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FEDERALISM, FEDERAL POWERS AND THE POLITICS OF RESTRUCTURING IN NIGERIA

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ABSTRACT

The fact that Nigeria is a very wealthy country both in human and mineral resources could be debatable since wealth is relative. What is, however, incontrovertible is the growing disparity between the wealthy and the wretched, and the general unevenness in the spread of infrastructural and human capacity development across the country. While several reasons have been advanced for this anomaly, this paper toes the path of structural functionalism by ascribing this ill to the faulty nature of Nigeria's federalism which concentrates excessive power and resources in the hands of the federal ruling elite class, with a chronic history of mismanagement, at the expense of competitive/concerted development. While it's become a common knowledge that this centrifugal arrangement has hindered altruistic and steady development, remedying it is politicised under the jamborees of 'national sovereign conferences' and campaign promises of 'restructuring'. In this, lies the politics of underdevelopment in Nigeria.

INTRODUCTION: HISTORY OF FEDERALISM IN NIGERIA

Nigeria emanated as a polity by a colonial fiat which artificially demarcated and made a country from a span of territories containing a heterogeneous population of 'strangers' (Ayua and Dakas, 2005). Before the amalgamation in 1914, Nkwede et al. (2018) noted, the current geographical entity called "Nigeria" was once a conglomeration of "empires," "emirates," and "kingdoms," that were autonomous and sovereign with distinct socio-cultural, political, and economic realities (p.113).

Indeed, pre-colonial Nigeria consisted of some distinct and powerful entities such as the Benin Kingdom, the Sokoto Caliphate, the Oyo Empire, and states in the Middle Belt and East and Nigeria Delta (Ayua and Dakas, 2005:241). "It is only [therefore] by the accident of British suzerainty," Babatunde (2015:1) argued, that the Nigerian polity became a reality. Consequently, the choice of federalism as the preferred system of government for Nigeria was not accidental (Majekodunmi, 2015:110). There is a consensus by scholars that the history of federalism in Nigeria has been the history of succeeding attempts by the British colonial power to manage the resources and diverse set of peoples it had coalesced into single polity (Babalola, 2019:2).

As rightly observed by Emmanuel (2016:1), Nigeria is a byproduct of the 1914 amalgamation of the Northern and Southern Protectorates by British Sir Fredrick Lugard, who became its first Governor-General. This amalgamation, Ekpo (2017) posited, was exclusively made to serve British imperial and capitalistic interests as it negated every form of group contradictions for British economic and administrative convenience (p.28). Nigerians saw themselves as distinct people and seized every opportunity to voice that disposition. While a nationalist of the defunct Western Region, Obafemi Awolowo, averred that "Nigeria is not a nation" but "a mere geographical expression" (Emmanuel, 2016:34), a future Prime Minister of Nigeria, Tafawa Balewa, called attention to the fact that Nigeria "existed as one country only on paper" and hence, "is only a British intention for the country" (Siollun, 2009:12). Furthermore, Sir Ahmadu Bello, the leader of the then ruling Northern Peoples' Congress (NPC), stated in his 1962 autobiography that the 1914 amalgamation was a mistake (Emmanuel, 2016:34).

Since the amalgamation of 1914 was purely for economic interest, the British ran the colony as a unitary state (Gebeye, 2019:9), albeit, the administrative system of Nigeria wore an outlook of a federation (Thom-Otuya,



2013:30; Fawole and Bello, 2011:241; Elaigwu, 2013:15). This separate existence under a single umbrella of Britain, Amah (2017) averred, was evident in the divide-and-rule orchestrated by British indirect rule policy which promoted ethnic nationalism (p.291). However, the difficulty of the colonial unitary policy in managing a highly heterogeneous and multicultural people necessitated the need for a more befitting governance structure (Umoh and Adeyi, 2019:2).

Correcting the “1914 mistake” therefore culminated in a series of reforms and constitutional changes that paved way for federalism in Nigeria. To this end, there were four different constitutions written as remedies to the structural anomalies in colonial Nigeria (Ebegbulem, 2011:219) viz. Clifford constitution (1922), Richards Constitution (1946), McPherson Constitution (1951), and Lyttleton Constitution (1954). While the Clifford Constitution introduced elective principles, the Richards Constitution enshrined three regions (Western, Eastern and Northern) which the McPherson Constitution leveraged on to establish its quasi-federal structure and was maintained as the component units of the real federalism established by the Lyttleton Constitution in 1954 (Osieke, 2006:201).

Nevertheless, while the early post-independent federalism brought about human resources/economic development and healthy competition among the various regions, the post-1966 federalism gradually mutated this structure from centripetal to a centrifugal, thereby, emasculating the units which were a hitherto centre of development. In this paper, we attempt to examine the politics in the hyper-centralization of political power in Nigeria's federalism and its implications on altruistic development.

THE NATURE OF NIGERIA'S FEDERALISM AND ITS CONTRADICTIONS

If traced to what was initiated in the United States of America (1787), the Swiss Confederation (1848), the Dominion of Canada (1867), and the Commonwealth of Australia (1900) (see Rath, 1978) or the postulations of Wheare (1946), Riker (1975) King (1982) Elazar (1987) and Watts (1996), federalism is supposed to resonate the subject of mutual exclusivity and inclusivity in power sharing and autonomy between the centre and peripheries in a federation. Rightly so, the above precept defined the character of Nigeria's federalism between 1954 and 1966.

The pre'66 federal structure, it has been argued, maintained enviable power sharing formula with powerful units such that “in the event of a conflict, for example, regional laws took precedence over federal laws in the areas of joint legislative competence” (Babalola, 2019:5). This arrangement, coupled with the regionalization of the national economy, Babalola further stressed, created regional economic power hubs and “allowed the regional bourgeoisie to compete amongst themselves for regional political power, which was regarded as a prerequisite for economic power, which in turn was a prerequisite for power acquisition at the federal level” (p.3). By this time, rivalry actually began at home with regions competing for prestige in development, at the envy of the federal government. In the words of Majekodunmi (2015):

None of them [regions] was totally or near totally dependent on the centre for its fiscal and other needs. Each region was strong enough and rich enough to take care of itself. The main criticism of this arrangement was that the regions were too powerful, and the centre was too weak for a meaningful federal system and national unity (p. 111).

Rather than worry about development, the concerns then were on national cohesion. This was actually a legitimate concern as the struggle for national dominance by regional parties eventually collapsed the country into the crises of military interventions, civil war, and constitutional rewritings. With military autocracy came hyper-centralization of power and deliberate demagogues to weaken the regions. The desire to control oil resources culminated in the centralization and transformation of the country into a mono-economy. And the creation of various states from hitherto regions “weakened the resource base of the states” (Elaigwu, 2006). By 1979, Nigeria switched from Parliamentary to Presidential system of government that created a super chief executive with excessive powers. This structure was revived in 1999 and forms the basis



of the present structure of Nigeria's federalism.

By its current structure, Nigeria's federation consists of thirty-six states and a federal capital territory. The government is further divided into three tiers – federal, state, and local governments. There is a federal executive, bicameral legislature as well as judiciary. States operate in same arrangement but with unicameral legislature. While the president is the head of the federal executive, governors are the chief executive of their respective states and the local governments are headed by chairmen (see Osieke. 2006b:23). The Constitution earmark powers for the federal (exclusive), states and federal (concurrent) and state and local (residual) governments and grants the Supreme Court the judicial powers to settle intergovernmental disputes.

The nature of Nigeria's fourth republic federal structure is similar to what was obtainable during the military rule, where the centre is entrusted with so much power and overriding privileges against its component units culminating a sharp opposite to what was obtainable in Nigeria's first republic (Abebe, 2013:62). The exclusive legislative list has sixty-eight items, while the concurrent legislative list has twelve” (Elaigwu, 2006:213). The powers of the federal government cover areas such as: accounts of the government of the federation; arms, ammunition, and explosives; aviation (including airports); awards of honours and decoration; bankruptcy and insolvency; banks, banking, bills of exchange, and promissory notes; borrowing money inside and outside Nigeria for the purposes of the federation or any state; census; citizenship, naturalization, and aliens; commercial and industrial monopolies; construction and maintenance of federal trunk roads; control of capital issues; copyrights; creation of states; currency, coinage, and legal tender; customs and excise duties; defence; diplomatic, consular, and trade representation; drugs and poisons; election to offices of president and vice president, governor, or deputy governor; evidence; exchange control; export duties; external affairs; extradition; immigration and emigration; implementation of treaties; insurance; incorporation, regulation, and winding up of corporate bodies other than those established by a law enacted by the state Houses of Assembly; labour; maritime shipping and navigation; meteorology; military (army, navy, and air force); mines and minerals; national parks; nuclear energy; passports and visas; patents; trademarks, trade, or business names; pensions and gratuities payable out of the public funds of the federation; police and other government security services established by law; posts, telegraphs and telephones; powers of the federal National Assembly and the privileges and immunities of its members; prisons; public debts; public holidays; public service of the federation; quarantine; railways; regulation of political parties; service and execution in civil and criminal processes, judgments, decrees, and other decisions of any court of law inside or outside Nigeria, except for laws made by the states; stamp duties; taxation of incomes; profits and capital gains, as provided by the Constitution; trade and commerce; traffic on federal trunk roads; water from sources declared by the National Assembly to affect more than one state; weights and measures; wireless, broadcasting, and television other than those owned by states; any matter with respect to which the National Assembly has power to make laws under this Constitution; and any “matter incidental or supplementary to any matter mentioned elsewhere in this list” (Elaigwu, 2006:213-4).

The concurrent list a mirage as Section 4(5) of the Constitution entrusts the federal government with the absolute veto power to override the state governments in areas of conflict (Umoh and Adeyi, 2019:3; Elaigwu, 2006:214). This creates a highly centrifugal structure which sees state as subordinates than federating units. This is a major contradiction and has been faulted to be “an outstanding feature of a Unitary Government” (Odisu, 2015:1); acclaimed federalism (Egbeblem, 2011:221); “mutated federalism” (Ekpo et al., 2019); “awkward hybrid between popular consent, benevolent dictatorship, and authoritarian regimentation” (Kalu, 2008:33); “weak”, “fragile”, “convoluted” and sometime “failed” (Nkwede et al, 2018:116); and “very sick, unbalanced and lopsided especially in terms of the over-centralization of power” (Majekodunmi, 2015:112).

Its economic emasculation of the states which breeds dependency culminates in Nwaeze (2017) labeling Nigeria's federalism as “feeding bottle federalism” and warning that, Nigeria is on a pathway to structural morbidity. Only few states are interested in economic activities since there is 'enough' to bring back from



Abuja. The economic incentive of controlling the federal government has become more conspicuous and is blamed for some explosive partisan, sectional and factional politics (Osaghae and Suberu, 2007:21). Nigeria's federalism, Thom-Otuya (2013:31) argued, is built on injustice and falsehood as it deters genuine competitiveness for progress and development among the states.

NIGERIA'S FEDERALISM AND THE POLITICS OF RESTRUCTURING

From the mid-1960s when Nigeria began its centralization mission under the veneer of federalism, a certain crop of military elites and their civilian accomplices seized the economic and development fates of the country for by then, the issues of unity, uniformity and oneness of the country had surmounted that of development. When by 1970 the defunct Biafra surrendered and the unity question was relaxed, the curse of oil had set-in, necessitating the concretization of power-centralization no more as an emergency measure, but a greedy and selfish attempt to control the oil resources of the country to detect the developmental pace of the hitherto 'rebels'. Of course it is a common knowledge that the oil factor was one of the precipitating and escalating causes of the civil war. Keeping the oil off the control of 'our prodigal brothers' meant that the country, even with a federal nomenclature, had to mutate its federalism to fit the penchants of the then elites.

The 1979 Constitution achieved this aim by overpopulating the exclusive list and sterilizing the states from every form of energy it needed to compete with the centre. By this time, the problem of corruption, embezzlement, and mismanagement had set in and the federal government was leading the states to economic crisis and stagnation. Amidst oil boom, the federal government was enmeshed in debt crisis such that it could no longer service it. Above all, policies such as 'quota system' and 'federal character' were not just been abused but used to justify mediocrity and nepotism.

In terms of growth and development, it became apparent that there is a level which the federal government could attain in a large and complex polity as Nigeria. The federal government has proven to be disastrous in its exclusive responsibility of managing the economy and infrastructural needs of the country. This, it has acknowledged through the calling of series of constitutional conferences, dialogues and debates but these have proven to be jamborees.

The Aburi Accord, arguably, could have repositioned Nigeria on the pathway to true federalism and restore the developmental activism of the old but was aborted by the Gowon regime. The Babangida junta noted that the country's federalism was problematic and setup a constitutional review committee in 1988 but warned against altering “agreed ingredients of Nigeria's political order”. President Obasanjo in 2005 set-up a constitutional conference but warned against the discussion of 'sacred' provisions of which federalism and federal character were part of. It was the 2014 national conference that the Jonathan regime streamlined the 'sacred' provisions to nothing but “the existence of Nigeria as an indissoluble nation” (see Ekpo, 2017).

Even when the political elites agree that Nigeria's federalism as it stands must be unbundled to facilitate competition, prudence, and development, it is only used by the non-ruling elites as one of the easiest ways to court votes. It is shelved immediately after elections for obvious 'political' reasons. Before the 2019 presidential elections, restructuring was a dominant theme for discourses and debates during campaigns. The ruling All Progressives Congress (APC) even set up a committee, headed by Governor Nasir El-Rufai, to fine-tune its restructuring stratagem. The 2014 national conference called by former president, Goodluck Jonathan, was interpreted as a bait to Nigerians who craved for structural change, especially, as he could have implemented some of its recommendations before the 2015 general elections.

Even when it has become very obvious that Nigeria's “feeding bottle” federalism is a misnomer, ruling political elites prefer the status quo since it offers them the privilege of controlling the redistribution of state resources. Today, some states have melted back to the hitherto regional formations to collaborate on economic and security matters of which the federal government has proven to be incompetent. It is quite apparent that the federal government is suffocating in its bloated responsibility but the federal ruling elites



are never ready for change. If a character like Chief Obasanjo, a two time head of state, could become a major advocate of devolution, then we must agree that federal power intoxicates and that the control over redistribution of the nation's resources could be placed before genuine national development by ruling federal political elites.

CONCLUSION: TOWARDS FEDERATING FOR DEVELOPMENT

Between 1914 and 1963 when Nigeria became a Republic, there were about seven constitutional changes which were made in response to the yelling of the people. But since 1966 when Nigeria started practicing 'unitary federalism', there has been no substantial constitutional change even when it is becoming anti-people and an anathema to development. It is most worrisome that the oil factor, which is the livewire of Nigeria's 'unitary federalism', has been predicted to be depleted in the next 49 years. There is a need for devolution of powers, especially in the area of economy, so states can access, extract and manage their resources. Federal ruling-elites must place patriotism ahead of greed and facilitate the processes that would culminate in the unbundling of this moribund castle of federal power. The position by Heraclitus that there cannot be progress without competition is still very valid – the federal government must prepare the states for the rainy days by altering the present structure to make it befitting for competition and development as practiced in other federated climes.

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