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NIGERIAN STATE AND THE PROBLEM OF FEDERALISM: A CRITICAL EXPOSITION

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Abstract

All over the world, federalism has been identified as one of the most acceptable form of government based on it absorbed capacity to coordinate the heterogeneous of a political life of multi-ethnic and multi-linguistic societies. Unfortunately, Nigeria still battles with the politics of trying to please all sections of the polity. This has become important because success to national positions and resources are limited at the individual level. This as view as a result of the multi- ethnic nature of the society. Different government that have governed this country have at one point or the other derived various methods to cope with this ever present problem of power distribution in both the political and economic spheres. There have been accusations and counter accusations from all sections of the polity as to how powers are being distributed or how it ought to be distributed. In this paper, I intend to bring to focus, a critical analysis of this problem of power distribution, the kind of crisis it has generated and the kind of measure the different government have taken in order to cope with or solve this problem.

Introduction

All over the world, Federalism has been identified as one of the most acceptable form of government based on it absorbed capacity to coordinate the heterogeneous of a political life of multi-ethnic and multi-linguistic societies. Unfortunately, the Nigeria situation on the practice of federalism has remained a problem due to the way is been practice which has cause serious contestation among the

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constituent nationalities, called Nigeria. Generally, federalism connote constitutional division of powers between levels of government with each level of government deriving its powers from the constitution. Emhenya, (2016) federalism is "a political process by which number of separate political communities enter into arrangement for working out solutions adopting joint policies and making decisions on problem". Federalism is a system of government in which power is constitutionally shared between the central government standing for the whole country, and the government of the divisions of the country which in Nigeria are the state and local government areas. Each level of government enjoys some autonomy. Olawale, A. B. (2014) "A federal state is one in which there is a central authority that represents the whole, and acts on behalf of the whole in external affairs and in such internal affairs that are of common interest.

According to Ola, different governments that have governed this country have at one point or the other derived various methods to cope with this ever present problem of power distribution in both the political and economic spheres. Therefore, there have been accusations and counter accusations from all sections of the polity, as to how powers are being distributed or how they ought to be distributed (Ola, 1995). Federalism is a system meant to integrate people in a society who are diverse ethnically, culturally, geographically and even religiously. It therefore becomes imperative that once a government is in place, it must endeavour to adequately and equitably distribute powers, functions and resources among these diverse groups. But in Nigeria, there are instances where governments have openly violated this principles of federalism. Suffice it to say that in theory, Nigeria can be said to be operating the federal system of government, whereas in actual practice, the country is tending towards a unitary system.

This pattern of government is more appropriate for a societies with complexity of diversities viz ,ethnic ,linguistic, cultural, racial, religious and so on, as well as other cleavages which we territorially defined. However, the nature of diversities helps in a nation's decision to adopt the aggregative or disaggregate type of federalism. Nigerian therefore falls into the latter because of the wide diversities. Under this type, there exist a balkanization of formerly unitary state near disintegration and its diversities which progress to a state. Thus, from 1914 to 1946, 1963, 1967, 1976 and 1987 the Nigerian Federation -experienced great deal of splits. The demand for state creation increased during the Second Republic (1979-83) due to lack of proper attention to all sections of such communities and such inequality could only be corrected if states are further divided, Ajagun,(2004) In l976 when the late General Muhanmed was creating additional seven states, he stipulated that the demand for state has been on the increase because of poor leadership. Such poor leadership result from deficiency in satisfying all sections of the community. A disaggregate federation is therefore a reconciliation mid-point between the polar perils of emporium and anarchy.

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PROBLEM OF FEDERALISM IN NIGERIA

The dominant conceptual and legal foundation for Nigerian internal political geography is federalism A federal arrangement was expected to be instrumental for forging national unity out of the plural society and at the same time in preserving the separate social identities cherished by its component parts, Adoption of federalism not withstanding in Nigerian political system continues to operate with minimum cohesion. Rivalry fundamentally instigated by ethnic mutual suspicion increasingly weakens the fabrics of Nigerian Sovereignty. This has culminated in the Nigerian civil war. It has also dragged the nation-state into the turbulent June twelfth political crisis which has completely made Nigerian sovereignty frail and fragile. Ajagun,(2004) According to him, One question that naturally suggests itself at this juncture. has to do with why critical groups like the bureaucrats, political parties and other organized interest groups have not be able to stimulate evolution of a true federalism that would sufficiently strengthen Nigerian integration be on the level of' justifiable persistent fear of disintegration. In this aspect, Watts argued that the high level of integration attained in the old federations like U.S.A. Australia, Germany etc., are attributed to the role played by these crucial groups in bringing about interdependent federalism. This emphasis is therefore primarily concerned with examining why these critical groups have not been able to play their role sufficiently of developing Nigerian federalism up to the level of interdependent federalism.

Federalism in Nigeria dates back to the period of the British colonialist. The British Government divided the country into different regions. With the London conference in 1954, Littleton constitution adopted the "Federalism" which accommodated beautiful provisions in the constitution amongst which the fundamental human rights, independence of the judiciary, duties and division of powers of the three arms of government the three tiers of government, the three list. All these were well defined and differentiated positively. It must be accepted that, Nigerians have a great sign of relief with the institution of democratic government and of course, it provoked a great deal of excitement with the Obasanjo led administration Emordi, E. C. and Idehai, S. A. (2015)

However, in 1954, the Lyttontin, constitution spelt out some form of autonomy for these regions which marked the beginning of effective practice of federalism. The brief period that this practice was halted for the unitary system in 1966 saw the country drifting into chaos. However, in its actual practice, it can be said that all governments from independence till date have adhered to one of the fundamental principles of Federalism which is power distribution. Federalism is a system meant to integrate people in a society who are diverse ethnically, culturally, geographically and even religiously. It therefore becomes imperative that once a government is in place it must endeavour to adequately and equitable distribute powers, functions and resources among these diverse groups. But in Nigeria there are instances where government have openly violated this principles of federalism. Suffices to say that in theory, Nigeria can be said to be operating the federal

system of government, whereas in actual practice the country is tending towards a unitary system. Therefore, the problem with federalism in Nigeria is the mix-application or non-application of this clause especially as it has to do with power-distribution.

Power distribution is a volatile issue which if not properly handled could lead to various forms of crisis which are bound to crop up. Nigeria has not been forthright applying this principle to the latter and the result of this has been the heightening of ethnic tension, mutual mistrust among ethnic groups, minority problem, clamour for an answer to the National question etc. Ajagun,(2004)

Ethnic tension in Nigeria is the resultant effect of improper distribution of functions and resources. This is because the people who now feel left out in the scheme of things now see it as a necessity to rely with their ethnic groups which will provide them a good ground for competing with others that resources and against domination by a dominant ethnic groups. This can escalate further and lead to open confrontation among the groups. Also ethnic politics have become the order of the day as it is believed that an alignment with one's ethnic group enables easy access to resources.

There is also mutual suspicious and mistrust among the different sections of the nation. This is manifested in the fierce manner that positions in the country are contested for, and in the way elections are bought out among groups as no section wants to shift ground due to this suspicion. The June 12. 1993 issue is still very fresh on all our minds.

The minority problems have continued to plague this nation from independence till dale. This is as a result of the perceived domination of' one section of the country over another. Between 1960 and 1964. political disaffection among the people in the middle belt area resulted in bloody disturbances and in early l966, the opportunity for some little secessionist hid by the Igbo of the Eastern region in 1967 was as a result of this perceived imbalance in the allocation of political power and resources. Also secessionist bid was organized by the leadership of' Isaac Adakaboro for the creation of Delta Peoples' Republic. Okungbowa, S. O (2012)

The consequences of all these have led to different sections of the nation to clamour for an establishment of a Sovereign national Conference (SNC) to address the National question, which is meant to redefine the statue of the federation viz, the relationship among the various sections of the population The response of government to this was the entrenchment by General Murtala Mohammed of the federal character principle in the 1979 Federal constitution. The federal character principle is meant to bridge the disparity in the spread of political power and resources among the various sections of the nation. But the concept, though still in practice have failed to live up to this stated objective as the problems mentioned above have taken a far more wider and dangerous dimension. The fact of the failure of his Federal character principles was accepted by all governments, this has led up to the setting up of various constitutional conferences which among other things thoroughly debated this issues of power distribution. Awa, E.O.(2017)

Theoretical framework:

This study is related to the group theory. The group theory framework is Perhaps the most ambitions methodology in the study of social sciences. The most distinctive characteristic of the group theory to the conduct of political analysis is the theoretical assumption which sees society, the political process and the entire political process as nothing but a gigantic network of interacting groups.

The exponents and principle promoters of the group are of the view that every society includes within it a large number of groups which remain language with perpetual struggle the power and domination over each other. For instance, to them politics could be understood only in terms of interactions between various groups. They tried to establish the group rather than the individual or the society as the basic unit of analysis in the study of politics. The first explicit and systemic development of the group theory as it relates to analytic study of political systems was provided by AL. Bentley in this book the process of government published in 1908.

However, the work of Beastly was given boost nearly half a century later when David Truman advanced it further in his book governmental process, the analytical impact of group theory in 1951. Other scholar of this theory are Robert Dan, John State Mill among others. In Awa, E.O.(2017)

Beastly was interested in de-emphasizing the institutions and re-emphasizing processes. He conceived the group as a mass of activity and not a collection of individuals. Accordingly, he defined a group as a certain' portion of men of society taken not as a physical mass out-of from other masses of men, but as a mass of who participates in its form like in many other groups activities,

Finally this framework is associated with this work because of the characteristics nature of the group that make up the polity wider study. For example, the nature of perpetual struggle for power admonition over each other by major ethnic groups.

METHODOLOGY

The methodology described the method used in the research work, such as rationale for adopting qualitative research, a description of the study area, type of data used, in this research, data was collected from past documents that contained findings which are related to Nigerian federalism. For this research, the researcher used solely secondary sources of data collection. Which include textbooks, professionals' journals, newspapers/magazines, internet source, and articles etc.

Literature Review

This aspect is concerned with the review of the various books, journals newspapers and magazines written on federalism and issue of power distributions before moving any further if it is imperative to state here that military intervention in Nigeria right from after independence was greatly distorted the practice of federalism in Nigeria. It must be noted that military organization is ordinarily authoritarian. Organization with a

hierarchical structure where offers flows from top to bottom. It is this structure and style they bring into governance, and constitution regarded. Constitutionalism on the other hand, is the adherence and application of constitution to the letter and spirit of' the constitution. Therefore, the Nigeria constitution should be interpreted to the spirit and its letter. Constitution also means governance in keeping via the constitution what this tells us in regards to Nigeria is that the practice of federalism is a distorted one. This view was echoed by Shehu Shagari. The then Nigeria's first Executive President in the Second Republic when he said in a speech at the symposium on the National constitutional conference at the music Society of Nigeria (MUSON) center in Lagos. that the federal system which we have been operating since independence has been badly battered by the military command and system which the military rulers applied in the governance of the Federal republic ... our country, has been ruled for 24 years on the unitary system rather than the Federal system and no doubt as a dictatorship instead of democracy. Political marginalization is not in the interest of one organization as every section has a right to self-determination. This is the principle on which the Nigerian federalism is based. This principle has not been adhered to by governments that have ruled this country from independence till date. Ajagun,(2004)

Conduct of federalism in Nigeria

In Nigeria, the legislative powers are spelt out in the second schedule of the 1979 constitution of the federal republic of Nigeria. There are two legislative lists, namely, the executive legislature lists and the concurrent legislative list. The former is made up of subjects on which the federal government alone can make and administer laws, while the latter deals with matters over which the federal and state governments have legislative power. There are sixty-six (66) subjects on the exclusive legislative list, while the concurrent list has twenty-eight (28) subjects. The constitution is silent on residual list. However, based on the tradition in most federation, it is assumed that residual powers are to be exercised by the states. Also spelt out in the fourth schedule of the constitution are the functions of local government councils. Emhenya,(2016) and Ballard J.A. (2018)

The division of legislative power between the central government and the state are shown below:

(i) Exclusive legislative powers
(ii) Currency
(iii) The police
(iv) Immigration
(v) Mining
(vi) Customs
(vii) Railways
(viii) Foreign affairs

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(ix) Defense-this includes the army, the navy and the air force etc.

The Concurrent List: All such matters are listed out in concurrent list subject such as;

(i) Education
(ii) Health
(iii) Road
(iv) Agriculture
(v) Public order
(vi) Labour matter etc.

The above one in the concurrent list that is why under the present 1999 constitution both the state and the federal have power to establish universities.

Residual List: Matters not in the concurrent or exclusive list belong to the residual list. Only state government has power to legislate on matters in residual list. Such matter includes the following:

(i) Cemetery
(ii) Customary courts
(iii) Motor packs
(iv) Primary schools
(v) Markets
(vi) Licensing of bicycles, hand push truck, wheel barrow etc.

The derivation of power from the constitution is a clear attestation to the assumption of a status of a third tier of government, but the local government is still hamstrung the provision that its powers include such other functions as may be conferred on the Local government council by the House of Assembly of a state. The division of the legislative powers between the federal and state government by the 1979 constitution does not reflect the view according to Ola, that a federal state is one in which there is a central authority that represents the whole and acts on behalf of the whole in external affairs and in such internal affairs that are of common interest.

Awa emphasized this much in his book Issues in Federalism. E.PC. on when he did that the component units of the Federation must be enabled to control some of' their affairs in his own way and with their own resources" What this tells us is that in a federal system of government there has to be both institution and constitutionalism. The constitution must be in fundamental reflection of the aspiration of' wishes of people on how they wish to be governed at time of its adoption, modification and amendment.

Azelama's (1995) view, federalism emphasizes autonomy be the federalism units in some sphere'. However, in Nigeria. The sphere of influence of competence of the federal government is such that places it in a position to overrun the states. Thus, we have more

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to a unitary system in Nigeria than a federal system. There have been instance where the federal government have taken certain policy decisions that border on the autonomy of states. A clear example was in 1993 when the federal government, then under the Babangida administration. affected a forty five percent (45%) increase in federal workers salaries and directed the state government to follow suit without considering their financial capability to do so. The various levels of government exist at the mercies of the federal government, they relate with the federal government from a position of weakness and dependency.

Operationally, the system of' revenue allocation is centralized. Resources allocation and power distribution now finds itself in a shrewd arrangement in the. Federal government. Anytime there is an infringement on rights, the federal Government holds itself in over and above the rule of law. Therefore, according to

R. F Ola, if the states cannot as a result of defend or protect their autonomy, there cannot be said to be in existence, the basis for a meaningful union. The subjugation of the state and by extension the federation, unit is likely to be if exacerbated by the provision in respect of the concurrent legislative list. Section 4(5) of the 1979 constitution states that "if any law enacted by the House of Assembly, the law made by the National Assembly, the law made by the National shall prevail and that other law shall to the extent of its' inconsistency be void". The argument that the concurrent legislative list is potentially on exclusive list is corrected by this provision.

Okoli, E.F and Okoli, F.G (1990) were supportive of this view when they said that the relationship between the state and Federal level has increasingly become unequal, He traces the source of the problem to the nature of the Nigeria Federalism. According to him, Nigeria's federalism has developed through fissinarity rather than aggregation. Unlike the classical models, federalism 'in Nigeria was never operated by association as in cooperation of external units to an initial case. The number of Nigerian states grow from three to four, twelve, nineteen, twenty-one, and thirty and recently increased to thirty-six as a result of fragmentation of pre-existing unit which ones developed, divided, with rigorously identical function characteristics. Okoli also said that in the U. S. Canada or India, new states at times been carved out in a similar fashion, but this was never done so systematically as in Nigeria where characteristically the concept of federated states has no meaning.

Biafra's secessionist bid in 1967 contributed decisively to the consolidation of the powers of the federal government. With the creation of twelve states out of the former four regions numerous areas of jurisdiction which during the 1960s fell under the responsibility of' the regions progressively transferred to the federal government after the civil war. Thereafter, relation between the federal and state became increasingly unequal as the Oil Windfall boasted the federal government revenues. In I988, the then AFRC (Armed Forces Ruling Council) under General Babangida decided the federal resources allocated to the local government would be paid directly to them instead of being channeled through the

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sates account. These measures undoubtedly reduced the states capacity to intervene local government affairs and indirectly their autonomy vis-a-vis the federal government, when one agrees with the view that a particular aspect of the difference between federation and any form of unitary government is that in a federation the conduct and care of local government is within the purview of the states, any extension of federal influence in this held may be regarded as an illegitimate encroachment on states' rights, indeed in Nigeria today responsibility of funding primary education in states is under the indirect control of the federal government. Ballard J.A. (2018)

These imbalances in the spread of' power' and resources among the various units into which this nation is divided has resulted in the heightening of ethnic tension, continuous agitation on the part of the units that feet let left out in the scheme of things, minority quest for self-determination because of perceived marginalization, the quest for creation of more states and local government as this is large. Perceived as the only way the marginal Led group can get their share of the resources of the states, the unending call for an address of the National quest on and so on. Ibiyemi Oyeneyo, &Michael Onyenwenu (2010)

The various measures that the different governments have taken to address these issues include the quota system, the federal character principle revenue allocation formula, and national reconciliation committee. These measures have been the government's response to the crisis of' powers distribution in the Nigerian Federal arrangement

Reasons for the Federal System of Government in Nigeria, Emhenya ,(2016) and Adigwe, F. (2016) identified some reasons for the existence of federalism in Nigeria

The Size of Nigeria: The country was too large both territorially and in population. A country like Nigeria with over150 millions people, it will be difficult to operate a unitary system of government and federalism thus became inevitable for administrative convenience.

Geographical Contiguity: The nearness of the people to one another is spatial terms is an important consideration inducing them to evolve a federal system of government. For neighborhood, by bringing them close together enable them to know one another, appreciate the economic and political strengths and weakness of the areas and may generate in the people a desire for union. People who live in territorial separated by distance are not likely to develop such a desire for union. Attempts have, of course, been made in certain instances to create a federal union among state which are separated by great distance. For instances, there had in the past been strong advocates of a federal union embracing the member of the common wealth of nation but such pleas elicited no significant response from the countries involved.

Fear of Insecurity: Another important factor that induces countries to form themselves into a union is fear of conquest by an external power or of rebellion by disaffected elements within the countries themselves. The America colonies, for instance, had existed as separate political entities before the war of independence. After the war, they

developed some fear that the more advanced European nations might attempt to conquer and recolonize them separately.

Administrative Gains Advantages: The fourth important reason is economic and administrative advantages. It is clear that units desire union only when there are obvious advantages to derive from the association. The amalgamation of Nigeria in 1914 by Sir Fredrick Lugard was motivated primarily by administrative considerations. Faced with acute shortage of staff and financial resources, Lugard sought to maximize administrative efficient by uniting the North and South into a single administration.

The Nigeria federation continues in operation today essentially because the dominant regional groups in the country derive immense economic advantage. If for example, the north pulls out of the federation, it will face the problem of access to the sea for the evaluation of its exports and importation of its needs. On the other hand the Western state decide to pull out, they will have to surely forfeited the financial gains and benefits accruing to the federation through the enormous oil reserves in the eastern and mid western state of the federation.

Ethnic and Cultural Factors: identify in racial or ethnic background tends to induce in the people concerned a desire for federal union. Such people normally have identical or similar norms of behaviours, social values, political beliefs and attitudes and it is easier for them to desire to live together under the same inclusive government than other circumstance thus the people of various colonies in American or Australia have Anglo Saxon background; the people of the German states are Nordic, the Indians are basically Aryan in origin with the Hindu religion as the main bound among the religion of Islam provided a strong reasons for union between West and East Pakistan.

But in Canada, Switzerland, Russia and Nigeria the story is different. In these cases we have territories inhabited by people of dissimilar racial or ethnic background and inspite of this dissimilarity there was a desire for union because of the presence of other factors.

History of Political Association: The force of historical political association of different communication inducing in them a desire for union cannot be overestimated. This is one of the strongest reasons why so many states coming together. Some may seek association with themselves rather than with other sets of states. It was an important factor in American, Canada, Austrialia, Nigeria, Switzerland, Indian the former French West African federation etc. such an association provides the people with an opportunity to develop familiarity with one another which generate in the leaders a desire for union even though, as in the case of French West African federation, the territories might not be contiguous, the intervening territories, Liberal and Ghana with a different historical experience, were not part of the union inspite of the factor of contiguity.

Economic Factors: In Nigeria, natural resources are everywhere, therefore component unit must come together as a federation to harness the resources for their overall benefit in addition to bring rapid economic development.

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The Desire of the Britain: The desire of the Britain was to preserve the unity of the country. The Britain were not interested in the disintegration of Nigeria and therefore encourage the division of the country into three regions, each with autonomy from the central government. They felt it they could bring such diverse people together under colonial rule; they could remain together, after independence.

Effective Political Leadership: All the other factors mentioned above may be present yet a federation may not be formed even when formed may not last. It is only an effective leader who can harness these factors to the benefit of the federation. It is the quality of the leadership which combines the different factors into a coherent whole, gives them weight and a direction which is conducive to union. He must be able to balance conflicting interest conciliate when necessary and be firm when acting otherwise would prove total.

Conclusion

In conclusively, it is hoped that this power sharing agreement, which appears to be the most conscious effort on the part of government to share power evenly among the various segments of the population will bring about the much needed stability to the system. Federalism brings political unity without destroying the identity and separate existence of the components of the federation. Federalism helps the social and economic development of the federating states. The components of a federation enjoy some economics of scale for instance, the Niger Dan project was planned to supply electricity to all the states that comprise the federation of Nigeria. If those states were not under a federal union, they would not all expect to benefit easily from the natural resources of the producer state. A federalism system of government encourages healthy rivalry between the federating units. The constitution of a federation can be organized in such a way that it will satisfy the desire of the community. The greater bulk of powers of government can be deposited either in the centre or in the states that comprises the federation depending on what the people want. There are more participants in the art of governing in a federation, this make the people aware of their duties and rights. And wider consultation is allowed in law making process.

Recommendation

In spite of these drawn backs, it must be stated here that the prospects of defusing the bitterness and violent character in Nigeria politics, and of eliminating domination and promoting stability is so attractive that consociationalism deserves a more careful consideration. It is therefore, recognition of this that the then Head of State, General Sanni Abacha while adopting most of the recommendations of the 1995 constitutional conference, endorsed a modified Presidential system of government. The constitutional conference recommended six key Executive and Legislative offices to be zoned and rotated between six identifiable geographical groupings. The country was therefore divided into six zones namely: North-East, West, Middle Belt, South West, South East, and

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South-South. The additional political offices would be filled by candidates from these six geo-political zones. Oyovblare, S.E. (1989)

The merits of federalism is not in the abstract, but rather on its actual meaning for particular societies, for Nigeria, federalism is the least objectionable form of government , it has the potential of maintaining unity in diversity. Only federalism fulfils the desire for unity where it co exists with a determination not to smother local identity and local power I will also recommends therefore, true federalism with a restructuring of the federating units by merger of some of the state. Most of the 36 states need to be merged because their viability is in doubt as they are contributing nothing to the nation treasury. They are only administrative structure set up for the purpose of the receiving and distributing federal allocation, with very meagre internally generated revenues that cannot pay 50 percent of the worker's salary

Like in the home made "all members states of the federation may have its own flag/emblem as determined by their respected parliaments and all members state of the federation shall determine their respective official languages, and have the unrestricted right to establish government institutions and to administer itself" Ethnic groups are culture bearing units which manifest themselves in terms of common ancestry and kingship, common language, common history and experience, homeland and sometime religion. The concern with ethnicity is not to support it but to recognize its salience as a local and current worldwide phenomenon which interacts with other variables and assumes different contextualization dynamics and adaptation '"

The reality is that as at today, Nigeria is still a mere geographical expression, made of different national groups. There are no "Nigerians, in the same sense as there are English " "Welsh" or "French" The word : Nigerian" is merely a distinctive appellation to distinguish those who live within the boundaries of Nigeria from those who do not"

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