

# The Unfinished Quest for Federalism by Nation-States; The Nigerian Experience

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## Abstract

*The paper explores why some countries of the world have chosen to adopt and sustain the federal system of government. Several factors are accounted for the adoption of federalism and this range from historical reason, large geographical land scape, multi-ethnic and composition, the need to protect local and peculiar interest among others. The paper discussed Nigerian federalism, locating its rot in colonial rule over the country. It affirmed the fact that the challenges facing the nation occurred due to lopsided political configuration of the country and over concentration of power at the centre. Those afore-listed factors have nearly crippled the state governments in Nigeria. It concludes that there are challenges in federal states and these can be overcome through negotiation, conferences and dialogue taking place from time to time.*

**Keywords:** federalism, nation-state, state government, negotiation, dialogue,

## Introduction

Federalism is an acknowledgement of diverse interests that need to be accommodated and what it really resolved is that these interests will be accommodated within one sovereign nation. The internal structure, the modalities, and operative norms, by which these diverse interests differ from one federal state to another (Akinyemi, 1986). One of the most important variables reflects the nature of its historical evolution of the federal state which in itself reflects, the strength of the diverse interests existing in the state (Akinyemi, 1986). This has resulted in decentralization of powers espoused by the practice of federalism.

This has equally generated debates on the correct and appropriate strategy of explanation to adopt (Birch 1968). Here federalism is usually viewed as a form of governmental and institutional structure deliberately designed by political “architects” to cope with the twin difficult task of maintain unity while preserving diversity (Jinadu 1979).

The basic nucleus of federalism is linked with the principle of territorial division of powers. This principle which was originally associated with a constitutional agreement of centralization (executive rights) and non-centralization of specific functions (concurrent rights) and is governed by the principles of participation, equity or efficiency. The idea is that neither the central or regional authority is supreme, they are coordinate and each has a respective sphere of functions (Dunner 1970).

Indeed, the concept of federal society implies the presence of geographical concentrated economic, socio, religious historical cleavages and this account for the adoption of federalism in Nigeria, Switzerland Canada, and Ethiopia among of others (Livingstone 1956).

Nigeria adopted the federal principle in 1954 during the colonial rule and the system still subsists till date despite different challenges among whom is threat of disintegration in 1967-70 Civil War with inchoate, pseudo-capitalist economic structure and a lopsided federation inherited from its British Colonizers in 1960, the Nigerian state has experienced multi-dimensional crisis in its post-colonial year and these crises have poised serious challenges to successive Nigerian Government, thereby making the country an unstable polity.

The research focuses on identification of factors necessitating the adoption of federalism by different countries of the world, discusses the development and challenges facing the Nigeria federation and suggest strategies to strengthen them.

### **Conceptual Clarifications**

According to Watts (1999) the term federal political system refers to a broad category of political systems in which by contrast to the single central source of authority in unitary system, there are two or more levels of government thus combining elements of shared rule through common institution and regional self-rule for the governments of the constituent units.

He maintains that the generally common structured characteristics of federations at a specific form of federal political system are:

- a. Two orders of government each acting directly in their citizens.
- b. A formal constitutional distribution of legislative and executive authority
- c. Provisions of designated representation of district regional views within the federal policy making institutions.
- d. A supreme written constitution not unilaterally amenable but requiring the consent of significant proportion of the constituent units.
- e. Processes and institutions to facilitate inter-governmental collaboration for those office holders governmental responsibilities are shared or overlap.

In his own contribution Appodorai (2002) held it is the authority that represent the whole and acts on behalf of the whole in external affairs and in such internal affairs as are held to be common interest and in which there are also provincial or state authorized with powers of legislation and administration within sphere allotted to them by the constitution.

He further observes that the distinctive feature of federalism is the formal division of governmental powers by a constitution between the constituent units (states, provinces or cantons) and the layer state which they compose.

Anifowose (2005) submits that a federal state is one with a number of coordinate states united for certain common purposes. The powers of the central or federal authority are limited by certain powers served to the units forming the federation and both the federal and state authorities demand their powers from the constitution.

He further notes that federalism is characterized by three marked features; firstly, the supremacy of constitution, Secondly, the distribution of powers between groups forming it and thirdly, some supreme authority to settle any dispute which may arise between the federal and state authorities.

Elaigwu (2013) posits that a federal system often arises from the desires of a people form a union without losing their identities, this is usually a compromise solution to multinational states between two types of self-determination to nation a supranational framework of government which guarantee security for all in the state and on the other hand, the self determination of the component groups to retain their individual identities.

He went further that basically federalism accommodates the need for cooperation in some areas, and the right to separate actions in others.

He enumerated some characteristics identifiable or any federal system of government. They are;

- i. The existence of two or more levels of government or orders of government.
- ii. A written constitution which distributed powers and responsibilities among orders or levels of government.
- iii. Adequate representation of views and members of institutional groups in policy making institution at the central.
- iv. Independent judiciary to interpret the constitution and play the role of an impartial umpire.
- v. The establishment of institution and processes to facilitate effective intergovernmental relations or collocation.

He concluded that federalism is a technique for managing conflicts which adapt to local needs or colouring. Noting that, in practices no country has been able to embody all the federal system vary in content from one country to another. The particular political colouring that a country's federal government taking, is often reflective of its historical experience, unit political cultural, social and economic environment and the disposition of its people at a particular point in time.

**On Nation States**

On his part, Appodorai (2000) posits that it is essentially a sentiment of unity, the resultant of many forces, community of race and language, geographical unity, community of religion, common political aspiration, and a sure all, historical development. They are body of people who feel themselves to be linked together by certain affinities which are so strong and real for them that they can live happily together and are dissatisfied when disunited and cannot tolerate subjugation to other people. A nation is a community of people that share a similar ancestral history, common language, and culture (Owoeye 2016).

Rustlow (cited in Maclear 1996) explicates the fact there are both subjective and objective dimensions of nationhood.

The subjective dimension explains the presence of a sense of nationalism, a psychological sentiment among the citizens of a state, citizen's love for and loyalty to their state and a spiritual sentiment of belonging to a homogenous, unite group in a state.

The objective dimension emphasizes the fact, that citizens long claim to facts of common history, common territory, common language, common culture and other similar characteristics. An effective nation-state can emerge even where there might be considerable diversity in the objective dimensions so long as considerable homogeneity may be present in the subjective area (Anifowose 2015).

In his own contribution, Akeke, (2008) held that it is a phenomenon that evokes an all pervading sense of loyalty and commitment to one another that develop steadily and suspiciously among people who have been together. They have opportunities to interact, engage in multiple transactions and communicate with one another over a long period, to facilitate the development of shared activities such as common history, culture, language, racial or ethnic origin and so on.

He went further that "nation-state is used to describe the social formation combining the nation and state. While nation refers to the socio psychological identification of the people, state refers to the politicalization of the association and state. The feelings of oneness which makes members of a nation share in a very powerful factor making for peace orderly governance and development. A nation-state is an organic entity whose government can speak for its people because it represents their values and aspiration. Nation-states tend to vary in size and power and the process of state formulation has tended to differ from area to another for example, in Euro-Asian region, the sentiments and ideologies of nationalism tended to precede the creation of states while in the African state, the colonial powers drew boundaries to suit their purposes. (Oche 2013).

In addition, nation-states, the units of the contemporary international system by then, have different gravity disparity in attributes such as per capita income, literacy rate, life expectancy and poverty level. This helps to differentiate them whether as poor or rich nation. (Oche 2013).

**Theoretical Framework**

The main thrust of sociological approaches in the study of federalism is the analysis of relationship between societal diversity and federalism (Leiden University 2014).

According to Livingstone (1957) the essential nature of federalism is to be sought for not in the shadow of legal and constitutional terminology but in the forces; economic, social, political cultures, that have made the outward forms of federalism has not in the constitution or institutional structure of the society itself, federal government is a device by which the articulated and political.

Building on Livingstone's thesis, Dare (1979) observes that a federal society is thus one with a plurality of ethnic group with different historical cultural and linguistic background and that each of these ethnic groups occupies a market and distinct geographical location from others.

According to him, federal system should be seen as the institutionalization of compromise between the demand for unity and diversity and that the intensity of these demands being reflected in how the constitution works. He further notes that the Livingstone's conception acknowledges the social diversities which initially necessitated a federal arrangement are constantly in flux and they also offer the outward forms of the constitution and that the political institutions of federalism the society by determining the channels.

The research work is premised on sociological theory of federalism because it lays emphasis on the plural nature of the society and geographical spread that often necessitate the adoption of the federal system of government.

The theory equally argues that federalism is a process, an on-going system that is faced with demand for one adjustment or the other and where issues paramount in the sustenance affairs often necessitate national debate and constitution reforms with the hope of achieving the equitable distribution of resources and adequate representation of all sections in management process of the state.

**Nigerian Federalism in Historical Perspective**

The British Colonial Administration created Nigeria through the amalgamation of the Northern protectorate and the colony and protectorate of Southern Nigeria in 1914 and bequeathed federation in 1954 as viable option to the multi ethnic setting (Olvwasa, etal 2014).

The 1954 constitution introduced through federation, comprising of three regions, and made provision for two legislative lists, the executive lists with which only the federal parliament could legislate and the second, the concurrent list in the within which both the federal and regional legislatures could legislate.

All other subjects not included within the two lists above fall within the residual list which only the regional legislatures could make laws (Awofeso 2014).

Scholars have advanced reasons why Nigeria adopted the federal system of government. While they agreed on the historical factors that made the adoption of federalization compelling, such as, diversities in nationalities, religions, cultures and resources, they however appear to differ on the political forces that propelled the historical factors in crystallizing into a federal union.

There are two schools of thought in the argument. The first school, the internalist school located the political forces that propelled the historical factors into federation in the nationalist leadership. This is because the realities of the country's historical past, coupled with the perceived economic advantage accruable from federalism as well as geographical and political factors, made federalism attractive to the nationalist leaders before independence.

The second school thought sees the adaption of federalism in Nigeria as externally motivated. Here, federalism is seen as British imposition meant to serve the political interest of the British. It is the belief of the school that contrary to the widely shared view of the achieving unity in diversity, federation was introduced as a divided and rule strategy, a disruptive and divisive British Heritage (Muhammed 2008)

Oyoibaire, (1989) identified three salient elements of the Nigerian political system. They include

- (a) Nigeria is composed of multiple communities of uneven size both by population and in their distinct cultures and patterns of authority.
- (b) The contemporary Nigeria is the nature of the national economy which has been linked with capitalization development on the global scale. This has brought the internal political diverseness and dependent political economy.
- (c) The growth of social classes and class relations.

He concluded that the character of the Nigeria federalism has induced the problem of National Question into the body polity.

Elsewhere, Oyoibaire (1983) notes that National Question are concrete problems of social existence arising from the assertive competition among persons who possess multi ethnic or multi- cultural and regional consciousness which in Nigeria was created in its foundation by the turn of the late century. Thus, Nigeria federal system has been afflicted by many contradictions and tensions that have turn Africa continent into crucial grave yards of federal experiments. That is, the external mostly colonial imposition of federal union without sufficient domestic legitimacy or participation and absence of critical resources.(Suberu, 2009) Lalude (2017) posits that issues relating to National Question demanding urgent resolution are;

(a) Resource control: he maintained that the issue of resources control has assumed a made dimension in Nigeria since civilian administration was restrained in May 1999. In this case, the oil producing states in the Niger Delta Area, through the Governors and certain multi groups have insisted on a greater, if not total control of internal resources within their domain. The oil producing states further insisted that there should be an inclusion of the gas component in the federation Account sector. The composition of 13% derivation is unacceptable and that the president monitoring committee on the utilization of the 13% derivation fund is ill advised, misconceived and unnecessary. A very critical issue in the demand for resource country by the oil producing states is that the continental shelf (200-material miles) should remain integrate part of the coaster states.

(b) Overconcentration of power at the Central: A principle of federation centers on the division of powers (functions) between the central and the federation units and a true federal state in the legal sense is one in which these is not only a division but also the division is made in such a way that the general and regional government is subordinate to the other. But in the 1999 constitution, the federating states are made to see dependent and even subservient to the federal Government as it can be seen clearly in section 8(3) and section 8(4) where the constitution made the creation of local government areas the concern of the National Assembly. Also, the Nigeria federal structure has been threatened by the high level of fiscal centralization. For example, the federal government controls the critical sections of the economy, meaning that the ability of the federating states to legislate on any of these matters is foreclosed and the challenge of meeting the elements of small rich Niger Delta state and large political unit, particularly the north which technically control federal power.

(c) The minorities and Quest for self- determination: Few analyses would disagree with the view that minorities have been dominated by the three large ethnic groups, namely, Hausa-Fulani, Ibos and Yorubas.

This has resulted in the emergence of ethic militia groups demanding for the right of self-determination by the major ethnic group and the ministries. The varying levels of social economic development and resource endowment within the regions (now states) have meant the dominance of centrifugal politics, which in turn fostered 'lack of organized unity or shared value between the Nigeria States and it diverse societies. The introduction of the federal character principle as ethnic arithmetic formula for allocating federal appointment have not solved minority agitates in the country. The convocation of National Political reform Conference in 2005 by Chief Olusegun Obasanjo and 2013 National constitutional conference by President Ebele Jonathan have proved to be a colossal waste of time and resources against the background of many conferences organized whose reports have not been implemented in the country.

Recently, there have persistent calls from prominent individuals and groups for political restructuring of the country. Notable among them is Professor Wole Soyinka where he states that in whether you talk of restructuring or you call reconfiguration, it is a call to return to status quo, reformulation of the protocols of association of the constutive part of the nation. To him, decentralization is another word, this country is over-centralized and there is need to reverse the trend.

On his part, Ashiwaju Bola Tinubu explicates that the nation must move towards true federalism. Thus, he said that something should be done by the balance of power and responsibility between the federal government and the states. In so doing, we can attain the correct balance between our collective purpose on one hand, and our separate grass- root realities on the other.

Also, the meeting of the seventeen (17) Southern Governors Forum held in Lagos (2017) posited that the future of Nigeria can be secured through devolution of powers and entrenchment of a proper federation. They add that “states are disperaged for always carrying begging bows to Abuja in quest for head-outs from the federal government. The productivity and revenue – generating of most states are thus stifled, thus turning them into no better than street beggar states incapable of meeting routine obligations of paying worker's salaries and pensions without federal support.

In its editorial, the Guardian Newspaper (2017) declared that the question for a truly federal republic of Nigeria is for taking on the appearance of a hurricane. Noting that the structure of governance that propelled Nigeria to enviable height in the first republic must, therefore be returned to. The reign of class opportunism and leadership by small minds that has taken an otherwise great country to precipe of destruction must end. The federating in whatever form should be allowed to be exploit the Natural endowments in their domains, develop ideas for their progress and implement same in the interest of their people within the context of a federal but united Nigeria.

A religious organization, Evangelical Church of West Africa (ECWA), in her 10 points observations made during hers five days pastor International conference held at Bingham University, Nasarawa State declared that “The recent call for the restructuring of our nation Nigeria is a noble one”. To them, as an indigenious church, we are aware of the injustices that have created dissatisfaction among the Nigeria people. We believe that the only way to maintain our corporate identity as one indivisible nation is to restructure and promote equity and the enforcement of the rule of law. This restructuring might not necessarily be done in the way the people are suggesting, but we need a restructuring that is based on the foundation of equity and honesty, where everyone is treated equally. We need to ideas of our founding fathers so as to keep the nation moving, they asserted.

As Otite (2010) notes, federation worked fairly perfectly under conditions which allowed and encouraged the constituency regions enough autonomy to exploit the economic resources to develop themselves under healthy competitive situation, while remitting part of the earnings to sustain the central government.

The current political system must be adjusted so that it can become acceptable to all Nigerians and eventually translate to the envy of others developing nations of the world (Okunrinboye 2017).

### **Conclusions**

Attempts have been made to examine into the reasons why nations of the world across different continents adopt federalism system of government. The reasons, range from historical realities of the past, the need for economic prosperity arising out of pooling of resources by the federating religion, to the need protect social peculiarities of the people (local cultural practices).

Nigeria federalism was a colonial legacy as it was instituted during foreign rule over the country. It is the only surviving federations out of the three instituted by the British colony government. The other two were Indian federation and Sudan, both have been dismembered, with different nation emerging out of the old order. The Nigerian federation has faced several agitations in history right from the pre-independent era till today. Recently, there have been persistent calls for restructuring in constitutional distribution of powers (duties) among the various levels of government, resource control increases democratic development among others. We therefore recommend a constitutional engineering through a sovereign national conference whose decision will be binding on the government as a means of a reconfiguration the skilled power relations in Nigeria.

We therefore recommend effective distribution of powers among the various levels of government in Nigeria. This should be done to achieve clear delineation of duties and responsibilities such that arbitrary encroachment by any level of government particularly, the federal government can be curtailed.

Secondly, a workable, robust and appreciable inter-governmental relations among the various levels of government in the country is advocated. Such that areas of contact between the federal and the state are effectively handled.

Thirdly, social integration among different cultural group is necessary such that, the diverse, multi-ethnic groups making up the country and remain united for common purpose of socio development.

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