

Nigeria's Federalism: an Exploration of Its Dilemma

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Abstract

Nigeria's federalism has been distorted from its original vision and structure. This situation presents the concept of federalism as a weak form of government that needs to be transformed for effective performance. The British colonial masters, and our foremost patriotic nationalists, adopted federalism as the best form of government for a country that is glaringly diversified in geographic, ethnic, language and religious constitution. At its initial practice in Nigeria, the regions were autonomous in governance, finance and duties. The military incursion into governance and politics, distorted the practice of decentralization for centralization. Noting that Federalism has propelled countries like USA, Canada, Switzerland, Germany, Austria, Belgium, Australia, etc. to an enviable political administration and economy, there is need for Nigeria to re appraise her practice of federalism in order for her to transform the practice of democracy and her economy and impact positively on her national development and foreign policy. This paper attempts to examine Nigeria's federalism, sieve the strength in the philosophy of federalism, determine where Nigeria's dilemma in the practice is anchored and suggest ways forward. The purpose of this paper is to expose the strength in the philosophy of federalism and to strengthen its practice in Nigeria.

Key Words: Federalism, Exploration, Dilemma

Introduction

Federal system of government is a system of government that befits Nigeria's diversity and heterogeneity. It was a legacy of the British colonial administration. It was colonial Governor- General, Sir Bernard Henry Bourdillon in 1939, who created a federation of three provinces out of the former British colony of the Northern and Southern Protectorates (as formed in 1901). He put together a constitution that was handed over to Sir Arthur Richards, which later became the Richard's Constitution of 1946 (Fayemi, 2012). The concept of federalism was upheld by Nigeria's foremost nationalists as a system of government that will stimulate national integration and development. Nigeria's first Prime Minister, Sir Abubakar Tafawa Balewa, observed that: "I am pleased to see that we are all agreed that the federal system, under the present conditions, the only sure basis on which the different tribal communities live... therefore... we must do all in our power to see that this federal system is strengthened and sustained (Elaigwu, 2000: 41-42) in (Fayemi, 2012 p.4).

Before and after Nigeria's independence, Nigeria practised federalism as conceived by its architects, where the sovereignty of the federating units/regions was recognized. It is a distribution of powers between the Central and the Regional governments, with each level having some independence of action in exercising its powers. The federating regions own and manage their resources. They equally take charge of all residual matters that affect the regions, while the federal government takes charge of few exclusive matters of national interest such as: defense, foreign policy, currency regulations etc. The adventure of the military into governance affected the philosophy and practice of federalism. It changed the status of Nigeria's federalism from decentralization of governance to centralization of governance.

Federalism is the foundation of Nigeria's political system and governance from which national integration, development, economy and foreign policy would have been enhanced. Its derailment has posed a very big dilemma to the unity, growth and development of Nigeria. This is a foundational problem. If it is not sorted out, the transformation agenda of the present government will not achieve its objectives. The paper wonders why democratic governments have not been able to rectify these anomalies. The centralization of governance is becoming an elite's conspiracy to amass wealth at the centre and draw from the central purse. Recently, the governors of the federation came together to demand for a paradigm shift in our practice of federalism. They have collectively demanded for dual sovereignty between the federal and the federating states, state police, revenue allocation, etc.

This paper looks at Nigerian federalism the way it is, outlines the strength of federalism, explores the dilemma of Nigeria's federalism and proffers ways out of the dilemma. The objective of this paper is to strengthen the practice of federalism in Nigeria and to project Nigeria as a potential world power. It will add to the existing literature on federalism.

Conceptual Framework

A **Federal system** is one in which the powers of government are divided between a central government and regional governments of some kind, with each level having some independence of action in exercising their powers (Monan, 1972). The basic formal division of powers cannot be changed except by mutual consent. Federalism is further defined as “the theory or advocacy of federal political orders where final authority is divided between sub-units and the centre” (Onah, 2006)***. According to Jellinck in (Mbachu, 1997), a federal state is a sovereign state formed out of several states; the power of the former being derived from the states which compose it and to which latter are bound together as to form a political entity. It is an association of states, which as a result formed the institution of a sovereign power superior to the associated states but in which, however, the latter participates. A Federal government is a form of government in which governmental powers are by the common sovereign distributed between a central government and local governments, each being supreme within its own sphere (Aruego and Aruego-Torres, 1981).

Elazar in (Ogu, 2011) defined federalism as a system of political organization uniting separate states or other units in such a way as to allow each to remain a political entity. A federal system which differs from other methods of organizing states is being based on a contractual agreement by separate government to share power among themselves.

According to Ayakeme (2005), Wheare defined federalism as a constitutional arrangement in which law making powers and functions are divided between Central and State governments in such a way that each, within its respective sphere of jurisdiction and competence is equal, independent and coordinate, to the extent of the federating states voluntarily surrendering some functions exigent on perceived capacity and desire to a central government for their collective good.

This paper adopts the meaning of federalism as propagated by Kenneth Wheare. It is a distribution of powers between the Central and the Regional governments, with each level having some independence of action in exercising its powers.

Dilemma: The Oxford Advanced Learner’s Dictionary sees dilemma as a situation which makes problem, it is a predicament, a difficult or unpleasant situation. Nigeria’s Federalism is facing an unpleasant situation that needs to be investigated and trouble shooted for the purpose of national integration and development.

Exploration: It refers to finding out details and, examining an issue carefully. This paper is a careful examination of the dilemma of Nigeria’s federalism.

Evolution and Nature of Nigeria’s Federalism

Nigeria’s federalism can be traced to 1914 when the Northern and Southern protectorates of Nigeria were amalgamated, though with unitary form of administration. Thereafter, governmental powers started to be shared between the central government headed by the Governor-General and the governments of Northern and Southern protectorates were headed by the lieutenant Governors. With the existence and recognition of the two autonomous parts of Northern and Southern provinces, the administrative system of Nigeria wore an outlook of a federation.

Sir Authur Richards’s constitution of 1946 created three regions, namely: the Northern region, Southern region and the Eastern region which gave more support to the emergence of Nigeria as a federal state. The Macpherson constitution of 1951 reinforced federalism in Nigeria. The constitution appointed lieutenant Governors to head these three regions and granted legislative power to the legislative and executive councils that were established. The Lyttleton constitution of 1954 (Odion, 2011) removed the final shade of a unitary government from Nigeria by establishing a true federal state in the sense that it shared powers between the central and the regional governments. To avoid constitutional conflicts that might arise between the central and regional governments, a supreme court was established to handle such conflict.

Odion (2011) gave an analysis of the evolution of Nigeria’s federalism based on three fundamental reasons:

- a) The British deliberately imposed the federal system on Nigeria in order to maintain a neo colonial control of the country after independence. Since federalism is more or less an evidence of some form of disunity, political weakness and uneven economic development, the British deliberately wanted to keep the federating units in order to meddle with the internal affairs of Nigeria to their own economic and political advantage after they have granted her independence.
- b) The second aspect emphasizes the fact that historical and geographical factors determined the political evolution of Nigeria. Nigeria being a culturally variegated country could not have been governed from one centre. This interpretation is much more objective than the former. But it must be pointed out that, the historical and geographical factors did not determine the shape and form of the federation that the British helped to create in Nigeria.

- c) It was not a question of a country that was originally unitary, being broken into federating units, but of formerly totally independent kingdoms, Empires, nations and autonomous communities being brought together, and ending up in a federal union.

It is pertinent to mention that, just like the thirteen American colonies were autonomous of each other, so were the federating units of Nigeria, namely: Eastern, Western and the Northern regions before the independence of Nigeria in 1960. The Eastern and Western regions were granted autonomy in 1957, while the Northern Nigeria was granted autonomy in 1959. The British colonial masters crafted federalism as a form of government that soothes the multi ethnic, linguistic and culturally diverse Nigeria. Nigerian nationalist leaders felt that the diversity of Nigeria will be a strong positive trait that can propel her economy hence; they supported the unity of Nigeria as a Country. Unlike in the case of Rhodesia and Nyasaland which were in the situation of Nigeria, they chose to divide or split themselves to different countries that made up the states of Zimbabwe, Zambia and Malawi respectively.

A critical view of Nigeria's federalism will reveal that, we are not practising federalism. Odion (2011) observed that, it is surprising that Nigeria only operates federalism on paper. The federal structure has never existed in the Nigerian society. Odion attributed the reason to the intervention of the military in government. In Nigeria, the federal government assumes superiority over the state government. This may have been precipitated by the military government that always interrupted democratic regimes. By the principle of federalism, according to Wheare, the relationship between the federal and states government must be co-ordinate and independent of one another. In Nigeria, the states rely on the federal government for survival instead of being independent and making contributions from the states to the federal government.

The Strength of Federalism

The strength of federalism can be sieved from its philosophy and practice. Federalism is a departure from dictatorship. It avoids concentration of political power in one body. It is predicated upon the appropriate sharing of power between a central authority and constituents' political units. Kenneth Where in (Awa, 1976) observed that, it signifies a situation in which constitutionally central and regional governments are not subordinate to one another, but coordinate with each other. Federalism ((Fayemi, 2012) signals separation of powers anchored on the constitution, which negates the existence of a master –slave relationship, as the composition of association is anticipated to be voluntary and enabling of mutual respect among the constituent units. Federalism has the framework of managing diversity and ensuring harmony within essentially plural and heterogeneous societies. It seeks unity without resorting to uniformity.

Federalism promotes respect for geographic integrity. The federating units in most cases are autonomous and sovereign before they agreed to come together as a union. They have different cultures, languages religion and resources, yet they agree to come together to form a union. It is due to respect for one another's autonomy that makes them to handle residual matters and be accountable to their people. Federalism's major strength allows local actions in matters of local concern and national action in matters of wider concern. Federalism allows people to set policies suited to their state, yet come together with other states as one. Federalism promotes interstate commerce thereby creating room for positive economic competition amongst the federating units. This strength of federalism is absent from Nigeria's federalism due to her pattern of resource control and revenue sharing formula. The federal government takes possession of all revenue generating resources and allocates money monthly to the states. This does not promote creativity, competition and sense of industry among the states; it makes them solely dependent on the federal government's monthly allocation.

Federalism has the capacity of managing the plurality and diversity of the Nigerian experience; it has a framework of giving every federating unit a sense of belonging within the system. Federalism facilitates national integration in a very heterogeneous society. It has the capacity to hold the different ethnic groups and interests in the country together in a fashion that could be deemed acceptable.

The Dilemma of Federalism in Nigeria

Irrespective of the benefits of federalism, federalism in Nigeria is saddled with a litany of dilemma. They include:

Military incursion into governance created a very big dilemma to Nigeria's federalism. As previously noted, federalism was introduced by colonial Governor- General, Sir Bernard Henry Bourdillon in 1939, who created a federation of three provinces out of the former British colony of the Northern and Southern Protectorates (as formed in 1901). After Nigeria's independence in 1960, Nigeria was still practising federalism as designed by her architects; until the 1966 coup d'état that led to military governance. Dictatorship cannot function properly in a highly decentralized society, they rule by centralizing authority and having firm control of all the federating units. Their ascendancy to power killed the respected autonomy of the federating units and led to the creation of more states not due to their ability to fend for themselves but, to be sustained by federal monthly revenue

allocation. Thereby depriving other federating units the rights to own and manage their resources, and be coerced to donate their resources to the federal government. This is the national cake that every state and government official share among themselves.

The Nigeria civil war of 1967 to 1970 was and still, is one of the dilemmas of Nigeria's federalism. The military incursion into governance was reinforced by the civil war where threat to the unity and national security of Nigeria needed a strong central government to stop the fragmentation or dissolution of the federation. This war situation calls for a strong central government that can coerce the federating unit into one Nigeria. This period gave more dents to the derailment of the philosophy and practice of federalism as conceived by the architects of Nigeria's federalism as it gave rise to the creation of more states within the federation.

Elite conspiracy is a dilemma of Nigeria's Federalism; Elite conspiracy is a situation where the elites protect their interest irrespective of their tribe, language, religion, etc. In Nigeria military intervention derailed the practice of federalism, but we have been experiencing democratic leaders and none of them is complaining against the derailment of federalism as conceived by our foremost nationalist. This is as result of amassing the wealth of the Nation at the center, and grapping, grafting, and looting from the common purse. If these funds are decentralized, some looters will not have access to the pool of fund.

Resource aggregation is a major shift from the practice of federalism. In federalism; before the formation of federalism, the regions, states or federating bodies are autonomous. They have a definite territory, resources, government, and culture before conceding to a common union. They own their naturally endowed resources that they ought to control manage and pay taxes or certain percentage of their income to the federal government. In Nigeria, the states are being dispossessed of their resources. The resources are owned and managed by the federal government. This practice is unacceptable, and it is a contributory factor to pervasive corruption in Nigeria. The states which own the resources, in their respective states, should be in control of the resources. It should manage it and pay levies or taxes to the federal government.

Financial autonomy is another area that Nigeria's federalism is derailing. In Nigeria, States are not created due to their viability, rather due to their ability to collect monies from the federal government. States here are not challenged to develop their economies. They are not competitive rather whether they labour or not, at the end of the month, they get federal allocation.

The docility of followership in Nigeria has contributed to the continuous derailment of Nigeria's federalism. Negativized quietude of followership to problems that affects them contributes to the excesses of leadership activities.

Sycophancy- a situation where followers are fond of not telling their leaders the truth, they praise them, tell them lies; as soon as they leave their office, that is when follower turn against their leaders to criticize their lapses. This contributes to the derailment of federalism.

Sitting on the fence and watching the reckless abuse of office by leaders: Corruption, abuse of office and derailment of federalism would have been reversed in Nigeria if ethnic groupings have been bold enough to come out to criticize or challenge the excesses of their leaders and derailment of federalism.

Corruption is very pervasive in Nigeria. It has permeated all the sectors of the society and the economy. Our leaders believe that, national cake belongs to nobody; hence they are comfortable with the derailment of federalism so that, they can continue to use the revenue mobilization committee to appropriate funds for their looting. If states own their resources and are not subjected to the authority of the federal government, it will be difficult to loot the national treasury.

Cushioning the Effect of Nigeria's Dilemma on Federalism: Recommendation

Federalism has been acclaimed to be the best institutional form of government that soothes a country with renowned diversity. It has boosted the United States of America, Australia, Canada etc. Its efficiency cannot be doubted, hence if the practice of federalism is strengthened in Nigeria, there is, no doubt, that, it will precipitate/facilitate national development. Scholars may differ with my prescriptions here; they are free to make their contributions.

One of the ways of strengthening federalism in Nigeria is to ensure that **States are created due to their ability to sustain themselves**, and not based on federal government allocation of funds. In Nigeria States are not created due to their propensity to sustain themselves, rather due to federal government allocations. This does not conform to the principles of federalism. This, to a large extent, does not encourage positive commercial competition among the States. It will even affect their creativity and productivity because whether they work or not, federal government must allocate some funds to the States at the end of every month from the federal account.

All the levels of government should be coordinate and independent. The federal government in Nigeria is too powerful. It does not coordinate with the states as equals, neither are the states independent in any sphere of her

activities. The States need to be autonomous in most of her activities. This will give more time to the Federal government to attend to limited matters of great importance to national interest. It will reduce the clumsiness of government functions, structures and ministerial conflicts and reduce the cost of governance.

This paper in principle supports the creation of State Police to manage the internal security of the States. This will limit law enforcement agents to their terrain which they are very conversant with State Police will impact positively on crime control and prevention. However, considering the wobbling status of sustainable democracy in Nigeria, it is not timely to constitute a State Police because, there is the fear that due to lack of maturity of our political culture and her politicians, those in power can use them to harass and intimidate their political opponents, and even use them to rig elections. Hence this author supports its implementation in the next sixteen years.

Each State should have absolute control of her wealth and resources. They can partner with the Federal government in the exploration and exploitation of any resources within their territorial jurisdiction. On the contrary States should control their resources and pay certain percentage of taxes to the Federal government. This is one of the real attributes of Federalism. States must be independent in the ownership of their resources. In Nigeria's Federalism, the reverse is the case. The Federal government owns all the resources in any part of Nigeria. The States do not have right of inheritance and even to inherit their natural endowment. This has enhanced the conspiracy of the elites to propagate corruption, appropriate enough wealth of the nation to themselves at the federal level. This has contributed to less productivity of the States, since they must get national allocation of funds from the Federal government. The States are not competing among themselves; hence Nigeria is importing most all her needs from abroad. States should be allowed to control their resources and pay certain percentage of taxes to the Federal government.

Ethnicity is a major problem in Nigeria that impacts negatively on our Federalism, unity and National integration. Most Nigerians are more loyal to their tribes than they are to Nigeria. Nigerians are too protective of their tribal interest over national interest. No Nigerian language should be adopted as a national language. Nigeria should remain secular both in religion and in Language. English language should be adopted as our lingua franca. There is great need for us to detribalize Nigeria. Any attempt to recognize one language will be considered as an attempt to encourage ethnicity, which is a strong factor that affects our unity and national integration.

Strengthening the Nigerian Constitution to reflect our federal status will go a long way to strengthen our federalism, and enhance our national development. The constitution which provides for federalism is practised as a unitary government. There is no proper delineation of the powers of the Federal government from the power of the States government. The concurrent and exclusive list that specifies and separates the functions of the level of government, allocates all the powers in both lists to the federal government. The federal government functions should be properly delineated and limited to: defense, foreign affairs, currency, etc. The organs of government instead of acting as a check on one another, they operate as a clique of the ruling class to compromise among themselves.

Two party systems should be imposed. Nigerian Constitution recognizes three major languages, in other words three major tribes. If we have two Party systems it will constrain the tribes and other tribes to fuss into two Political Parties. This will reduce tribal and ethnic sentiments and expedite national integration in Nigeria. We have once adopted this method during the NRC and SDP era. The method produced the best election that has been conducted in Nigeria. The system did not fail; rather the Leaders failed the system due to greed.

Strengthening the Judiciary for independent and effective performance: The Judiciary should be strengthened for independent and effective performance: A special department comprising the operatives of the State Security Services and Judiciary staff should be constituted to handle cases of corrupt practices; with a special Court to be presided over by a Justice attached to it. More lawyers should be recruited into the judiciary for efficient and timely dispensation of justice in all her departments. This will boost the practice of federalism and impact on our national development.

Conclusion

This paper previewed the philosophical strength of federalism such as: deterring dictatorship by avoiding concentration of political power on one body or structure, federal and regional governments are not subordinate to one another, but coordinate with each other, it promotes separation of powers, it has a framework of managing diversity and ensuring harmony within essentially plural and heterogeneous societies. It seeks unity without resorting to uniformity. The paper recommends federalism as a better form of government that soothes Nigeria's diversity and ethnic heterogeneity. Nigeria had a federalist government modeled after that of the United States of America federalism where the constitution recognizes dual sovereignty of the federal government and the

federating units. The adventure of the military element into governance coupled with the Nigeria's three years civil war reversed decentralization to centralization of governance. The derailment of Nigeria's federalism is an impediment to her national integration and development.

Federalism has stabilized governance and economic development in countries like, the United States of America, Canada, Australia, India, etc. Federalism is a form of government that can enhance national integration, propel good governance and economic development. Its practice in Nigeria must be strengthened to serve its original goal of good governance, national integration and development. This is sine qua non to the success of the transformation agenda and any other reform programmes in Nigeria.

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