

Federalism, Democracy and Development in African States: The Nigerian Experience

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Abstract

Review Article

The federal formula, which African states adopted at independence, is believed to be a formula of national survival. Functional Federalism is a system of federalism focused on power sharing and separation of functions between the Federal and member states and among the member states. Thus, a cardinal principle of federalism is that there is no subordinate government, even though there may be two or more state governments. Therefore, autocratic rule in all its forms is antithetical to the sustenance of genuinely federal practice. Nigeria's adoption of the federal formula improved internal cohesion at independence, the reverse is said to be true since the 1966 military intervention. Thus, unless urgent political stability agendas (respect for rule of law and fiscal federalism) are brought to support the federal order, the challenges will certainly outweigh the opportunities.

Keywords: Federalism, Democracy, National Development, Nigeria.

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INTRODUCTION

The Africa continent became completely free of all aegis of colonialism, as we entered the new millennium. Even what was considered the worst expression of colonialism in Africa apartheid in South Africa, also ended happily. As Sorensen (1993), opined, the demand for political participation and the involvement of the people in the choice of their leaders and decision-making, which, constitutes the critical hub of political democracy is not a new phenomenon in Africa. The anti-colonial struggle was built and legitimised on this basis. Thus in the words of Richard Joseph (1990), the current democratic effervescence in Africa is a process of "democratic renewal". However, two important discomfiting trends have unfolded in the continent. Firstly, lack of democratic political order and underdevelopment of most states economies led to incessant conflicts that resulted in turn to near failed states. Somalia readily comes to mind here while the genocides in Burundi, Rwanda and wars in Sierra Leone, Liberia, Ivory Coast and Sudan were at the brink of the same phenomenon. Though failed states occurred in Asia, (Afghanistan), and Europe (the break-up of Yugoslavia), there is no doubt the African continent has had more than its fair share.

Secondly, following the collapse of the Berlin wall, which signalled the end of the cold war, the African continent witnessed a spree of 'liberalisation' with elections held almost everywhere, emergence of multiple parties and military dictatorships giving way to civilian administrations. Although these steps are improvements in themselves, the practices are however, far behind the core values and standards of liberal democracy. As it were, it appears naïve to expect to observe the same standard of democratic values in countries with very weak social-economic base. Thus, it would be appropriate and in fact realistic to apply pointers that show whether these political systems are on the right track of the long journey of democratisation and development. The frustration with failure of African states, politically and economically has led to strident calls for re-construction (Olukoshi, 1997; Doombos, 1990) re-composition (Mbebe, 1996) or re-conceptualisation (Falola and Ihonvbere, 1985; 94-95) of the state in Africa. The federal political arrangements provide credible alternatives to African countries that share these elements of deeply divided societies. Furthermore, federalism beyond being an instrumentality, is, perhaps more importantly, a legitimising ideology for those wishing to contract a

marriage of what Daniel Elazar (1987) called “self-rule and shared-rule”.

A wide range of views exists in the literature on democracy and development nexus. One view sees democracy as a necessity for development because it provides the institutions (Oslon, 1993; Rodrik, 2000d; Alence, 2004; Todaro and Smith, 2009; Knutsen, 2010) However, based on the experience of some Asian countries the Asian Tigers’, some writers argues that development precedes democracy (Lipset, 1981; Bollen and Jackman, 1985; Huntington, 1991; Luebbert; 1991; Helliwell, 1994; Moore, 1966; De Meur and Berg-Schlosser, 1996; Kim, 1998; Acemoglu and Robinson, 2006; Kopstein and Wittenberg, 2010). The concept of federalism’ came about through the ideas of classical political scientists (Bodin, 1576; Hobbes, 1651; Locke, 1689; Rousseau, 1895). The modern theorists include the Federalists; John Jay, Alexander Hamilton and James Madison, whose 85 articles and essays are better known as the federalists’ papers and a host of others; (Whare 1947; Riker 1962; Ewa, 1964:45; Dudley, 1973; Dietz, 1999). The literature on federalism and democracy share the view that in large and diverse societies, federalism is beneficial for democratic development. Thus, Stepan (1999:19-20) stated that “in fact, every single longstanding democracy in a territorially based multilingual and multinational polity is a federal state. Although there are many multinational polities in the world, few of them are democracies. Those multinational democracies that do exist, however (Switzerland, Canada, Belgium, Spain, and India), are all federal.

Legitimacy of the African State

Legitimacy is of utmost importance to the continued peaceful existence of any state. As Alapiki, asserts “...the foundation of government power ...is exercised both with a consciousness on the part of government that it has a right to govern and a corresponding recognition by the governed of that right. Legitimacy...separates authority from coercion, force, and imposed rule. It is the quality for acceptability of power and authority based on moral and legal grounds. It is a sense of duty to obey; it is a sense of obligationness, where it is present the task of governance becomes easier” (Alapiki, 2000:18). However, at independence in the 1960s, most African leaders failed to rise above imposed colonial barriers to transform inherited structures to meet popular aspirations for human security and peaceful transfer of power. These institutions were grafted unto, and grew apart from, traditional structures, thus creating fatal fault lines in the architecture of most new States. Such that ordinary people did not see themselves as stakeholders in the state-building project, the typical African State thus, lacked popular legitimacy and remained a shell state. Therefore, unable or unwilling to lead in societal transformations, that guarantee security to the majority, and fearful of societal backlash, the

post-independence African leadership yielded to the instinct of self-preservation. Preoccupation with ensuring personal power and regime security obliterated efforts towards democratic institution building and the task of State building was replaced by rent seeking measures based on personal loyalty and the denial of human security to the majority. The obsession with regime security and the need to suppress the populations’ aspiration for economic well-being and democratic protection led to the conversion of the typical post-Colonial state into a “security racket” (Tilly, 1985:169-186). The ruler relied on a clique of sectional/regional political leaders, selected usually on the basis of personal loyalty and ethnic affinity to ensure security. Often, the ruler became beholden to these powerbrokers-powerful military commanders who also had political and economic ambitions of their own, and thus confronted the ruler with a security dilemma. The ruler who, organised the security racket was liable to be replaced by those who actually executed it (Hutchful, 2000: 213, IPS, 1999).

The effect of these was the drastic narrowing of the political space in the polity. Consequently, though written constitutions exist in most post-colonial states, these constitutions at inception were not all inclusive of the peculiarities and exigencies of each country. This is particularly true in relation to ethnic sensitivities, which soon became a major divisive factor threatening the national unity of most multi-ethnic and multi-cultural post-colonial states. In an attempt to avoid the ethnic quagmire, the elite played the “ostrich”, by avoiding ethnic names in naming institutions; hence the preponderance of names like; KANU-Kenyan African National Union; TANU-Tanzanian African National Union; ANC-African National Congress; ZANU-Zimbabwe African National Union; NPN-National Party of Nigeria, PDP – People Democratic Party, NCNC- National Convention of Nigeria and Cameroon, APGA – All Progressive Grand Alliance, UPN-Unity Party of Nigerian and AD-Alliance for Democracy. In reality, however, these parties belonged to the dominant ethnic groups; the Kikuyu in Kenya, the Shona in Zimbabwe and the Hausa Fulani, Ibo and Yoruba respectively in Nigeria. The Nigerian state went a little further; it changed its anthem to avoid ethnic diversity “though tribes and tongues may differ” as contained in the old anthem to “arise oh compatriots”.

The shortcomings of the legal order were to become clog in the development and sometimes the very existence of some states. For example, Kenneth Kaunda, who ruled Zambia for more than thirty years, was challenged by the state authorities as non-Zambian. In the same vain, Alassane Ouattara, the former Prime Minister of the Ivory Coast was labelled non-Ivorian simply because his father came from Burkina Faso (Woods, 1998: 229). Also Alhaji Shugaba was labelled a non-Nigerian and deported to Niger Republic by the

Shehu Shagari government in Nigeria. While these constitute some examples of the lack of ethnic sensitivity in most state, the Rwandan genocide, the fratricidal conflicts in Somalia and Sudan, the Biafran war and the continued military siege of the Niger Delta are more glaring historical tragedies that call for tolerance and mutual respect among and between ethnic groups in African states. Therefore, there must be a deliberate effort at deepening democratic values, including an open advocacy for justice, equality and participation of various ethnic groups within a state. There is no doubt that ethnic discrimination and exclusion will continuously engender sectional feelings giving rise to centripetal tendencies, dissatisfaction, and conflicts. As the African experience has shown, even in areas where there is ethnic homogeneity, clan insensitivity was sufficient enough to wreck a state as in Somalia into a failed state.

Arising from the problems of the post-colonial state, Nigeria could be said to be a mirror of the African experience as it makes a good illustration of the problems of African states. This colonial attributes, which Nigeria share, with other African countries is what some authors have termed Nigeria's typicality (Mazrui, 1998). Thus, to understand Nigeria is to comprehend this dialectic of Nigeria in the African configuration as a mirror of the continent. This is the course that will be followed in this paper.

Regularity of Elections in Africa

For a deepened democratic order and process to be established, regular elections must be conducted. Elections at regular intervals of 3, 4, 5, years must be provided for, which should be legally binding, free of any encumbrance and conducted by a body that is neutral and acceptable to all parties. Elections must be free, fair, preceded by debates and without any use of force or intimidation. The general public must have a say on the political credibility of candidates by active participation in the choice of their representatives. Also, there must be provisions in the relevant laws that enable the electorate to recall its representatives when and if such representative loses their confidence. However, the Nigerian experience, which represents the norm in the continent, has shown that mere legal provisions are not enough except backup by a will to do the right thing. As Villalon aptly, asserts "the proliferation of election, while, it serves as an indicator of the widespread pressures for change, tells us little about the extent of substantive change or degree of democratisation that is in fact occurring on the continent" (Villalon, 1998:15).

How has Africa Elections Fared?

Nigeria by the incidence of its population and other credentials is the biggest democracy in Africa; from 1960 up to 2002, several elections were held in the country. However, all elections in Nigeria have been plagued by an electoral fraud – rigging, of which 42 types were identified during the 2003 elections (Beacon,

2003). It is therefore, not uncommon for an incumbent government to be returned to power on landslide victory despite its abysmal performance. This according to Alapiki, (1995:89) is because the party in power is always bent on using all available means (legal and illegal) to retain power. Thus, as Ake (1994:77) asserts, "Unarguably, elections in Nigeria are almost always marked by rigging, which amounts to voting without choosing. The result is that the trust between the people and the government is undermined, as the people regard government as illegitimate. This according to Ake (2001:31) weakens the efficacy of the government as it creates a crisis of authority. The state lacks autonomy and consequently it is privatised, which "sets in motion an intense political competition for access to the state over the distribution of state resources" (Forest, 1986; Fatton, 1999; Nnoli, 1995:103).

According to Stephen Wright (1990:573), "Nigeria has remained one of the most open of African societies, where press freedom and civil liberties have largely been maintained". This is a manifestation of the fact that despite the predominance of military rule during the three decades following independence, the Nigerian society still harbours many of the fundamental building blocks of a democratic polity: vigorous entrepreneurial classes, a broad intelligentsia and numerous centres of higher education, a dynamic legal community and judiciary, diverse and often outspoken media, and, increasingly, courageous human rights organisations. This amalgam of forces confronted both the Babangida and Abacha juntas for the validation of the annulled June 12, 1993 elections creating a dislocation between the Nigerian state and the incumbent governments. Thus, in the African continent, the most important issue is democracy, which is the basic requisite foundation for development. As Ake, (1996:7-8) aptly asserts, "...the most decisive issue..... today is the prospect of democracy. Democracy will not solve all the problems of Africa but none of the major problems can be solved without it create the political conditions for the much – delayed development project to take off".

Federalism and Democracy

The word democracy is coined from Greek words: *Demos* (people) and *Kratos* rule, thus democracy means *peoples rule*. According to Kaur, (2002), it is one of the concepts in political science on which there is no agreement on definition. Joseph Schumpeter (1942) defined democracy as a system "for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote" (Diamond, 1999:8). However, the popular definition of this political concept is that given by Abraham Lincoln that "democracy is a government of the people, by the people and for the people". Democracy is therefore an anathema to arbitrary rule, which explains the existence of institutions like the legislature, the Judiciary, the

Executive, the media and civil society as organised bodies in democratic countries to monitor and check arbitrary rule. There are only 22-23 countries in the world with functional federal forms of government. These include India; the largest democracy in the world, the United States of America and Germany with almost a third of the population of the European Union. In the African continent there are two functional federal states; Nigeria and Ethiopia since 1974. However Osaghae (2004) also, labelled Namibia, Sudan, Kenya, Ghana, and Uganda, as federal based on Mcherry (1997) broad idea, the genus of the species federalism. Therefore, in terms of demographic coverage, nearly one third of the globe may be pursuing a federal form of government, although apparently, there are significant variations between these federal arrangements.

Although the democratic creed is universal, its institutional expression is not. However, whatever institutional forms it takes must contain at the minimum, the idea that legitimate power or authority must be circumscribed by a set of rules to prevent its whimsical or arbitrary deployment (rule of law); the idea that rulers are chosen by and are accountable to the people for their public actions; the right of citizens to participate in management of their public affairs through elections and other civic engagements; and last but probably the most important, the right to change a government that does not serve their interests either through the constitutional procedure, but if this is made impossible by state actors; then through revolution., (Nzongola, 2000:3). These are the universal minima for democratic politics. Progress – material and spiritual – is impossible without them. It is failure to accept these minima that explains why federalism has failed to take root in Africa, and why it has been a disappointment “in so far as it has been unable to give political viability to the post colonial state”, (Mutua, 1995:1152). As Prezeworski et al, (2000) points out that democracy is much more likely to endure in countries where income inequalities decline overtime than where it increases

A Federal State is usually formed through the political union of several independent states or units under one sovereign government that does not abrogate the individual powers of those units. Therefore, a prerequisite for federalism is a democratic dispensation. As Alfred Stepan (1997:3) endorsing Dahl aptly asserted, “in a strict sense, only a democracy can be a federal system, since federalism is a system in which some matters are exclusively within the competence of certain local units – cantons, states, provinces – and are constitutionally beyond the scope of the authority of the national government and where certain other matters are constitutionally outside the scope of the authority of the smaller units”. Thus, anchored to the value principles of non-centralisation and subsystem autonomy, constitutional federalism is legally guaranteed division of legislative powers between two orders of government in such a way that neither of them is legally subordinate to the other in the performance of

its legislative responsibilities, each governments acts directly on the people and possesses a separate institutional structure for the formulation and implementation of its legislative programmes of activities and neither can unilaterally alter the supreme fundamental law which allocates legislative and financial powers of both of them. It also requires the division of territory and wealth in such a way that it promotes equity amongst the various groups’ interests in the country. In such a system there is no single apex of power in the Hobbesian sense. What meets the eye, instead, is that decision-making arises out of many different autonomous centers. It is a polycentric rather than unitary polity (Polanyi, 1951; Ostrom, *et al.*, 1991; Ostrom, 1991).

Thus, one of the arguments in favour of federalism is that it embodies a strong tendency towards democracy. This tendency is viewed as resting on a number of features; the use and accepted interpretation of a constitution enabling the rules of the game; authority and power shared among the constituent polities and the overreaching one, open bargaining; and checks and balances (Elazar, 1995). Both democracy and federalism presuppose homogeneity. The necessary result of a federation of democratic states is the correspondence of democratic and federal homogeneity. Thus it is only natural in the development of democracy that the homogeneous unity of the people transcends the political boundaries of member states and replaces the equilibrium between the federation and the politically independent member states with a general unity (Schmitt, 1992:4). Thus, according to Anthony Long, “traditionally, federalism has been offered as an institutional solution to the disruptive tendencies of intra-societal ethnic pluralism” (Long, 1991:192). Also, Ewa (1964:45) argues that, federalism is “compromise solution” to multi-ethnic and multi-cultural fractionalisation rooted in pluralist social system Ewa, (1964). Thus, as a form of political organisation, federalism involves the constitutional division of power between general and constituent governing bodies so that the jurisdiction and decision-making authority of all within their respective spheres of authority are protected. Federalism, therefore, has been frequently presented as a political arrangement that allows ethnic groups to exercise significant authority within their own territorial jurisdictions while at the same time providing hegemony for national political institutions (Long, 1991:192). Schmitt, (1977) also shares this view as he opines that it is widely accepted that the practice of federalism requires addressing the tensions between difference and universality on the one hand, and between autonomy and co-ordination, on the other.

Thus defined, constitutional federalism suggests itself as a strategy for managing conflict potentials in deeply segmented societies all over the world and particularly for the reconstruction of the state in contemporary Africa (Akindele, 2003). Federalism is

equally seen as a political system that ensures the preservation of the unique characteristics, identities, tradition and cultures of heterogeneous population (Lemco, 1991). Therefore, federalism both as a principle and form of governance offers societies deeply divided by race, ethnicity and religion the more democratic route to the resolution of the national question. Indeed, for Nigeria and many other African countries, the creative deployment of federal principles is inevitable in the implementation of the peculiar challenges of ethnic-religious and cultural pluralism.

Background to Nigeria's Federalism

The literature on federalism and democracy share the view that in large and diverse societies, federalism is beneficial for democratic development (Gibson, 2004; Lane and Ersson (2005). This may account for Stepan, (1999:19-20) assertion that "In fact, every single longstanding democracy in a territorially based multilingual and multinational polity is a federal state. Although there are many multinational polities in the world, few of them are democracies. Those multinational democracies that do exist, however (Switzerland, Canada, Belgium, Spain, and India), are all federal". However, two main objectives of Nigerian nationalism, namely self-government and the attainment of national unity, may explain the development of the idea of federalism. Owing to the variegated nature of the people, culturally, linguistically, traditionally, customarily and religiously, majority of Nigerian legislators, in contributing to debates, favoured a federal system that would give the regions or provinces the possibility of maintaining their identity while remaining part of a unified state. This is because in their opinion, a federal state was extremely productive of unity, and hence also supportive of culture. Some of Nigeria's foremost nationalists, Nnamdi Azikiwe and Obafemi Awolowo in their publications have been supportive of federalism. For example, in 1943, Azikiwe canvassed for a Nigerian federation, made up of 8 "protectorates" based on ethnic affiliation (Azikiwe, 1943), while Awolowo, (1947:47), opined that "since the existing three regions were established merely for the purpose of administrative convenience, only a truly federal system would suit Nigerian political condition".

By 1948, the North accepted the federal idea, when Tafawa Balewa, said; "I am beginning to think, Sir that Nigeria's political future may only lie in a federation, because so far as the rate of national progress is concerned, some of the regions appear to be more developed than others..." (NAI, NL/F2, 1948:453). Balewa had in 1947 expressed the view that since amalgamation of the Northern and Southern provinces, in 1914, "Nigeria has existed as one country only on paper, and that it was "still far from being considered as one country, much less to think of it as being united" (NAI, NL/F2, 1947:208). According to Sir, Udoma, the starting point of Nigeria's federalism

was 1946 when the colonial government restructured Nigeria by splitting the Southern Protectorate into east and west thereby creating three Regions, a development, which Nigerian nationalist vigorously protested because the fear that decentralisation into three regions was part of a design to ultimately dismember the country (Udoma, 1994:91). As Udoma forcefully argued; *"There can be no question that those who opposed regionalisation of Nigeria and the manner in which it was carried out were justified in their fear that it was the beginning of the retreat from the process of unification. Regionalisation marked the dawn of a new era. It was the beginning of the British government's disengagement with the problem of effectualising the unity of Nigeria through the system of unitarism as an established form of government, which would have made Nigeria too powerful in the continent of Africa. As was rightly claimed, it was most certainly the beginning of the grand design by the British government of laying well the foundation for the eventual balkanisation of Nigeria into three separate fragments, opposed to one another as countries and each of which was to be the depositum of a permanent predominantly major ethnic group with minority groups within as their satellites"* (Udoma, 1994:95).

The federal idea was given added fillip by the impressive contribution of Nigerian students in the United Kingdom who declared that "The constitution of Nigeria should be based on some form of federation, which would permit all the nationalities of Nigeria to develop to full political and national cultural maturity....", after their conference held in Edinburgh before the review of the Richards constitution. (LCD, 1950:510). Consequently, this feeling was given formal expression in a motion introduced by Mr. Adeleke Adedoyin that the Legislative Council "approves of the unity of Nigeria by federation of the regions which should become autonomous in due course, and that the whole country develop towards self-government on this federal basis" (NAI, NL/F2, 1948:550-551). He averred that federalism should be the foundation of the superstructure of the country's government to enhance nation building.

Federalism in Nigeria

In discussing federalism, a distinction is made between aggregative or "coming together" federalism and disaggregative, devolutionary or "holding together" federations (Stepan, 1997; Linz 1997; Watts 1996:115-119). According to Wheare (1963), "federalism is a constitutional arrangement in which law-making powers and functions are divided among tiers of government in such a way that within its respective sphere of jurisdiction and competence, each government is independent or autonomous and co-ordinate. A cardinal principal of federalism is that there is no subordinate government, even though there may be two or more state governments". According to Thedieck, (2002), there are at least three forms of

federalism; functional, ethno-regional and cooperative. Functional Federalism is a system of federalism focused on power sharing and separation of functions between the Federal and member states and among the member states.

What can be deduced from these definitions is the fact that there is an agreement between the federating parties on the need to federate. Nigeria's status as a federal polity reflects the history and geography of colonial rule, given additional twists by the interventions of an array of military regimes. Constitutional federalism was first adopted in Nigeria in 1954; it emerged in a matured form at independence in 1960. The Nigerian federalism itself never started like the American federations of small units coming under an umbrella as the original purpose was confederation graduating to federation and with each strong small unit yielding some means of its power structure to the federation. The Nigerian federation started the other way round, first as one whole (unitary government) then with provinces and finally regions. But then, very powerful regions that have yielded some of its powers to the state units created there from (Esho, 1996:xii).

Taking cognisance of the above, Larry Diamond, asserted that the thirteen American colonies that originally formed the union, negotiated the terms of the union, whereas the British imposed Nigeria's federalism by fiat – "rejecting minority group demands for the security of their own regions, and southern warning that a federal system in which one region had a population majority could not be stable (Diamond, 1988:29). Thus, according to Mackintosh (1962:223), "the Nigerian federation has always had peculiar features; the most evident being that it was not created by coming together of separate states but was the result of the subdivision of a country, which had in theory been ruled as a single unit. However, though federalism was imposed by colonial fiat, at the end of the First National Conference in 1950, the delegations opted unanimously for federalism. This arising from the realisation that federalism is the only form of Government suited for multinational societies such as Nigeria. There has been several intellectual discourses articulating the nature, structure and functioning of the Nigerian federation (Awa, 1964; Akinyemi, 1979; Elias, 1977; Elaigwu and Erim, 1996; Elaigwu and Uzoigwe, 1996; Uwanbueze, 1983; Oyovbaire, 1984; Amuwo *et al.* 1998). However, it is generally accepted that the 1960 and 1963 Constitutions epitomised true federalism in Nigeria. Under the resulting constitutional order, the various regions had their respective constitutions: The North had its constitution; the same for the West and the East. When the Midwest was later created in 1963, she also had her own constitution.

The system created a very healthy rivalry among the regions. Besides issues such as the role of the minorities, vis-à-vis the larger groups, were

carefully trashed out and a certain level of unanimity was reached on several key areas like the limited role of religion in the affairs of the State and the preferred inter-governmental relationship. More importantly, the independence constitution recognised the importance of resource control and social equity in the new federation and, therefore, went ahead to provide for a derivation formula that enabled the regions to retain 50 per cent of whatever is derived from their territories. Thus, the Western Region did not have to wait for or even seek the permission of the federal government before it declared free education for all. It was such that the regions had a great deal of latitude to plan and execute their various development agenda and none had any reason to feel threatened by the successes of the others. That was true federalism par excellence. Everyone knew where they stood within the federal arrangement.

Federalism does not imply the stagnation or impoverishment of advanced unit to achieve minimum standards; but a situation where no unit is allowed to remain too poor or too backward compared to the average standard of living of the units within the Federation (Ewa, 1976:62-79). Thus, as Sagay, (2001:9) opined "from the separate and autonomous existence of each government and the plenary character of its powers, within the sphere assigned to it by the constitution, flows the doctrine that the exercise of these powers is not to be impeded or obstructed or otherwise interfered with by the other government acting within its own powers. Nigeria will have to face the challenge of adjustment in her federal arrangements in order to meet the new emergent challenges and opportunities.

Beginning of Decline

The history of the political parties in Nigeria strongly speaks for the recognition of ethnic belongingness. During the first republic the AG (Action Group) in the west had Yoruba supporters, the NPC (Northern People's Congress) was composed mainly of Hausa Fulani and the NCNC - The National Convention of Nigerian Citizens was almost exclusively the party of the Ibo people. As Wright, (1990:576) observed, minorities such as the Tiv, Nupe, Kanuri, and Ibibio couldn't get their voices heard. Thus, according to Tamuno (1978), in practice, both the elite and the masses allowed Nigerian federalism to encounter severe crisis during its "formative years". That federalism, in particular and the multi-nation state, in general did not experience sudden death in its formative years is not merely through good luck but also from increasing public awareness of the balance of advantage between issues that unite and those that divide. By 1963 when Nigeria became a republic, there were four regions in the Nigerian Federation; Northern, Western, Mid-Western and Eastern regions. The army abrogated the regions in 1967 with the creation of 12 states. The number of states was increased to 19 in 1976 and in 1987; the number of states was further increased to 22.

Presently, there are 36 states and a federal capital territory at Abuja. On abrogation of the regions in 1967 Gowon said, "We have to make sure that no other part of the country would be so powerful and strong to threaten the nation. The regions were so powerful and therefore something had to be done" (Okocha, 2005).

According to Agbaje and Suberu, (1998); Wright, (1990:582), the creation of new states alleviated some socio-cultural tensions in the polity. However, Suberu, (1996) has noted that the federal system in Nigeria under the military virtually ignored the complex ethnic configurations found in each of the three regions, the need for structural balance in the composition of the federation and ethnic minority fears over political domination and socio-economic discrimination under majority rule. Particularly since the military coup that ended the second republic in 1983, the impact of military rule in Nigerian federalism became progressively obnoxious and ruinous. Babangida and Abacha regimes adopted highly instrumentalist and tokenistic approaches to the problems faced by minorities, while, their regimes were characterised by increasingly personalised forms of rule, desperate bids to cling to power as well as deeply repressive and barbaric methods of eliminating dissent. Moreover, the destructive competition between the three majority ethnic groups and their obsession with the zero-sum politics of winner-takes-all prevented regional leaders from reaching any agreement over the distribution of federal positions and appointments (Osaghae, 1989:445).

It would seem therefore, that the creation of states by the army started the decline of the Nigerian federation. It intensified the struggle between ethnic identities and national identity as defined by the centre since 1960 because as Egunjobi, (1990) observed, states creation was not carried out for any altruistic reasons for this urge was solely related to resource sharing. Hence, demographic consideration played insignificant role in the exercise as there were only 2 million people in Niger state compared to 10 million in Kano state. Furthermore, state creation resulted in Jacobin effects, which make the states to become increasingly more dependent on the centre. Such centralism greatly increased the power of the central federal government in relation to state governments and society, and generally served to alienate governments from the people. Therefore, states creation did not necessarily produce greater national unity. Indeed, on balance, it can be argued that the politics of each state, based as it were on the same pattern of national politics, created greater disunity. This is because the increase in the number of states results from the division of each of the large tribes into several states, at the expense of the smaller tribes that are too small in population to constitute states, and many are in fact crunched together in tension-ridden states. Thus, state creation merely became a hegemonic device to strengthen the strong

and a constitutional device for the disempowerment of the weak (minorities) by the elite of the dominant ethnic groups.

Decline of Nigeria's Federalism

When the military seized political power in January 1966, there was a general feeling in the country that they were motivated by altruistic intentions and objectives to save the country from descent into political chaos and instability. As time passed, the country's military rulers and the military as an institution by and large lost their sense of direction as the greed of the military dragged the nation further and further away from the project of nationhood. Quite clearly, federalism and military rule are strictly speaking, strange bed-fellows and incompatible. The result is that by the end of almost thirty years of military rule, Nigeria is far more fragmented than it was in January 1966, when the military first seized power. In the words of Awolowo Dosumu, "given the nature of the military as a hierarchical and centralising institution, a large dose of unitarist accretion would appear to have been infused into the Nigerian federal system, so much so that the casual observer would wonder and worry about the integrity and survivability of the federal structure in the face of such a protracted (military) onslaught" (Dosumu, 1994:180). The major reason for this abysmal performance of the Nigerian military were first, the centralist nature of army rule, leading to the institutionalised dictatorship with each new coup.

In the view of Akindele, there is absolutely no doubt that the pseudo-federal system presided over by Generals Yakubu Gowon (1966 – 1975), Murtala Mohammed and Olusegun Obasanjo (1975 – 1979) severely compromised the integrity of Nigerian federalism, in addition to making a mockery of it, while the regimes of Generals Mohammedu Buhari (1983- 1985), Ibrahim Babangida (1985 – 1993) and Sanni Abacha (1993 – 1998) slaughtered and buried federalism in the praetorian grave yard of imposed, centralised and authoritarian dictatorship that followed the Shehu Shagari administration of 1979 – 1983, (Akindele, 2000). Nigeria's federal system became centralised with the federal government becoming economically more powerful. The concentration of resources at the centre however, came about through changes that the federal military government made in the revenue allocation formula and through taking over revenue sources that previously belonged to the states (Oyovbaire, 1978:224-229). It also placed limits on the elasticity of some states revenue sources such as income tax, took on new functional responsibilities and took over certain states functions (Mbanefo, 1986:8-16) thereby enfeebling the states the more. As Gboyega (2003:69) opines, with the concentration of resources at the centre and the unity of command, of the military organisation, there was no aspect of national life that the federal government could not intrude into. The jettisoning of the erstwhile revenue sharing principle,

which has been in operation since the early 1946, made revenue sharing a flash point of national politics. As Gana and Egwu asserts, in no other federation is the thorny nature of fiscal federalism dramatised as in Nigeria as pre-occupation of state elite with survival, precipitated the erosion of the political landscape (Gana and Egwu, 2003).

The sharing of national revenue based on the principle of derivation formed the cornerstone of the 1960 constitution. It was negotiated by all ethnic delegations during the constitutional conferences; in 1950, 1953, 1954, 1957 and 1959, which preceded the independence constitution. It was replaced with one of doubtful parameters, which gave more resources to non-resource producing areas at the expense of resource producing areas and over whelming resources to the centre at the expense of the states. This created disillusionment. Tamuno, (1998) reacted to the new formula thus, “clearly before and since the era of formal federalism in Nigeria from 1954, the fiscal relationship between the centre and the periphery resembles the roles of a householder and a housekeeper. In turn, it was also one of the pay master of the piper dictating the tune. The Nigerian state became characterised by over centralisation (Wunsch and Olowu, 1995) leading generally to disconnection from civil society and ultimately becoming disengaged from it (Hyden, 1983), even as the citizen is alienated from it and adopts a survival strategy of avoidance (Ake, 1996); resulting in politics of exclusion (Dommen, 1997). This latter characteristic produced the prepedal (Joseph, 1987) and kleptomantic (Dommen, 1997).

This led to frequent reviews of constitution, which were rather controversial and more difficult to classify. Again according to Tamuno, (1998), “the constitutions of the 1922-54 era were less controversial than those since independence. Those in the latter group were also more difficult to classify. It was not always clear what names to give to them; federal, quasi-federal, pseudo-federal centralist, militarist or otherwise” - giving rise to more disillusionment by the citizenry. It is here suggested that controversy or lack of it is highly connected with the application of the principle of fiscal federalism in the constitutions. According to Mbanefoh, (1993), the principle of derivation was accorded priority by the Phillipson (1946), Hicks-Phillipson, (1951), Chicks (1953), Raisman (1958) commissions. While, Binn’s 1964, Abayode (1977), Okigbo (1979) and National Revenue Mobiliastaion, Allocation and Fiscal Commission (1989) de-emphasised derivation, which coincided with the advent of oil as the linchpin of the economy and its location in minority areas of the Niger Delta. Thus, the weight accorded derivation principle appears to have been determined by the interests of the different factions of the ruling class and their political power (Fashina, 1998:109).

With increasing disillusionment over absence of lasting gains from the frequent reviews of constitutions, their *raison d’etre* also become suspect in the minds of the people. Equally suspect, also, is the overall usefulness of federalism (beside basic economic considerations) in a land suffused with two of its most potent threats: absence of liberal democracy and pervasive poverty and misery. Thus, giving rise to the familiar question: *cui bono?* (to whom is it an advantage)? In addition, to the near centralisation of resources and governmental functions at the centre, the judicial arm of government, which is very vital to any true federal system also faced severe emasculation. As it were, it was almost “decreed” out of existence by the military. Before the era of coups d’ etats in Nigeria, the law (including the constitution) was what judges said it was. With coups d’ etats, the law (any law) was what a long line of decrees or edits and their makers said it was. Justice, in a federation, constantly governed by these decrees and edicts, became less certain and legitimacy more suspect. These developments helped to give Nigerian’s succession of federal arrangements an unstable base during the first four decades of independence.

Consequently, it has been very difficult to classify Nigeria as an organic state as realities on the ground, nicknamed “Nigerian factor”, perfected by the military makes such dream a very tall one. Though, Babangida (1993:1), thinks otherwise when he optimistically said “if, in the pursuit of their interest the British created Nigeria, today, Nigeria has come to have a different meaning for us. If Nigeria used to be a mere geographical expression, it is now an organic state”. However, Tamuno, (1998) has this to say “If the above statement is true...., overwhelming hunger and diseases in rural areas, mass rush to new-fangled religious homes as well as traditional herbal/ spiritual centres, and the like, would not have featured prominently as they have done in Nigeria’s recent print and electronic media. Indeed, “under an organic state” (if properly understood), peace, security, stability, prosperity would have been achieved at a lesser cost”.

CONCLUSION

Once imposed, Nigerians negotiated and adopted a federal constitution at independence in 1960. This may be due to the variegated mix of the nationalities. The constitution has features that met the features of a true federal system; autonomous regions and a centre with limited powers; each Region had its own separate Constitutions, Coat of Arms and Motto. Also, each region operated own separate semi-independent Mission in the U.K. headed by 'Agents-General' In addition, the regional governments had residual powers, i.e., any matter not contained in the exclusive or concurrent list, automatically falls under regional jurisdiction.

The central argument of this paper has been that autocratic rule in all its forms is antithetical to the sustenance of genuinely federal practice. For this reason, Suberu and Agbaje (1998:338) stated, the restructuring initiated under the tight rein of the military can only lead to a situation in which federalism is assaulted, abused and dismantled. It is reduced more or less to the status of false consciousness in the service of power- portraying a picture of divided power to hide the reality of monistic, undivided power. Arguing along the same line, Dudley, (1973:25) stated that colonial rule, was for all practical purposes, military rule, thus, one can conclude that Nigeria's federalism was instituted, developed and degenerated under conditions of military autocracy. The construction of a federal polity, if it is to meet the challenges of governance of pluralism, must pay attention to the question of a federal culture, built on a spirit of dialogue, trade off, negotiation and consensus building. According to Mohapatra, (2003), where this is lacking, the survival of the nation-state through a federal arrangement becomes a difficult enterprise. In India, this fact has been accepted as an article of faith hence, despite the numerous disagreements and threats emanating from different religious, social and cultural groups, the Indian federation has weathered the storm through the enthronement of "federal discourse" which has become the basis of the country's "dialogic" democracy. Federalism is the ideal form of government for poly-ethnic states like Nigeria; however, the present ruling coalition is in fact undermining federalist principles and is moving the country towards a unitary system. In spite of the colonial origin, federalism remains a viable system for the allocation of power between governments and as an instrument for national integration. However, federalism as currently practiced in Nigeria, cannot and should not be presented as an ideal model to be copied or emulated by other African states.

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