

Is There Any True Federalism? Revisiting the ‘True Federalism’ Debate in Nigeria

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Abstract

This paper is an examination of the political contestations over ‘true federalism’ in Nigeria. The paper posits that the demand for ‘true federalism’ continue to pose serious challenges to the corporate existence of Nigeria, especially since the return to democracy in May 29, 1999. It contends that the contestations over the quest for the adoption of ‘true federalism’ render prejudicial the conceptualization and contextualization of federalism. The paper concludes that there is no ideal federalism anywhere, as no federal system is ‘true’ or ‘false’, despite the differences across many countries practicing federalism. The paper suggests that inclusive and competitive federalism rather than ‘true federalism’ should be the watchword in the discourse of federalism in Nigeria.

Keywords: True federalism, Multiculturalism, Resource control, Colonialism, Nigeria.

1. Introduction

Before colonialism in Africa, no ethnic individual or group envisaged the coming into being a country called Nigeria. The Nigeria area was chock-full of Kingdoms, chiefdoms, city-states, empires, and other several autonomous communities that were loosely organized. The social, economic and political structures of these state formations and their mode of social relations of production were essentially primordial (Aper, 2008: p. 130; Oyovbaire, 1985: p. 29; Odojin, 2003: p. 6). Ethnic consciousness in these state formations was still undeveloped, or at best underdeveloped, because various ethnic groups, who later identified themselves either as Hausa/Fulani, Igbo, Yoruba, Ijo, Mambilla, Kaka, and so on, preferred to be identified with respective families, clans and villages. In essence, what defined group consciousness during the pre-colonial era in Nigeria were kinship, language, religion, and ancestry, whether they were either actual or assumed (Isichei, 1976; Nnoli, 2008; Mazrui, 2001; Jega, 1999; Ibeanu, 2005). Therefore, there was no such identity as Igbo, Hausa/Fulani, and Yoruba and so on. They took roots downward during the colonial era and came to bear fruits upward during the post-colonial Nigeria.

The classification and organisations of ethnic groups by the intellectual arm of colonialism was different from what was obtainable throughout Africa. What colonialism did was to accelerate the development of ethnicity as well as religion. The colonialists encouraged the emergence of ethnic structures that enthroned the Igbo, Hausa/Fulani and Yoruba ethnic nationalities regionally as majorities, with other ethnic nationalities sub-grouped under them or relegated to the ranks of ethnic minorities. This informed the basis for the multicultural character of Nigeria. Unfortunately, the contemporary evidence across the country indicates that the multicultural nature of the state constitute serious challenges to the cooperate existence of Nigeria (Post & Vickers, 1973).

Colonial rule in Nigeria was characterized by the differential ethnic treatments and categorizations. This was a doodah for the agglomeration of hitherto separate communities for colonial administrative convenience. Structurally, the amalgamation of 1914 brought different ethnic groups constituting different economic and ecological zones into social, economic and political intercourse. At independence in 1960, the political class that emerged from the rubbles of colonialism inherited the colonial super-structures and created far-reaching effects, which came to undermine the unity of Nigeria, and render the country more divided ethnically and religiously in the post-colonial era. This informed why Akpan (1974) conceived ‘Nigerian federalism as an accidental foundation by Lord Lugard’.

Several paroxysm of ethnic, religious and civil strife the country has witnessed since independence are direct consequences of colonialism. Many years after independence, Nigeria is still battling with civil unrest that are mostly ethnically and religiously inclined. The dilemma of the post-colonial Nigeria finds expression in the manipulation of identity by the political class to generate bitterness and violence as means of securing state power, but with ethnic and/or religious colorations to make claims to social, economic and political marginalization or deprivation in Nigeria’s political landscape. This informs some of the reasons for the demand of ‘true federalism’ in Nigeria. The contestations and demand for the adoption of ‘true federalism’ is inform by the predatory nature and character of the Nigeria state, where only a microscopic few control and appropriate resources meant for the entire country.

In this paper, the use of the concept ‘true federalism’ creates the dilemma of ascertaining which federal system is ‘true’ or ‘false’. The paper seeks to understand, if any, what characterizes a true and/or false

federalism. It is of the view that the use of the concept of 'true federalism' renders 'federalism' theoretically and methodologically irrelevant. The paper posits that rather than demanding for a 'true federalism', Nigerians should demand for the adoption of 'inclusive and competitive federalism', as 'true federalism' is merely honorific and does not in any way symbolizes anything meaningful.

2. Federalism: Some Conceptual Discourse and Deconstruction

Federalism is a system of government, which scholars have examined from different perspectives. Federalism is not a straightjacket system of government, as many people would perceive, especially in developing countries. Federalism differs in conception and practice across many countries of the world, even though benchmarks for federalism is universal. The reason for the differences in the conception of federalism is inform by the fact that, its adoption and domestication usually reflect the internal dynamics and material conditions of the different countries practicing federalism as political framework to manage the dynamics associated with multiculturalism.

Several scholars across the world have written about federalism. They also differ in opinions, both theoretically and empirically on the application and contextualization of federalism, without necessarily abusing the core values of the system. Some of these scholars include the father of the classical theory of modern federalism, Professor K.C. Wheare whose literature *Federal Government* published in 1964, laid the foundation of the discourse on modern federalism. On his theoretical breakthrough, other federal thinkers like Levingston 1956; Riker 1964; Friedrich 1968; Elazar 1987; Oyovbaire 1985; Awa 1976; Watts 1999 among others, from different viewpoints contributed to the study of, or expanded the discourse on federalism. In their separate studies and theorizations on federalism though interlocking, form the different molds on the practice of federalism. The context from which these scholars have engaged the debates on federalism have been shaped largely by their environments, experiences, perceptions and scholarships drawn from the poll of studies of the nature and practice of federalism in many countries across the world.

One of the most profound Nigerian federal scholars, Oyovbaire (1979) has extensively studied and analyzed the dynamics of federalism in several countries across the world. Specifically, his close study of the sentiments of various scholars on the American federalism concluded that the problem with the attempt to study federalism relates to the problem of empiricism. He posited that, 'empiricism in political science is an exercise in observation, analysis and explanation of social phenomena at one time in one place, or at one time in several places, or at different times in one place' (Oyovbaire, 1979: p. 85). From this assertion, it therefore implies that there is no generalization, whether in theory or practice, about federalism.

It also implies that to understand the working of federalism in any country, it requires the understanding of the nature and character of the relationship therein. This relationship within a state system depends on the place, time and the political and economic atmosphere of the country. Federalism, as a political and economic framework is widely practiced in many countries, such as Nigeria, Australia, Canada, United States, Germany, and India among others. In practical terms, the practice of federalism differs in these countries identified. This indicates that federalism is not a static concept, its application changes depending on the change in conditions that warrants it, not exogenously but endogenously construed.

From the above context, what then is federalism? Arowolo (2011: p. 4) offered the etymological conception of the word 'federalism', that it is a concept derived from the Latin word *foedus*, meaning 'covenant'. Simply put, federalism is therefore a treaty or agreement over the distribution of the spheres of operation, both vertically and horizontally, in a political community. In this instance, federalism determines the nature and manner power and resources are distributed. Therefore, federalism is at one point about distribution of power and resources between the government for all and the government for the constituent units, and at some other point, it is between the organs of government, such as the executive, legislature, and the judiciary.

Notwithstanding, Arowolo (2011: p. 4) cited Ajayi (1997: p. 150) to define federalism as 'a political system where there are at least two levels of government. In such a case, there is the juxtaposition of two levels of power as the central government, otherwise the federal government and other component units, labelled variously as states, regions, republics, cantons or unions'. To Wheare (1964), federalism is 'the method of dividing powers such that the general and regional governments are each, within a sphere, co-ordinate and independent'. Also, Sagay (2008) argued that in a federal arrangement, 'the central authority exist as a government separately and independently from others, operating directly on persons and properties within its territorial area and with a will of its own apparatus for the conduct of affairs and with an authority in some matters exclusive of others'. These definitions of federalism from the legal and/or constitutional standpoint are narrow conceptions about federalism. This leads to exploring other definitions of federalism. Elazar (1987: p. 5) cited in Aalen (2002: p. 12), defined 'federalism as "a political remedy for political diseases", designed to prevent tyranny without preventing governance'. This means that the role of federal system as a political framework to remedy political diseases by promoting a way of checking power and creating balances cannot be undermined (Burgess, 1993: p. 32).

However, other perspectives also exist about federalism. One of these perspectives is sociological,

which sees federalism as that link between the state and society aiming at the attainment of national integration. In this context, Oyovbaire (1979: p. 81), contend that there exist at least two patterns of communities, one all-inclusive and the other composed of several exclusive communities in any federal system. In the federal practicing countries, the federal system is reduce to having the central and regional government respectively, with some considerable level of autonomy to enable federating units enjoy constitutional protection from at least two levels of government (Elazar, 1987; Vernon, 1988: p. 25). Put differently, federalism must reflect the distinct characteristics of the principal and minor ethno-linguistic groups. The objective for this principle is to accommodate diversities of ethnicities, cultures and traditions as evidence of 'unity in diversity' (Awolowo, 1966: p. 24).

The second perspective is that, federalism is about the pluralistic inter-relationship that goes on not just among the institutions of government or between different level's governments, but also about the practical socio-economic, political and cultural relationship, which exist in the society (Livingstone, 1956: pp. 81-95). This means that federalism as a political framework has the capacity of managing conflict in diverse settings (Horowitz, 1997). However, the capacity for mitigating conflicts is not absolute, it rather depend greatly on the institutional structures of the state and certain prevailing conditions. Nevertheless, irrespective of the lacunas in federalism, its impacts by managing diversity in divided societies go beyond other political frameworks (Bird & Ebel, 2005).

The third perspective is about the procedures and functionality of federalism. Riker (1964) associated federalism with the political dynamics of party and intergovernmental relations in divided societies. Accordingly, the adoption of federalism is significant for two reasons, which include first, the constant desire and quest among politicians at all level to expand their territorial control and relevance, and, the second is about the governed being willing to submit themselves and their rights to self-government in exchange for peaceful co-existence and wellbeing. On the part of intergovernmental relations, federalism permits autonomous fields of operation to the extent that no one part is worse-off to decide quitting the federation (Riker, 1964). In this context, federalism is therefore, an outcome of rationale bargain among various constituencies for a better life, socially, economically and politically. The essence of rationale bargain in federalism is the need to achieve greater economies and political freedom to protect and promote constituents valued identities in a multi-ethnic state formation.

Moreover, federalism is a non-equilibrium political process, as such federal arrangements are bound to be unstable, and overtime may change to the advantage or disadvantage of other federating units. Federalism could be peripheral (where the sub-national body is more powerful than the central body) or centralized (where power navigate to the national government) (Riker, 1964). Either way, the nature of federalism has a direct implication on the state. When power navigates to the subordinating units, it will undermine and negate the essence of federalism. When power navigates more to the central units, the co-ordinate bodies loses certain level of independence, thereby making the power at the center to be twice the powers at the circumference. Put differently, power sharing between the central government (government for all citizens) and co-ordinate government (government for specific groups of ethnic enclaves) in most circumstances disproportionately favors the central government. This situation begs for federal bargaining to adjust the interplay within the federal pluralist societies like Nigeria (Riker, 1964).

In addition, federalism is a process for generating development. For example, the plural nature of the state can effectively be harness and channel towards achieving national collective goals. Friedrich (1968) and Deutsch (1973) in their respective studies understood the efficacy of federalism towards development of multi-cultural societies. All over the world, federalism depend on the social, economic and political conditions of the state. The stronger is the economy, the better the political condition of the state and its citizens (Watts, 1999). Federalism, therefore, is not only a political ideology as others may conceive, rather a political framework designed to solve the problems associated with multiculturalism through collective processes of constitutional, sociological and functional means of the federal system (Odofin, 2003).

There are two points to deduce from the above assertions. First, is the manner 'power', which also symbolizes 'resources' are generated and distributed at all level of government in the state, and lastly, is the procedural relations, which exist at the level of inter-governmental relations and informal institutional relations in the state. These constitute central concern about the working of federalism, because it hinges on 'unity in diversity' as well as 'shared rule and self-rule', which sustains the hard-won compromises that no federating unit have absolute victory (Elazar, 1987). In a federal system, all federating units collectively work for the survival of the state, and no federating unit can quit the federation, except upon the consent of all the federating units.

3. From Theory to Praxis: A Discourse on the Typologies of Federalism

Federalism, theoretically and practically is not conceive to be the same throughout the world. In fact, federal systems vary in terms of characteristics. They are empirically dynamic such that, it is difficult to locate 'true federalism' in any country. Suffice it to say that, the reflection of federal character in all the definitions federal

scholars have provided on federalism, constitute the point of convergence in federal discourse even though various barometers were used to determine whether a country can be termed 'federal' in comparative terms. Theoretically and contextually, federalism is divided into two categories, namely asymmetry and symmetry federalism.

The asymmetric federalism is a federal system of government where different constituent units possess different levels of power. The implication of asymmetry federalism is that, despite equal constitutional status of the federating units, some considerably enjoys more autonomy. The incongruent nature of ethnic, social, economic, political and geographical structures of the various nations constituting the federation, usually inform the adoption of asymmetric federalism (Brown, 2005). Rao & Singh (2004) captures that:

Asymmetric federalism ... means federalism based on unequal powers and relationships in political, administrative and fiscal spheres between the federating units constituting a federation. Asymmetry arrangements in a federation can be view in both vertical (between center and states) and horizontal (among the states) senses. If federations are seen as 'indestructible union of indestructible states', and center and states are seen to exist on the basis of equality; neither has the power to make inroads into the defined authority and functions of the other unilaterally.

Furthermore, there are two types of asymmetric federalism. These include *de jure* and *de facto* asymmetric federalism. The *de jure* asymmetric federalism resolves around differences in legislative powers, representation in central institutions, and rights and obligations that are set in the constitution, while *de facto* asymmetric federalism reflect agreements, which comes about by means of national policy. Concisely, asymmetric federalism is a decentralized federalism; it permits more or less decentralization depending on the conditions that could warrant it (Watts, 1999).

The symmetric federalism is in contrast with the asymmetric federalism, in that the federal system makes no distinction among the constituent units constituting the federation. The power sharing in federal system of government is between the government at the center (otherwise, government for all) and government at the state level (otherwise, government for the federating units) proportionally as designated by the constitution. In this case, no federating unit has more powers; all are equal in status irrespective of size and complexity. This means that constitutionally each subordinate unit of the federation share from the pull of powers granted them by the federal constitution, without necessarily infringing on the powers of other units without any cogent reason(s). In the same vein, the symmetric federalism is a centralized (Watts, 1999).

Many of the countries practicing federal system of government have elements of both asymmetric and symmetric federalism. The extent to which countries subscribe to one or the other type of federalism depends on the social, economic, cultural and political conditions obtained at the time of adoption. The other factor, which also determines the adoption of the federal system, is the manner in which the federation evolved. This create the concern to understand the historical context of the state before delving into understanding the nature and manner federalism is put to practice. There is no country in the world today that can claim sameness in the practice of federalism, or make claim to have reached the status of 'ideal federalism' espoused by Professor K.C. Wheare in 1964.

However, federations can proximate at least some of the major characteristics of what constitute federalism identified and described by Wheare and other subsequent federal scholars to make their system of government federal. Nonetheless, when two or more countries claim sameness in the practice of federalism, it is merely an appearance. Even though many countries are federal, they differ in many ways. In many instances, Canadian federalism differs from Indian federalism; the same applies to federalism in Brazil, Australia, Germany, Nigeria, South Africa, and so on. The nature and manner federalism is put to practice depends on the political economy of federalism in the respective countries (Vile, 1973, Rao & Singh, 2005).

Nevertheless, the socio-cultural peculiarities of the various states also condition the differences in federal systems among countries. Suffice it to say that, the respective social and cultural dynamics influences the nature and manner federalism operates, whether it is symmetric or asymmetric, or otherwise, having the modicum of both at equidistance in respective federal systems. The obvious throughout the world is that, there is no country, which in actual sense operates a particular type of federalism at extreme. Tarlton (1965) cited in Aalen (2002) buttressed this point when he asserted that:

All federal systems have elements of both symmetry and asymmetry. The higher degree of symmetry a federal system has, the more likely it is that the federation will be viable and suitable. The more a system is asymmetrical, the more unlikely is it that the federation will develop harmoniously. When diversity dominates, the potential for secession is higher, and this necessitates increased central control and authority to make the system work.

This assertion holds the truism that, whether at the level of fiscal federalism, intergovernmental relations or political parties, federalism as a political framework for intergroup relations is always in a state of motion. Therefore, what makes federalism one of the most admired political systems is its ability to provide the 'closest institutional approximation to the complex multicultural and multidimensional economic, social and

political reality of the contemporary world' (Blindenbacher & Watts, 2013).

As much as federalism has a goal to proximate to the reality of contemporary world in managing socio-economic and political realities, it requires a particular structure to which power/authority can be concentrated or diffused. Accordingly, Howard (1993) has made it clear that, 'federations vary widely in the degree to which authority is centralized', depending on the choices of the federating units. The manner federalism is required to operate remains a serious political debate in multicultural federations, especially in Africa. The underlying question is, what type of federalism, and how should it operate, taking into consideration the methods of 'power sharing' and resource distribution.

This suggests therefore that the challenges of federalism are the same, despite their contextual variations. Central to federalism is the controversy over 'who gets what powers, when, how', and why should such powers be designated to different levels of government and their respective institutions, and by what proportion. The controversies surrounding the practice of federalism in most federations transform often intergroup relations into unmitigated and unprecedented conflicting relations, but the effective way of resolving the problems associated with power sharing is to reflect on the histories, needs and culture of the different ethnicities constituting the federations.

4. Nigeria in Global Perspective: Some Contending Discourse on 'True Federalism'

Globally, federalism is associated with the Athenian League of Greek City-state in the 3rd Century B.C, and the Swiss state of the 16th Century. Switzerland has been recognized and celebrated as the largest country with the tradition of federalism. However, after the resolve and ratification of the American Constitution of the 1787 by thirteen British Colonies of the United States to adopt for themselves federal model, through several moderations to reflect their internal peculiarities, have since made the American federalism the most coveted throughout the world as an archetype, ideal or true federalism (Odofin, 2003).

Several factors were responsible for the adoption of federalism in the United States. These factors were the desire for union, the need for military strength (security), expanded economic opportunities, geographical proximity, the size of the federating units and the need for a strong-willed leadership. Despite other factors, central to all was the strong-willed leadership. They needed a leader that can harness human and material resources to meet the need of the federating units, inspire a sense of belonging as an entity, and the need to create the environment for interaction among the people of varied backgrounds in the United States (Odofin, 2003). As these collective but differing factors, prompted the need for federalism in the United States, they were also responsible for the adoption of federalism in other countries around the world.

Federalism in Nigeria has come of age. Nevertheless, it is still a contested phenomenon. The problems with Nigerian federalism are many. Some of the problems fundamentally are associated with the history of evolution into statehood and federation, and the size and population of the regions, zones and states constituting Nigeria. Other factors include the nature and mode of representation, power sharing and power shift; resources generation, control and distribution, the method of political recruitment, the majority-minority question; and the question of group identity. Furthermore, the nature and processes of social policies; the problem of distribution and allocation of both tangible and intangible resources; the problem of excess liberty which democracy offer to claim of rights and belonging; and double loyalties which federalism promote simultaneously also constitute serious challenge to consolidating federalism in Nigeria (Odofin, 2003). It is these problems put together that accounts for the demand of 'true federalism'. This demand has generated serious contentious debates among scholars, policy makers, political and social activists, as well as ethnic and religious groups among others in Nigeria.

The concept of 'true federalism', theoretically and practically has remained elusive, as there is no specified characteristic to appropriate a federal system as 'true' or 'false'. This further instigates the question, between symmetric or asymmetric federalism, which is 'true' or 'false'. Evidence across the world reveals that there is neither true nor false federalism, because the nature and manner federal states are organised depends on the cultural and communal characters, as well as interests of the various ethnic and religious groups that constitutes the federation. Most Nigerians have come to associate the American federalism with the concept of 'true federalism'. Many of these people clamoring for the adoption of the American federal model tend to forget that Nigeria and America, though multi-ethnic and multi-religious in nature, differ by all standards. They also tend not to reflect the differences in historical trajectories of their evolutions, as well as the political cultures of citizens of the two countries. They have also forgotten to consider closely the differential political trends and dynamics that motivated the making of the American and Nigerian federation respectively.

What is pertinent to ask is what factors make American federalism a 'true federalism'? No matter how intriguing the factors are, do they account to naming American federalism a 'true federalism' and Nigerian federalism a 'false federalism'? Suffice it to note that different countries practicing federalism as a political mechanism for managing diversity do so by reflecting their respective socio-economic and political realities and peculiarities. This explains why federalism differs in terms of institutional structures and practical contents.

Federalism is what the people perceive and define as federalism. This further demonstrates that federalism is not static but dynamic. It oscillates to symmetry and asymmetry, depending on the prevailing condition necessitating back and forth movement within the geographical terrain of a country.

5. Toward a Definition of ‘True Federalism’: Understanding Fallacy of Context

The concept of ‘true federalism’ has remained contentious, especially in Nigeria. Toyo (2001) has questioned ‘Have the different constitutions of Nigeria since 1960 ever given the country ‘true federalism?’ ‘Does the 1999 constitution do so?’ The answer to both questions is ‘yes.’ He further stated that the constitution-making constituents gathered by both Babangida and Abacha confessed after a close consideration of the 1979 constitution, that there was nothing wrong with the constitution. From this perspective, it is worthwhile to state that there is also nothing wrong with the 1999 constitution (As Amended). If the answer is ‘yes’, as Professor Eskor Toyo stated, it is pertinent to question, why then the contention over ‘true federalism’? What is this ‘true federalism’? How different is it from what obtains in Nigeria? Examining these questions in the context of the submissions made by scholars, it will offer a better understanding of the discourse about ‘true federalism’ debate in Nigeria.

A reputable federal scholar, Oyovbaire (1985) situates the concept of ‘true federalism’ in democracy, and contends that the extent to which federalism can be ‘true’, depends on how much the democratic system of government permits citizens to participate and exercise their rights within the ambit of the rule of law. This implies that no matter what terminology is given to the concept of federalism, whether ‘asymmetry or symmetry’ or the way some quarters in Nigeria call it ‘true federalism’, it hinges on democracy as a foundation to the sustenance of any federal union. Stephanie Dion, then President of the Canadian Privy Council and Minister of Intergovernmental Affairs, cited in Sagay (2004, p.17) puts it inter-alia that:

Without democracy, genuine federalism is impossible. To be sure, there have been dictatorships or totalitarian regimes that have claimed to be federations. Some still exist today. However, genuine federalism presupposes the respect of a division of constitutional powers between two orders of government. If all the political powers in the country is in fact under the control of a single party, it is difficult for the federative form of the state to be anything more than a façade. It is within a democracy that federalism finds its true meaning.

In the same vein, Toyo (2001) posited that no federalism is false rather all are true. Therefore, the concept of ‘true federalism’ undermines the theories underpinning federalism. This context creates the contention about what constitute ‘true federalism’. It also creates a dilemma of locating the criteria for ascertaining how ‘true’ federal system in one country is from another. This contention relates to Oyovbaire’s (1985) assertion that, federalism in a democracy is ‘true federalism’, because of the interrelatedness and complementariness of democracy and federalism.

Democracy is a system that provide the springboard on which federalism can be strengthened and excel. Democracy and federalism are like ‘Siamese twins’ designed to meet the expediencies or exigencies in plural societies like Nigeria. In classical sense, Abraham Lincoln defined democracy as a ‘government of the people, by the people and for the people’ (Chatuverdi, 1996, Agbo & Lenshie, 2010). In the modern sense, federalism is a system of government that guarantees the freedom of citizens based on equal right of every person to participate in the governing process, whether directly or indirectly. Central to democracy of whatever kind of model, is the ‘people’. Democracy approximates human nature, which essentially is liberty. Nevertheless, the exercise of liberty requires regulation to avoid anarchy. This informs the reason for the presence of the rule of law to control the animalistic tendencies of human beings. Since the rule of law is central to the practice of democracy and federalism, it offers the bases for distribution of rights and privileges according to the pacts entered into by the people belonging to the federation.

Therefore, it is adequate to state that federalism compliments democracy. On the one hand, it permits non-centralization of government by ensuring juridical division of governmental powers among different levels of government. The division of spheres of operation prevents arbitrary use of power against the people constituting the federation. On the other hand, it is concerned with bringing government closer to the people by ensuring inclusive participation, respect for and tolerating diversity. This means that federalism provides the productive forum for effective interaction among various groups in democratic states.

Federalism, therefore, is a cardinal component of a democratic society, because the yearnings and aspirations of the people are cardinal to the affairs of government. Linking ‘true federalism’ to democracy, Oyovbaire (1985) revealed the ‘positive values’ of democracy, which enables public actions that are people’s oriented in federal system of government. These positive values can adequately be situated within Twomey and Withers’s (2007: p. 8) identification of the benefits associated with the adoption of federalism which equals democratic principles, namely:

- Checks on power – Federalism divides and limits power, protecting the individual overtly from a powerful government. It ensures that there is greater scrutiny of government action and helps to reduce the incidence of corruption.

- Choice and diversity – Federalism gives citizens a greater range of choices. People can vote for one party at the national level and another at the state level. They can move from one state to another if they prefer the policies of the subsequent state, or they can seek to have policies of another government implemented by their home state. If one level of government lets them down, they can seek redress from the other.
- Customization of policies – Federalism permits the tailoring of policies and services to meet the needs of people and communities directly affected. Differences in climate, geography, demography, culture, resources and industry across the country, means the requirement for the adoption of different approaches to meet needs of local people constituting the federation. Put differently, federalism accommodates these differences and brings the government closer to the people, allowing them to influence the decisions that affect them the most.
- Competition – Federalism permits comparison among states and territories across the country. Comparison becomes the source for competition, which also gives the incentive for states to improve their performance. In other words, competition increases efficiency and prevents complacency. Comparison shows that federations have proportionately fewer public servants and lower public spending than unitary states.
- Creativity – This is the master of invention. States and territories need to be innovative and experiment in order to compete with other jurisdictions. When a particular state is successful by becoming innovative, other states in the federation also adopts the strategy to put themselves in the comity of innovative states. Put differently, innovative states lead the country in proposing reforms in a federation or across federations.
- Co-operation – The need to co-operate to achieve some type of reforms means that proposals tend to become more measureable and better scrutinized. The agreement of all jurisdictions to implement difficult reforms bring together all parts of the country in a common endeavor and give the reforms greater insight, legitimacy and support.

Any federal state without the above characteristics in practice, such state is questionable, because no variable identified can be latent or manifest in isolation. The shortfall of these benefits throws up the federal system in a chaos. The ability to manage effectively the federal system is to provide for the divergent needs of the various quarters in the country. This depends on the scale of the country's economy. Evidence across the world proves that, because of the costly nature of constituting a federal system, poor countries with multicultural character finds it difficult to manage and sustain effectively the federal arrangement. The outcome of such venture has led to unprecedented violence, especially in Africa.

It is important for federalism to be rooted in the rule of law, sustained overtime and with the people (both governing and the governed) possessing high democratic culture. In a situation where citizens' democratic culture is poor, there is need for citizens-government engagements through communication, interaction and argumentation on policies and actions of the government. This is important because it assist on informing and building the consciousness of the citizens about their rights and obligations, which are prerequisites for fostering federal democracy. Some federal scholars would argue that the identified characteristics are far from what is obtainable in Nigeria. However, this does not mean that Nigerian federalism is a 'false federalism'. Several factors mutually but also exclusively explains the variations in the practice of federalism and democracy in different countries. The consideration of the American federalism as an 'archetype' by most Nigerians creates serious contention, which amount to referring to Nigerian federalism as 'false federalism'. This situation necessitates the need for the comparison of Nigeria and American federalism in terms of evolution, continuity and change in the practice of federalism.

6. Comparative Discourse American and Nigerian Federalism: A Synopsis

Comparing federalism as an aspect of comparative politics has remained tasking. However, Watts (2007) identified seven necessary variables when comparing federalism, to include:

- The character and significant features of their underlying economic, social and cultural diversities;
- The number of constituent units and the degree of symmetry or asymmetry of their size, resources and constitutional status;
- The scope and form of the allocation of legislative, executive and expenditure responsibilities;
- The allocation of taxing powers and resources in the character of federal government representative institutions;
- The degree of regional input to federal policy-making in the procedures for resolving internal conflicts between governments;
- The processes established to facilitate collaboration between interdependent governments; and
- The procedures for formal and informal adaptation and change.

Without situating any of these variables to analysis, it is deducible that the American federalism differs from the Nigerian federalism, but it does not reduce federalism in Nigeria to a mere appearance rather than a substance of federalism. To understand the causal factors for the variations between American and Nigerian federalism is to situate it comparative study of the evolutionary process of the respective federal systems.

The evolution of American federalism has its origin in the spontaneous aggregation to spontaneous disaggregation of the people into forming the United States of America. It happened exactly at the time when the thirteen North American colonies declared independence from Great Britain on July 4, 1776 (Katz, 1997: p. 9). From the period the United States of America gained independence, the country adopted varied forms of federal systems construed by prevailing circumstances that permitted the operation of such federal systems. At independence, with the suspicions of centralizing power, the newly independent states reflected a view that republicanism flourishes best in small units where popular control of government was most likely to take hold. They adopted confederation as suitable and practicable federal system, such that each federating units retained sovereignty, freedom and independence. This type of federalism was a 'dual federalism', adopted between 1790 and 1860 (Katz, 1997).

According to Oyovbaire (1979: p. 82), this federal system requires a 'hands-off' between the state and the federal government, meaning that the state government was independent of, yet co-ordinate with, the central government. In this circumstance, the central government has no power to enforce its edicts. The federal system existed largely at the sufferance of the states (Howard, 1993: p. 393), making it difficult for the central government to meet the expediencies of the federal union. For example, in the United States of America, the central government's inability to negotiate favorable trade treaties with other nations among other issues, contributed to continuing economic challenges, such that it led to a constant fall in revenue and credit ratings. The federated states competed against each other for commerce to the point of treating neighboring states as if they were foreign countries, among others (Howard, 1993: p. 393).

The United State of America adopted state-centered federalism between 1860 and 1933, labelled as 'centralizing federalism'. At this point, the federal government became responsible for virtually all the problems facing the American society. The centralized federal system created fear of domination among some eleven federating units of the Southern States, who protested the dominant tendencies of the central government, and asserted their rights to secede from the federal union (<http://www.britannica.com/EBchecked/topic/19407/American-Civil-War>). The agitation among other issues plunged the country into Civil War, contesting the supremacy of the central government. In the late 1930s, the United States adopted 'cooperative federalism'. The system implied the willingness among the federating units to cooperate with the central government over issues of socio-economic policies, to guarantee both the central and the state governments to take simultaneous actions in the same sphere of policy.

At another stage, the United States of America adopted 'creative federalism', which allowed for collaboration and mobilization of the private and public, and semi-public interests in the execution of intergovernmental welfare and regulatory programs. This federal system was not without shortcomings, which paved the way for the adoption of 'permissive federalism'. The federal system provided for the sharing of power between the national government and the co-ordinate government, or otherwise, the federal government and the state government, but with the state share depending on the permission of the national government (Oyovbaire, 1979: p. 82). This typology also led to serious political contentions on the futuristic concerns about the American federalism. The federal system yielded the 'new federalism'. The 'new federalism' was a phrase used mainly to describe efforts to reverse flow of power to Washington D.C. and to return responsibilities to states and communities (Zimmerman, 2008).

Nevertheless, contemporary evidence shows a shift in the balance of power between the central government and the federating units, particularly in the area of intergovernmental fiscal relations, interstate relations, state-local relations, and the growth of power centralization within the federal system (Zimmerman, 2008). From this brief consideration it is clear that the evolutionary process, and of course, the trends and dynamics of the American experimentation with federalism from confederation, state-centered federalism, dual federalism, cooperative federalism, creative federalism, permissive federalism and new federalism, indicates that federalism is never a static political framework. Federalism is a political arrangement that is geared towards states and nation building, where in application, the central and the coordinate government, although each independent in the spheres of operation, work together for the survival of the federation, which exemplifies the American model of federalism (Oyovbaire, 1979: p. 83).

Even though in the United States of America, the various federating units stand out equally, considering their respective peculiarities to execute what is in most civilized and general sense 'public good', it does not imply that the federal system is totally without some forms of federal centralization. In most federal systems, the adoption of federal centralization is for the purpose of national security, harmonization of economic policies, and generally, for the growing complex nature of the federal states, which could involve a combination of identity factors such as ethnicity, religion and ideologies. In the United States of America, federal centralization comes to play out from time to time in the operation of the government on issues that bothers on national security. Katz (1997) argued that, the federalism in the United States is not simply a decentralized administrative unit that exists only to implement policies made by some powers in the government. They have powers in their own right to carry out programs that affect their citizens. However, those powers become

subsume under the national power on matters of national interests such as the national security and socio-economic well-being of the federation.

Accordingly, the central government deal with issues of military affairs (safeguard of the nation), foreign affairs (bilateral and multilateral relations) and the promotion of the American interests globally, and the coordination of economic affairs within the federation as they affect free flow of commerce across state lines. Notwithstanding, other domestic affairs in the United States are carried out by the respective federating units. The basis for this experience hinges on the history, needs and cultures of the citizens of the states. The implication is that, framers of the federal system of the United States of America designed it in a manner that federating units are the principal policy makers.

In the case of Nigeria, it is clear that the process of evolution of federalism as a political framework was not the same as that of the United States of America. This assertion is predicated on the fact that 'the Nigerian federation was neither a "contract" between states nor a "voluntary union" of a number of originally independent states' as in the case of the United States of America. The evolution of the Nigerian federalism was through spontaneous disaggregation to spontaneous aggregation of hitherto independently existing ethnic entities within the Nigeria geographical area. Odofin (2003) divided the evolution of Nigerian federalism into four (4) phases, thus:

- The phase one (1900-1946). This phase is the period of informal 'colonial federalism', because there was no constitutional provision recognizing the colonial entity called Nigeria as a federation. During this period, the colonial government and their representatives (governors) had powers – political, administrative and fiscal, and so on, to veto on any decision-making and political actions affecting the colonial territory.
- The phase two (1946-1967). This phase was the 'transitional federalism', when the country constitutionally gained recognition as a federation under the Richard Constitution of 1946, which provided for the division of the country into three regions – the Northern region, Southwest region and the Southeast region respectively. During this period and after independence, through the act of federal decentralization, political power was very much resident in the regional government, such that each region pursued policies and programs that were inimical to the corporate existence of Nigeria.
- The phase three (1967-1999). This phase was the period of 'federal centralization' of power. During this period, the military have intervened in the political process, and considering the precariousness of federalism in Nigeria, decided to gravitate power to the center in order to effectively govern the federation, exploit and distribute resources generated within the states of the component units to the central government. The civil war (1967-1970) further motivated federal centralization of power during this period. By 1979, the military handed power to the civil government. However, the military aborted the democratic practice in 1983 and continued to rule until 1999 when they exited from power.
- The phase four (1999-date). This phase is the period of 'contested federalism'. Even though Nigeria has returned to civil rule, ethnic nationalities are contesting the practice of federalism over a number of issues, which include among others, marginality question by the ethnic minorities, religious bigotry, movement for self-determination, power sharing formula, resource control, resources allocation and distribution, political recognition and participation in the affairs of the federal state. This phase, which has given birth to contestations and ungoverned spaces, has also led to several moderations to enable the consolidation of democracy and federalism.

From the foregoing, the evolutionary process of the Nigerian federalism reveals the complex nature of developing federalism in African states. Therefore, the tendency of having fierce experiences of conflict in the development of federalism is not restricted to Nigeria. This shows that federalism worldwide is ever changing, because the process alternates continuously to reflect the changes in the society.

As a British colony, the United States of America adopted federalism on their own volition in successive stages of statehood. The Nigerian experience is very different, though also a British colony. The thirteen colonies of Britain, which became the United States of America collectively waged a war of decolonization and declared for themselves independence in 1776. Nigeria was colonized all through and handed independence in 1960. In the process of federal construction in Nigeria, the dominant interest of Britain played out virulently (Oyovbaire, 1979: p. 83). The practice of federalism in Nigeria has come of age, but has continued to be a point of contention among the various ethnic nationalities in the country. Akpan (1979, p.1) foreseeing this situation coming, pushed the blame to Lord Lugard for constructing 'an accidental foundation' called Nigeria federalism. The problems of Nigerian federalism further compounded in the post-Lugard era. The late Justice Atanda Fatai-Williams, former Chief Justice of Nigeria, cited in Sagay (2004, pp. 11-12) described the situation when he captures that:

Unlike most of the older federations, what we did in Nigeria was like unscrambling scrambled eggs. We started as a unitary state and then opted for a federation afterwards. The problem of Nigeria originally in 1951 - 52 was one of devolution of powers, but when the constitution, which Macpherson gave us, broke down, we opted for a federal constitution. Very little most of us know about the theory of federation at the time. They

were always quoting at every constitutional conference. It may well be that if we knew more about the theory at the time; we would have emerged in our effort to provide our people with a federal constitution that took account of all the peculiar circumstances of our country and our peoples.

Suffice to state that the major questions surrounding the discourse of Nigerian federalism are essentially two-fold: on the one hand, is the issue of physical federalism, and on the other, the issue of fiscal federalism, and the interface, which characterize the controversies. The physical federalism aspects of the debate in Nigeria has its origin from the pattern of state creation and the distribution of tangible resources, such as the allocation and distribution of social, economic and political benefits accruing from the federation. The colonialists in many instances created imbalances, particularly in the federal structure of the country to favor their surrogates in the Northern Nigeria. The physical mass of the Northern region can attest to this, which also gave it a headstand in terms of population. With the power of population, the Northern Nigeria throughout the first republic dominated the political landscape of Nigeria. Contemporary realities still attest to this fact that the Northern Nigeria is a force in deciding the wave of governance in Nigeria, whether at the legislative or the executive level (Odofin, 2003; Sagay, 2004).

The fiscal federalism aspect of the debate in Nigeria is the agitation for resource control, which is the most concern of the states in southern Nigeria. In fact, the immediate post-colonial Nigerian government started facing challenges associated with fiscal federalism, when crude oil was discovered at Oloibiri in Rivers State (now, in Bayelsa State). Mbanefoh & Egwaikhide (1998) revealed that government has used several principles since 1940s to allocate revenues among the various regions and states of Nigeria. Some of the principles adopted were derivation formula, fiscal autonomy, national interests, and equality of states, population, balanced development, social development and absorptive capacity. Each of these principles attracted a number of criticisms from various sections of the country, both in the academia and public domain. In most circumstances, all of these principles have benefitted the Northern Nigeria that have less exploitable resources compared to the oil-rich Niger Delta region, the hub of the country's foreign earnings (Amuna, 2013).

The Niger-Delta region is the most deteriorated region in Nigeria, because of crude oil exploration causing oil spillage. Disenchanted by the activities of the multinational firms and the government's inability to respond adequately to the plight of the people gave rise to the militant activities in the region. There are several militant groups in the region involved in hostage taking, oil bunkering, militancy and other criminalities manifesting in the form of 'politics of human resistance'. According to Ibeanu (2006) and Ayokhai (2012) central to the restiveness has been reactions to deteriorating socio-economic and environmental conditions in the region, despite the huge foreign earnings the region generate for Nigeria. This is not the only problem bedeviling Nigerian federalism. The Igbo people of Eastern Nigeria constantly clamors for the creation of the State of Biafra and the Middle-Belt region inhabited by minorities are tired of the social, economic and political marginality they have continued to suffer under the dominance of the Hausa-Fulani since the 1940s (Logams, 2004; Agbo & Lenshie, 2010).

More so, with the implementation of the Shari'a law, it further compounded the relationship between the ethnic Northern Christians and the Muslim majorities – the result, which many Christians believe laid the foundation for the emergence of Boko Haram, the radical Islamists group in the year 2000. Several of these problems have led to the perception that Nigerian federalism is not a 'true federalism', and therefore needs redefinition. The recently concluded confab is yet to provide any meaningful changes in the political landscape of Nigeria. In the past, several confabs were organized but ended in fiasco. The Sovereign National Conference (SNC) is the only avenue that can provide such opportunity to determine the bases for the continuous existence of Nigeria as a federation. To organize SNC, it requires the dissolution of the government, replaced with ethnic representatives to come together in a round-table discussion to decide the continuity or the collapse of the federation. This is seemingly the impossible because of the fear of the possible outcome should the SNC hold.

Nonetheless, the recurring debate on Nigeria federalism in most confabs has centered on the need to decentralize the federation. This is against the backdrop that other countries around the world have been decentralizing and granting considerable level of autonomy to peculiar territories within their geographical boundaries. This situation is evident in the United Kingdom (particularly in respect to Scotland), Italy (South Tyrol), Finland (Aland Islands) and France (Corsica) among others respectively. The clamor is because decentralization assists in solving enormous problems bedeviling countries practicing federalism. Stating the relevance of decentralization, Bird and Ebel (2005, p. 14) asserts:

Decentralization may sometimes serve as a path to national unity (for example, Canada, South Africa, Switzerland and Uganda). It may offer a political solution to civil war (Bosnia-Herzegovina, Sri Lanka, Sudan). It may serve as an instrument for deflating secessionist tendencies (Bosnia-Herzegovina, Ethiopia, Spain), or formally forestalling the decision as to whether or not to secede (Sudan). It may attempt to achieve a similar aim by conceding enough power to regional interests to forestall their departure from the republic (Canada, Russia, Spain); or it may be used, to, in effect co-opt "grassroots support" for central policies (Colombia, maybe China).

As much as federal decentralization may ameliorate several challenges of federalism in multi-ethnic

societies, the decentralization viewed as the best alternative to making Nigerian federalism a 'true federalism' is feared among many people. The fears ally to the fact that, several sections of the country are not happy with the manner federal system operates, and probably adopting federal decentralization may lead to the disintegration of Nigeria as a country. Olukoshi & Agbu (1996) blamed the military for creating the enormous problems Nigerian federalism is encountering in contemporary times. They attributed the problems to over centralization of federalism. However, federalism is not a straightjacket political arrangement. Olukoshi & Agbu's assertion is an over exaggeration about the Nigerian federalism, because there is no country operating either centralization or decentralization to the extreme but relative to both, depending on the prevailing conditions. The political atmosphere at that time warranted the military takeover and over-centralization of federalism, particularly the several political instabilities that marred the political process and elections in Nigeria prior to their intervention.

The much-admired American federalism still undergo moderation to suit the changing socio-cultural, economic and political conditions in the United States vis-à-vis the global community. The indication is that, federalism is not static but always in a state of continuity and change, oscillating between centralization and decentralization. Countries can adopt different types of federalism with varying degrees, depending on their peculiarities. Evidence from American federalism shows that Americans encountered varied forms of social, economic and political challenges. There are several evidences to attest to the serious political crises, which nearly caused the collapse of the United States of America because of the loose nature of the federation. Even though the circumstances at that time presented such necessity, the procedure, however, took into consideration various peculiarities, as well as the prevailing conditions at the time necessitating the adoption of centralized federalism. The social, economic and political moderations made the American federalism one of the most admired and coveted in the world today. The situation in America can replicate with moderation to reflect the social, economic and political conditions in Nigeria.

7. Conclusion: Toward Inclusive and Competitive Federalism

The effort made is to deconstruct the concept of 'true federalism' in Nigeria, by looking at the theoretical postulations of federal scholars about federalism and its contextual application in other countries. Specific attention, though briefly, was given to the study of federalism as practice in the United States of America, which is viewed as an archetype by many Nigerians. This suggests that the extent to which federalism exists in Nigeria is a 'false federalism', unless Nigeria adopts the exact form in the United States, which is not going to be possible. The reason for the impossibility stems from the fact that there is no one perspective to federalism, whether theoretically or practically. Federal arrangements across the world reflect multicultural characters of states practicing it.

The characterization of federal systems into asymmetric or symmetric federalism, or centralized or decentralized federalism, does not in any way amount to classifying federal systems as either 'true' and 'false'. Using these criteria to differentiate between federal systems is very erroneous, because no two countries present exact circumstances that informed the adoption and practice of a particular federal system. Situating the argument of 'true federalism' in the discourse on federalism, Oyovbaire (1985) and Toyo (2001) have made varied submissions, which are largely interwoven. Oyovbaire situated 'true federalism' in democratic system, whereas Toyo situated it in federal systems. Both scholars seem to be correct as federalism and democracy are in tandem with each other. Federalism operates largely effectively in a democracy, which is structurally decentralized in a manner that there is power sharing between the levels and organs of government.

Primarily, for federalism to take roots, the country must embrace democracy to enable the people exercise their rights and express opinions on issues of national concern. Secondly, the country should adopt a particular federal system taking into consideration the complexities of the various ethnic and religious groups to locate the gravitation of power, either to the center or the periphery, or proportionally, as the case may be. This explains why the system could be symmetric or asymmetric, or otherwise, centralized or decentralized. Whichever type of federalism a country adopts is a 'true federalism' (Toyo, 2001).

The concept 'true federalism' is therefore a vocabulary coinage by the elites in Nigeria to suit their political expediency. The concept makes little or no meaning at all. Federalism is federalism anywhere around the world, it is either symmetric or asymmetric or both. This is because federalism is not equal to unitary system of government. To determine whether a country is federal, the basic ingredients of federalism should be cross-examined. It is either centralized or decentralized. However, as noted earlier, there is no country practicing purely a decentralized or centralized federalism without the modicum of both. Federalism is always in a state of flux and operates in an unending spiral, making it difficult to correlate effectively between one country and another.

This study shows that the demand for 'true federalism' is prejudicial to the corporate existence of Nigeria. It undermines the theoretical conceptions of the term 'federalism' as advanced by various federal scholars. The non-existence of 'true federalism' anywhere constitutes a problem to its actualization in Nigeria. The difficulty of achieving 'true federalism' hinges on the fact that no federal system is free from challenges.

The consideration that a federal system is 'true' or 'false' is a mere appearance. In the real sense, no federal system can be 'true' or 'false' federalism as implied by most Nigerians on the discourse of 'true federalism'. The consideration that makes federalism in some countries like the United States of America, admirable is the constant moderation of federal structures to meet prevailing challenges. Nigeria has a responsibility to adjust and moderate constantly the federal structures through political restructuring, to reflect internal peculiarities and challenges as they present themselves from time-to-time. The need to revisit the histories, needs and cultures of the various ethnic and religious groups in Nigeria is cardinal to achieving a more viable inclusive and competitive federal system in Nigeria.

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