



FEDERALISM AND POLITICAL RESTRUCTURING IN NIGERIA: THE PANACEA FOR MUTUAL CO-EXISTENCE AND MANAGEMENT OF NATION'S RESOURCES

Moses M. ADAGBABIRI*
Ugo Chuks OKOLIE**

Abstract

Federalism connotes an arrangement in which political powers are constitutionally shared between the central government and the federating units. It is a device that enables each group in a plural society to look after its own internal affairs free from outside interference. In a true federalism, each entity has a right to exploit its resources for the welfare of its people and payment of commensurate taxes and other royalties to the federation. This is the true meaning of resource control. The paper argues that the central control of oil resources and the utilization of the revenue derived therefrom to fast-track the development of the nation tends to favour the majority ethnic groups rather than the minority from which the oil is exploited. The conflict over the distribution of state resources and its control within communal territories aggravated the difficulties of political accommodation in Nigeria's federalism. This is evidenced in the various ethno-religious conflicts that pervade the nation. The paper utilizes the methods of descriptive analysis and synthesis of the extant literature. Requisite recommendations were provided for rethinking and restructuring of the nation's federalism for mutual co-existence and management of the nation's resources. The paper further takes a peep into what depicts true federalism and how can it be discovered? The paper concluded that states should exercise ownership over all resources in their domain, natural or otherwise, for the benefit of their people and they should pay taxes and other royalties to the federation as the practice of federations in North America and elsewhere.

Keywords: Federalism, Politics, Restructuring, Ethnicity, Resource Control.

Introduction

In a federation, the federal and the regional governments both derive their powers directly from the constitution and are therefore independent of each other. Nonetheless, Nigeria's variant of federalism remains confusing, even mystifying. Our federalism is one of concentration of absolute powers at the centre. It is one that is particularly lacking in mutual respect, making it look like a master - servant relationship. This asymmetrical relationship explains why many of our governors are gadflies, running regularly to Abuja for 'federal grants' in the face of dwindling internally generated revenues. The federal government has become a leviathan, gaining more power almost in the same proportion that states are losing (Udombana, 2017).

Consequently, as Adeyeri (2010) has pointed out, Nigeria's federal system has oscillated between the excessive regionalism that marked the first Republic (1960 - 1966) and the excessive centralization of the military, and relatively the post-military era. Contradictions in Nigeria's federal system such as the colonial factor, military rule, structural imbalance, over-centralisation of power in the central government, among others, have overtime perpetuated various perplexing issues and challenges within Nigeria federation. The contending issues include but not limited to resource control, revenue allocation, state creation, federal character question and leadership crisis. Moreso, from the pre-colonial to post-independence era and up to the present democratic dispensation, resource control has remained the most contentious issue among the tiers of government. Of note, like most federal system, Nigeria operates a system in which the

* Ph.D, Department of Political Science, Delta State University.

** Chartered Institute of Personnel Management of Nigeria, Edo State Study Centre.



federal government harnesses the natural resources and shares revenue with states and local governments. This is a deviation from an ideal federal constitution in which, the states or regions are the federating units and control resources located in their territories (Roberts and Oladeji, 2005; Atoyebi, 2013; Dickson & Asua, 2016; Fayose, 2017).

There seems to be a resurgence of debates on constitutional restructuring of Nigeria. The issue keeps returning everywhere like a snake that is never slain. Why is it important? Probably because a constitution is a foundation of a legal and political system and also because the fiscal federalism in Nigeria has not been able to contribute optimally to socio-economic development of the states. This supports the assertion of Fayose (2017) who posits that “Nigeria developed faster in the 50s and 60s when it was practicing confederal system of government, with the regions running its own affairs almost autonomously but a situation where a state cannot do anything about its mineral resources without approval from the federal government, will not foster the development that we all yearn for”. This paper is an exploratory research conducted through qualitative to examines the Nigerian federalism by identifying the weak points of our historical experience, resource control, its meaning, agitation, and politics as well as its manifestation as one of the most highly contentious issues in Nigeria’s federalism. This paper also takes peep into what depicts true federalism and how it can be ascertained? Requisite recommendations were provided for rethinking and restructuring of the nation’s federalism for mutual co-existence and management of the nation’s resource. The paper concluded that states should exercise ownership over all resources in their domain, natural or otherwise, for the benefit of their people and they should pay taxes and other royalties to the federation as the practice of federations in North America and elsewhere.

Review of Extant Literature

The Concept of Federalism

The term “federalism” is derived from the transitive verb ‘federate’, meaning to join together in a federation, or cause various bodies to join together in a federation. Its verb, federating; means to associate, implying a coming together of states into a league or federal union. Therefore, federalism connotes an arrangement whereby political power within a country are shared between the central government and the federating units in such a way that each exists as a government separately and independently from the others operating directly on persons and property within its territorial area, with a will of its own apparatus for the conduct of its affairs, and with an authority in some matters exclusive of all the others” (Nwabueze, 1983, 1). Similarly, Obidimma and Obidimma (2015, 147) posit that federalism is “a system of government in which sovereignty is constitutionally divided between a central governing authority and constituent political units. Such power may be shared in various ways. Sometimes with a stronger centre, or with a weaker centre often referred to as confederation. Generally a federation is born by the coming together of otherwise independent states to form a central government to whom certain powers are given, while the states retain most of their powers. The coming together could be as a result of the need for defence and desired for independence from foreign powers, hope for economic advantage, some measure of political association between the various federating units prior to the creation of the union, geographical neighbourhood, and similarity of political institutions”.

According to Akujuru and Enyioko (2015, 3) “the origin of Nigerian federalism is traceable to British colonial rule. However, opinion varies on the basic reason for its



introduction. Some scholars reckon federalism was introduced in Nigeria by the British for administrative convenience. Some are of the opinion that British imposed federalism on Nigeria in order to maintain some control on the country after independence. Others believed that the British colonialists adopted federalism in Nigeria to solve the problem of how to keep the large and ethnically diverse groups of people together. Regardless of the status of each of these arguments, all the viewpoints are useful in tracing the origin of federalism in Nigeria”.

Federalism is often regarded as the appropriate governmental principles for countries with huge ethno-cultural diversities. Nigeria, with over two hundred and fifty (250) ethnic groups inherited a federal system from Britain in 1960 and successive governments have attempted, with varying degrees of sincerity and commitment to operate federal institutions that can accommodate the country’s ethnic, cultural, religious and linguistic diversities and nurture a sense of national unity. However, the leaders of these governments, at all levels, have failed to fulfill their obligations to offer good governance anchored on equitable political arrangements, transparent administrative practices and accountable to public conduct. As one of the most effective framework for governing a pluralistic society, Nigeria adopted federalism to manage her multiethnic state. Despite that, instead of unity, cooperation and consensus, there has been apparent division, disagreement and dissension (Kayode, 2015). The reality is that today’s Nigeria is a unitary state masquerading as a federation. Otherwise:

- i. Why should the national government legislate exclusively, or even concurrently, on things like marriages, tourism, policing, aspects of taxation, insurance and electricity, issues that clearly should be the responsibilities of states?
- ii. What is the rationale for diverting states of ownership of their natural resource?
- iii. Why should the Federal Inland Revenue Service (FIRS) be the agency collecting Value Added Tax (VAT) from shop owners in a state?
- iv. Why should the establishment of electric power stations, electricity transmission and generation be the exclusive preserve of the federal government?
- v. Why should the Federal Ministry of Education and National Universities Commission (NUC) issue directives to state universities, or reaching collective agreements with labour unions that is binding on states?
- vi. Why should the Federal Road Safety Commission (FRSC) regulate and operate on state roads, including state municipalities, when the federal government will not allow states to regulate traffic on federal trunk roads, even those rehabilitated by them? (Idombana, 2017)

In a federation, the federal and regional governments derive their powers directly from the constitution and are therefore independent of each other countries that practice federalism adopt federal constitution. Example of countries that adopt federalism include; USA, Brazil, Germany, Switzerland, Australia, Yugoslavia, India, Nigeria, among others. The federal constitution specifies the legislative powers of the central government and governments of component regions or states. In Nigeria for instance, the central government legislate on the exclusive list while the component governments called states make laws on the concurrent list of subjects. One of the fundamental features of a federal arrangement is the need for a supreme constitution which binds all government, persons and authorities. Other features of a true federalism are:



- i. Division of governmental powers between the central and components government of the regions or states.
- ii. Existence of Supreme Court for judicial interpretation and review.
- iii. The constitution is rigid.
- iv. Existence of bicameral legislature and absolute majority vote.
- v. Adoption of a written constitution
- vi. Equality of status for both levels of government each of which has direct relationship with the people and some activities on which its decision are final.
- vii. Matters in exclusive lists are reserved for the central government
- viii. Constitutional repudiation of secession

The autonomy of each government, which necessarily presupposes its separate existence and its independence from the control of other government, is essential to the federal government. Autonomy of the state governments is the defining principles of true federalism, its foundation or bedrock. The autonomy of the states demands that the federal government should not only keep within the limits of the powers assigned to it by the constitution but also that the exercise of such powers as limited should not in its practical effect impede, frustrate, stultify or otherwise unduly interfere with the state governments' management of their affairs or their meaningful functioning as a government, e.g. the management of their finances, the appointment and control of their staff, the award of contracts for the provision of services and projects, the exercise of other essential governmental functions such as law-making or the executive of laws so made – the principle of non-interference with the autonomy of the states, as it is called (Obidimma & Obidimma, 2015).

Federalism in the final analysis is a system meant to integrate people in a society who are diverse ethnically, culturally, geographically, and even religiously. Federalism is a system of government in which two co-equal supreme levels of government both act directly on the citizen through in their own laws under a written constitution. Each unit of government within a federation exists not as an appendage to another but as an autonomous entity capable of conducting its own will free from directive from any other government. It is a form of decentralization of the financial, political and administrative resources of government (Abah, 2016). This system of government can be contrasted with the unitary system in which the components units are legally subordinate of the central government, and with the confederal system in which the central government is dependent upon the regional or state governments. It is therefore becomes imperative that once a government is in place, it must endeavour to adequately managed and shared resources among the diverse groups.

Nigeria's Defective Federalism: A Recipe for Extremism

It would be recalled that federalism was adopted for Nigeria (Akinyemi, 1978; Ola, 2017) as a convenient means of administering the fractious multi-ethnic conglomerate, though rickety in practice since inception (Osuntokun, 1999). Federalism no doubt offered some hope that the multinational leviathan might not implode because of the substantial autonomy guaranteed to the federating units (Awolowo, 1966). However, by the time the military action cum civil war ended in January 1970, Nigeria emerged no longer as a conglomeration of three regions with separate constitutions that were attached as a schedule to the Federal Constitution and hinged upon the three major ethnic groups-Igbo,



Hausa and Yoruba but as a unitary-federation composed of twelve states surrogates of the central government (Ola, 2017).

With the onset of the Oil boom (Mayall, 1976:327) in the early 1970s and the Nigeria State as the primary vortex of revenue collection and disbursements, the States became subservient to the federal centre. This is because, according to the then military Head of State, General Yakubu Gowon, 'To keep Nigeria one is a task that must be done' (Clarke, 1987:65). By introducing a unitary command structure, Gowon truncated Nigeria's federalism. This is because, according to Supreme Court Justice, Hogol Black of the United States federalism is a proper respect for state functions, recognition of the fact that the entire country is made up of a union of separate state (Budley, 1982).

From the foregoing, the structural reform and abrogation of regionalism which Gowon did with messianic fixation stifled the population. It opened the Pandora's Box for instability, ethnic rivalry, abuse of human rights and societal mistrust between the government and the people. While Nigeria has in a way survived the Biafran secession, the same cannot be said of the ills of its brand of federalism. This practice of federalism seems an enduring phenomenon which remains destructive to the very essence of the Nigerian nation. To start with, Nigeria's federalism fundamentally violated B.J. Dudley's conceptualization of federalism as a division of powers between a central and several regions of state government, each acting directly on the people, each with limited share judicial competence and each self-sufficient (Dudley, 1982).

Due to this contradiction, Nigeria became an exclusive oil of gladness for a privileged few, and the water of allocation for the rest of the stock (Ola, 2017). Thus, the first line of threat to human security (Imobighe, 1998; Adeyeri, 2010) in Nigeria is the agents of anti-people policy. Those who threaten the ability of the ordinary citizen to realize his self-actualization, that is, his ability to liberate himself from poverty, ignorance and disease; those who loot public treasury; mismanage the nation's economy, scuttle the efforts towards the just sharing of the rewards and burden of citizenship, as well as those who undermine the solidarity of the people by manipulating ethnic, religious and sectional sentiments. How anyone can imagine that this cauldron of negative and antagonistic factors would lead to a brew of national unity and stability must be evidence of man's incurable predisposition to delusion. Thus, the Nigerian governmental structure till date is an 'imperial presidency' and the federation a 'unitary system'. The country remains the title 'federation' in its name but in reality is a very strong, powerful and overbearing central government that appropriates all the nation's power and wealth and distributes to the 'federating units' at its whim. It exercises absolute control over the nation's economy by appropriating all mineral resources to itself (Ola, 2017).

Resource Control in Nigeria: Origin and Agitation

Resource control involves the access of communities and state governments to natural resources located within their boundaries and the freedom to develop and utilize these resources without reference from the federal government (Hedayo, 2010, 14). In the view of Ofeimum (2005) cited in Dickson and Asua (2016:5) resource control is the principle that every federating unit must be empowered to be self-governing. It amounts to an expression of self-determination by the zone which places a collaborative duty on other parts of the country to assist the zone in the realization of their objectives. According to Afoyemi (2013:11) resource control is the way and manner the government revenue is shared among the various tiers of government - the federal, state and local governments,



as well as how resources available are harness and determined. Similarly, Ya'u (2001:46) posits that resource control may be taken to mean the substantive power for the community to collect monetary and other benefits accruing from the exploration, exploitation and use of resource in their domain and deploy some to its developmental purposes. From the foregoing, it is crystal clear that resource producing areas ought to have control over resources located in their domain, with minimal interference from the federal government, as it is the practice in the United State of America.

Resource control was one of the highlights of the Ijaws representation to the Willink Commission. Thus, it should be emphasized from the beginning that in Nigeria, States, majority as well as minority groups have on one occasion or the other in history agitated for resource control. However, the demand for resource control reached its crescendo as soon as the military government of General Yakubu Gowon created a twelve - state federal structure on May 27, 1967 from the former four regions. On the one hand, some of the states that were created e.g., the oil-rich rivers and eastern states as well as Lagos immediately demanded for the control of the natural resources located and extracted from their areas. On the other hand, major areas that were not granted statehood but were economically viable equally demanded for resource control out of frustration (Ekwuruke, 2005). Before this time, however, the struggles for the control of the nation's resources have also, to some extent, been based on the regional cleavages. This, intertwined with political conflict, has sometimes led to political manipulation and delineations with the aim of influencing wealth allocation (Dickson & Asua, 2016). Therefore, agitation by these regions or states as well as ethnic groups in the country has been recurrent events.

Resource control became a salient issue in federal - state relations in Obasanjo's regime, with the littoral states (Cross River, Delta, Akwa Ibom, Edo, Bayelsa, Rivers, Ondo, and Ogun) claiming that the natural resources located offshore ought to be treated or regarded as located within their respective states. The claim by the littoral states was more so accentuated by Decree No. 106 of 1992 which abrogated the onshore/offshore dichotomy for the purpose of calculating the amount of revenue accruing directly from any natural resources derived from any state pursuant to section 162(2) of the constitution of the Federal Republic of Nigeria 1999 (Eminue, 2005)

Government sometimes acquires individuals, group or community properties for overriding public purposes. Lands may be compulsorily acquired for economic and social programmes, such as the construction of health centres, schools, roads, e.t.c. Section 44 (3) of the 1999 constitution, which is an exception to section 44 (1) provides:

Notwithstanding the foregoing provisions of this section the entire properly in and control of the minerals, mineral oils and natural gas in, under or upon any land in Nigeria or in, under or upon the territorial waters and the exclusive economic zone of Nigeria shall vest in the government of the Federation and shall be managed in such manner as may be prescribed by the National Assembly.

Flowing from the above, it could be argued that the agitations for resource control by both the federal and state governments must have been in pursuant to the provision of the sections of the constitution highlighted above. However, compulsory acquisition of properties must be seen as a exception, not the rule. It does not and should not, remove the fundamental premise that these properties hitherto belong to individuals, groups or communities. Indeed, in a true federalism, each entity has a right to exploit its resources



for the welfare of this people and of course, to payment of commensurate taxes. This is the true meaning of resource control. Consequently, the forceful acquisition of natural resources by the federal government was a scan because it was done without consultation with or agreement of, the people and it deprives the people of their own means of subsistence (Udombana, 2017).

In recent times, states and some sections of the Nigerian state have on one occasion or the other agitated for resource control for a number of reasons. For example, the continued upheaval for resource control by the Niger Delta region is, perceived as one of the manifestations of the struggles to redress observed injustices and inequalities in fiscal relations among ethnic nationalities, regions and political units within the Nigerian federation. It is also perceived as a necessary fall-out of the degradation of their environment and the neglect of their conditions by the central government, which is seen as advancing the interests of the ethnic majorities to the detriment of the minorities. Despite these, the Niger Delta people suffered untold deprivation and disinheritance, leading to upheaval for resource control (Dickson & Asua, 2016). Often the law enjoins the payment of compensation to ameliorate the injustice that could arise from forceful or compulsory acquisition of properties. Indeed, both municipal and international law mandates compensation to compulsory acquisition of property section 44 (i) (a) of the 1999 constitution requires the payment of compensation in the case of compulsory acquisition of any interest in immovable property. Similarly, Article 21 (2) of the African Charter on Human and Peoples' Right which is now part of Nigeria's municipal law, provides.

In case of spoliation the dispossessed people shall have the right to lawful recovery of its property as well as to an adequate compensation.

However, privation is not compensation for ecological damage on account of mineral prospecting and extraction, as erroneously feddled in many quarters. The principles of derivation are associated with ownership. It is a form of compensation for disposing the oil bearing states of the interest in their immovable properties and depriving them of their own means of subsistence. It simply means an acknowledgement that oil is derived for those states. The synonyms for the world derivation includes 'origin', 'root', 'source', 'beginning', 'seed', 'candle', 'descent'. As a verb, 'to derive' means to get or gain or obtain or receive or take or draw something. Deviation is a right to compensation, not charity on the part of a 'benevolent' central government of course, the form and manner of compensation depends on the nature of property forcefully acquired. Consequently, section 162(2) of the 1999 constitution, dealing with the formula for revenue allocation provides that:

"the president, upon the receipt of advice from the revenue mobilization allocation and fiscal commission, shall table before the National Assembly proposals for revenue allocation from the Federation Account, and in determining the formula, the National Assembly shall take into account, the allocation principles especially those of population equally of states internal revenue generation, land mass, terrain as well as population density. Provided that the principles of derivation shall be constantly reflected in any approved formula as being not less than thirteen percent of the revenue accruing to the Federation Account directly from any natural resource".

The so-called thirteen (13) percent derivation is a fraud. It is one of the enshrined injustices in the 1999 constitution. Udombana (2017) noted that the ridiculous percentage



was dictated by military fiat without any consultation with relevant stakeholders. It was not so at the beginning. Section 140 (1) of the 1963 constitution provided that:

“There shall be paid by the federation to each region a sum equal to fifty (50) percent of (a) the proceeds of any royalty received by the federation in respect of any minerals extracted from that Region” and (b) any mining rents derived by the federation from within that Region”.

The section concludes with an observation that in a true federalism, the component states constitutionally control the resources, which are found within their geographical spread, and pay a certain percentage of revenue derived from such resources to the federal government. Practically, therefore, resource control rests on the component states or regions of the federation but in Nigeria, the reverse is the case. Federal government controls the resources. Thus, the violent conflict experienced in some parts of the country, particularly the Niger Delta region is as a result of the structure of the Nigerian federal and state as well as the nature of the control of natural resources. Our opinion, in keeping with principles of federalism, that states should exercise ownership over all resources in the domain, natural or otherwise, for the benefit of their people. They should pay taxes and other royalties to the federal government as the practice of federations in North America and other developed nations of the world.

Nigerian Federalism and Political Restructuring

The idea of Nigerian federal structure and its fiscal federalism has been enmeshed in contradictions, controversies and crises. The issue has become a national question as socio-cultural groups, with varying ideological leaning severally demonstrate interest and concern especially on the issue of resource control. As a national question, the seriousness of Nigerian federalism has translated into question of national unity, local government autonomy, self-determination and equitable distribution of resources, opportunities, rewards, and powers (Anifowose, 2004). Meanwhile, given the rising concern endangering the peaceful co-existence of the multi-ethnic nationalities that confederated, engendering the palpable need for Nigerian nation, some Marxist scholars, see the Nigerian federalism as presently unworkable; given the collaborative politics of emergence socio-cultural group, thus the situation itself canvases for the dissolution of the federal union. The issues of decentralization of power and fiscal resources have ranked very highly in Nigeria federalism. Infact, one of the major issues in the federal restructuring is the imbalance in the distribution of resources and needs among the federating units and has thus become sensitive to the question of fiscal federalism as an issue in Nigeria, government, the function of resources allocation distribution and stabilization of the polity (Okpata, 2007).

Also, according to Ojomoyela (2018), “Yoruba Koya’ has joined others seeking the restructuring of Nigeria, saying true federalism and devolution of powers from the centre remained the panacea to the socio-political ills facing the nation. The body, which also condemned the killings and destruction of farmland by suspected herdsmen, lamented the increasing youth unemployment, food, insecurity and infrastructural decay in the South-West. The group enjoined Nigerians especially Yoruba, to support the agitation for the restructuring of the country and to reawaken the consciousness of the Yoruba people to the hidden agenda of some ethnic oligarchy to dominate and enslave the Yoruba nation. In a statement in Ado-Ekiti by the National Organizing Secretary of the group, Comrade Adeye, said; Yoruba KOYA is made up of true sons and daughters of Yoruba who are



united in the fight against miss-governance in all the six states of south-western Nigeria. The Yoruba nation is lagging in the political equation of the country and this situation has made the economy of the states in the south western states especially to be comatose with attending worrisome states of high insecurity, youth unemployment, infrastructure decadence, corruption in public service, farmers/herdsmen clashes among others. "The Pseudo federalism which centralized everything in the hand of the government at the centre has not engendered development in the federating units, rather it has brought infrastructural decadence and poor economic growth in Yoruba land".

Tensions between the federating units and central government, between the constituent units themselves, and of various interests often fuel the demands for restructuring. Various interests insist on a voice and the correction of perceived structural defects. Demand for equity and justice in the allocation of political space from minorities and marginalized groups have all made for a consistent and perennial stream of agitations for restructuring, which suggests that the search for a national community has remained elusive in Nigeria. Infact, the destabilizing effects of these agitations or even the potential for destabilization have always constituted a question mark on the legitimacy of the political order in Nigeria (Abutudu, 2010). However, there are substantive issues that need to be addressed through the restructuring process, but a lack of agreement on what should qualify for inclusive in the restructuring agenda has been a weighty obstacle on launching the process. Equally fundamental, therefore, are the procedural issues that have to do with representation in the restructuring process, and infact, the structure of the restructuring process itself.

Meanwhile, in discussing Nigerian federalism, there are issues and challenges that have tended to weaken the existence of the federal structure and they include:

- i. The issue off evolving a fiscal structure that is conducive, rational, and equitable for the allocation of the country resources among the central government and federating units.
- ii. The need to evolve a strategic procedure for minimizing inter-governmental and inter-ethnic tensions and curbing of ethnic militias.
- iii. Promotion of national unity through the inculcation of national consciousness for national development.

The issue of minimizing inter-ethnic tensions arising from all minorities ethnic rights in Nigeria has attracted abroad based approaches, proposed especially for securing minority rights in Nigeria. One of such approaches posits the restructuring of Nigerian federalism as presently constituted to evolve equal proposed drastic based socialist revolutionary process. Meanwhile, the second approach essentially provides political economy solution to the minority right's question. The argument therefore, is that the class question will be virtually unavoidable even in one ethnic-based confederacy, largely because of the inevitable interface between ethnicity, class and political associations in the prevailing minority crises/conflict in Nigeria. Nevertheless, both approaches as presently constituted and operated; only differ in the restructuring mode of Nigerian system (Nanan, 1992).

Our constitution contains contradictory principles. For instance, section 2(i) of the 1999 constitution provides:

"Nigeria is one indivisible and indissoluble sovereign state to be known by the name of the federal Republic of Nigeria".



Thus, Nigeria is both a 'federation' and 'a republic'. Many commentators often interrogate the 'federal' element and ignore the 'republican' dimension. Yet the two words do not mean the same thing. Is Nigeria truly a republic? As a political belief, the noun 'republic' connotes the notion that:

- i. Sovereignty rests with the people or their representatives rather than with a monarch or emperor;
- ii. There can be no exercise of political power, be it at the centre or periphery, except as determined by the people; and
- iii. No public resource ought to be deployed in maintaining institutions or offices that are not constituted from the exercise of people's sovereign will.

These features of republicanism raise the question, is a country that creates a constitutional role for unelected traditional rulers but who are maintained by tax payers a true republic? What role, if any, should our traditional rulers play under a true republican constitution? Raising these legitimate questions in no way demean or diminish our traditional institutions, which have served as building blocks of unity in a diverse and often polarized polity. The United States is an example of republic. American political thought emphasizes a pragmatic view of government. People exist before government exists. Government is an agency created to meet collective needs. The ruler rules only with the consent of the ruled. When this consent is removed then there is no legal sovereignty. This lockean creed influenced the framing of the American Declaration of Independence, adopted on 4th July 1776. It provides that:

"Government derive the just powers from the consent of the governed; and that whenever any form of government becomes destructive of the ends it is meant to serve -securing life, liberty, and happiness - then it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to affect their safety and happiness".

Therefore, democracy becomes relevant only as a vehicle for conveying the peoples' sovereign will in defending democracy, Rousseau once wrote that "mankind is so wise and good that everyone deserves a share in government. That is a false, romantic, view of democracy. The true ground of democracy is that mankind is so fallen, even wicked, that no one can be trusted with an irresponsible power over his fellows. Plato also wrote; No human being is capable of having irresponsible control of all human affairs without becoming filled with pride and injustice".

The first challenge of republicanism in Nigeria is that the 1999 constitution itself is not republican, not having its origin from the sovereign will of the people. These dictatorial tendencies probably explain why the political class find it difficult to respect the sovereign rights of Nigerians to determine the country's political leadership through free and fair elections. It is an open secret that elections in Nigeria have historically been akin to organized crime, with multiple actors pursuing predetermined outcomes through common enterprise. When rigging answers to be name of election, it casts a big showdown on our republic (Udombana, 2017)). The main political challenge of the nation Nigeria is the application of federalism; true federalism is a system of government whereby the centre and federating units are economically autonomous and administratively responsible for most of their activities, i.e. a situation whereby there is devolution of constitutional responsibilities of power between the centre and sub units. In other word,



the states, regions and the centre share sovereignty. An ideal federal system should have independent revenue control mechanism or rather opportunity for the state/region to control/manage the resources from their areas (Dickson & Asua, 2016).

The structure of Nigerian federalism under the current democratic dispensation as determined by the 1999 constitution therefore supports the continued over centralization of power and subordination of the states to the federal government. Thus, the federal government has continued to control inter-governmental fiscal relations at all levels through its agencies such as Revenue Mobilization and Fiscal Commission. Hence, the federal government under Olusegun Obasanjo administration was able to unilaterally determine the revenue allocation formula and even went ahead at various times to withhold the allocation to some states (e.g. Lagos, Edo, and Anambra) without good reason. Beyond controlling inter-government fiscal relations, the federal government was also able to sack state governors through manipulation of its anti-graft agency, the Economic and Financial Crimes Commission (EFCC) and the justice system (as was the case of Bayelsa, Delta State and Plateau States) and declare state of emergency in some states without good reason or following due process (as was the case of Plateau, Adamawa, Borno and Yobe States). In practice, Nigeria's federalism is a mere gimmick as it ends at the pronouncement of the word federation.

It is on record that the All Progressive Congress (APC) said at a debate on 'addressing the rising insecurity in Nigeria, what is the master plan? Organized by the centre Democracy and Development (CDD) on December 18th, 2014, that APC would ensure true federalism and adequate community policing through the establishment of state -controlled police so as to curb the protracted security challenges in the country. Sad enough, now that it is the ruling party, APC is no longer talking about true federalism, and state-controlled police it canvassed while in the opposition (Fayose, 2017). He posits further that, under the present APC government of President Muhammadu Buhari, Nigeria is returning to full-blown unitary system of government because the federal government has turned itself into lord and master over other federating units in the country, using federal agencies to oppress even governors. The persistent call for resource control, for modification of the reverse allocation, for convening of sovereign National Conference and for restructuring of the Nigerian federation by Nigerians have been largely ignored by government. Even the widely shared opinions expressed in public discussions organized by the federal government in 1987 (political bureau), 1995 (constitutional conference) and 2014 (constitutional conference) have also been ignored as the reports of these confab are yet to see the light of day. The increase in the agitation of restructuring of the Nigerian federation is predicted and protection for minorities in the traditional sense of tribal minorities, as well as for greater territorial diffusion of economic and political power and to bring government nearer to the people and thereby instill in them greater responsibility for the success of government, and for development at a quickened pace. We hope that before long, the government will respond to the popular wish of Nigerians for restructuring the country along the line of true federalism with resource mobilization and control going to the sub units of the federation.

In any country where there are divergences of language and nationality - particularly of language - a unitary constitution is always a source of bitterness and hostility on the part of linguistic or national minority of groups. Federalism and decentralization was therefore advocated as a peace agreement as well as constitutional



solution which would reduce conflict, build peace, and protect the interest of minority communities. Bermeo (2002) concluded that armed rebellions are three times more common among groups living in unitary than in federal states while these groups also experience lower levels of discrimination and grievance. Similarly, Gurr (1993) advocated that power sharing arrangements and group autonomy can be a solution to deep-rooted ethnic conflicts and civil wars, while Hetcher (2000) also suggested that plural states such as India and Nigeria would probably have not survived without some form of decentralized governance. The extreme violence of separatist groups such as Boko Haram, Movement for the Actualization of the Sovereign State of Biafra (MASSOB), Niger Delta militants, Odua People's Congress (OPC) has become worrisome because normalcy and common law and other which many of us take for granted is simply not available to the people living under their influence. They have made the country extremely difficult to govern. People live under tension, government is under tension, there is tension in the land and the continued long-term existence of Nigeria is tentative, to say the least (Abah, 2016; Ojomoyela, 2018). This state of affairs calls for a final solution. That final solution consists in the determination of the Nigerian government and people to accept that people of the diverse ethnic, cultural, linguistic, and religious groups in Nigeria desperately need a breath of fresh air and that the panacea is the restructuring of Nigeria along the lines of true federalism governed under a true democracy.

Establishing True federalism

It should be recalled that K.C Wheare made the first bold attempt to formulate a clear conception of federalism, following his analysis of the American constitution which established the premier modern federal system. He began with an initial observation that "most of those who use it agree on this, that they have in mind an association of states, which has been formed for certain common purposes, but in which the member states retain a large measure of their original independence" (Wheare, 1963: 1). Acknowledging the possibility of relating this notion of federalism to several political associations, and the ambiguity it generates, Wheare set out to uncover what is distinctive of the system established in the US Constitution. He observed that in earlier associations of states, including the US under the Articles of Confederation, the organization was such that the general government was dependent upon the regional governments or vice versa; whereas in the US Constitution, he found none was dependent on the other as each level has areas of independent jurisdictions. This distinction distinguishes confederation, which presents constituent units' superiority, and a unitary system, in which the general government is superior. Federalism is seen as the centre of the two extreme systems, in which case, each is independent and limited, and none dominates the other (Kalu, 2016).

Carl Friedrich (1968) adds another important dimension of thought, which seems to illuminate Livingston's sociological view of federalism. At the root of his discussion of federalism is the prominence of communities or separate political entities. He began by observing that "federal order typically preserves the institutional and behavioural features of a 'foedus'-a compact or treaty between equals to act jointly on specific issues of general policy" (Friedrich, 1968, 6). He stresses further: "we have federalism only if a set of political communities coexist and interact as autonomous entities, united in a common order with an autonomy of its own" (Friedrich, 1968, 8). As such, he concludes that federalism is also, and perhaps primarily, the process of federalizing a political



community; that is to say, the process by which a number of separate political communities enter into arrangements for working out solutions (Friedrich, 1968).

In addition, Elazar and Watts both recognize the social factors and diversities that shape federalism, and as well, they note the importance of formal structures which regulate the forces from the diverse territorial groups. Elazar is the chief exponent of the 'covenant' basis of federalism, which has become very attractive as it simplifies the subject. According to him, "a covenant is a morally-informed agreement or pact between people or parties having an independent and sufficiently equal status, based upon voluntary consent, and established by mutual oaths or promises witnessed by the relevant higher authority" (Elazar, 1980). Against this backdrop, Elazar asserts that a federal arrangement, in essence, is "one of partnership, established and regulated by a covenant, whose internal relationships reflect the special kind of sharing that must prevail among partners, based recognition of the integrity of each partner and the attempt to a special unity among them" (Elazar, 1987, 5) He summarized by presenting the simplest possible definition of federalism, as 'self-rule plus shared rule.

Watts develops further the idea of self-rule and shared rule as central to federalism, for which he believes the former is necessary to safeguard the prior organic ties the diverse groups have had before coming to form a joint government-shared rule. Examining several federations, he however found that, what was distinctive about the social situations which produced federalism was not merely the duality of demands for union and regional autonomy, but the relative balance or equilibrium in each community between the conflicting forces for unity and diversity" (Watts, 1966, 93). Hence, he adds the notion of 'balance' or 'equilibrium' into the debates of federalism as its key distinguishing feature. This marks a point of theoretical saturation regarding the definition of federalism in the literature. It is therefore rare to see any subsequent definition of federalism that departs significantly from the conceptualizations explored above. The table below provides the summary of these key formulations in order to ease the task of extrapolating the central feature that signals what 'true' federalism is.

Table 1 Major Definitions and Extraction of Key Elements of Federalism

Main scholastic views of federalism	Key Elements or Emphases
<p>Federalism as Institutions Structure-Dual Federalism Most of those who use the term [federalism] agree that they have in mind an association of states, which has been formed for certain common purposes. The federal principle is the method of dividing powers so that the general and regional governments are each within a sphere coordinate and independent of one another (Wheare 1963: 1-10)</p>	<p>Division of powers; associated states; forming joint government; general and regional government; independence; coordinate, non-subordination.</p>
<p>Federalism as the Quality of the Society Federalism is a device to protect the federal quality of a society, which comprises 'diversities' grouped territorially. ...uniting into a single polity a number of component polities so that the personality and individuality of each are largely preserved, while creating in the new totality a separate and distinct political and constitutional unit. (Livingston 1956:2-9)</p>	<p>Diversity; territorial separate groups; interactions; joint government; tensions between groups to undermine the other; need to protect and preserve diversities.</p>
<p>Federalism as a Bargain Federalism is a bargain between prospective national leaders and officials of constituent governments for the purpose of aggregating territory. This bargain can be identified with the following rules: two levels of government rule the same land and people; each level has areas of action in which it is autonomous; and there is some guarantee of the autonomy of each government in its own sphere (Riker, 1964:12)</p>	<p>Joint establishment of a central government through bargain by constituent political entities; division of powers with jurisdictional overlap--two governments rule same land--and independence. Guaranteed autonomy of each government.</p>
<p>Federalism as a Process Federalism is the process of federalizing a political community...by which a number of separate political communities enter into arrangements for working out solutions, and making joint decisions on joint problems.</p>	<p>Separate political communities; process; interaction; a formed arrangement for common purpose; division of powers to grant autonomy to each level of government; ongoing tensions that need to be institutionally checked.</p>



We have federalism only if a set of political communities coexist and interact as autonomous entities, united in a common order with an autonomy of its own (Friedrich, 1968: 7-8)	
Federalism as Sharing (i.e.; self-rule plus shared rule) Federal principles are concerned with the combination of self-rule and shared rule. They grow out of the idea that free people can freely enter into lasting, yet limited, political association to achieve common ends and protect certain rights while reserving their respective integrities (Elazar, 1987:5-33).	Political partners; joint establishment; independent and joint spheres; relationship; mutual respect; plausibility of tension; protection of differences across political communities.
Federalism as Balance/Equilibrium of Opposing Demands Federalism is about the relative balance or equilibrium in the conflicting demands for union and regional autonomy within different federating communities. The essence of federalism is the value of perpetuating both union and diversity at the same time (Watts, 1966:93).	Separate regions; joint government; self government; identified balance in opposing demands as key; preserving the balance; relationships or interactions; non subordination; equality.

Sources: Adopted from Kalu (2016): True Federalism Illustrations with the Venn Diagram

From the table, Watts' advancement of the notion of equilibrium captures the central message that can be deduced in the others, and provides the clue to pin-point what federalism precisely is; or 'true federalism' that is devoid of prefixes and other adjectival qualifications. At the foundation of each definitional conception is the idea of 'political entities' wishing to come together, in anticipation of certain benefit(s) that can only result if they unite. These entities, also have their separate values which they can only protect if they stayed independent or autonomous of the other political entity. How to design a system that would incorporate and or resolve this dilemma becomes the challenge of federalism. Hence, in most of the arguments, proponents have always presented different poles of possibilities for federalism such as peripheralized and centralized options, among other varieties of federalism. For example, Livingston asserts that federalism is thus, not an absolute but a relative term; for there is no identifiable point at which a society ceases to be unified and become wholly diversified (Livingston, 1956). A similar assertion is made by Elazar, and also Watts, who opines that federalism can be considered a broad genus of political organizations of which there are different species (Elazar, 1987; Watts, 2008).

The difference in categories depends on the status, outcome, or result of the tension between two opposing demands-the desire for union against independence (Wheare, 1963) fostering integration or unification against diversity (Livingston, 1956), preserving shared rule against selfrule (Elazar, 1987), and the goal of maintaining maximum and or minimum powers by each of the levels of government (Riker, 1964). That is to say, the prominence of each of the opposing demands in the scheme of things distinguishes the federal institutional forms. For example, if the desire for independence trumps that for union, the result is a confederation; whereas the prominence of the desire for union above independence results in a unitary system. But a federation represents the system in which both demands are relatively prominent and almost, if not, in equilibrium. The importance of balance or equilibrium is implicitly recognized by each of these scholars in their arguments. For instance, Livingston concludes that federal system is an institutionalization of the compromise between two opposing demands, and that the federal constitution structures the limits of this compromise (Livingston, 1956). More forcefully, the constitution will be more or less federal in accordance with the relative strength of the two demands (ibid). Similarly, Wheare's emphasis on the independent jurisdiction of each level of government is premised on the need to ensure that none dominates the other, which is an allusion to the target of equilibrium and balance.



Furthermore, Riker, in distinguishing federalism between where a level of government possesses maximum powers to make unilateral decisions in all but one and vice versa, observes that few federalisms relatively lie at either extremes (Riker, 1964). In other words, federalism mostly lies at the middle, where no level can unilaterally make a decision affecting the entire union, which accentuates balance. For Elazar's self-rule and shared rule combination, he points out that each of these factors has to be limited in such a way to provide for the energetic pursuit of common ends while maintaining the respective integrities of all parties, without replacing or diminishing prior organic ties (Elazar, 1987), it can therefore be argued that if equilibrium is not aimed at and balance not maintained, one of the demands under tension would overshadow the other, or suppress it, whereas it has been shown that it is necessary to maintain a balance between both. How can equilibrium be achieved if there are no instruments to safeguard each of the values? It has to be noted that federalism is neither a pragmatic nor heuristic exercise. Instead, federalism is principled, focused, and reflects a conscious design and commitment to safeguarding these two opposing demands-an idea that Wheare had posited as the federal principle. There is a strong reason, therefore, to aver that true federalism is concerned with the goal and means of achieving and maintaining equilibrium between the forces that make political entities want to be united and the forces that make them want to remain separate, autonomous, or independent (Kalu, (2016, 354).

Conclusion and Recommendations

It is obvious that the federal government exercise most of the governmental powers in Nigeria to the detriment of the constituent states. Apart from the overwhelming dominance on the items of legislation, the federal government is further power to make laws with respect to any matters incidental or supplementary to any matter mentioned elsewhere in the exclusive legislative list. From the foregoing, this paper concludes with an observation that in a true federalism, the sub states constitutionally control the resources, which are found within the geographical spread, and pay a certain percentage of revenue derived from the such resources to the federal government. For a proper functioning of the Nigerian federalism, there is need for a proper restructuring of the federal structure in Nigeria starting from a constitutional amendment that will inculcate the basic requirements of true federalism. Nigeria may also have to borrow leaf from the practices in operation in countries acclaimed as practicing true federalism, such as having separate constitutions for the federal government and the governments of the various thirty - six (36) states of the federation, upholding the provision for the supremacy of constitution in governmental practices and observing the federal character principle as enshrined in section 14(3) of the 1999 constitution. As this will encourage mutual co-existence and management of nation's resources.

- i. In the interim, the nation's taxation policy should be reformed to give more authority to the states, especially over personal income tax, company income tax, capital gains tax and value added tax of all forms available within their territorial boundaries to enhance their financial independence from the federal government.
- ii. The principle of true federalism should be fully applied. Federalism as being practiced in developed countries such as the United States, Australia and Canada will enhance unified, peaceful co-existence, political and socio-economic development. It will encourage the states to look inward and



- develop economic independence. The issue of resource control and dependence on revenue allocation from the federation account and other federal sources of revenue, such as revenues from excess crude oil, income from excise duties, e.t.c. would be de-emphasized.
- iii. There should be a proper balance in the sharing of governmental powers, functions and allocation of resources between the federal government and the federating units to ensure that each of the federating units is equipped with every paraphernalia of government to be able to stand as an independent autonomous entity as is required for the practice of federalism.
 - iv. A review of the percentage of revenue allocation to oil bearing states as well as other resources and the setting up of a technical committee to work out the appropriate percentage. Communities that produce the national wealth be considered in the derivation percentages not just to the state government.
 - v. Diversification of Nigerian economy by fast-tracking the development of the solid mineral sector.

REFERENCES

- Abah, N.C. (2016). Federalism, Democracy and the National Question in Nigeria. *Journal of Research in Business and Management*, 4(3), 26 - 32.
- Abutudu, M. (2010). *Federalism, Political Restructuring, and the Lingering National Question*. In S. Adejumo (ed), Governance and Politics in Post-Military Nigeria. Nigeria: Springer International Publishing.
- Adeyeri, O. (2010). Federalism and the Challenges of Nation-building in Nigeria. *International Journal of Research in Arts and Social Sciences*, 2(1), 1-9.
- Akinyemi, B. (1978). *Foreign policy and federalism: The Nigerian experience*. Ibadan: Ibadan University Press
- Akujuru, C.A. & Enyioko, N.C. (2015). *True Federalism and Sustainable Development in Nigeria. A discourse on National Question and National Maladies*. Retrieved from <http://ssrn.com/abstract=2601963>.
- Atoyebi, K.O. (2013). The Implications of Resource Control in Nigeria. *International Journal of Humanities and Social Sciences Invention*, 2(2), 53-62.
- Bermeo, N. (2002). The Import of Institutions. *Journal of Democracy*, 13 (12), 96 - 110.
- Dickson, M. & Asua, S.A. (2016). The Politics of Resource Control in Nigeria: Agitation and Innovation. *International Journal of Politics and Good Governance*, 7 (7.2), 1-13.
- Ekwuruke, H. (2005). *The Origin of the Politics of State Creation and Resource Control*. Nigerian T-Global Online Publication.
- Eminue, O. (2005). *Public Policy Analysis and Decision Making*. Lagos. Concepts Publications Ltd.
- Fayose, A. (2017). *True Federalism: Fayose calls for Restructuring of Nigeria*. Retrieve from [http://www.naijaakatarian.com/true-federalism-fayose-calls-for-restructuring of Nigeria](http://www.naijaakatarian.com/true-federalism-fayose-calls-for-restructuring-of-nigeria).
- Gurr, T.R. (1983). *Minorities at Risk: A Global View of Ethno-political Conflicts*. Washington DC:US Institute of Peace Press.
- Hetcher, M. (2000). *Containing Nationalism*. New York. Oxford University Press.
- Kayode, A. (2015). Federalism and Federal Character Principles in Nigeria: A Dilution. *Review of Public Administration and Management*, 3 (7) 32 - 44.
- Nwabueze, B.O. (1983). The State, Politics and Economy Under Obasanjo Government. *Unilag Journal of Politics* 1(1), 17-27.
- Obidimma, A.E. & Obidimma, O.C. (2015). Restructuring the Nigerian Federation for Proper Functioning of the Nigerian Federalism. *Public Policy and Administration Research*, 5(9), 147-157.
- Ojomoyela, R. (2018). *True Fiscal Federalism: Panacea to the Problems facing Nigeria*. Vanguard Newspaper, April 22. Pp. 3.
- Okpata, F.O. (2007). The Politics of Federal Restructuring and Resource Control in Nigerian Federalism. *EBSU Journal of Sociology*, 1(1), 41-50.
- Osuntokun, J. (1999). *The historical background of Nigeria federation: Readings in federalism*. Lagos: Nigeria Institute of International Affairs.
- Roberts, F.O.N. & Oladeji, A. (2005). *Federalism and Resource Control government in Nigeria: The Resource Palaver*. In W.O. Alli (ed.) Political Reform Conference, Federalism and the National Question in Nigeria. The Nigerian Political Science Association. Pp. 274 - 292.
- Udombana, N. (2017). *Constitutional Restructuring in Nigeria: An Impact Assessment*. Retrieved from <http://ssrn.com/author=1162030>.
- Ya'u, Y.Z. (2001). *Resource Control and Social Justice in Nigeria*. In U. Sani (ed.), Federalism, Resource Control and Social Justice in Nigeria, Kaduna: NCPN, pp. 44 - 52.