

# Investigating the Practicality of True Federalism in Nigeria

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**ABSTRACT**

The growing frustration among different disenchanted regions of Nigeria raises the question; if Nigeria's current federal structure is delivering the full benefits of citizenship to every region? This study investigates the practicability of Nigeria's federalism, taking stock of different challenges confronting the nation-state which are mainly economic and political. The study revealed that the current system of federalism fails to meet the standards of true federalism. This is based on the idea that the autonomy advocated for states and regions is not respected in law or practice. The study therefore recommends restructuring and autonomy, which are meant to give every state and region a sense of belonging, improve unity, create healthy competition and help citizens achieve their aspirations. This will safeguard against a heavy-handed and unfair central government, which will allow states to maintain a degree of autonomy and make decisions that they believe best serve local interests. The study concludes that Nigeria must focus on restructuring and autonomy to drive a decentralized governing structure, which creates balance, preserve the country's national unity and cohesion.

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**INTRODUCTION**

The topic of political representation and power sharing has become increasingly visible and important within contemporary political space. These developments are driving new arrangements of government in which the body of rulers/leaders are constantly monitored in their exercise of power by a vast array of the public and other regulatory mechanisms. The challenges of federalism are not exclusive to Nigeria as is often projected, however, it is glaring that Nigeria's current federal system is falling short of its ideals and grappling with the challenges of national divisiveness. Nigeria's experience with federalism has defied its purpose; the aspirations of the people have always been manipulated in favour of few elite ruling class. The question, therefore, is this: can Nigeria current federal structure deliver the full benefits of citizenship to every region? The answer to this is obvious with the growing frustration among the people and disenchanted regions. These challenges will remain until the state address all regional challenges. This investigates the practicability of federalism and recommends restructuring and autonomy as alternatives in the quest for true federalism in Nigeria.

This study attempts to take stock of how different scholars have made sense of the phenomenon and notion of democracy and federalism. Based on this notion, and to the extent that is relevant to the study, this section of the study defines what is meant by democracy and federalism, while establishing the foundation within which the study is situated.

**Conceptualizing Federalism**

Federalism has not had one set definition throughout its history, because the idea of the appropriate balance of authority among the local, state, and federal governments keeps

evolving. The etymological origins of federalism derive from "foedus" the Latin for "alliances" or "leagues" of states that joined together in pacts, covenants or agreements, typically for defensive purposes.

Federalism may mean different things to different people, but what appears to be constant about this political system is the intrinsic principle that distinguishes it from other systems. This principle, which Wheare (1963) called the federal principle, has been defined as the 'method of dividing powers so that the general and regional governments are each, within a sphere, co-ordinate and independent'. What is meant by 'independent' here is that each tier of government has its own independent functions and neither has supreme authority over the other. Therefore, federalism refers to a system of government in which powers are shared between the central (federal) government and the federating/constituent/component units (or states as used in Nigeria).

Elazar (1987) defines federalism as the promotion of "federal political systems" which combine principles of "shared rule" with "self-rule" in their territorial designs. Watts (1998) argues that federalism is a philosophy, doctrine and arguably an ideology that favours a distinct territorial pattern of government, one that combines the centralization of some political powers and the decentralization of others. Federalism is embodied in the constitution, which refers to the division and sharing of power between the national and state governments.

Amah (2017) notes that federalism is a system of governmental organization whereby two or more independent states agreed to form a common government while retaining their distinctive autonomy. It is a concept that attempts to give meaning to a form of government in which, rather than being concentrated in one body, is decentralized between the central authority and the component units that come together out of one or more significant reasons, and to which there exist a constitutional stipulation of the nature and period of exercising the specific power to avoid clashes and a provision for a means of compromise when clashes are inevitable.

From the definitions above, the sharing of powers among component separate is the common variable. This power sharing goes with an institutional framework and guided by the constitution of the country. Federalism is an important institutional tool for democratic transitions and consolidation because it brings the element of equitable representation and provides sense of belonging to all regions or units into the democratic process. Federalism reinforces the element of representation for sub-national units, giving them influence in national politics. This apparently shapes national strategies for national unity, and tends to affect the distribution of resources. Given this, federalism could affect the path of a country's transition, and ability to consolidate democratic institutions.

Federalism is a unique form of governmental arrangement that involves organization of the state in such manner as to promote unity while at the same time preserving existing diversities within an overarching national entity. It is about power devolution and sharing among components units. There are many definitions on what federalism is, authors look at it in their own personal perspective but all points to the same phenomenon of power sharing among level of government. Federalism is the bedrock of democratic edifice and tool for expressing democratic principles, for a country of Nigeria's size and complex diversities.

#### **Federalism: The Nigerian Experiment**

As government arrangement, to be effective, federalism is not practiced in abstract, it needs an organized, sustained institutional structural arrangement for it to survive according to its tenets and principles, also an enabling environment must be provided for its existence and practice. To understand the practice of federalism in any society, it must be stated that it takes different forms, and there is no one-size-fits-all model. There are different political histories and civilizations, therefore, different states decide how best to practice its federalism. In light of the foregoing, this section will discuss Nigeria's experience of federalism.

The idea of how society and states should be organized and managed has been one of the greatest concerns of man, the drive for justice, equality, fairness, enduring polity and political stability has been perennial themes. Similarly, different societies have over the years fashioned ways to structure their polity in such a way that they think is most conducive for the administration and management of public affairs (government) one of such is federalism. A

political structure or system in which government power that exists in a nation is shared among the central government and component regions or state. It is considered a viable mechanism for managing plural society with diverse culture, linguistic and social diversity such as Nigeria.

Nigeria is a federal state according to Section 2(1) of the 1999 Constitution as amended; Nigeria is one indivisible and indissoluble sovereign state to be known by the name of the Federal Republic of Nigeria. Subsection 2 of the same section also provides that Nigeria shall be a Federation consisting of states and a Federal Capital Territory. Each tier is assigned respective spheres of jurisdiction by the constitution. The democratic constitution provides for a federal system that is headed by the president, the legislature is formed by the National Assembly of Senate and House of Representatives, and the judiciary is headed by a supreme court.

The federal system of government in Nigeria refers to the devolution of power (sovereignty) and resources by the central government to its federated states. Federalism in Nigeria can be traced to Sir Frederick Lord Lugard when the Northern and Southern protectorates were amalgamated in 1914. After the 1914 amalgamation, the Richard Constitution in 1946 recognized three regions in Nigeria namely, the Northern, Western and Eastern regions and the Colony of Lagos. This was the first time the idea of a federal system surfaced in the country. The struggle of Nigerian Nationalists to participate in the government led to a number of constitutional reforms between 1951 and 1957. These reforms saw the gradual federalization of Nigeria's Unitary Colonial State.

Mutual fear and suspicion of domination among ethnic groups generated intense pressure on the colonial administration for a federal system. Nigeria attained its independence on October 1, 1960 after the federal elections in 1959. The 1960 Nigerian constitution provided for a federation operating in the context of parliamentary democracy. Nigeria became a federation on October 1, 1963. The monarchy was abolished and Nigeria became a republic within the Commonwealth (Olakunle, 2022)

The federal structure led to creation of States. The unitary system operated by Aguiyi Ironsi was changed with the adoption of Gowon's Decree No. 52 which established 12 states from the former three regions in 1967. Murtala Mohammed's regime came to power in 1976 and created seven more states to become 19, while Ibrahim Babangida's military regime created two additional states in 1987, making a total of 21 states and in 1991 he created nine more states bringing them to 30 states. Finally, the Sani Abacha regime created six more states to become the 36 states in Nigeria currently. (Dakuku, 2021) From 1979 when Nigeria adopted the presidential system, the distribution of powers has been heavily skewed towards the centre. The reason for this may be historical. Nigeria inherited a semi-unitary state from the military, who ruled from the centre and established a hierarchy whereby the centre imposes its authority and wishes on the component parts of the country. The centralist power structure created was supposed to hold the country together and ensure the indivisibility of Nigeria. Besides, the proper federal system of the early 1960s, backed by the 1963 constitution, created strong regions capable of challenging the centre. An agitation for self-determination by one of such regions led to the civil war that claimed million lives and property.

However, since 1999 when Nigeria returned to democracy, federalism has not yielded the much desired result. This is attributable to factors such as ineffective leadership and governance, hence, the clamour for 'true federalism'. There has been a radical departure from the theory of federalism as practiced in Nigeria, creating many challenges. The foremost challenge of federalism in Nigeria has been about the fair distribution of power and resources to the different nations and regions, thus, some ethnic groups throughout the country increasingly feel marginalized and alienated from the Nigerian state, (Akujuru, and Enyioko, 2015) for example the South-Eastern part of the country have continually agitated for secession because of marginalization. Nigeria is a country of many mutually distrustful nations, as is evident from the clashes it has experienced since her independence. This confirms the observation of Chief Obafemi Awolowo, that Nigeria is not a nation, but a mere geographical expression. To combat the unity and progress-sapping impact of socio-political and economic inequality occasioned by poorly practiced federalism, McCormick (2011) emphasizes the need for designing institutions that acknowledge, address, or reflect socio-economic distinctions, and

adopt citizen-enabling measures. The insatiable appetite of political elites and some regions to dominate necessitates popular participation/inclusion that transcends the politics of elections. Such popular participation is meant to fill the space opened up by nepotism, patronage and participation limited to electoral politics which political elites exercise dangerous discretion and into which socio-economic elites intervene unimpeded into politics.

According to Babalola, (2014) to manage the challenge of marginalization and foster inclusion, the federal government designed the federal character principle as a way to engender fairness and national cohesion. The tenet of the federal character is to ensure that the composition of federal institutions reflects the diversity of the country, and that the composition of state institutions should reflect the diversity of the federating units. In other words, the Federal Character principle aims to prevent the domination of the federal government or any of its agencies by one or a few ethnic groups. There is no denying that this policy has achieved some of its fundamental objective of ensuring that every state has a share of federal power in one form or another, however, it has generated many debate concerning how it has been abused in favour of one region of the country.

Historically Nigeria's federal system has oscillated between excessive regionalism as it were in the first republic (1960-1966) and excessive centralization in the military era (1966-1979 and 1983-1993 respectively). It has also undergone several structural changes from the initial three regions to four regions in 1964 to 36 states. It can be argued that Nigeria's federalism is mere centralization of power, and limited state autonomy. It is yet to achieve its goal as an ideal constitutional approach to the problem of diversity and political integration; instead it has created more divides among the ethnic groups.

#### **Restructuring and Autonomy: The Way Forward**

The federal system in Nigeria has over time manifested some internal challenges which are inevitable but has been managed within the system through certain mechanisms which are not also static but changing. The degree to which federal systems are capable of addressing the inherent challenges which often arises in the operations and functioning of the system, to a large extent determine the continued existence and survival of such federal systems. (Abideen & Joseph 2021)

According to Brown (1994) in *Political Restructuring in Europe*, he argues that a political structure that's not working must be restructured because a political system must serve a functional purpose, meet needs, and if it can't, then it lacks the ethical or moral basis to exist. This is why countries around the world reform their governance systems from time to time to address emerging challenges. With many challenges bedeviling Nigeria's federalism, the people are left with the alternative of restructuring and autonomy, which could prove to be more sustainable.

Restructuring and autonomy in Nigeria federalism is an important tool that should be applied to key regional issues in order to ensure that Nigeria remains a progressive, strong and unified state. Restructuring within the context of governance system such as federalism is a transition from a lopsided political structure to a better and sustainable one. It is characterized by political inclusiveness, people-oriented constitutional amendments, resource control, improved electoral process, effective political representation, fair sharing of political power, preservation of citizens' rights, protection of lives and properties, and building of enduring political infrastructure. Restructuring is also viewed as a constitutional process that helps the central government shed some of its powers and responsibilities and granting implementation to constituent units. It is aimed at bringing the government as close as possible to the people at the grassroots.

Opone (2020) notes that restructuring is the diverting the central government of certain powers and limiting its area of influence to such issues as fiscal policies, military/defense, foreign policy, migration, and national elections. Restructuring is a political and administrative connotation, which implies agitation for more formation in the entire component of the existing federalism, as a result of the need to control the centre or representation in the political landscape of the country. Restructuring involves the economic redistribution of resources among the component units of the federation based on true federalism.

In the argument of Bolarinwa (2015), Nigeria cannot be a strong and unified federation unless and until the constituent parts (states) are sufficiently empowered by enabling practices that conform to the principles of federalism. He further noted that, the essence of federalism is to allow each state or region in a federation a significant measure of autonomy to manage its affairs.

Restructuring is not just merely a political mantra but has other undertone meanings and underpinnings. Some scholars argue that what Nigeria needs now is mental restructuring instead of political restructuring and also includes value reorientation. The different parts of the country are torn apart by ethnic rivalries, communal clashes, and marginalization of minority groups, nepotism, and corruption. The effect of these ills on the people cannot be quantified. Hence, to solve the problems confronting the federal system, mental restructuring is advocated.

Restructuring represents a process that will yield significant adjustment and recalibration of governance arrangements of the Nigerian state. This would represent a departure from the usual unfair treatments of some regions. This supports the sayings of Nnamdi Azikiwe, who posited, that to build a nation, the safety of every citizen must be assured and equal opportunities for all, regardless of the language they speak, the place they come from, or how they worship God. (Fayemi, 2021)

The idea of restructuring and autonomy will address the many complaints about marginalization, where regions and states that make up the Nigerian federation feel they are not getting a fair deal or equality of opportunities when compared to other regions or states. Furthermore, restructuring and autonomy will allow Nigeria to remain adaptive and responsive to the shifting challenges of different regions and its commitment to meet the aspirations of every region.

Restructuring and autonomy go hand in hand; it will help to ensure that the various states and regions have more autonomy and control over their own affairs. This will help to create a more equitable balance of power between the federal government and the states, which will in turn lead to greater economic and social stability. Also, it will provide the states with more resources and opportunities to develop their own unique solutions to peculiar challenges. This will create a stronger sense of national unity and pride, as well as provide a more equitable distribution of resources and opportunities for all citizens. Restructuring and autonomy is an important step towards a stronger and more unified nation and seems a viable path to attaining true federalism. Restructuring will allow different regions of Nigeria to develop policies that are tailored to the needs of their people, encouraging policy divergence and autonomy.

Restructuring and autonomy are just like siamese twins that cannot be separated, if optimal benefits must be achieved from true federalism. For true federalism in Nigeria to work and achieve its goal, an enabling environment must be provided. The provision of the enabling environment depends on the structure of governance that exists. True federal system, through its instrumentalities of power should ensure that constituent units (regions) are autonomous and operate optimally without solely depending on the centre.

The realization of restructuring and autonomy is not just an abstract thought but can be achieved through:

#### *Constitutional Reform*

Restructuring and autonomy in Nigeria seems right to start from reworking the current constitutional framework. It is expedient to begin from redefining the constitutional framework under which it currently operates. At a time many regions of Nigeria are calling for restructuring, it also calls for the renegotiation of the 1999 constitution as amended to address the challenges of federalism and its attendant issues like fiscal autonomy, resource control, political power imbalance, etc. Reworking the Nigeria's constitution is a fundamental aspect of the quest for true federalism in Nigeria. This process will ensure democratic existence of the regions. Many modern states have devoted a considerable amount of time and resources to their constitutional developments to adjust to emerging challenges. This is because constitutions are products of a nation's socio-political development. Renegotiating the 1999 constitution forms the nucleus of the demands for restructuring because it will legally spell out processes that gives room for more viable sub-national governments and reduces the burdens

of the federal government. However, some Kolawole (1963) argue otherwise, that the success of restructuring is not determined by the reworking the constitution. It is determined by the operators of the constitution. Given the unfair treatment and marginalization of some regions of Nigeria even when the constitution makes provision on how resources and political power should be distributed, in the end, it is the operators of the constitution that decide either to practice what is contained therein or not. The setup of Nigeria's constitution has revealed that the federal government continues to amass powers that ought to have been exercised by the lower tiers of government within the federation and by so doing, control what happens at that level of government. (Mbanefo, 2016) For instance, there are many items listed under exclusive list in the 1999 Constitution, but should be on the concurrent list or residual list. The current federal system empowers the federal government to appoint judges for the states and the federal government also controls the security of the states, to the extent that the governor is almost powerless, even as the chief security officer of the state. Some of the items on the exclusive list should be the exclusive responsibility of states and local governments, not federal. Against known federal principles, the current Nigerian federalism is one that expresses a very strong centre that abhors devolution of power, which erodes the autonomy of the constituent units (regions).

#### *Fiscal Autonomy*

The ability to utilize money generated instead of remitting it to the centre, is at the heart of restructuring the revenue formula. According to Elekwa, et al (2011), Nigeria's fiscal relations have been characterized by bias, distrust and contention in the setting of principles or formula for revenue sharing between and among the various units of governments. The consequence of this misnomer is the conflicting pattern of revenue sharing relations among states from different regions of the country. Part of the restructuring argument should be about fiscal autonomy, where states generate and use a good part of the revenue for development. Fiscal federalism amongst other things has remained a contentious issue in Nigerian federalism and restructuring debate. Enyi, (2005) observed that the fiscal aspect of Nigeria's federalism depicts one with preference for a strong centre and weak periphery (states), in view of the fact that the Federal Government retains a proportionately larger size of the revenue than the states put together. Apart from the domineering influence being wielded by the centre, the manner in which the centrally generated revenue is being shared among the constituent units equally gives cause for concern. Fiscal federalism with particular reference to revenue allocation has been subject to profound and lengthy deliberations about adopting a suitable revenue sharing formula and of which consensus has not been reached. Fiscal federalism refers to the financial relationship among existing tiers of government. This is an important part of a federal arrangement because it is the responsibility of the government at all levels to initiate policies that will lead to rapid economic development through adequate provisions of amenities. The system also ensures that the federating units are adequately catered for.

The Nigerian situation nevertheless is different, because the process of how to allocate revenue to the different tiers especially through the derivation principle has received protestations and attacks. (Ekpo & Englama 2008) Nigeria's revenue allocation system is neither efficient nor equitable. There have been a lot of revenue allocations principles initiated by various Commissions since independence and have on many occasions failed majorly because the distributional patterns amongst the states did not reflect the needs of the states. So, the parameters for sharing revenue have become a source of concern and many even perceive it as a ploy to defraud one region of the country by others.

In the quest for true federalism, derivative principle adopted as a revenue allocation formula must be viable to benefit the various regions in the country. Restructuring should guarantee fiscal autonomy for the different states and regions of the country. For instance, oil producing states such as Ondo state and others that are grappling with development challenges should significantly benefit from the natural resources of their regions through fiscal autonomy. Hence, the resources control debate by people from the Niger-Delta region and other regions that have other natural resources.

#### *Resource Control*

Resource control occupies a centre place in the debate for restructuring and has been a matter of considerable national significance. Its advocates argue that regions control the exploitation and revenues from natural resources such as crude oil, and pay a percentage to the federal government. The main issue that has fed the call for resource control is that the federal government had neglected and marginalized the people of the concerned region (Niger-Delta) for so long. They argue that, while the bulk of Nigeria's oil wealth and in indeed, national revenue comes from the region, environmental degradation, poverty, and unemployment have characterized the region, which can no longer be accepted. (Abbces & Wakili 2018) The agitation is further sustained by the unfair fiscal policies of the federal government, most especially the revenues allocation formula. Since the government has dragged its foot in restructuring the revenue formula to the satisfaction of the Niger-Delta States, the demand for resource control has manifested in legal litigations and aggressive militant response. (Tamuno 2014) The key issue of resource control and fiscal autonomy should be addressed in the "restructuring" solution. This will allow states and regions to have good measure of control over their resources and utilize it for development purposes.

#### *Devolution of Power*

The consensus is that the federalism still operated in Nigeria has concentrated too much power at the centre, reflective of military-style structure of governance. (Aguda 2002) This has conveniently made the federating units mere appendages to the central government. As a result, this kind of federalism makes the Nigeria President appear to be so powerful in terms of internal use of power. Restructuring the current federal system requires the devolution of power, which will reduce the powers at the centre for the interest of the federating units (regions). This implies diverting the central government of certain powers it wields and limiting its influence to such areas as fiscal policies, defense, foreign policy, immigration, and national election to bring the version of the Nigerian federal system as close as possible to what is obtainable elsewhere. (Osaghae, 2012)

### **CONCLUSION**

This study critically examined the experiment of federalism in Nigeria. While federalism is an important institutional tool for governance, which brings the elements of equitable representation and provides sense of belonging to federating units into the process of governance, the practice in Nigeria has not effectively addressed the challenges of economic and political marginalization, overconcentration of powers and resources in the hands of the government at the center, leading to a lack of autonomy for the regions, and this has negatively affected the existence of Nigeria. The implication is that Nigeria does not yet practice true federalism and the consensus is that the current system of federalism fails to meet the standards of true federalism. This is based on the idea that the autonomy advocated for states and regions is not respected in law or practice. The study therefore recommends restructuring and autonomy which is meant to give every state and region a sense of belonging, improve unity, create healthy competition and help citizens achieve their aspirations. This will safeguard against a heavy-handed and unfair central government, which will allow states to maintain a degree of autonomy and make decisions that they believe best serve local interests. Nigeria must focus on restructuring and autonomy to drive a decentralized governing structure, which creates balance, preserve the country's national unity and cohesion, while also allowing for democracy to thrive, thus protecting the rights and liberties of citizens and ensure economic prosperity.

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