Federalism Vs Unitarism: Consequences of Conflicting Governmental Structures on the Nigerian State

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Abstract

Though, bearing the essential characteristics of a plural society, the Nigerian state has found itself enmeshed in the entrails of an admixture of two contending governmental structures- federalism and unitarism. The genesis of the anomaly is traceable to the British colonial system of administration, which was subsequently adopted by successive military regimes that occasionally usurped power from legitimate and constitutionally backed authorities at the center. Hence, critical issues bothering on ethnicity, identity, resource control, constitutionalism and marginalization have remained vexatious and lingering on the front burner of national politics. Incidentally, the situation has succeeded in throwing up series of crises that have continually queried the continued corporate existence of the Federal Republic of Nigeria as presently constituted.

The concomitant effects have been debilitating; political instability, lack of economic development and growth, lack of social cohesion, incessant ethnic and religious crisis, insecurity of lives and properties, uncoordinated programs for economic survival, absence of national identity, corruption in high places, etc. Indeed, the divisive tendencies have grown in massive proportions.

The paper advances a renegotiation of the principles of Nigerian federalism by the major stakeholders, with an emphasis on the interrogation of the genuine concerns of the majority of the populace.

Introduction

The materialization of present-day Nigeria as a political entity is traceable to the British annexation of Lagos in 1861. With the passage of time, the other areas of this huge land mass equally fell under British colonial tutelage. Consequently, governance through traditional authorities in each of the colonized territory became secondary, while British administration of 'divide and rule' gained ascendancy. Administering such large area proved an arduous task, and series of options intended to fine tune the process was adopted, with the watershed being the amalgamation of the Northern and Southern Protectorates in 1914.

The emergent entity is therefore a conglomeration of peoples that are plural in every aspect of human existence; culture, ethnicity, religion, language, delicatessen, values, mores, beliefs, etc. The challenges of governance posed by the numerous diversities did not become apparent during colonialism, basically because the colonialists never really encouraged national cohesion, and were indeed contending with the prospects of curbing the excesses of nationalists' demands. The governmental structure of the immediate post-independent era catered for the requirements of the plural society, having adopted the British-style parliamentary system of government, within a federal structure that allowed for; regionalism, state police, autonomous developments, etc. As such, each of the three main regions had some modicum of autonomy, yet with commendable levels of interaction with the center.

Incidentally, the political equation of the country witnessed a metamorphosis that engulfed the socio-political and economic structures like wild fire. Precisely on the 15th of January 1966, the Nigerian state witnessed its first in the series of military *coup de' tats*. This incidence bastardized and corrupted the governmental structure, because "military rule by its very nature does not favor an ideal federalism owing to its rigid hierarchical structure which tends to make state governments' agent of the supreme command" (Riker, 1975: 93). The unfortunate aspect is that the trend has over time penetrated the psyche of Nigeria's ruling elite, for even the periods of democratic governance cannot be extricated from such unitary structure in a federal setting.

This is thus an attempt to thematically lay bare, the conflicts inherent in the adoption of a suitable governmental structure while bearing in mind the nature and character of the Nigerian state. Moreover, the consequences of the ambiguity on the political, economic and socio-cultural well being of the state would form the fulcrum of the analysis. The paper begins with the introduction, followed by the conceptualization of federalism, wherefrom we would glean its characteristics, determinants and the requisites for its adoption. Consequently, the work cascades into the realm of empiricism, where salient contending issues in Nigeria's quest for federalism would be examined. Furthermore, this part would equally weigh the Nigerian situation against the characteristics and requisites we have earlier discussed. Finally, there is the synopsis and conclusions.

Conceptualizing the Problematic

"The problem which all federal nations have to solve is how to secure an efficient central government and preserve national unity, while allowing free scope for the diversities, and free play to the members of the federation. It is to keep the centrifugal and centripetal forces in equilibrium, so that neither the planet States shall fly into space, nor the sun of the central government draw them into its consuming fires"[1].

The development of the institutions, structures, values and attitudes that form the basis of the political relationship of any society can be accentuated in series of ways. It could emerge through compromise and negotiation, and in some cases, through serious conflicts. To back the above claims, a perusal of the processes of emergence into statehood by former colonies in Africa would suffice. Similarly, the case of the US is a remarkable evidence of compromise and negotiation in the development of enduring structures for political entities. The objective is usually the attainment of peaceful and harmonious relationships between and among entities that form the political system, through the formation of a settled framework of government, enhanced by established, reliable and legitimate form of interactions. Thus, progress in the political arena for any entity includes the ability of the state to function effectively with all centers of power in efforts geared towards economic growth, political tolerance and socio-cultural receptiveness. In the final analysis, such developments would serve the purposes of problem solving, adaptation to changes in the environment of government and of the political system, and in the actualization of national goals and objectives. Essentially therefore, the survival of a political entity is not so much hinged on whether it practices parliamentary or presidential system of government, or one-party, dual or multiparty political system, but rather on the structure of government that is established. Although there is no perfect governmental structure, basically because of the dynamism that is inherent in societal interactions. However, governmental structures often take cognizance of the peculiar character of the state and events in its external environment. Literature is replete with structures that would best suit specific states, mostly bearing in mind, the internal composition and characteristics of states.

Confederation, federalism and unitarism have gained prominence in the realm of suggested structures because each of them could conveniently cater for the different kinds of arrangement that can be found in any political entity. Such that, even when the structures adopted by any state are accepted as non-static, no state has yet devised other structures beyond the three. Whereas, unitarism has best-suited homogenous societies, on the other hand, heterogeneous societies can either decide on confederacy or federalism. In recent times, it has become prevalent that the federal principle has encouraged better the ideals of unity in diversity. Viewed as being the most useful structure for a plural society, Riker (1964: 5) describes federalism as "the main alternative to empire as a technique of aggregating large areas under one government". Awa (1976: 109) equally affirms that, "in all federations, a sense of individuality and separateness flows mainly from the cultural matters (language, religion, etc) and those constitute the principal reasons for a desire on the part of the units to be organized into a federal and not a unitary system of government". Furthermore, Filipov, et.al (2004: 1-2), presents the economic and political justifications for federalism. In the authors' reckoning, "government (i.e. coercive) action may be required to resolve those market failures associated informational asymmetries, externalities and wholly decentralized decision-making over public goods". From the political side, the reasons are more diverse, "they include allowing minorities- ethnic, religious, linguistic or otherwise- the autonomy they often demand as 'payment' for their acquiescence to the coercive powers of the national government, allowing for the protection of the rights of all others in the federation, and allowing for local and regional control of purely local and regional matters so as to discourage the alienation of people that might feel from a more distant and seemingly less controllable central government".

As implied earlier, the determinant of the operational structure of government for any political entity that would best suit its purposes as a sovereign state would necessarily take cognizance of its composition, origin and history. Such determination is a dynamic process, in which case any of the structures could be experimental and its perceived failure would naturally result in its being jettisoned. As buttressed by Roberts (1980), "federalism is not dependent upon a fixed constitution and it has no perfect example. It fluctuates with the types of state that exists and it develops with the political development of humankind". For

instance, the former thirteen colonies that formed a confederation of the US realized that their desires would be more appropriately met as federated units, as such confederation was dropped for what is known as today's model of federalism.

Beyond the rhetoric of pluralism, are more pragmatic determinants of federalism. Nations have at some time or the other in their history defied the general rule that pluralism is a *sine qua non* to federalism. The American option prior to the embrace of federalism would suffice. Similarly, Nigeria's reversal to uniatrism at some point in its political history in spite of the existence of glaring diversity in numerous ways is a pointer to the fact that pluralism is not necessarily an adjunct of federalism. Thus, some other factors are critical in a state's willingness to espouse federalism. According to Awa (1976: 15-37), geographical contiguity of the intending federating entities is one of the strongest determinants for embracing this arrangement. The author claims, "the great federal and quasi-federal systems in the world which have remained stable such as the United States, Canada, Australia, West Germany, Switzerland, India, Russia, etc, have been formed by territories which are contiguous to one another". Secondly, the fear of insecurity is germane to the assumption of the appropriateness of federalism. The fear of conquest by an external power or of rebellion by unsatisfied elements within the state is enough to engineer the adoption of federalism by hitherto autonomous nations. The American and Canadian cases are living proofs of the potentiality of insecurity leading to the formation of a federation. Furthermore, the possibility of economic and administrative advantage is relevant to the consideration of federalism as a structure of governance. An eloquent testimony to this is the process of amalgamation that was undertaken by the then Governor-General of Nigeria, Lord Frederick Lugard of the various territories in order to properly utilize the few British administrators on ground in the most economical way. Similarly, the economic consideration in the adoption of federalism cannot be overemphasized. It is a critical factor even in extra-state interactions as evidenced by the federation of Europe. The author further argues in favor of ethnic and cultural considerations in the process of federating- "identity in racial or ethnic background tends to induce in the people concerned a desire for a union. Such people normally have identical or similar norms of behavior, social values, political beliefs and attitudes and it is easier for them to live together under the same inclusive government than in other circumstances". In

spite of its tenability as a determinant of federalism, the absence of common ethnic origin does not presuppose the impossibility of an emergent federal state. For instance, the peoples of Canada, Switzerland, Nigeria and Malaya have dissimilar racial and ethnic backgrounds, yet their plurality allows for federalism.

In principle, federalism is "concerned with the combination of self-rule and shared rule. In the broadest sense, federalism involves the linking of individuals, groups and polities in lasting but limited union in such a way as to provide for the energetic pursuit of common ends while maintaining the respective integrities of all parties" (Elazar, 1991: 4). Wheare's[2] (1963) submission is more specific- "the federal principle implies a constitutionally guaranteed division of legal sovereignty between two layers of government divided territorially". In a similar trend, Riker (1964, op.cit.) contends that the federal principle dictates there should be two levels of government ruling the same land and people, there is some (constitutional) guarantee of the autonomy of each government in its sphere and lastly, each level has at least one area of action in which it is autonomous. Above all, the assumption guiding the principle of federalism is that of everybody being satisfied, or nobody permanently disadvantaged. This is linked to the existence of a combination of national and regional/territorial interests within a complex web of checks and balances between a national government and the multiplicity of regional governments on the other. In essence, it purports to describe a method of arranging territorial government, and accommodating differing territorial interests that, at one and the same time, avoids both the perceived over centralization of unitary systems and the extreme decentralization of confederations.

In practice, Wheare (op.cit) submits that a "federal government means therefore a division of functions between co-ordinate authorities, authorities which are in no way subordinate one to another either in the extent or in the exercise of their allotted functions". Federalism ensures that the units do not fall apart, yet they are prevented from being overly dominated by the center, in effect, power is dispersed but coordinated. In a center-periphery relationship, the federal government derives cohesion and freedom respectively. Long (1991: 192) asserts, "as a form, of political organization, federalism involves the constitutional divisions of powers

between general and constituent governing bodies so that the jurisdiction and decision-making authority of all within their respective spheres of authority are protected". In a similar vein, Elazar (op.cit: 4) submits that, "a federal arrangement is one of partnership, established and regulated by a covenant, whose internal relationships reflect the special kind of sharing that must prevail among the partners, based on a mutual recognition of the integrity of each partner and the attempt to foster a special unity among them". Being concerned with equity, justice, fairness and natural law, the practice of federalism involves the expression of the virtues of compromise and negotiation in multicultural and multinational entities, where all units accept as sacrosanct the coordinate and non-subordinate conditions binding them.

While acknowledging the fact of non-uniformity in the features of any governmental structures, as applied by individual political entities, some features must most definitely be revered. According to Wheare (op.cit), a federal government must possess the following characteristics;

1. Written Constitution- this must be supreme, and should lay bare the method of power sharing, among other issues.
2. An Amendment Process- it must not be possible to operate this, by either the federal or state governments acting alone.
3. A Supreme Court- which determines the meaning of the constitution, in case of dispute. Switzerland is regarded as imperfectly federal as a result of the absence of such a body in its structure.
4. Financial Self-Sufficiency- there must be financial autonomy for each of the coordinate authorities.

Furthermore, Elazar (1991: 175) includes non-centralization of powers and authorities in his analysis. The author specifically asserts, "the political system must reinforce the terms of the constitution through diffusion of power among a number of substantially self-sustaining centers, generally coincident with the constituent polities established by the federal compact. Non-centralization ensures that no matter how certain powers may be shared by the general and constituent governments at any particular time, the authority to participate in exercising

them cannot be taken away without their mutual consent". Secondly, the author places importance on the actualization of an areal division of power. The contention is that "the internal division of authority and power on an areal basis, fully or partially, which is sometimes referred to as 'territorial democracy'" must be present in any federal arrangement.

This section of the work has presented us with the nature and character guiding the principles of federalism. Without any form of contradictions, the whole essence of federalism according to Lutz (1988: 64) is the existence of different levels of government (might be two or three), each supreme in some areas of policy making. Therefore, the relationships between the states (as in Nigeria, USA, Mexico) or provinces (as in Canada) or Lander (as in Austria) or cantons (as in Switzerland) and the central government must always be that of equal partners working in tandem for the political and socio-economic survival of the aggregation of people of diverse origin occupying the territory.

The practice of federalism does not enjoy the luxury of a universal mode, rather each state is driven by the circumstances and determinants that led to its adoption of the federal principle. However, each state must at least recognize and be guided by the basic principles as outlined above. The point to drive home is that, there is no 'true federalism' anywhere in the world. A state's federalism is as true as the constitutional provisions acceptable to all of the disparate groups, through a due process mechanism, on the conduct of the corporate existence of the groups. This conduct must explicate the agreed relationships between the different levels of government and establish a neutral umpire that would interpret the constitution when the need arises.

Nigeria's journey to nation-statehood commenced with the annexation of the colony of Lagos in 1861, which eventually extended to the Yoruba hinterland on the pretext of putting an end to slave trade. After a while, the Southeastern part fell under occupation on the basis of British's interest in protecting oil trade in that region. Lastly, the North occupied by the Hausa-Fulani ethnic group was also secured, initially for British commercial enterprises, but subsequently became a colony (Eleazu, 1977). Eventually, the British formally assumed responsibility for the administration of the numerous ethnic groups that occupied the massive landmass in 1900. The earliest attempt at creating one state out of the numerous groups began in 1906, when the colony of Lagos was merged with the protectorate of the South and reached a crescendo in 1914 with the amalgamation of both the Northern and Southern Protectorate to form today's Nigeria (Okonjo, 1974: 59-77).

Consequently, nationalists' agitations for the independence of Nigeria that began modestly around the 1920s became vociferous by the 1940s. The import was that post-colonial Nigeria could not operate a unitary system of government, as such, the series of protracted constitutional conferences to determine the future co-existence of the numerous groups that made up Nigeria produced a federal constitution for the country in 1954. Indeed, the 1954 constitution met the minimum standards of federalism. It delineated the spheres of influence and jurisdiction between the federal and regional governments. In explicit terms, it provided

for the exclusive legislative list which specified the items on which the federal government could legislate and the concurrent list wherein both tiers of government had authorities over and the residual list was provided for the regional centers of power. In addition, there was a proviso that federal laws would prevail over regional laws regarding conflicts of interpretation that might arise from the concurrent list. Undoubtedly, the success of the 1954 Constitution robbed off on the subsequent ones, especially the Independence Constitution of 1960.

A clog was however thrown in the wheel of Nigeria's political progress by the military interregnum of 1966. According to Ihonvbere (2003: 202), "the very first misguided assault on Nigerian federalism by the military in a direct sense was when General Aguiyi Ironsi[3] promulgated Decrees No. 33 and 34 of May 24, 1966 abolishing federalism and replacing it with a unitary form of government". Even the other numerous constitutions (1979, 1989, 1995 and 1999) that emphasized the adoption of the principles of federalism could no longer stem the tide of its erosion. Ihonvbere, (op.cit.) further berates the military for completely destroying the fabric of Nigerian federalism "thus making it an insurmountable challenge for post military democratic governments to reclaim lost grounds". The apparent reason for the anomaly being that "in the last three decades and more, most of the civilian elements that now occupy the seat of power in the new Obasanjo[4] dispensation were virtually made by and under the military". A similar sentiment is shared by Agbese (2003: 244) in his condemnation of the military institution's denigration of the essence of Nigeria's federalism. The author asserts that "the country has been administered for the better part of its existence as an independent state, in a military and commandist and unitary style. Thus, despite the oft-repeated and glib reference to Nigeria as a federal republic, it has rarely been governed as a federation". The Nigerian situation has been ably termed as the process of 'de-federalization'. In Ihonvbere's (op.cit) view, 'de-federalization' "is a deliberate process of eroding or dismantling a federal system and replacing it with a unitary arrangement". Therefore, "with the first intervention in politics in 1966, the military not only set the basis for eroding all structures and features of federalism but also began to build new authoritarian structures and attitudes derived from its grossly undemocratic, intolerant and commandist nature and structure".

The scenario painted above has generated internal dislocations that have often questioned the basis of Nigeria's federalism. Perhaps, more than any other, the following factors; ethnicity, revenue allocation, identity, marginalization and constitutionalism represent the pains and horrors of the contradiction in Nigeria's experimentation of the principles of federalism.

Ethnicity- This "is arguably one of the most powerful forces shaping political processes and the architecture of political institutions in the contemporary world" (Jinadu, 2003: 1). Its ubiquity in all form of interaction in plural societies is unequalled. According to Nnoli (1980: 8), "ethnicity is characterized by a common consciousness of being one in relation to the other ethnic groups", because of its sense of 'Us/Them' dichotomy that is ever relevant in political manipulations and maneuverings associated with pluralism. A remarkable character of ethnicity is the two different interpretations of the primordialists and instrumentalists that are replete in literature (Ake, 2000, Smith, 1991). According to Smith (ibid: 20), "the primordial substance to ethnicity, sees it as given to human existence, as a result of the process of genetic selection". Whereas, the instrumentalists perceives "belonging to an ethnic group as a matter of attitudes, perceptions and sentiments that are necessarily fleeting and mutable, varying with the particular situation of the subject". On the long run, ethnicity becomes a useful instrument in the calculations of power-seeking elites.

Although, it is incontrovertible that Nigeria is acknowledged as the most populous country in Africa, with official figures exceeding one hundred and thirty million people. However, in the views of Oduwobi and Iwuagwu (1997: 19), the number of ethnic groups in Nigeria remains controversial; "but there is consensus among authorities on the subject that there are no less than one hundred and seventy five ethnic groups in the country". While sharing various similarities in multiple ways; cosmology, culture, economy and politics, they are equally distinct in variety of ways. Quite frankly, it has become extremely impossible to either exploit the similarities to assure national unity and cohesiveness or manage the disparities to guarantee peaceful coexistence. As a result of its pronouncement of "the common consciousness of shared origins and traditions" (Nnoli, 1980: 8), Nigerian elites have continually employed ethnicity "to further their constitutive interests" (Osaghae, 1991: 43).

The consequence of the inability to use the diversity for national cohesion has been ethnic generated violent conflicts for the most part of Nigeria's existence. Each group attempts to protect its own interest in a Nigeria that is perceived as an insecure and illegitimate institution. As such the citizens easily make a recluse into ethnic cocoons. In effect, ethnic sectarianism has often continually threatened the sovereignty of Nigeria in the form of violent conflicts. What makes the matter more precarious is the introduction of ethnic militia movements into the whole saga, with most of the groups boasting of armed and combat-ready officers to violently protect the interests of their kith and kin whenever the need arises. The militias are not more than a reaction to the failure and intended subversion of Nigerian federalism, which is elegantly presented in the absence of equitable distribution of power, resources and the non-existence of justice in the relationships between and among the constituent units. With this scenario, the explosion in the negative use of ethnicity across the broad spectrum of the Nigerian society would be a continuum.

Identity- Similar to most other federations, Nigeria is a model of diversity in languages, cultures, ethnic groups and geographic regions. However, in order to forge a sense of 'one Nigeria' most of the administrations have attempted to subsume the diversity under a broad identity that would boast of higher levels of commitment, solidarity and loyalty from every segment of society. According to Awa, (op.cit.: 110), "it should be clear that in the emerging multi-nationality federations such as Nigeria, India and Malaya, the idea of unity does not imply the destruction of the essential traits of the ethnic groups but that all the people should be socialized so as to share a national identity, embracing common values and norms which will constitute part of their personality structure". Similarly, Trudeau[5] (1965: 25-26), in order to ensure unity in a federation, there must be an investment "of considerable amount of time, energy and money in nationalism at the federal level. A national image must be created that will have such an appeal as to make any image of a separatist group unattractive. Resources must be diverted into such things as national flags, anthems, education, etc and the territory must be bound together by a network of railways, airways, etc".

The nature of identity is such that each individual is composed of multiple identities, which according to Smith (1991, op.cit) includes "familial, territorial, class, religious, ethnic and

gender". The author further asserts that "each of these identities is based on social classifications that may be modified or even abolished", in essence the character of identity enjoys a measure of dynamism driven by circumstances and events. However, the concept of national identity happens to be a collective phenomenon that is particularistic in respect of territoriality. It is shared by people of the same nation- "the nation signifies a cultural and political bond, uniting in a single political community all who share an historic culture and homeland" (Smith, ibid: 14-5). The fundamental features of national identity as suggested by Smith are:
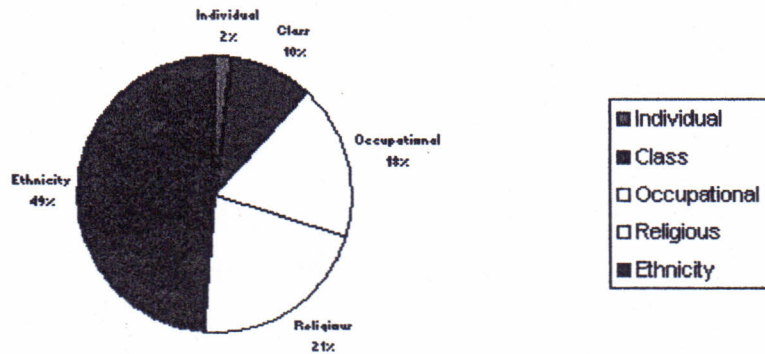
1. an historic territory or homeland
2. common myths and historical memories
3. a common, mass public culture
4. common legal rights and duties for all members
5. a common economy with territorial mobility for members.

In summary, Smith (ibid.) captures national identity as follows:

"National Identity signifies bonds of solidarity among members of communities united by shared memories, myths and traditions that may or may not find expression in states of their own but are entirely different from the purely legal and bureaucratic ties of the state"

Ordinarily, the above expression ought to nullify Nigeria's desire of expecting its citizenry to show any form of identification nationally. This is because Nigeria is a multi-nationality, one in which none can lay adequate claim to the requisite relationship suggestive of a single nation. Incidentally, total adherence to the principles of federalism would have guaranteed the forging of national identity, because as espoused by Elazar (op.cit: 9), "the essence of federalism is not to be found in a particular set of institutions but in the institutionalization of particular relationships among the participants in political life". But unfortunately, ethnic identity has dwarfed all other forms of identity in Nigeria as can be seen in the figure below, as a result of the 'de-federalization' of a once federal political entity.

A Sample of Self-Defined Identity. Aside being Nigerians, respondents were required to choose other groups they belong to.

Individual 2%
Class 10%
Occupational 18%
Religious 21%
Ethnicity 49%

Legend:
- Individual
- Class
- Occupational
- Religious
- Ethnicity

Survey conducted in the period: January-February 2000 by RMS, Lagos/IFES in conjunction with Management Systems International- Adapted from "Democracy in Nigeria", Capacity Building Series 10, Stockholm: International IDEA, 2000

Marginalization- Each of Nigeria's constituent group has groaned under the yoke of perceived marginalization at one point or the other. Such feelings of marginalization could be found in the realm of power sharing, decision-making, resource allocation and other forms of opportunities that could guarantee growth and development. Nigeria is thus seen as a vague abstraction that could not assure the continued survival of any of the groups. There is the existence of mutual suspicion by each of the constituent parts- whether the majority or minority groups, of the quest for domination by the others.

Most are wont to complain about the geo-political demarcation as produced by the colonialists, because of its unbalanced and lopsided nature, which favors the North in terms of size. To this end, the Northern region has been perceived to be an unjustifiable beneficiary of the lopsidedness in power sharing and resource allocation to the detriment of the other contending regions. On a specific note, the Igbo complain bitterly for being punished and discriminated against as a consequence of their failed bid to secede. As it were, the complain by this group of being schemed out of leadership roles by the Nigerian state still persists. Similarly, the Yoruba are bitter that for the first time, a presidential election[6] that was won by

their own was unjustly annulled by the Nigerian state, as represented by the Hausa-Fulani hegemony. The realization of the occurrence was a bitter pill to swallow, for it generated much violence that rocked the very foundation on which Nigeria was laid. The complaint of marginalization of the minority groups especially those that occupy the South-South geo-political region is perched on the need for the adequate compensation for the degradation suffered by their environment as a result of the extraction of crude oil, whose revenue is expended on the whole of Nigeria. Though the core North seem not to complain of any form of marginalization, as a matter of fact, the region seem to be the only one to draw the angst of the other parts of Nigeria having produced the leaders for the most part of independent Nigeria. However, the minorities in the North are also terribly bitter about their domination by the Hausa-Fulani hegemony.

By and large, the cry of marginalization has only fuelled ethnic discontents that have often led to violent conflicts by the ethnic militia groups. The Southwest responded to the perceived marginalization in 1994 by setting up the "Oodu Peoples' Congress" (OPC) to "defend the rights of every Yoruba person on earth" (Newswatch, 2000: 6). For the Igbo, their desire to stem the perceived unjust treatment meted out to them by the Nigerian state was the setting up of the "Movement for the Actualization of the Sovereign State of Biafra" (MASSOB) with the aim of excising their kith and kin from Nigeria and realizing the objective that had been crushed about three decades earlier by the federal forces. For the core North, the "Arewa Peoples' Congress" (APC) was formed in response to the OPC, with the objective of "safeguarding and protection of Northern interest, wherever it is" (The News, 2000: 17). In like manner, the "Egbesu Boys of Africa" is a militant group that employed every means possible, violence inclusive, to resist the exploitation of the mineral resources in the Niger-Delta region by the Nigerian state in collaboration with multinational oil companies.

An apparent observation in the foregoing is that majority of the component units in Nigeria have no sense of belonging, which makes for lack of a sense of identity. The feelings of marginalization that found expression in the emergence of militia groups are borne out of frustration with the Nigerian state's inability to promote equity among the component units,

distribute commonwealth fairly, ensure equal representation of the groups in national institutions and provide for the degradation of affected communities in sourcing for the 'black gold', among sundry other issues.

Resource Control- Among various other issues like; horizontal and vertical resource allocation, tax powers, sources of funding, etc, resource control is equally germane to the whole discourse on fiscal federalism. The complexity involved in the Nigerian case is traceable to the weak foundation in which the whole essence was established in the colonial era. For a long period of the country's existence, the agitation was focused on resource control based on equity, fairness and justice. True to type, the Nigerian state devised every method to assuage the feelings of agitators at every point in time. Thus, differing arrangements were made for the numerous sources of revenue generation. These include the derivation formula, fiscal autonomy, needs principles, horizontal allocation, population level, social development factors, etc, with allocated figures changing at every opportunity. Perhaps more importantly, is the overbearing influence of the central government in the allocation of resources, irrespective of the source of the accruable revenue. The General Gowon[7] administration's decision to remove twenty percent from the fifty percent accruable to the regions, in addition to taking over all revenue from offshore oil, bears eloquent testimony to this fact.

With the passage of time, attention has shifted from discourses on the unjust manner that resources are been allocated even through the principle of derivation, no matter the percentage volume. In contrast, and coming from the oil producing Niger-Delta region, the issue is now centered on resource control- desire to regain ownership, control and management of the land and resources placed at their disposal by nature. The agitation is ingrained in the activities of the Ogoni people that culminated in the declaration of the Ogoni Bill of Rights in 1990. But as it were, this turned out to be a wake-up call for all of the peoples of the South-South region, for since then they have engaged the Nigerian state in all forms of battle; moral, legal and violent, to ensure the best deal possible on their natural endowments. Most recently, the salience of the issue has been played out in the deadlock

encountered in the deliberations of the government's instituted 'National Political Reforms Conference' (NPRC) [8].

Constitutionalism- This is a necessity for the existence of any modern government, being the guide that would dictate the *modus operandi* of relationships between and among the various segments of society. The essence of governance is to guide against, according to Anifowose (1999: 168), "caprice and arbitrariness" in public life. The existence of time-tested written constitution, which is amenable to amendment, should *ab initio* form the bedrock of any federal arrangement.

Nigeria's experience with constitutionalism dates back to the colonial era, wherein efforts were made to establish codes of conduct to meet the exigencies of each epochal period. Post-independent Nigeria has equally witnessed its fair share of constitution drafting and adoption, the principal stimuli mostly being the realization of the anachronistic character of existing constitutional arrangements. As such, different constitutions have been adopted, with each supposedly improving on the previous. The colonial era began with the Lugard's Constitution of 1914, followed by Clifford's in 1922, Richard's Constitution of 1946, Macpherson's Constitution of 1951, Lyttleton of 1954 and eventually, the 1960 Constitution that heralded independence (Abia, 2003: 105-149). Similarly, the post-independent era has equally been awash with a relatively high number of constitutions, viz; 1963 Republican Constitution, the 1979 Presidential Constitution, the 1989 Constitution, the 1995 Constitution and the 1999 Constitution. A noticeable trend in the constitution making and adoption process of the post-independent era is the action of defying the rules by refraining from submitting the draft "to the electorate, through a referendum, for approval" (Anifowose, op.cit). According to Ihonvbere (2000: 54), Nigeria's present constitution is greeted with cynicism and apathy. The recurring feature has been the limited participation of the people as well as the scope of debate, by the colonial and military umpires under which the constitutions were produced. It is on record that "the country has never adopted a participatory or process-led approach involving the various nationality groups and the various communities, constituencies and interests that make up the country in compacting its constitution" (Ihonvbere, 203). In reality therefore, "it has consistently been elite-driven with the state playing a critical role in determining the content of the final document" (Ihonvbere,

ibid). In order to produce a befitting constitution therefore, "there ought to be a more inclusive process of constitution-making such that would validate the opening statement of all past and current constitutions, viz: 'We the people …'" (Ihonvbere, ibid).

Moreover, Ihonvbere further argues that,

"the 1999 Constitution of the Federal Republic of Nigeria is anything but federal. The provisions of the constitution are heavily tilted in favor of the center. It recognizes the supremacy of the center in every aspect of governance: the 'Executive Legislative List' is a long shopping list that includes everything with no attempt to bring in the state, much less the local governments".

The foregoing corroborates the notion that has been severally advanced in this piece, regarding the deprecation that the practice of federalism has been subjected to by the military elites in Nigeria. Quite unfortunately, the prospects of reverting to the practice of federalism in the near future appears slim because of the deep-rooted malaise that had been planted by this category of the ruling elite.

Synopsis/Conclusions

This piece has attempted to showcase the futility of presenting Nigeria as a federal political entity. Despite possessing the basic determinants of federalism, the requisites of federation and imposing federal pretensions, the country is yet to be federal in character. Although, the immediate post-independent period emerged with a lot of promise that became short-lived with the intervention by the military adventurists. Ever since, all efforts towards a reversal to the acceptable norm have become futile. The Nigeria of today is replete with confounding features of unitarism- the center being overly so powerful. Moreover, there is lack of equity, justice and fairness in every facet of national life and these have been responsible for the perpetual political strangulation and stunted economic growth. More specifically, ethnic quandaries have become elevated to prominence in the negotiation between the constituent units. This has erased the possibility of a national identity; despite the numerous efforts of government to promote oneness. Furthermore, the cries of marginalization from every constituent part have become more vociferous than ever before, basically in respect of decision-making and resource allocation. More than any other resource generation source, the oil question has enjoyed much attention because of the depravity that has been suffered by the oil-producing regions for most part of Nigeria's existence. Although, the region has reversed its intention to seek for actual resource control within the Nigerian federation, it has requested for a twenty-five percent (as at now) derivation on revenue generated on crude oil extracted from the area. This request has not gone down well with some sections of the country. Perhaps, the most inadequate element of Nigeria's federalism is the 1999 Nigerian Constitution itself. There is no gain reiterating the fact that it is heavily skewed in favor of the center and there are quite enormous provisions that are ambiguous, which often create tensions, not just between the constituents units and the center, but also between the Executive and the Legislature at the center. More importantly, the process of its drafting and adoption is extremely faulty.

In spite of the numerous anomalies that have been outlined above, the present administration of Chief Olusegun Obasanjo deserves some commendation. The administration has boldly

put in motion, the process of restructuring the political entity known as Nigeria. Although fraught with series of inadequacies, and not enjoying the full support of all of Nigeria's established institutions, notably, the National Assembly (Senate and House of Representatives) the National Political Reforms Conference can be described as the first attempt towards 're-federalizing' modern Nigeria. It is only hoped that the recommendations of the delegates would assure "an open, inclusive and participatory approach to re-compact the structural foundations of governance in Nigeria" (Ihonvbere, 2003, op.cit: 210). So that on the long run the comity of nations can be presented with a truly united Federal Republic of Nigeria.

Notes

1. Lord James Bryce, *American Commonwealth*, cited in Peterson, Paul. (1995), *The Price of Federalism,* Washington, DC: Brookings Institution.

2. The author is described as "the most celebrated observer of federal government". See, Baier, Gerald. (2003), "A Federal EU's Division of Competences: Lessons from Canada" at a conference- 'Governing Together in the New Europe', Robinson College, Cambridge, UK. 12-13, April.

3. General Aguiyi Ironsi became the first Head of State consequent upon the quagmire that greeted the first military coup de' tat.

4. He was a Prime-Minister of Canada, his work, "Federalism, Nationalism and Reason" (1965) in Creapeau, A. and Macpherson, B. (eds.), *The Future of Canadian Federalism.* Toronto: University Press. cited in Awa (1976: 104).

5. Chief Olusegun Obasanjo, a retired General in the Nigerian army was Head of State between 1976 and 1979. He later became a democratically elected president in 1999. He is serving his second term in office.

6. The June 12 1993 Presidential Election was remarkable in a number of ways. One of which was that for the first time, a Yoruba was poised to win a general election that had been declared as 'free and fair' by the international community, but the ruling military elite annulled the historic election before the final result was announced.

7. General Yakubu Gowon was Head of State prior to, during and after the civil war that raged between 1967 and 1970.

8. The National Political Reform Conference was inaugurated by President Olusegun Obasanjo on Monday, February 21, 2005, as a result of the "realization that our current political arrangement has some identified distortions, defects, and limitations that call for urgent, focused, and realistic attention, hence this initiative on political reform". And "the purpose of this conference is to discuss and reach consensus on any aspect of governance arrangement for re-enforcing the unity, cohesion, stability, security, progress, development and performance of the Nigerian Federation". The conference came to a close on Monday, 11th of July 2005. For a full text of the inauguration address, see Internet, *http://www.nprc-online.org/OBJ%20Speech.html*

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