

Federalism and the Agitation for Restructuring in Nigeria

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Abstract

Federalism has been noted to be a governance system best suited for a multi-ethnic country like Nigeria, because of its inherent potential to ensure autonomy to the constituent units to raise revenue to provide certain services to the people for development. The paper examined the nature of federalism in Nigeria, which has necessitated the call for the restructuring of the federation. Federalism in Nigeria has witnessed a lot of vicissitudes since its inception in 1954. The changes in the practice of federalism were occasioned by a lot of factors, ranging from crude oil replacing agricultural products as the mainstay of the economy, civil war, military rule, corruption and others. The paper adopted the secondary method of data collection and the data collected were analysed by the use of historical and descriptive methods. The paper found out that the 1999 constitution of the Federal Republic of Nigeria (as amended) gave too much power and revenue to the centre and this makes the constituent units, which are closer to people at the grassroots, weak. This condition has manifested in a high level of unemployment, poverty and insecurity. The paper recommended, amongst other things, the amendment of the constitution to devolve more power and revenue to the constituent units, as well as the correction of the imbalances in the federation to achieve some level of equity among the federating units.

Keywords: Federation, revenue, corruption, constitution and economy.

Introduction

The increasing agitation for the restructuring of the federation is an indication that all is not well with the nature of federalism practised in Nigeria. Federalism was adopted as a governance system in Nigeria in 1954 by virtue of the Lyttleton Constitution, based on the belief that it is the best governance system suitable for a multi-ethnic and multi-religious country like Nigeria. According to Fajana (2001:105), federalism has, therefore, been generally accepted by Nigerians as the most suitable political arrangement that would allow the diverse elements to retain some identity and derive benefits from the complementarity of resources and a large domestic market. This view was corroborated by Kymlicka, cited in Osaghae (2010:663-664), when he pointed out that “no formula other than federalism can successfully accommodate ethno-national diversities in countries like Nigeria, Ethiopia and Sudan”. This is because federalism provides substantial autonomy for the federating units to run their affairs. They have the opportunity to harness both human and material resources within their domain for their own development. This situation instils in the constituent units the spirit of healthy competition, which invariably leads to hard work and overall societal development.

This was the situation in Nigeria in the First Republic. The Nigerian federation started with three regions, which included the North, East and West and later the Mid-Western region, which was created out of the Western region in 1963. These regions had substantial autonomy to operate, and this explains why they were able to raise revenue to carry out developmental projects; universities were established by these regions. Elaigwu (2005:184) stated that the regional universities were Ahmadu Bello University in 1962 (Northern Nigeria); University of Nigeria in 1960 (Eastern Nigeria), University of Ife in 1962 (Western Nigeria) and the University of Benin in 1970 (Mid-Western Nigeria). According to Olowononi (1998:251), “regional governments were almost fiscally self-independent from 1954 to 1966. The regional governments were fiscally very powerful vis-à-vis the federal government. To him, the federal government played a second fiddle to the regional government”. This explains why Ayoade (2001:53) referred to that era as the “golden age of the regions”.

No sooner had the Nigerian federation been formed than it started witnessing serious challenges, the first of which was and still is the nature of the structure of the country. According to Yakubu (2003:7), “one noticeable problem was the structure of the country. The regions were not equal in size; indeed, the Northern region was about the size of the remaining two regions. It was not ideal for the federation that was set up”. Mill, cited in Yakubu (2003:7), pointed out with respect to a federal structure:

There should not be any one state so much more powerful than the rest as to be capable of vying in strength with many of them combined. If there be such a one and only one, it will insist on being master of the joint deliberations. If there be two, they will be irresistible when they agree and whenever they differ, everything will be decided by a struggle for ascendancy between the rivals.

The structure of the country, where the North is larger than both the West and Eastern regions from inception, created the imbalance and inequity that has become the albatross of the Nigerian federation up to the present day. Bretton, cited in Akindele (2001:13), opined that “the very construction of the Northern region, in the form in which it entered the era of independence, represents one of the greatest acts of gerrymandering in history. This is because, according to Akindele (2001:13), “the Northern region occupied three quarters of the federal territory and was believed to contain 54% of the Nigerian population; it virtually dominated political life during the first republic”. This has made the Igbos, Yorubas and other minority ethnic groups complain about the domination by the Northern part of Nigeria, made up mainly of the Hausa-Fulani. This has led them to agitate for a restructuring of the country.

The military intervention in Nigerian politics in 1966 posed another serious problem to federalism in Nigeria. According to Elaigwu (2005:14), “...on coming to power in 1966, General Aguiyi Ironsi suspended institutions of popular representation and appointed new regional military governors”. By Decree No. 1 of 1966, the federal military government was given “the power to make laws for the peace, order and good government of Nigeria or any part thereof, with respect to any matter whatsoever”. The last straw that broke the camel’s back as far as federalism in the first republic is concerned, was Decree No. 34, 1966, which made Nigeria a unitary state.

According to the decree:

Nigeria shall on 24 May 1966, cease to be a federation and shall accordingly, as from that day, be a republic by the name of the Republic of Nigeria, consisting of the whole territory which immediately before that day was comprised in a federation.

After the military regime of General Aguiyi Ironsi, successive military regimes distorted federalism. This was done through indiscriminate creation of states and local governments, as well as concentration of power and revenue at the centre, leaving the states with less power and revenue, and as such, they go cap in hand to the central government for help from time to time. The situation in Nigeria did not change significantly with the return of civilian rule on May 29, 1999, because too much power and resources are still retained by the federal government, a situation that has not helped the country's development. This explains why there is a high level of corruption in governance, poverty, insecurity and unemployment. This condition has necessitated the increasing call for the restructuring of the Nigerian federation for effective governance and development.

The paper is organised into five sections. Section I presents the introduction. Section II looks at the conceptual clarification. Examined in Section III are the causes of agitation for restructuring in Nigeria. Section IV examined the different perspectives on restructuring in Nigeria. Section V is for the conclusion and recommendations.

Conceptual Clarification

It is imperative and germane at the juncture to clarify major concepts in this paper. This is because clarification of the major concepts would go a long way in aiding the understanding of the subject matter under examination. The concepts to be clarified in this paper are: 'federalism' and 'restructuring'. The centrality of the concept of federalism in the governance system of many countries has made it attract the attention of many scholars across the globe. According to Trager (1968:10-11), "a federalised state is one in which the several units and their respective powers are constitutionally or otherwise legally united under the ultimate power of a central state and government. But it is also an essential mark of a federalised state that the subordinate units retain or have some irreducible powers operative within the same territory and regulating the same population over which the federal authority also applies with respect to other matters or different aspects of the same matter". From the foregoing, federalism can be said to be a governance system where there is a constitutional division of powers between the centre and the constituent units. The constituent units are meant to have substantial autonomy to be able to have reasonable powers and resources to administer their territories in such a way as to enable them to achieve development. It is important to note that the development of the various constituent units automatically translates to the development of the entire country and the citizens are to be better for it. It means, therefore, that the nature of the practice of federalism determines, to a large extent, whether it can generate development or not. In this vein, Tyoden (2001:246) opined that "while there is no such thing as an ideal federal system outside of theoretical formulations, a federal system of government can be said to have succeeded to the extent that it has operated to the minimum satisfaction of its constituent units and has advanced national goals that further the interest of the entire federation".

Having examined the theoretical basis of federalism, it is important to x-ray the practice of federalism in Nigeria, which was introduced as a governance system principally because of the multi-ethnic nature of the country. According to Kwaneshie (2002), "the apparent unstable nature of Nigerian federalism raises several questions about the appropriateness of the type of federalism

adopted by the country in the light of its history and its diverse ethnic composition”. This statement no doubt shows that the Nigerian federation, over the years, has been witnessing stress and strains which have been threatening its corporate existence. According to Ejoor, cited in Tyoden (2001:246), “there is no doubt that Nigeria is today a federation only in name, in practice, it is structurally unbalanced with a strong central government in which the ethnic majority groups oppress the minorities, depriving them of political power, their land and resources”.

The next concept to be clarified is ‘restructuring’. The concept of restructuring crept into the Nigerian political lexicon because of the vicissitudes in the practice of federalism, as well as the lopsided structure of the country in favour of the North. Restructuring can be said to be a term used to demand that the country be made to practice federalism that is in conformity with its letter and spirit, as well as doing away with the lopsided structure of the country. It is believed that the current state of underdevelopment in Nigeria, manifesting in high levels of poverty, unemployment, insecurity and corruption, is a result of the nature of federalism practised, which sees to the centralisation of power and resources at the centre. This has made it impossible for the constituent units to have reasonable power and resources to administer their territory in such a way as to make them achieve the much-needed development. According to Adegboruwa (2018:20), “when you look at the word restructuring, it is a combination of two words: ‘re’ and ‘structure’. When you say ‘re’, it means taking something back, to return or reverse, and that would suggest that there was a location that something was before and you want it back at that location. Structure means some kind of platform or entity. The idea of restructuring is, therefore, that Nigeria as a structure was in a particular state immediately after independence”. Adegboruwa belongs to the school of thought that believes that Nigeria should return to the constitution of the First Republic, which gave the regions substantial autonomy and made the regions very strong and viable. It was a period when the regions were more powerful than the central government, particularly in terms of resources.

Factors that Precipitated the Agitation for Restructuring in Nigeria

The agitation for restructuring in Nigeria is hinged on the lopsided structure of Nigeria as well as the nature of federal practice. This condition is responsible for the lack of development that the country is witnessing. The lack of development has manifested in a high level of poverty, unemployment, corruption and insecurity. It is in order to reverse the ugly trend that many Nigerians have started agitating for restructuring. According to the advocates of restructuring cited in Sunday Tribune (December 16th, 2018:19), “the restructuring agenda encapsulates the fundamental issues that constitute encumbrances in Nigeria’s quest to attaining nationhood and the real and pragmatic constitutional and legitimate steps that must be taken for the country to fulfil its primary objectives and obligations to all the stakeholders in the Nigerian project”. The factors that precipitated the agitation for restructuring in Nigeria include, but are not limited to the following:

1. **Structural imbalance in Nigeria’s federal system:** According to Elaigwu (2005:345), “the imbalance in the federal structure generates fears of domination among various groups in Nigeria”. From the inception of the Nigerian state, the North has been known to be bigger in size and population than the South. They also have a higher number of states and local governments. This situation has given them an edge over the Southern part of the country. For instance, there are 44 local government councils in Kano alone, and Jigawa state, which was carved out of Kano, has 27. Bayelsa state has only 8 local government councils.

2. **Concentration of Powers and Revenue at the Centre:** Before the military takeover of power in Nigeria in 1966, the regional government had substantial autonomy, so much so that they were in control of substantial revenue generated in their domains. They also had their police force to maintain law and order. But this situation changed when the military took over power in 1966; the central government has been in substantial control of power and resources. There is only one police force controlled by the federal government by virtue of Section 214 of the 1999 Constitution of the Federal Republic of Nigeria (as amended). The state governors are just referred to as the Chief Security Officers of their various states, but they do not have power or control over the police and other security apparatuses of the Nigerian State. This situation has been said to be responsible for the escalating security challenges in various parts of the country.
3. **Corruption:** Corruption has assumed an alarming dimension and has adversely affected the country's development. The concentration of too much power and revenue at the centre has been blamed for a high level of corruption, particularly at the centre. These have made the pursuit of power at the centre a do-or-die affair. According to Okotoni (2017:26), "there is no doubt that corruption is one of the greatest problems currently plaguing Nigeria and has contributed largely to governance crisis and state failure".
4. **The Feeling of Marginalisation by some Sections of the Country:** Nigeria is a country with many ethnic groups. Otite, cited in Aderemi (2013:3), opined that Nigeria has over 300 ethnic groups. Because of the nature and composition of the Nigerian state, some mechanisms, such as the federal character principle, were introduced to ensure that every part or section of the country is well represented in government, both at the federal and state levels. But events in recent times have shown that the principle of federal character has not been effectively adhered to in appointments, particularly at the federal level. For example, during Buhari's presidency, no person from the South-Eastern part of the country was appointed head of any security outfit. This and other things have made people from the South-East geo-political zone to have the feeling of marginalisation; as such, some people and organisations have been agitating for the restructuring of the country, while others are advocating for the breaking up of the country. Apart from the issue of appointment, it is also very clear that the South-Eastern part of the country has the smallest number of state and local governments.

Table 1: Number of Local Governments in each Geo-political Zone in Nigeria under the 1999 Constitution (as amended)

S/N	Geo-political Zone	No of Local Governments
1	North-East	112
2	North-Central	114
3	North-West	187
4	South-East	95
5	South-South	123
6	South-West	137

Source: The 1999 Constitution of the Federal Republic of Nigeria (as amended)

Table 1 shows the number of local governments in each geo-political zone of Nigeria. From the table, the South-East geo-political zone has the lowest number of local governments. According to Egugbo (2019:275-276), “considering the fact that the number of local governments within a state and by extension, geo-political zone determines, to a very large extent, revenue allocation in such a way that the more local governments in a state and geo-political zone, the more the revenue. It shows the South-East is short-changed in revenue allocation in this regard”. As it is with local government, so it is with states. While other geo-political zones have seven and six states respectively, the South-East has five, making the South-East zone have the least number of states.

5. **Concentration of too much Revenue at the Centre to the Detriment of the State and Local Governments:** Nigeria claims to practice federalism but fails to adhere strictly to some of its principles. Federalism has to do with a system of government where there is a constitutional division of powers between the centre and the constituent units. But in Nigeria, virtually all powers and revenues reside with the central government leaving the constituent units weak and incapable of taking care of their responsibilities. The revenue allocation formula favours the federal government. States are finding it difficult to pay salaries to the extent that states like Kaduna had to retrench workers during the administration of El-Rufai. This situation no doubt worsens the unemployment situation in the country with its attendant consequences such as poverty and insecurity.

Table 2: Revenue Allocation Formula

	Level of Government	Share (%)
1	Federal	52.68
2	State	26.72
3	Local	20.60

Source: 1999 Constitution of the Federal Republic of Nigeria (as amended)

The table shows the revenue allocation formula used in sharing revenue in Nigeria. The table indicates that the federal government alone takes 52.68%, the 36 states take 26.72%, while the 774 local governments take 20.60%. The formula favours the federal government greatly.

Perspectives and Dimensions of Restructuring

The issues of restructuring have elicited intense debate to the extent that some of the stakeholders in the Nigerian project, particularly the presidency during the administration of Muhammadu Buhari (2015-2023) and Arewa Consultative Forum, posited that the concept of restructuring is not well understood by them. In this vein, the Arewa Consultative Forum opined that the “advocates of restructuring need to clearly define the term to get others to buy into it. This explains the emergence of the various perspectives and dimensions of restructuring. These various perspectives and dimensions can be said to be the various ways of explaining restructuring, and the essence is to ensure the proper and efficient functioning of the Nigerian State. The perspectives and dimensions of restructuring include, but not limited to, the following:

1. **Devolution of Powers:** It is very obvious that in Nigeria, there is the concentration of too much power at the centre. For example, in the 1999 Constitution of the Federal Republic of Nigeria (as amended), there are 68 items in the Exclusive Legislative List. Even in the Concurrent Legislative List, which has 30 items, the federal government still has an edge over the states

and local governments. This condition has left the state and local governments so weak and incapable of discharging their responsibilities as they ought to. It is against this backdrop that states and local governments have been clamouring for more powers to be devolved to them so that they can be in a position to reasonably perform their functions and responsibilities.

2. **Fiscal Federalism:** According to Ogbuishi (2007:127-128), “fiscal federalism simply addresses the question of the pattern of revenue allocation and of course, allocation of taxing power between/among levels of government in the country (i.e. between the centre and the component units, on the one hand, and among the component units themselves on the other), and the financial capacity to really execute the functions constitutionally assigned to it”. Experience in Nigeria shows that too much revenue is concentrated at the centre, leaving the states and the local governments with little revenue to discharge their responsibilities. This condition has made some states and local governments owe workers’ salaries, while some have started to retrench workers. This situation does not augur well for the growth and development of the country.
3. **Resource Control:** Resource control has been given several definitions by several scholars. According to Lawal (2006), “resource control has to do with the practice of true federalism and natural law in which the federating units express their rights to privately control the natural resources within their borders and make agreed contributions toward the maintenance of common services of the sovereign nation-state to which they belong”. A lawyer and human right activist, Mr. Femi Falana cited in Egugbo (2016:188-189) explained that “the control of resources by the people in whose domain the resources lie, has been effectively thwarted by the Nigerian Constitution. Section 44 (3) of the 1999 Constitution (as amended) provides as follows, “notwithstanding, the foregoing provisions of this Section, the property in and control of minerals, mineral oils and natural resources in, under or upon the territorial waters and 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”.
4. **Creation of more States and Local Governments:** The composition and structure of the Nigerian state show that there are more states and local governments in some geopolitical zones than others. Those who have fewer states and local governments have been agitating for the creation of more states and local governments for the sake of justice and fairness. For example, while there are seven states and 187 local governments in the North-West geopolitical zone, the South-East geo-political zone has five states and ninety-five (95) local governments. Considering the revenue implications for the number of states and local governments from the Federation Account, those that have a larger number of states and local governments are likely to have more revenues accruable to them from the Federation Account. It is against this backdrop that there is the agitation for the creation of more states and local governments by those who have fewer of them.
5. **Adoption of the 1963 Republican Constitution:** Some advocates of restructuring are clamouring for the return to the 1963 Republican Constitution. They believe that most of the challenges facing the country can be resolved by the adoption of the constitution. The 1963 Constitution made every region or state enjoy some form of autonomy, regions controlled a reasonable amount of their resources and gave some to the federal government.

6. **Political Reforms:** The place of politics in any country's development cannot be overemphasised. This explains why Egugbo (2018:420) opined that "the nature of politics played in any particular country, to a very large extent, goes a long way in determining whether a country would achieve development or not". The Nigerian political class see politics as a do-or-die affair because they engage in it to amass wealth. Politics has become the most lucrative enterprise; a hitherto jobless person can suddenly become very rich when successful in politics". According to Ake, cited in Abioro & Adeyemi (2016:368), the Nigerian political leaders "...accumulated power by all means, do everything to secure it and to prevent others from getting it. As rulership became permanent, politics became Hobbesian, power was pursued by all means and kept by all means, and the power struggle became the overriding concern. Indeed, politics became the only game played with deadly seriousness for the winners won everything and the losers lost everything". There is no way the nature of politics played in Nigeria, as described by Ake, can engender peace and development. It is against this backdrop that the restructuring advocates are also of the view that there should be political reforms to change the current political situation in order for politics to serve as a vehicle for peace, progress and development. The political reform should entail strict adherence to the rules of the game of politics; politics that would be devoid of rancour, acrimony and violence, free, fair and credible elections, criminalisation of vote buying and selling, strengthening and empowering the security agencies to apprehend and prosecute violators of electoral rules and regulations.
7. **State Police:** The 1999 constitution of the Federal Republic of Nigeria (as amended) did not make provision for state police. In Nigeria, there is only one police force controlled by the federal government by virtue of section 214 of the 1999 Constitution of the Federal Republic of Nigeria (as amended). The security challenges confronting the country have shown that the centrally controlled police force is incapable of securing the entire country. This has necessitated the call by most Nigerians, particularly state governors, for the constitution to be amended to make provision for state police as it is practised in most developed federations.

Conclusion and Recommendations

The current situation in the country shows that all is not well. There is a high level of security challenges ranging from kidnapping for ransom, herdsman-farmer clashes, Boko Haram terrorism, separatist agitations, which sometimes turn violent. The security challenges have led to food insecurity and the displacement of people from their homes, as well as loss of means of livelihood, thereby worsening the unemployment situation and poverty. Nigeria has been made the world's poverty capital. The challenges facing the country have been attributed to the nature of federalism that is practised, as well as the structural imbalances. A cursory look at the 1999 Constitution of the Federal Republic of Nigeria will show that the Constitution is more unitary than Federal. There is over over-concentration of much power and revenue at the centre, and this has made the centre very attractive, a situation that has exacerbated the do-or-die attitude to politics by the political class.

This also explains the high level of corruption at the centre. There is a need for constitutional amendments that should ensure the devolution of more power and revenue to the constituent units for them to be able to carry out their functions effectively. There is no gainsaying the fact that the development of the constituent units could automatically translate to the development of the entire country. There should be a concerted effort to correct the imbalance in the country to ensure equity and justice among the various ethnic nationalities. This will make all

and sundry have a sense of belonging, and when this is done, the people will not have any choice but to try as much as possible to contribute their quota to national development. Furthermore, there should be a constitutional amendment that would make provision for power rotation in terms of the presidency between the North and South to douse the tension that usually accompanies every presidential election in Nigeria. There should also be a reduction in the remuneration of political office holders; this would reduce the do-or-die attitude to politics by most politicians in Nigeria.

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