

FEDERALISM, RESTRUCTURING AND NATIONAL QUESTION IN CONTEMPORARY NIGERIA: THE WAY FORWARD

BY

**GHANI DASS MOHAMMED
SCHOOL OF GENERAL STUDIES,
ABUBAKAR TATARI ALI POLYTECHNIC, BAUCHI**

&

**ABDULLAHI YALWA
SCHOOL OF GENERAL STUDIES,
ABUBAKAR TATARI ALI POLYTECHNIC, BAUCHI**

ABSTRACT

This paper examined the issues in federalism, restructuring and national question in contemporary Nigeria, and the way forward. It is evident that Nigeria as a Sovereign State no doubt a fortune country. Although, the political history of the country is characterized by incessant violence, political contestation precipitated to coups and countercoups, under-development, widespread poverty, mass unemployment and near collapse of social infrastructures to human survival, corruption and moral decadence and alarming problem of insecurity, as well as the threat to Nigeria's federalism via true federalism and secession. "Pluralist theory" is adopted as theoretical framework in guiding the analysis of this work. The paper critically reviewed the existing literature both conceptually, empirically and thematically and relied on secondary source of data and examination of official documents as its methodology. Major findings has it that federalism is a solution to the centralization and concentration of powers which affects transparency in some homogeneous States. The paper concludes that the existing federal structure should be maintained as captured in the Constitution of the Federal Republic of Nigeria, which emphasized on the diversity of the people and promote sense of belonging, loyalty among all the people of the federation must be enforce. And this has rhyme with our theoretical framework earlier discussed, that guide the analysis of this work.

Keywords: *Federalism, Restructuring, National Question, Contemporary Nigeria*

INTRODUCTION

It is evident that Nigeria as a nation State no doubt a fortune country. Although, the political history of the country is characterized by incessant violence, political contestation leading to coups and counter coups, under development, widespread poverty, mass unemployment and the near collapse of social infrastructures to human survival, corruption and moral decadence and alarming problem of insecurity, yet the Nigerian people have been described as the happiest on the planet! (BBC, 2008, in Odofin, 2003).

The condition of happiness becomes quite significant by contextualizing the political experience of Nigerians along the historical contradictions which informed the evolution of the Nigerian State. The pre-colonial entities were violently conquered and forcibly amalgamated in 1914; crudely exploited and mischievously incorporated into the European global economy or system; politically dominated and manipulated under colonial administration up to 1960 when the country gained her flag independence (Odofin, 2003: 2).

The country passed through violent electoral politics and unstable parliamentary democracy between 1960 – 1966; experienced coups and countercoup, which degenerated into a bitter civil war fought between 1967 – 1970; went through a prolonged military rule culminating into agitation for secession. Against the backdrop of these problems Nigerians even though suffering are still smiling. Despite the call for restructuring of the Nigerian federalism, Nigeria is an emerging complex and sophisticated nation-State densely populated with an intimidating size, and wealthy in

terms of human and natural resources. The country occupies a large geographical space with a land mass of about 924,000 sq. km; four times the size of Britain (Oyovbaire, 1985: xvii, in Odofin, 2003:3). In terms of economy, it is essentially an agrarian economy because in spite of the dominance of crude oil as the main source of revenue, agriculture still remains the main source of employment, food consumption and livelihood. The country is blessed with crude oil, cocoa, palm oil, cotton, textiles which form the major export crops. Furthermore, there are other mineral resources such as oil gas, lead, zinc, coal, iron stones, bauxite etc. located in various parts of the federation.

However, the country is deficient in terms of appropriate technology and stability in terms of agitation for resource control in some quarters. Thus, poverty is still widespread and the State continues to experience decline in terms of its capacity to meet the basic needs of Nigerian people. Contemporarily, there are problems associated with the call for restructuring of the existing federalism due to some deficient in the system, which tend to weaken the resolve of Nigerian political leadership.

It is also a point to note that, the agitation for restructuring in Nigeria polity has been recurring one, particularly in 2015 through 2017 when the Nigerian State witnessed economic recession. People from different quarters more especially from the political class chanted for restructuring the Nigerian federalism, which became a national discourse.

Similarly, structure of Nigeria federalism started crystallizing with the establishment of different Constitutions. It was the 1992 Clifford Constitution that

endorsed the division of Northern and Southern provinces. Other Constitutions of Richard (1946) and Macpherson of 1951 contributed in giving Nigeria different shades of structure of federalism. The Lyttleton Constitution of 1954, gave rise to a true structure of federalism, which was effective on October 1, 1954. The Constitution guaranteed the sharing of power between the center and the regional component units. Exclusive and Concurrent list power was entrenched in the Constitution. This followed the Independence Constitution of 1960 which conferred independence status in Nigeria incorporated the federal structure earlier established by the Lyttleton Constitution (1954). Nigeria was divided or rather compartmentalized into three regions, and four in 1963 where the Mid-western region was coined/created.

The Ironsi's region introduced a unitary pattern of government and abolished federalism, whereas Decree No. 34 otherwise known as the unification decree was enforced. The counter coup on the Iron's junta produced General Yakubu Gowon as the Military Head of State, and Nigeria was turned to federalist structure with 12 States. The agitation for restructuring continue to be on course up to 1990's when more States were created, to the present 36 States.

Buttressing the above issue, it is also important to note that the United States of America was federated in 1776, with 50 States through the American War of Independence, without any threat for restructuring, recent British witnessed agitation for the sovereign of Scotland, yet it was referendum that settled the dust. The London Conference of 1953, assured the British government that the best system for Nigeria is federalism.

These tendencies as articulated above have made it very difficult for democracy

to survive or to invent and nurture apolitical framework (Federalism) through which Nigerianhood could be firmly rooted and expressed. Several factors have been adduced for the complexity of politics and the sustenance of federalism in the enterprise known as Nigeria. Notable among them are colonial legacies through which the State derived its basic characteristics – cultural pluralism; and the strategic role of the State in the process of primitive accumulation which defines the class character and orientation of the predatory political elites:

Odofin (2003:3) opined that in the context of acute competition between different power bloc to gain access to state power and resources, primordial sentiments are deliberately provoked and converted into a fundamental political infrastructure. Thus, the state is trapped in the contradictions of the power blocs and rendered impotent in its main task of managing inter group conflicts, and tragically too, the state becomes more vulnerable to the manipulations of both internal and external predatory class (Power elites) for further primitive accumulation. Consequently, aggravated have become a permanent feature of Nigerian State, compounding the task of political and economic agitation. The nature of these problems which have become legendary and thereon, the polity are the core factors masquerading as national question on structuring of Nigeria federalism

OPERATIONALIZATION OF KEY CONCEPT

It has become a tradition in the academia to problematize issues, concepts and theories not just for the purpose and excitement of argumentation, but for presenting the variegated definitions that exist in the literature which reflect the diverse backgrounds, tendencies and dispositions of the intellectual community. Thus,

definitional and paradigmatic differences characterize the intellectual discourse on practically all issues. However, the paper shall try not to immerse and get lost in the sea and wilderness of definitional and paradigmatic differences in our attempt at conceptual clarifications on federalism, restructuring and national question. These concepts forms the main theme of this paper.

i. Federalism

The concept of federalism is currently undergoing intellectual scrutiny in Nigeria due to the problems emanating from its applicability. In recent time, there have been a lot of debates on “True Federalism, resource control”, local government autonomy etc. in the federal context and modes of power sharing that would provide an escape route for Nigerians who find themselves in a jail built by Britain to emasculate its colonial indigenous nationality (Oguagha, 2003:30).

Federalism like other political concepts such as politics, power, democracy and socialism mean many thing to many people. Therefore, philosophers and political theorists and to present variegated perspectives on federalism. However, for the purpose of this paper, we shall be guided by the contribution of the classical and modern approaches to the theory of federalism. The pioneer scholars of federalism as represented - K.C. Wheare, A.V. Dicey co-ordinated by scholars such as William Livingstone, Karl Deautsch, William Kicker Etzoni, Carl Fredrick, A.H. Bitch, A.W. MacMalon, R.L. Wats and a host of others.

Federalism presupposes the existence of diverse people with different socio-cultural backgrounds in a single nation. It has been considered as one of those devices

for regulating and minimizing ethnic conflicts extant in the politics of multi-ethnic states. It is argued that federalism provides a unique way of organizing political power at various units so that all the participants are involved in decision making process. In a federation, the central government and the regional/provincial or State government both enjoy a separate domain of power which is clearly spelt out in the Constitution. (Odofin A.P, 2003:8). The constitutional division of power forms a happy combination because through it, great and aggregate interests are referred to the national while the local or particular interests are handled by the State government. (Janta R. et. al. 1989:113, Odofin, 2003).

From the classical perspectives, federalism is defined in terms of regional authorities each governing directly and independently within its own defined sphere and neither being able to modify the division of power unilaterally. (Venon R. 1988:3). Accordingly, decision making (under the federal framework) is rigidly divided and safeguarded by institutional constitutional devices between a central autonomy and a number of required activities.

However, from the modern perspectives, federalism is defined in the context of the dynamics of its socio-economic environment. Importantly, federalism is conceived as mechanism for the identification of the social and economic forces and factors which contribute to integration in a variety of ways (Ray S.N. 1999:150). This forms the kernel of the two contending perspectives of federalism.

Notably, Dicey conceive federalism as a political contrivance intended to reconcile national unity and power with the maintenance of State rights and as the distribution of the force of the state among a number of co-ordinate bodies each

originating in an controlled by Constitution. Therefore, according to him the federal idea is bound up with the goals of finding an equilibrium between the centripetal and centrifugal forces of reflecting the societal desire for union but not unity (Dicey A.V. 1939). Correspondingly, Wheare postulates that federalism is a method of dividing power so that the government or regional governments are each within a sphere co-ordinate and independent. Specifically, according to Wheare, federal government exists:

"When the powers of government for a community are divided substantially according to the principle that there is a single independent authority for the whole area in respect of some matters and that there are independent regional (State) authorities being co-ordinate with and not subordinate to the other within its own prescribed sphere" (1963:10).

In response to the legalistic approach, modern scholars have adopted, a new tendency to the study of federalism. The essence of federalism they argued lies not in the institutional or constitutional structure but in society. Accordingly, federal government and federal constitutions are derivations of a definite set of stimuli and the federal system is adopted consciously as means of solving the problems of social diversity common to most countries, the nature and completely of the diversity which varies from one country to the other determines the nature and patterns of the federal system (Living Stone C.F Ray S.N. 1999).

Furthermore, from the stand point of what federal concept refers to the principle of organization where a compromise is achieved between concurrent demands for union and for territorial diversity within a society by the establishment of a single political system within a society by the government are assigned coordinate authority,

such that neither level of government is legally nor political subordinate to the others (Odofin, 2003:9). Sense of military security, similarity of political institutions, geographic contiguity, community of language or race or religions and indeed a federal society which was described as one in which there are significant territorial cleavages that may or may not be reinforced by linguistic, religion or ethnic divisions (Gibbins R. 1987:15).

Other factors that are related to the use of power and the advantage of big markets are also determinants of a federal state. For example, Neuman observed that federalism resolves around the potentials of political power for evil. Federation is seen as one of the devices to curb the evil use of power by dividing power among a number of competing power units (Neuman, 1962:45). While Ibrahim submit that the desire to constraint the excess of the use of political power especially that of the executive, the need to protect group identities and rights and the fear that small political communities have external control or aggression and the calculated expectation of economic advantage through large economic of scale are important factors in the process of formation of a federal union. (Ibrahim I. 1995, in Odofin, 2003).

Democracy, Constitution and multi-partism are the life-wire of federalism. Wheare argued that federalism is not compatible with any form of government outside liberal democracy. He observed that if a government is to be federal, there must be a Constitution. The Constitution contains the terms of the agreement which establishes the general and regional governments and which distributes power between them and also binding upon these general and regional governments. Thus Constitution is a logical necessity of the federal framework (Wheare Ibid 53).

It was essentially due to the absence of these requirements, that the military intervention in Nigerian politics has been seen as eroding completely the basis of Nigeria federalism. Military intervention in politics has inadvertently influence the gravitation of power to the centre and at the detriment of the States. While the over centralization of power has been seen as major source of inefficiency and lack of productivity of Nigeria's federal system.

Although federalism is a problem-solving political device especially in a multi-cultural Sate, it is also inadvertently a problematic political construct, generating tension and controversies intermittently. These problems are often rooted in the historical antecedents of such federation. In Nigeria for example, these problems revolves around the size and the composition of the constituent units, the degree of heterogeneity of the people, distribution of power and responsibility between the federal and its constituent units, fiscal federalism (revenue allocation) party system and re-structuring.

In contemporary Nigeria as opined by Odofin (2003: 9) are there political values peculiar to federalism which may enhance development which may assist the political leadership to find solution to some of the burning national question, the ethnic and religious nationalism threatening the fabric of the federation? Can federalism be employed as an instrument or mechanism to free the center of managerial constipation? Under what conditions or forms of government can Nigeria addresses the variables of restructuring for good governance. Can federalism be used to transform the warring nations into nation-State, stable politically and economically acceptable to all Nigerians? Would Nigeria be transformed into our country and with legitimacy over all the

geographically space referred to as Nigeria? These are the pertinent national questions in contemporary Nigeria.

ii. **Re-structuring**

The term re-structuring is a political and administrative connotation, which implies agitation for more formation in the entire component of the existing federalism, as a results of the need to control the centre or representation in the political landscape of the country. Restructuring also involves the economic redistribution of resource among the component units of the federation on the basis of true federalism. Also the Constitutional lacuna which requires the legal framework for its restructuring.

Furthermore, the agitation for restructuring in Nigerian polity has been recurring one, particularly in 2015 through 2017 when Nigeria witnessed recession. People from different works of life more especially from the political class chanted or agitated for re-structuring Nigeria's – federalism, became a national question.

However, structure of Nigeria federalism started crystallizing with the establishment of different Constitutions. It was the 1922 Clifford Constitution that endorsed the division of Northern and Southern provinces. Other Constitution of Richards (1946) and Macpherson of 1951 contributed in giving Nigeria different shades of structure of federalism. It is evident that the Lyttleton Constitution of 1954 that gave rise to a true structure of federalism, which was in effect on October 1, 1954. And shared powers between the central and regional governments, the Constitution was also divided into exclusive which only the federal government could legislate on, and

the residual list in which both federal and regional government could legislate on, the concurrent list in which both federal and regional government could legislate on, and the residual list in which the regional government enjoyed exclusive right to legislate without federal interference. This followed the independence Constitution of 1960 which conferred independence status in Nigeria incorporated the federal structure earlier established by the Lyttleton Constitution 1954. Nigeria was divided into three regions, and four in 1963 where the Mid-western was created.

Nigeria also witnessed unitary system when Ironsi's regime abolished federalism with decree No. 34 known as the unification Decree. The antagonism between the North and the Southern counterparts, when General Gowon came on board, Nigeria were divided into 12 States. The agitation for re-structuring continue up to 1990's when more States were created through the contemporary agitation for restructuring. Therefore, restructuring is a relative term which involve reformation of the existing federal structure to accommodate some exclusionary issues.

iii. National Question

Issues such as revenue allocation, local government autonomy, indigene/settler dichotomy, threat for succession, constitutional amendments, true federalism, resource control among other things. So, national question is defined as the fundamental issues that is cycling socio-economic and political sphere of the country which pose a challenge to national developments, that also calls for restructuring.

National question is more prevalent in a heterogeneous society where the federating units is threaten by either the minority or some sections that felt marginalized in the scheme of things. National question also calls for delegate

constitutional conferences to address key fundamental issues by listening to the plight of every section base on their peculiarities. Therefore, national question is more particular to the contemporary vices - kidnapping, Niger Delta agitation for true federalism, Igbos for sovereign states etc. On this note, national question is central in addressing the federalist issues thereof. (Ghani Dass, 2017).

iv. Contemporary:

This is described as the most recent or relevant event and issue that dominate the socio-political and economic sphere of the society. contemporary may also include an issue that is subject of discourse, which may have a multiplier effect on the national development. Therefore, contemporary is concern with the recent happening in the continent or the globe at large. For example, the attitude of the old generation is clearly different from the contemporary youths.

THEORETICAL FRAMEWORK (PLURALIST THEORY)

Theory act as guide, more especially when the theory is social science in nature. This paper adopts a "Pluralist theory in guiding the analysis of the work. The proponents of the theory includes scholars such as Nozick, Raverz, Tiebout and Ashcroft among others. The major thrust of the pluralist theory is the seeks to promote unity in diversity by encouraging federal states to adopts decentralization as a method in the state administration. The theory maintained that, the essence of a federation is to promote democracy and good governance. That decentralization allows states to become laboratories of democracy from which other states can learn a variety ways through which they respond to problems. The theory see power dispenser among

states of a federation as protection against dangerous aggregation and abuse of power at the federal (Tiebout, 1991). Therefore, with decentralization, component units will not try to take advantage of one another and that the center will not also try to usurp power from the region.

The pluralist theory also emphasized that without devolution of responsibilities among the federating units, dispute and conflicts may likely ensue to the extent that some units threaten secession or breaking away from the union. Such threat endangers federal political arrangement and creates anxiety and tension of a greater magnitude even after the collapse of the union.

While this theory acknowledges pluralism and diffusion of powers, it however, suggests that in times of needs, federal government shall retain powers and speak on behalf of the component units. This goes to suggest that national government in a federal union can have exclusive powers on matters that are strategic to the survival of the union. These powers are to exercise on important national and international issues such as security, defence, fiscal matters and foreign relations among others.

The relevance of pluralist theory on federalism or federalist structure is the contemporary agitation by the Niger Delta region of Nigeria for true federalism and resource control, the Igbos threat of secession through the IPOB, and the subsequent "quit notice" by the Arewa Youths that all Igbos should relocate to their regions. There was also the issue of Niger Delta "Avengers". At the international scene, the genocide in Bosnia Herzegovina after the collapse of Yugoslavia is a case in point.

STRENGTHENS OF THE THEORY

1. Pluralist theory provides a basis upon which a federal state is expected to operate.

2. The theory just like any other theory of federalism, have recognized the existence of different levels of government and the need for their independence in carrying out their constitutional responsibilities.

SHORTCOMINGS/WEAKNESSES

1. The theory promotes the emergence of elite, that have absolute control of the political economy of the State, and exclude large number of masses in decision making.
2. The theory is Eurocentric in approach, it only promotes the ideas of the western and the European scholars, and their system. The theory is not home grown that clearly addressed the African peculiarities.

Whatever the case may be, the pluralist theory of federalism has still stand the taste of time. Since it can be applied to explains the operations and functioning of contemporary federal unions. Especially that Nigeria is confronted with the challenges of federalism, restructuring and national question.

ISSUES IN RE-STRUCTURING AND NATIONAL QUESTION

It is evident that the heterogeneous nature of Nigerian State, and the allegiance for the component units equally calls for several agitation characterized by national question.

Items on the national question my include the system of governance, type of legislative, federal structure, power sharing and rotation, devolution of powers, revenue allocation formulas, land tenure system, local government autonomy, state police, resource control land derivation principle, independent candidacy, state creation, place of traditional institution.

The agitation by some section of the country (Nigeria) on the above issue calls for restructuring of the Nigeria's federalism, notably some constitutional lacunas that needs reform more especially Section 14 (3) of the Constitution of the Federal Republic of Nigeria. The implication of re-structuring base on the fact that the States should be collapsed to zone, will affects national development more especially Lagos will be collapsed into South West.

Similarly, States that were created in 1967 like Kano, Borno, Rivers, Kwara and Oyo will be spinned into new States. Fundamentally, it will create and render economic structure and the divide and rule syndrome, using ethnic religion and geographic identities as a threat to the federation.

It is not doubt that Nigeria federalism is posed with enormous challenge which affects the nation building. For example, the collapse of some of the European countries particularly U.S.S.R and Yugoslavia are succinct illustration of the difficult of the project of national integration. The collapsed has been attributed to over-centralization and concentration of political power at the centre. (Odofi, 2003).

Similarly, on the African continent, the collapse of Liberia, Somalia, Zaire etc. and the political decay and confusion in Cote de voire, Sudan and recently in Togo and others, in addition to economic problems and corruption, lack of consensus on power sharing are fundamental factor in the process of the nation in those countries. Federalism therefore holds the solutions to the problem of power sharing for most of the fragmented states of Africa, which is a contemporary national question in Nigeria federalism.

The problems challenging the Nigeria federalism are complex, sophisticated and

deeply rooted in the body politics. These problems are logical outcomes of the unrevolved historical and political contradictions through which Nigerian State and federalism evolved. These problems have been well articulated by several scholars (Nnoli, 1978, in Odojin 2003:12). Colonialism engendered ethnic contradictions and blocked class cohesion and solidarity (Gana, 2003) argued that the past colonial elites, building on the colonial legacy have been the driving force behind the political expressions of ethnic demands that have been the source of strain and stress in Nigeria's experiment. While Etim noted that colonialism bequeathed a legacy of a fragile political structure with frequent incidents of instability threatening its existence. (Rodney, 1972), Uzoigwe, 1996), (Elaiwu, 1992), (Ake, 1981) illustrated both the economic and political problems of colonialism of underdevelopment and the distribution of the economy. Specifically, Ake argued that the problems which dominate and characterize African polities – corruption, lack of political will on the part of the leadership, poor planning and incompetent management are mere symptomatic of the real obstacles - the political conditions. Thus colonialism indeed problematized the task of national integration in all African states, Nigeria inclusive, which form part of the contemporary national question in the Nigeria federalism, that calls for restructuring.

CONCLUSION

Federalism as a system is confirmed as a panacea to centralization of power, more especially in heterogeneous society like Nigeria. It is also established that there are issues that is threatened the peaceful co-existence of the Nigeria's federalism, which calls for restructuring. The issues include the true federalism, local government autonomy and the threat for secession from the southern part of Nigeria and in

particular the Igbos.

Colonialism was also noticed as the legacy through which the existing – federalism is threaten because of the issue of revenue allocation and the leadership which serve as a serious problem to federal structure.

Constitutional lacuna on the Nigeria federalism more especially least attention to indigeneship on the basis citizenship , which breeds the issue of indigene/settler conflict in various States of the contemporary Nigeria. The paper concludes that the existing federal structure should be maintained as enshrined in Section 14 (3) of the Constitution of the Federal Republic of Nigeria. Also, Section 14 (4) which provides for State, Local Government Council or any agencies shall carried out in such a manner as to recognize the diversity of the people and promote a sense of belonging, loyalty among all the people of the federation must be enforced. This has also rhymed with (pluralist theory) earlier discussed, adopted in guiding the analysis of this work.

RECOMMENDATIONS

Relative to the analysis and theories, it is clear that federalism had hold the diversity of the Nigerian State together, despite the challenges and the clarion call for restructuring. However, in order to sustain and improve on the success already achieved, the following is recommended:

1. That the existing structure of thirty six (36) States should be maintained. This is supported by Section 14 (3) of the Constitution of the Federal Republic of Nigeria which emphasized on composition of the government of federalism in Nigeria must be upheld. Similarly, Section 14 (4) which provide for State, local government council or any agency shall carried out in such a manner as to

recognize the diversity of the people and to promote a sense of belonging, loyalty amongst all the people of the federation must be enforce.

2. That the local government autonomy should be strengthen and discourage the unnecessary joint account where state Governors use as a conduit pipe to siphon the local government resources into their private/personal accounts.
3. Resource control should be de-emphasized while the current derivation formular should be maintained.
4. Rule of law must be supreme and effective for the sustainability of federalism.
5. There should be home grown approach to national issues, such as the political and economic policies.
6. Role of judiciary should be effective.
7. Finally, the government should have a robust and interactive feedback channel where citizens can make inputs to better improve on the Nigeria's federalism.

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