a new agreement to break the constitutional deadlock with Quebec (Gall 2006). After several commissions set up both by the Government of Quebec and the federal government to look into what could be done and how best to approach the prolonged constitutional crisis, the major stakeholders in the Canadian political sphere gathered together and agreed on the Charlottetown Accord in 1992. The Charlottetown Accord was agreed upon by eleven First Ministers and Aboriginal Representatives in August 1992 (Chevrier 1996, 13). The Accord had the capacity of strengthening the position of Quebec in the Canadian federation as it emphasized the need to address some of the major issues that had prevented Quebec from cooperating with the rest of Canada (Gall 2006). To uphold this Accord, however, there was need for referendums to be held as a way of reflection of the wishes of the parties involved, especially the other provinces. Two referendums, one federal, held outside Quebec, the other held within Quebec under the authority of Quebec laws decided the fate of the Accord. The two referendums confirmed that 55% of the Canadian population and nearly 57% of the Quebec population rejected the Accord (Chevrier 1996, 13). Again, Quebec came out of these referendums unsuccessfully.

It might be interesting to state here that, though both the Meech Lake and Charlottetown Accords were introduced to assure Quebec of its recognized position in the federation as a founding partner, the two accords were different. According to Chevrier, 'the Charlottetown was broader than the Meech Lake in that aside recognizing Quebec's distinct character and entrusting its promotion to the Quebec Government and legislatures, it incorporated multiculturalism, the equality of the provinces and the sexes, etc, as fundamental values of the country' (Chevrier 1996, 13). The Meech Lake and Charlottetown Accord failures contributed to the Party Quebecois victory in Quebec in 1994, and a resurgent in support for a secessionist option (Machildon 2006, 364). On assuming the office after its victory, the PQ further articulated its moves for secession in its programme (Colman 1994, 4-5). Between 1994 and 1995 there were very hot debates and contestation between the two camps, namely 'Yes Campaign' which was the PQ and its allies side, and the 'No Campaign' which was the federal government's side headed by federal Prime Minister, Jean Chretien, of the Liberal Party (Smith 2013, 15-16). After these campaigns, the referendum held in 1995, and it was another defeat to the PQ and its allies. Statistically, the referendum had 2,360,717 constituting about 50.6% who voted 'No' meaning against secession; while 2,308,072 constituting 40.4% voted 'Yes' in support of Quebec secession (Roper Center, 1999, 22). Comparing the margin between the 1980 and 1995 referendums, one would observe that there was no major increase in the number of those who supported secession during the two referendums. As a matter of fact, placing the percentages side by side, it becomes obvious that those who supported the PQ's secession struggle in 1980 were more than those who

supported it in 1995. The support base for the secessionists only decreased by 0.1% after 15 years. The decrease in support base might be explained by the fact that majority of the Quebec citizens were not willing to part with Canada as they were not sure of what becomes of the future of Quebec after leaving the Dominion of Canada.

### **RESPONSE OF THE CANADIAN GOVERNMENT TO QUEBEC'S ASPIRATIONS**

Having dealt with the various developments ranging from economic inequality to constitutional crises which culminated into the two major referendums held by Quebec, this section will examine the various strategies applied by the federal government of Canada to ensure that Quebec, despite its dissatisfaction with the federalism arrangement, remains a key partner of the Dominion.

One of the major strategies adopted by the federal government to promote peaceful relations with Quebec and the rest of Canada is the application of executive federalism. It is apt to mention that though executive federalism had existed before these referendums, it was still relevant in handling the case of Quebec. Executive federalism refers to the process of intergovernmental negotiations that are dominated by the executives of the different governments within the federal system (Watts 1999, 3). It is characterized by the idea that the role of parliament in governing the country should diminish while premiers should acquire more influence over national public policy (Watts 1999, 3). This gives all the provinces, including Quebec, the opportunities to play important roles in the making of policies that shaped the running of Canadian federation, and accords Quebec the right to participate in both intra and interprovincial affairs without federal government's interference.

Most decisions are reached through the convening of First Ministers' Conferences (FMC) with its multilateral approaches. The multilateral approaches used in these conferences offered Quebec the opportunity to participate in more or less flexible 'national agreements' that could accommodate Quebec's specificity. In this sense, the Annual Premiers' Conference (APC) permitted Quebec to plead its case before the other premiers and try to build a consensus that would avoid isolating the province as the only opponent to central power. The FMC served much more as a platform from which Quebec could alert Canadian public opinion as to its specificity (Bourgault 2004, 350). And through this arrangement, Quebec has been opportune to influence some Canadian-wide policies such as creation of the Canadian Council of Ministers of the Environment in 1964, and creation of Council of Ministers of Education of Canada in 1967 (Bourgault 2004, 351). Further, the executive federalism has also enabled the provinces to play critical roles in 'the range of programs and services provided by Canadian governments to their citizens, in the discussion of economic policy including trade relations with the United States, and third, in the revision of the constitution itself, most notably, in the period leading up to the Constitutional Act, 1982, and again in producing the Constitutional Accord, 1987' (Watts 1999, 3).

Another milestone achievement for Quebec and other provinces through executive federalism was the Agreement on Internal Trade (AIT). The agreement was signed in July 1994 by First Ministers to eliminate barriers to trade, investment and mobility within Canada and it came to force in 1995 (International Trade Centre 2007). In articles 403, 404 and 509 the document emphasizes on freedom of movement of people and goods as well as respect for languages (International Trade Centre, 2007). This was a milestone in that the provinces not only worked together to develop a framework for regulating trade across the federation and the appropriate conditions of different levels of government to post expenditure, they were also able to formulate policies and procedures for a standard protocol in the case of dispute. While this agreement does not hold anybody legally accountable, it does reflect a trusting and

collaborative federalist system in Canada (Ames 2015, 38).

The above-mentioned arrangements have been effective enough to guarantee Quebec her space within the federalism arrangement, though it might not have fulfilled all desires and aspirations of Quebec. In addition, the introduction of policies of bilingualism and multiculturalism, inclusion of language rights in the Charter of Rights and Freedoms as well as granting of equal powers to provinces (McRoberts 1991, 6-18), by the federal government must have also contributed towards attainment of some levels of cooperation between Quebec and the rest of Canada. Overall, Quebec, despite all the agitations, still has the Canadian status and this has been achievable majorly through the systems of executive federalism.

### **NIGERIAN FEDERALISM AND CANADIAN FEDERALISM: A COMPARISON**

Federalism represents a unique form of governmental arrangement. It involves organization of the state in such manner as to promote unity while at the same time preserving existing diversities within an overarching national unity (Majekodunmi 2015, 107). Nigeria, just like Canada, practices federalism. Nigeria's federalism started in 1954 as an outcome of the London Constitutional Conference held in 1953 where political leaders of distinct regions agreed to come together for the purpose of formation of a strong but diverse federation (Majekodunmi 2015, 112). This was agreed upon unanimously by the representatives of the then three existing regions in the country namely, the North, South East and South West, just as the case was with Canada in 1867 when Quebec, New Brunswick, Nova Scotia and Ontario signed an agreement for the formation of a confederation. As such, Nigerian federalism, though it came at the later period than Canadian federalism, has some striking similarities with Canada's both in its history, practice and applications. The following paragraph will outline the key features of Nigerian federalism and relate each of these features with the Canadian federalism.

As contained in the work by Musa and Hassan (2004), the features of Nigerian federalism include (1) division of federal and governmental powers between the federal and regional or state governments; (2) the derivation of powers of different levels of governments from the constitution; (3) adoption of a written and rigid constitution; (4) the supremacy of the federal government; (5) the existence of a supreme court for judicial interpretation and review; (6) unified police force; (7) decentralization of the public service and judiciary; (8) the existence of a bicameral legislature at the federal level; (9) the principle of federal character; and (10) a three tier system of government (Musa and Hassan 2014, 323).

#### **Each of these Points will now be elaborated upon in the Subsequent Paragraphs.**

- a. ***Division of powers between the federal and state governments:*** In Nigerian federalism, the federal government and state governments have distinct power jurisdictions as dictated by the country's constitution. These jurisdictions include economic, political, environmental, educational and socio-cultural. In most of these spheres, the state governments are not subject to control or interference by the federal government and vice versa. A similar division of powers exists between the federal government of Canada and the ten major provinces whereby each province has full control over its internal affairs.
- b. ***The derivation of powers of different levels of governments from the constitution:*** the above-mentioned division of power, in Nigerian federalism, becomes legitimate and legalized through its entrenchment in the constitution. Nigeria has a constitution that specifies the functions, roles and territorial influence of each of the orders of governments in the country. The powers of the federal government of Nigeria are



clearly stated on the section 4 of the country's 1999 constitution, while those of the state governments are outlined in the section 4 (7a) of the same constitution. Canadian federalism also has similar procedures. The federal powers are contained on the section 91 of the 1982 constitution, while those of the provinces can be found on the section 92 of that constitution. Each of these orders of government is not expected to act contrary to the dictates of the constitution in both countries.

- c. ***Adoption of written and rigid constitution:*** Nigeria has a written constitution which means that the country has a formal document defining the nature of constitutional settlement, the rules that govern the political systems and the rights of citizens and governments in a codified form (politics.co.uk). Canada, on the other hand, has both written and unwritten constitution. According to Parliament of Canada, ' the Canadian Constitution is composed of written and unwritten statutes, customs, judicial decisions and traditions' (PofC).
- d. ***Supremacy of the federal government:*** the federal government of Nigeria is independent of state government's control. The federal government has the liberty to take unilateral decisions without involving the states. The government of Canada also has that autonomy to take decisions without seeking the consent of the provinces, as demonstrated by Premier Pierre Trudeau in the 1980s during the process leading to the patriation of the 1982 Constitution. The federal government of Canada, just as Nigeria's, is not subject to control by the provinces.
- e. ***Existence of Supreme Court for judicial interpretation and review:*** in Nigeria's federal system, the highest legal authority is the Supreme Court of Nigeria. All other courts in the country, deciding on issues of national concern, must pass through the Supreme Court before their decisions or pronouncements are upheld. In the Canadian federal system too, the Supreme Court of Canada remains the highest and most powerful court in the country and is the final court of appeal in the Canadian justice system.
- f. ***Unified police force:*** Just as Canada has its own unified police/military force for the purpose of ensuring security in the country, Nigeria also has her own unified police and military force known as Nigerian Police Force (NPF) and Nigerian Military Command (NMC) respectively. The only different between the countries, however, is that in Canada, each of the provinces has its own provincial police. No state in Nigeria has a separate or independent police force. In Nigeria, security is provided by the federal government with the support of the states. Though there is a bill currently being tabled in the Nigerian Senate advocating for state police as we have seen in Canada.
- g. ***Decentralization of public service and judiciary:*** public service and judiciary are decentralized in both Canada and Nigeria. For instance, all the states in Nigeria have public service and state's legal systems as different from and independent of the federal ones. The states owned public services are known as states parastatals, while those of the federal are known as federal parastatals. These names were coined to further entrench the decentralization system in the country. Same is in operation in Canada, whereby each of the provinces has its own public services and legal systems. It is therefore not surprising to hear the court of Quebec, court of Saskatchewan, Alberta public service and so on, across Canada as well.
- h. ***Existence of bicameral legislature at the federal level:*** another key feature of Nigerian federalism is bicameralism, better still, bicameral legislature system. This is composed of House of Representative and House of Senate members. Canada also has the same bicameral legislature system as Nigeria. However, the only distinction between the two countries is that while members of the legislature in Nigeria are

elected, the members of legislature in Canada, especially Senators, are selected by the federal government. This process, in my opinion, will often give ways to the Canadian federal government to manipulate the law makers to its own advantage.

- i. **Principle of federal character:** as countries practicing federalism, both Nigeria and Canada embrace the principles of true federalism, irrespective of some challenges of federalism. This principle was entrenched in the constitution of Nigeria in 1979 and it was meant to ensure that any appointment by the federal government into any federal parastatals or institution reflects fairly the linguistic, ethnic, and religious diversity of the country. In Canada as well, for instance, the federal government owned or controlled public service has a diverse arrays of people from all over Canada working within them.
- j. **Three tier system of government:** Nigeria has three tier system of government. What this implies is that the governmental powers are shared among the federal, state, and local governments, though not equally. In Nigerian federalism, the federal government has the highest authority, followed by the states, and followed by the local governments. Similarly, Canada also practices three tier levels of government with the federal, provinces and municipalities. The only difference is, while Nigeria's third tier government is known as Local Government, such third-tier government is known in Canada as Municipal. In both countries, the third-tier governments are found within either the state (Nigeria) or province (in Canada). However, it is important to state that both third tier governments in Nigeria and Canada have similar statuses and functions which include the provision of local services such as facilities, infrastructure to their communities as well as acting as intermediaries between the communities and their provinces.
- k. **Federal executive council:** as revealed in the section before this one, Canada has a system of intergovernmental relations known as executive federalism which has helped in the promotion of peaceful existence between the provinces and federal government. Nigeria also has a similar system called Federal Executive Council (FEC). FEC, just as in Canada, is composed of ministers who are representatives of each of the 36 states making up the country. The FEC meets once in every month to deliberate on issues affecting the country. At this meeting, the ministers and president reach agreements on certain issues and reports of their meetings are made available to the governors and other stakeholders in each of the 36 states of the country for further discussions and ratifications for the overall interest of the country.

Following the attempted analogy between Nigerian and Canadian federalism, it becomes clear that these two countries have striking similarities in the way the practice federalism, especially in the areas of distribution of power.

The question arising at this point is: what strategies these two countries practicing federalism have adopted in dealing with issues of secession within them Just as Canada experienced secession attempts championed by Quebec nationalists in 1980 and 1995 respectively, Nigeria also experienced (still experiencing) secession agitation by a group of Ibo tribe known as Biafrans. The Biafrans are found in the south-eastern part of the country. Their independence struggle from Nigeria started in 1967. The major reasons for secession attempts had to do with the perceived level of political, economic, and socio-cultural marginalization by the Igbo group within the Nigerian federal systems. Such reasons for wanting to secede from Nigeria were, in part, related to those of the Quebecoise going by Fenwick's assertion in the second section of this paper. The Biafrans, from the mid-year of 1967, began to embark on vigorous secession campaigns. The federal government of Nigeria's responded to this

occasion by devising measures that would force the agitating group to abandon their quest for secession.

The first major measure was that the federal government of Nigeria, headed by General Yakubu Gowon, placed economic sanction on the eastern region where the Biafrans were (still are) domiciled. The second measure was the declaration of creation of twelve states in the country. The implication of this declaration of twelve states on the Biafrans was that it led to the reduction of the territories or areas under the control of the secessionists. These issues were dragged between the Biafrans and Nigerian government for some time, but to no avail. At some points, the secessionists proposed referendum and confederacy, but all these were turned down by the federal government who maintained that Nigeria's unity was not negotiable. And since none of the two parties was willing to abdicate its demands, physical confrontation between the Biafrans and the federal government of Nigeria became inevitable. Civil war was the result. The war was known as either the Biafra War, or Nigeria Civil War, or Nigeria-Biafra War. It started in 1967 and ended in 1970. And as pointed out by Leitenberg in his paper, '2 million people, including children, lose their lives during this war (Leitenberg 2006, 15).

This massive death which occurred as a result of the war between the Biafrans and Nigerian government could have been avoided if the government had given the Biafrans the opportunity to conduct a referendum as Canada did in the case of Quebec in 1980 and 1995 respectively. But the obverse has always been the case. And for this reason, the fire of that war has yet to be quenched. Till this moment, the Biafrans, who now identify themselves as Indigenous People of Biafra (IPOB) are still fighting the Nigerian government to either grant them opportunity for referendum or outright independence from Nigeria. To make things worse, the current president of Nigeria, President Muhammadu Buhari, keeps arresting the leaders of the IPOB, and till now, a number of those IPOB protesters, including one Nnamdi Kanu who was identified as the major ring leader of the group were locked in the maximum prison at Kuje, Abuja, Nigeria. To further display his intolerance for these protesters, President Buhari has made statements both in the local and international arena that the Biafrans would not be granted the opportunity to have referendum (Sahara Reporter 2006).

The refusal of the Nigerian government to grant this group the opportunity for referendum, and incarceration of Biafran nationalists have generated hostile reactions from crops of Biafrans who are in support of secession (Bello 2017). It has also led to high level of insecurity in the country as the group has been allegedly reported in the news as engaging the Nigerian military force and this has resulted in many of the IPOB members losing their lives (Bello 2017). This development has attracted the attention of international community, including the EU, UK, and the United Nations. They are calling on the Nigerian government to grant the Biafrans the opportunity to have referendum, but the government does not seem to have the courage to bow to their pressure.

### **What can Nigeria, as a similar federal system, learn from Canada?**

To avoid another full-scale war in the country, it will be advisable for Nigerian government to follow the path of Canadian government by giving the Biafrans access to referendum. Canada granted the Quebecois the opportunity to have referendum twice, yet the Quebec nationalists failed to win popular support from their own people. As a result, the Quebecois are still within the federation of Canada today. The Canadian case is a demonstration of the fact that granting a right to referendum, does not mean the same as granting of self-determination or independence to a group of aggrieved people within a political system. If the

federal government of Nigeria gives room for this referendum, it is very unlikely that the Biafran secessionists will succeed. This is because secession struggle does not always capture the entire aspirations of the people found within that ethnic group just as we have seen in the case of Quebec. Many Biafran citizens have houses, large businesses in Nigeria, have inter-married with other tribes, and many them hold key positions within the federal government establishments, and because of these, they would not deem it fit to want to leave their belongings in Nigeria (Bello 2017), and go after a Biafra Republic whose future they are not sure of. Hence, Nigerian government has this to learn from Canada.

Another thing which the government of Nigeria can learn from Canada is the effective application of executive federalism. As demonstrated in the previous section, the Canadian government has been able to use the executive federalism to encourage further involvement and accommodation of Quebec within the entire federal settings. Nigeria also has a similar system known as Federal Executive Council, which meets once every month. The FEC can be used to promote meaningful dialogue and cooperation between the federal government and the states, and this will further pave way for the accommodation of diverse interests within the country. The FEC should be more proactive by discussing issues of national significance. It should discuss issues that affect all Nigerians and are also capable of helping them develop as citizens of the country, as we have seen in the case of Canada in relation with Quebec.

In addition, the south-eastern region of the country where the Biafran agitators are domiciled should be involved in the national affairs. They should be encouraged to participate in issues that affect them and their region. In this way, they will not feel marginalized by the other groups in the country, and the clamour for secession will reduce. Canada has done this successfully, and since the last agitation for independence by the Quebecoise in 1995, the country has not experienced any other major or nationally significant secession movement. Nigeria, as shown, has the capacity in terms of legal and political institutions that can be applied in dealing with the secessionists, but achieving this requires dedication and commitment on the part of its leaders, qualities that seem to be absent at the moment. This commitment to governance and well-being of citizens by the government of Canada is what has contributed to the relative peace the country is experiencing today. It is, therefore, not too late for Nigerian government to learn from their mistakes, especially with respect to handling secession issues in this democratic age.

## **CONCLUSION**

The twentieth century witnessed several wars, conflicts, nationalism, and secessionism. These have led several states, both developed and developing, to device means of dealing with these issues. Canada was not an exception with the case of Quebec's struggle for secession. This paper focused on Quebec's nationalism. The paper has been able to show clearly the motivations for Quebec's moves toward secession, the processes leading to the referendums of 1980 and 1995 respectively, as well as the developments that led to the failure of the referendums.

Furthermore, it has shown how the successive Canadian Prime Ministers effectively responded to the issues of Quebec through the introduction of executive federalism which gave Quebec some sense of belonging despite all that had happened. It also built in the Quebecoise a sense of democracy through their access to two historic referendums. These strategies have, so far, worked for Canada, and can be replicated or adopted by Nigeria in dealing with the Biafrans as well. The case of Quebec has proved to us all that granting referendum to a group of aggrieved people for the purpose of deciding their union or

affiliation with the larger body of the country does not automatically translate to granting of independence. It is believed therefore that should the Nigerian government grant the Biafran secessionist's access to referendum, there is a high likelihood that they might not become victorious at the end.

## REFERENCES

- A Country by Consent, 'Confederation: BNA Act, 1867', (Accessed online, 15 Oct, 2016 at <http://www.canadahistoryproject.ca/1867/1867-12-bna-act.html>).
- Adediran, Gbolahan. 2016. 'Why Protesting MASSOB, IPOB Members were Killed- Nigerian Army', *Premium Times*.
- Allan Patten. 2002. 'Democratic Secession From a Multinational State', *Ethics* 112.
- Andrei Kreptul .2003. 'The Constitutional Right of Secession in Political Theory and History', *Journal of Libertarian Studies* 17(4).
- Ames, Aarom. 2015. 'Executive Federalism in Canada: Competition or Collaboration?', *Public Policy and Governance Review* 7(1) 38.
- Anwalu, Musa, and Ndaliman , H. Hassan. 2014. 'An Evaluation of the Origins, Structure and Features of Nigerian Federalism', *The International Journal of Social Science and Humanities Inventions*, 1(5), 314-325.
- Bakke, Kristine, M. 2015. *Decentralization and Intrastate Struggle: Checynya, Punjab and Quebec* .Cambridge University Press, 188.
- Bazay, David. 1979. 'Quebec Wants a New Deal With' 1980 Referendum'. Accessed 18 Oct., 2016 at <http://www.cbc.ca/archives/entry/quebec-wants-a-new-deal>.
- Bello, Taiwo. 2017. 'No Peace Ahead?: Biafra Chanters and the Nation on a Brink', *The International Journal of Humanities and Social Studies* 5(8), 54-62.
- Brian, Wheeler and Hunt, Alex. 2016. 'Brexit: All you Need to Know About the UK Leaving the EU'. *BBC News*.
- Chevrier, Marc. 1996. *Canadian Federalism and the Autonomy of Quebec: A Historical Viewpoint*. The Canadian Federation.
- Colman, William. 1994. 'Rethinking Social Democracy: The PQ's Projet de Societe'. *Review of Constitutional Studies* 2(1) 4-5.
- Dragan Betaveljic .2012. 'Federalism: The Concept, Development and Future', *International Journal of Humanities and Social Science* 2 (4).
- Fenwick, Rudy. 1981. 'Social Change and Ethnic Nationalism: An Historical Analysis of the Separatist Movement in Quebec', *Comparative Studies in Society and History* 23(2), 208.
- Francois, Yale and Durand, Claire. 2011. 'What Did Quebeckers Want? Impact of Question Wording, Constitutional Proposal and Context on Support for Sovereignty, 1976 2008', *American Review of Canadian Studies* 41(3)243.
- Gall,Gerrard. 2006. 'Charlottetown Accord', *Historical Canada*. Accessed 20 Oct., 2016 at <http://www.thecanadianencyclopedia.com/en/article/the-charlottetown-accord/>).
- Government of Quebec. 1979. *Quebec-Canada: A New Deal. The Quebec Government Proposal for a New Partnership Between Equals*. Accessed Oct 7, 2016 at <http://english.republiquelibre.org/Qu%C3%A9bec>
- Canada: *A New Deal. The Qu%C3%A9bec Government Proposal for a New Partnership Between Equals: Sovereignty-Association*
- Harvey, Lazar and Gibbins, Roger. 1999. *Constitutional Patriation: The Loughheed-Levesque Correspondence*. Accessed 15 Oct., 2016 at <http://www.queensu.ca/iigr/sites/webpublish.queensu.ca.iigrwww/files/files/pub/archive/books/ConstitutionalPatriation-Meekison.pdf>
- Hudson, R. 2013. 'Quebec Referendum 1980', *Historical Canada*. Accessed Oct., 18, 2016 at

- <http://www.thecanadianencyclopedia.ca/en/article/quebec-referendum-1980>.
- Jacques Bourgault. 2004. 'Quebec's Role in Canadian-Federal Provincial Relations', in *Reconsidering the Institutions of Canadian Federalism*, edited by Meekison, Peter, J., Hamish, Telford and Harvey Lazar. McGill-Queens University Press, 350.
- John Law. 2013. 'How Can We Define Federalism?', *Perspectives on Federalism* 5 (3).
- Jorg Guido Hulsmann .2003. 'Secession and the Production of Defense', in *The Myth of National Defense*, edited by Hans-Hermann Hoppe. Auburn Ala.: Ludwig Von Mises Institute.
- Leitenberg, Milton. 2006. 'Deaths in Wars and Conflicts in the 20<sup>th</sup> Century', *Occasional Paper* 29, 1-86.
- Marcelo, G. Kohen 2006. *Secession: International Law Perspective*, edited by Marcelo Kohen. Cambridge University Press.
- Machildon, Gregory. 2006. 'Roy Romanow', in *Saskatchewan Premiers of the Twentieth Century*, edited by Gordon Barnhart. Canadian Plains Research Center, 345.
- McRoberts, Kenneth.1991. 'English Canada and Quebec: Avoiding the Issue', A Lecture Delivered at Sixth Annual Robarts Lecture, York University, Toronto, Ontario.
- Majekodunmi, Aderonke. 2015. 'Federalism in Nigeria: The Past, Current Peril and Future Hopes', *Journal of Policy and Development Studies*, 9(2), 107-120.
- Parliament of Canada. 2016. 'About the Constitution'. Accessed at <http://www.lop.parl.gc.ca/ParlInfo/compilations/Constitution.aspx?Menu=Constitution>.
- Premier's Meeting. 1997. *Calgary Declaration*, Calgary, Alberta. Accessed 12 Oct., 2016 at <http://www.exec.gov.nl.ca/currentevents/unity/unityr1.htm>.
- Politics. Co. uk. 2016. 'Written Constitution', accessed at <http://www.politics.co.uk/reference/written-constitution>.
- Quebec Referendum Act (R.S.Q., C-64.1). 1978. Pp1-107. Accessed 9 Oct., 2016 at [http://www.electionsquebec.qc.ca/documents/pdf/loi\\_consul\\_populaire\\_en.pdf](http://www.electionsquebec.qc.ca/documents/pdf/loi_consul_populaire_en.pdf).
- Riker William, 'Federalism', in Greenstein Fred and Polsby Nelson, *Handbook of Political Science*, Addison Wesley, Reading, V, 101.
- Rocher, Francois. 2002. 'The Parameters of Quebec Nationalism', *International Journal on Multicultural Societies*, 4(1) 9.
- Roper Centre. 1996. 'People, Opinions and Polls: The Quebec Referendum of Sovereignty and the Future of Canada', *The Public Perspective*, 22.
- Sahara Reporters. 2016. 'No Referendum for Biafra- President Buhari', *Sahara Reporter*. Accessed at <http://saharareporters.com/2016/09/24/no-referendum-biafra-president-buhari>.
- Smiley, Donald V. 1980. 'The Association Dimension of Sovereignty-Association: A Response to the Quebec White Paper', *Discussion Paper*, (8) 15.
- Smith, Ben. 2013. 'The Quebec Referendums', *Research Paper* 13(47), 8. House of Commons Library.
- Tattrie, Jon. 2014. 'Quebec and Confederation', Historical Canada. Retrieved 2, Oct, 2016 at <http://www.thecanadianencyclopedia.ca/en/article/quebec-and-confederation>.
- Watts, Ronald L. 1999. *Executive Federalism: A Comparative Analysis*. Institute of Intergovernmental Relations: Research Paper Series, 3.
- Wheare Kenneth. 1946. *Federal Government*, London: Oxford University Press.
- Woodrow Wilson, 'Fourteen Points', January 18, 1918.