

# THE PROBLEMATIQUE OF THE NIGERIAN FEDERALISM AND THE QUEST FOR A NEW FEDERAL TREND

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(Received 27 October 2006; Revision Accepted 18 December 2006)

## ABSTRACT

As a multiculturally defined nation committed to forging unity in diversity, Nigeria has experimented with both decentralized and centralized federal systems. At the moment, the failure of the military style centralism to adequately address the problems associated with the country's plurality has seriously increased disaffection in the country. This in turn has engendered the agitation for a return to the decentralized federal system the country adopted at independence. This study critically examines the inherent contradictions in both models and suggests an alternative federal trend called deconcentration. This study relies on secondary sources for its conceptual and methodical framework.

**KEYWORDS:** decentralized, centralized and deconcentration

## INTRODUCTION

Any perceptive reader of extant literature on Nigeria's federalism would agree with me that extensive military rule has remarkably influenced both the theory and practice of federalism in the country. However, the extent to which this military curvature has promoted or impeded healthy intergovernmental relations in the Nigerian federation is exceedingly contentious. There is seemingly no consensus on this issue in extant literatures (Rotimi Suberu, 2005; Isaac N. Obasi, 2005; Leo Dare, 2003; Bade Onomide, 2003). Thus; two schools of thought have emerged on this very divisive issue. One sturdily affirms that 'military federalism', as the impact of military rule on the country's federal system has come to be dubbed (Elaigwu, 1979), has helped to promote unity in diversity. The other equally doggedly blames Nigeria's skewed federal structure and the problems it has engendered on the bequest of military rule. The proponents of these schools have their strong and weak points, but the debate seems to be an unending one. Thus, we do not intend to join issues with any of the schools here. Our intention is to critically examine all the federal options Nigeria has experimented with since independence and proffer solutions to the problems these federal varieties have generated in order to prevent the country from disintegration. In essence, this paper intends to decisively evaluate both the decentralized and centralized federal models with particular indication of the new federal trend which could be applicable to Nigeria. The rest of the study is structured as follows: section 2 presents a background analysis of the Nigerian federalism. Section 3 deals with a critical examination of the two brands of federalism Nigeria has experimented with since independence. Section 4 suggests new federal trend Nigeria can adopt to avoid disintegration in the nearest possible future while section 5 concludes the study.

## BACKGROUND ANTECEDENT

It is a well-known fact that Nigeria is a federation on paper. In reality the country has been run as a unitary system since the counter coup of July 29, 1967 that ousted Gen Aguiyi Ironsi whose regime honestly advocated a unitary form of government for the country with decree No. 34 of 1966 (Gana, et al, 2003; Awa, 1976). It is important to note that, the so called federalists, the leaders of the infamous counter coup, which killed Ironsi on the stratagem that he deviated from the federal structure he met on ground, were not fair to him, since they themselves installed a brand of federalism that was more

compatible with unitarism than federalism. Leo Dare (2003) poignantly captures the situation thus:

By March 1966, Ironsi had started drifting towards more centralisation. On May 24, 1966, Ironsi decreed Nigeria a Unitary State (Decree NO. 34 (1966)). The Federal Military Government was renamed the "National Military Government", while all the civil services in the federation were to be unified. Needless to say, this misadventure prompted a northern rebellion and coup, which terminated Ironsi's administration (Dare, 2003: 95).

The new government quickly reverted to the original federal system that Ironsi inherited from the ousted civilian administration, but it still went ahead with Ironsi's centralization policy but this time without any declaration. Since then, all subsequent military regimes have taken the centralization process to greater heights to the effect that it has now become a dominant feature of Nigerian style of federalism. Not even the brief period of civilian interruption from October 1979 to December 1983 and the aborted 3<sup>rd</sup> Republic could sufficiently alter the situation. Ironically, even under the current democratic dispensation the centralization process has become deeper and shoddier. This centralization has become so total that some analysts claim Nigeria no longer operates a federal system of government. This centralization manifests in the following form:

1. The promulgation of decrees that subordinate the states to absolute authority of the federal military government.
2. The reduction of the powers and functions of the regional governments through state creation embarked upon by the various military administrations in 1967 (12states); 1976(19states); 1987(21states); 1991(26states); 1994(31states) and 1996(36 states) respectively. Each state creation further reduces the political and economic relevance of the states.
3. The appropriation of all viable sources of revenue by the federal government particularly oil revenue. According to one analyst, 'the principle of derivation guided revenue allocation in Nigeria from 1946 to 1965, and each region was virtually autonomous in its financial dealings. Military rule and improved wealth from oil, which the federal government appropriated, made the subordination of the units of the Nigerian federation complete' (Dare, 2003: 96).

4. The encroachment on the functions reserved for the regions/states in the constitution and the jurisdiction of the states over local governments.
5. The unification of the public services of the federation following the recommendation of the Udoji Commission of 1975 and the implementation of administrative decisions decided by the federal government by the states without complaints.
6. The rendering of stewardship by the state administrators to the Head of State and Commander-in-Chief of the Armed Forces through state visit to commission projects financed solely from the state own share of revenue from the federation account. Even under the current democratic government this unitary tendency has continued. At the time of writing this piece, President Obasanjo was on a state visit to Akwa Ibom state to commission projects governor Attah claimed to have accomplished since the inception of the government in 1999.
7. The establishment of the Distributive Pools Account (DPA) and others from where funds are shared to the states based on formulas that are skewed in favour of the federal government thus further eroding the financial powers of the state governments.
8. The centralization of military and Para-military institutions and agencies that provide essential services to the citizenry in the country. The military also introduced the so called federal character principles (Ekeh and Osaghae, 1989), which was meant to give every section of the country equal representation in all federal institutions and agencies but in reality it diminishes the power and functions of the state governments.
9. The establishment of a uniform local government structures across the country and making local governments the third tier of government thus further eroding the powers of the state governments. As a consequence, Nigeria has 774 local governments today.
10. Making the federal government superior to the constitution by settling dispute via administrative fiat than through the constitution.

These are the various ways the perversion of federalism took place under military and democratic rule in Nigeria. Thus, finding ways of correcting this travesty has been the greatest problems confronting the country. The persistent agitation for true federalism by the component units, particularly, by the minority sections of the country blessed with oil mineral resource is also connected to this truncation of federalism. What type of federalism does the disaffected groups in the country want or what type of federalism really suits Nigeria? The answer to these questions is very pertinent to this current study.

#### DECENTRALIZED OR CENTRALIZED FEDERALISM

The concept federalism both in theory and practice means different thing to different people. Thus, it is very common to find different people discussing about federalism but hardly agreeing that they are talking about the same thing. For example, in Nigeria everybody supports the agitation for true federalism but there is hardly an agreement on the basic ingredient of this true federalism. The only consensus amongst those agitating for true federalism is that what the country experimented with under military rule and the current democratic rule is not federalism.

Between 1954 and 1966, Nigeria experimented with a decentralised federal model popularly referred to as true federalism in Nigerian parlance. Unfortunately, the military did not allowed this kind of federalism to mature before introducing its own variety, which have come to be dubbed military

federalism; a highly centralized federal model. These two models have their inherent contradictions and weaknesses. For example, while the decentralised model places great emphasis on diversity than on national unity, the centralized scheme emphasizes national unity than diversity. To a large extent this explains why the regional governments were very powerful and the centre relatively weak during the 1<sup>st</sup> Republic. But this trend was reversed as soon as the military took over power. The centre became very powerful and the regions/states relatively weak. These have been the trajectories of federalism in Nigeria, even though; the extended period of military rule has erased any imprint of the decentralized federal model from the country. So what makes the decentralized model very popular despite the fact that some analysts claim Nigeria operated confederalism rather than federalism while we experimented with it? The reasons are well marshalled by Dare (2003:111) who writes that:

As for Nigeria, there has been a movement from a highly decentralized to a highly centralized political system. This development occurred primarily because of military style centralism. Unfortunately, this centralization has not been accompanied by a high degree of efficiency. Instead, the center became incompetent and corrupt and the corruption infested the rest of the country...under the military, decrees have been passed that denied citizens of many of their rights... (2003:111).

Thus, the failure of the centralized style federalism to adequately tackle the problems of the country coupled with its own inherent contradiction explains why Nigerians are agitating for a return to the decentralized federal system adopted at the time of political independence. So what were the fundamental ingredients of this type of federalism? The following illustration would suffice:

1. Both the federal and regional governments operated according to the constitutional provisions under the exclusive legislative list, the concurrent legislative list that could be exercised by both the federal and regional governments and the residual list. Each tier of government was essentially autonomous within its own sphere.
2. The fundamental rights of the citizens were respected and guaranteed by the constitution. The constitution was supreme on all matters.
3. Group and individual rights were respected and they were allowed to contribute on all matters that affected them through their respective regional/state governments.
4. The component units/regional governments were allowed to develop separately depending on their human and natural resources. That way group identities and rights were respected and preserved.
5. Regional governments were also allowed to control and manage whatever resources that were found in their locality. Revenue allocation was based mainly on the principle of derivation. Other revenue allocation criteria were secondary to this.
6. Regional governments were not compelled to implement policy/programmes of the central/federal government except they choose to do so.
7. The central/federal government shared responsibilities, and allowed other levels of government to participate in decision-making and in projects that affects them.
8. Conflicts between levels of government were resolved through legal-constitutional means rather than through administrative fiat by the central/federal government.

These were the dominant features of Nigeria's federalism before the military took over in 1966. Undoubtedly, from our investigation, Nigerians readily accept federalism as the best option of government that is apt for the country, but

they disagree on the kind of federalism to be adopted. While some prefer a federal system with a strong centre, others root for one with a weak centre and strong units.

Those in support of the first option believe that given the nature of the country's plurality (culture, language, religious and other cleavages) only a federal system with a highly centralised structure can preserve national unity and prevent the country from disintegration. The opposing camp claim that the military style centralized structure has been the major source of the problems confronting the country today. Furthermore, that the country was run more like a unitary state with some limited devolution of power to states than a federal structure. This trend has continued even under the current democratic dispensation. This has led to the emergence of many ethno-national groups such as the OPC, MOSSOB, MOSOP and a host of others who now challenge our octopus federal arrangement. These they suppose are what have driven the country to brinks of collapse in recent times save for celestial intervention.

This to a large extent explains why there has been increasing disaffection in the country and calls for sovereign national conference to re-negotiate the basis of our federal structure. Jibrin Ibrahim (2003:137) keys into this debate robustly as he write:

The real failure in the political history of postcolonial Africa has been that of the strong and centralized state. It has not produced what it has promised-national unity, democracy and development. After four decades of failure of the strategy based on negating pluralism and trying to impose unitarism, the time for a genuine experiment with federalism has arrived (2003:137).

This summarizes the position of those opposed to a highly centralized federal system. For a detail discussion on the failure of the centralized state system in Africa see Wunsch, J.S. and D. Olowu (1990).

#### WHICH WAY NIGERIA?

From empirical evidence, these two opposing groups have their strong points, but whatever option Nigeria prefers there are inherent pressures, which is likely to endanger the federation as empirical evidence clearly shows in Yugoslavia and Czechoslovakia. At the very extreme, over centralization leads to unitarism. On the other hand, over decentralization can degenerate into confederalism. Thus, it has been argued that for a federal system to survive over time, equilibrium must be maintained between these two extremes.

This brings us to the federal preference we think is more appropriate for Nigeria, but regrettably only Nigerian experts on federalism canvass this alternative. The politicians, ethnic leaders and ethno-national groups are yet to come to terms with this model. This option in federal phraseology is called deconcentration (Francis Rocher and Christian Rouillard, 1996). According to Dare (2003):

Deconcentration is a dynamic process of interaction between the federal and state levels government in such way that the center brings the units in to participate in the decision-making process without the prerogative of the former being eroded (2003:93).

The magnificence of deconcentration is that it provides a middle-of-the-road solution to the problems associated with both centralization and decentralization.

The central/federal government and the state governments can share power and responsibility without devolution of power. It does not also require any constitutional amendment for the deconcentration arrangement to take place. All it takes is the political will of the major actors at all levels of

government to agree to work together for the general good without usurping the powers and functions of the other as provided by the constitution. In fact, as one analyst has readily pointed out, centralization, decentralization or concentration can follow the process of deconcentration. What this means is that when it is applied to centralized federal system it can prevent it from degenerating to unitarism. Correspondingly, when applied to decentralized federal system it can thwart it from degenerating into confederalism. Thus, if we are interested in managing the diversities and plurality of competing ethnic identities, which are the hallmark of multiethnic societies, deconcentration provides credible alternative to countries that share elements of deeply divided societies. This is what experiential evidence in Canada has ably demonstrated. Dare (2003) uses the Canadian example to show how this has been done successfully:

Canadian leaders have taken the approach we classify as deconcentration to resolve the problems of federalism. To a considerable extent, the strategy seems to be working, and has pre-empted the type of violence, which Nigeria has been witnessing of late. Though one is mindful of the dangers in transporting solutions from one political system to another, the Nigerian and Canadian problems are sufficiently similar that the Nigerian leaders may benefit from looking at these tried and tested federal experiment (2003:90).

It is important to note that the problems provoked by the processes of nation-building across nation-states have no universal solutions. However, this does not mean that countries with similar experiences cannot share ideas or borrow from each other provided, whatever is borrowed is adjusted to meet local peculiarity. On that note, we are not saying that the adoption of the deconcentration would solve all the problems Nigeria is currently facing, not at all. The point being canvass here is that it provides a better alternative to the centralized federal structure than a return to the former decentralized scheme we had experimented with prior to the current arrangement. Nigeria has evolved beyond the conditions that prevailed when we adopted the decentralized federal structure. Any attempt or attempted attempt to try it at this time, when centrifugal forces are stronger than centripetal forces, would be disastrous. It might even lead to the disintegration of the country. And to continue with the current centralized structure also spell doom for the country in no distant future. The violence in the Niger Delta over resource control and other ethnic and religious conflicts are evident of the failure of the current Nigeria's federal arrangement.

At the core of the current crisis of federalism in Nigeria is the issue of revenue allocation and the formal division of fiscal powers between the various levels of government. All attempt to resolve this issue in the past using what Onimode describes as "fiscal unitarism" only aggravated the situation as evident in the resurgence of ethnic xenophobia among the oil producing communities in the Niger Delta and the clamour for resource control. In other federal system this problem has been managed by assigning fiscal powers and sources of revenue for various levels of government in ways that enhance their capacity to fulfil their constitutional expectations.

In the Nigerian context, we talk about reducing tension at the center by doing the following: first, by giving the states/local governments more funds and responsibility; second, giving each geo-political zone of the country the opportunity to aspire to the highest office in the land-the Presidency; third, allowing the state governments to oversee and control the affairs of local governments, and establishing regional/state police and a lot more. Using deconcentration approach all these and many other things could be done through negotiation without constitutional amendment or

devolution of power to the states. In other words, the federal government should allow both states and local governments to have a say in the control and management of the resources found in any part of the federation without relinquishing its power on the issue to them as contained in the exclusive legislative list. In addition, the federal government should further relinquish its control over several institutions and structures and allow the states/local governments to participate in these areas. For example, there is nothing wrong in allowing regional/states political parties to emerge provided these parties would be only interested in vying for positions at the regional/state levels. But they can team up with national parties when it comes to the election of the President. There is also nothing wrong in allowing states to run their own postal services or having state/local police whose powers and functions would be subject to that of the central/federal government. In fact, in spite of the hullabaloo that accompanied the introduction of the sharia penal code in some states in the northern part of the country, is it not working without any significant consequence on the federal system? Thus, allowing the component units in a federal system some breathing space or like the Americans would say, to do their own things, is what the advocates of deconcentration are insisting is good for federations with deep divisions like Nigeria. This is what Nigeria should contemplate doing.

#### CONCLUSION

All federations have their own peculiar problems. But some federations are more successful in managing the conflicts which the system throws up from time to time than others. In the case of Nigeria, the problems, which the military style federalism has engendered is already tearing the country apart. The estrangement in the country has led to calls for a return to the decentralized federal model the country adopted at independence. Some others have demanded outright secession. Thus, our focus has been directed at suggesting a new trend for solving these problems without necessarily returning to the decentralized scheme the country had hitherto experimented and accommodating those that threaten to leave the federation. The new trend we have suggested is deconcentration. This approach has work perfectly in Canada and in other federations. It can also work here in Nigeria if our leaders are willing to strike a balance between national unity and the desires of the component units of the federation.

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