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### Short communication

## Federalism in Nigeria: A critique

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#### ABSTRACT

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The paper looks at federalism as a political system and how it is being practised in Nigeria. Using the descriptive method of data gathering, the paper reveals that there are contradictions in its practice in Nigeria. What obtains here is a disguised unitary system. There are many differences between the US and Nigeria in the practice of federalism. It is recommended that since some states are not economically viable, full autonomy be granted to the six regions as federating units as well as derecognizing local governments in the constitution.

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### 1. Introduction

There was nothing like Nigeria before the advent of imperialism. What we had were several independent nations with different cultures, languages etc. They were the Urhobo, the Ijaw, the Hausa, the Fulani, the Nupe, the Kanuri, the Itsekiri, the Ogoja, the Opobo, the Tiv, the Calabari, etc. It was the colonial masters that brought these nations together to form what is today known as Nigeria. Federalism was practised by the nationalists who took over the reins of power from the imperialists till the military intervention in politics. The federating units then were the regions which shared governmental powers with the central or federal government and paid tax to the centre from the revenue generated from their resources.

Federalism, according to K. C. Wheare (1946), is the division of government functions between the centre and the constituent units such that each unit can develop at its own pace. Neither the centre nor the constituent units

are subordinate to each other; the two are coordinate and independent. No hierarchy of authorities. Federalism fosters unity in diversity. It symbolizes decentralization of power and operates within the prism of self respect for one another. The major goal of federalism is to thwart the threat to individually independent but militarily weak states or federating units as well as guaranteeing their collective security. As a framework for the coexistence of unity in diversity, it realizes the differences of ethnicity, economy, religion, language and other factors but strives to build unity out of the differences.

Nigeria is a country of many mutually distrustful nations, as is evident from the clashes it has experienced since 1999. As observed by Chief Obafemi Awolowo (1947), Nigeria is not a nation. It is a mere geographical expression. There are no Nigerians in the same sense as there are English, Welsh or French. Nigeria operates federalism only on paper; the federal structures have never existed in Nigeria society. There is obviously a need for the Nigeria nationalities to enjoy separate and autonomous existence as states, while uniting with each other through a central government exercising some basic power and running some common services such as defence, foreign affairs, monetary issues, Telecommunication, Immigration, Customs and Excise, etc which are in the Exclusive List. Sadly, the Nigerian experience in terms of how federalism is operated is a radical departure from the theory of federalism as idealized by K.C. Wheare. Some factors are responsible for this.

## **2. Revenue generation and allocation**

In Nigeria today, the resources of the country belongs to the central government. Oil is the major source of revenue and whatever is generated is kept in the federation account and is shared monthly among the three tiers of government: the federal, state and local government. This is a misnomer. Federating units are supposed to tap their resources to generate revenue and pay an agreed percentage as tax to the centre or the federal government. This makes the states to be inferior and subservient to the centre. Many activists have been agitating for true federalism to enable the states control their resources. As observed by Professor Ohwona, there “is nothing like true federalism. Either it is Federalism or Unitary”. Concentrating the wealth of the country at the centre is an outstanding feature of a Unitary Government. Why is it that some sections of Nigeria are agitating for fiscal federalism in a country that claims to be a federation? The principles of federalism should affect everything. In the US, the federating units manage their resources and pay tax to the central government. There has never been such agitation. Under the regional government in the first republic, Nigeria made remarkable progress with the three and later four regions using the resources at their disposal to make life meaningful for their citizens (Itse Sagay, 2014).

## **3. Centralised police force**

In Nigeria, the police high command is centralized and is headed by an Inspector General of Police appointed by the federal government. The various state police commissioners take orders from the IG at the centre. The state governors who are flattered with the title of chief security officer in their states have no control over the police commissioners in their states. When the governors give instruction to the police commissioners in crisis situations, they normally consult with their boss, the IG, before taking action, leading to escalation of the crisis. This is a negation to federalism. There should be federal and state police. This is the practice in the US.

The fight against terrorism and other crimes is difficult because there is no state police. How can an Orogun man who is a police officer from Delta State in the South-South region fight crime successfully in an unfamiliar area in Borno State in North-East region of Nigeria? Does he know the terrain? Posting police officers to strange terrain to work is deadly. State Police makes crime fighting easier as the operatives know the terrain, the people and understand the language. There has been strident call for the creation of state police in Nigeria. The increasing agitation for the decentralization of the Police Force can no longer be viewed as a partisan crusade, as many state governors and other prominent politicians across different political parties are in support of state police (Punch Newspapers, 2012). The centralization of the police at the centre is also a beautiful feature of a unitary government.

#### **4. Management of local government councils**

In Nigeria, local governments get monthly allocation from the centre via the states. In a federation, local councils are the babies of the states, created for administrative convenience. They are not supposed to be used as basis for revenue sharing. A state governor is supposed to have the power to create more local councils or merge some together with the approval of the state legislature. They are to be funded and controlled by the state government. In Nigeria, local councils are created by both the federal government and the states. Former Lagos State Governor, Senator Bola Tinubu had a running battle with the federal government over the local councils created by Lagos State Government. The councils were not recognized and funds meant for councils in the state were not released until the Supreme Court delivered a judgement on the issue (Nigerian Muse Newspapers, 2004) In the US, a governor can, with the approval of state lawmakers, create or merge two or more council's together if found to be economically unviable. The federal government should not have a role in the creation of local councils and they need not be listed in the constitution. The agitation for local council autonomy is a stupid joke. Hence the state lawmakers were strongly advised to vote against it during the constitution amendment by a foremost constitutional lawyer, Professor Itse Sagay. He noted that the recognition of local government as the third tier was not ideal and that it was wrong that local governments were given powers and functions directly in the 1999 Constitution, unlike in the advanced federations like the US where local governments were only mentioned in State Constitutions. The erudite lawyer stressed that local governments in a federation are creations of the State and therefore ought not to enjoy powers in the same measures that the constitution grants to the federating units. Nigeria federal system is contrary to the principle of federalism which recognizes only two levels of government. Autonomy for local governments would cause problems of governance for state governors.

#### **5. Admission into tertiary schools**

The federal government, through its agency, Joint Admission and Matriculation Board (JAMB) fixes cut off marks for admission into both federal and state tertiary institutions. The federal government has no business in determining the marks for admission into state owned schools. This should be the responsibility of the state ministries of education. Why fixing admission marks without fixing the school fees in state owned schools? This is clearly antithetical to the principle of federalism.

If the staff of federal universities are on strike as a result of unpaid salaries, why should the staff of state universities that are not being owed join the strike? The same thing affects the health workers. Federating units are supposed to develop at their own pace, but as it is now, an innovation by state governors in certain sectors may trigger a nation-wide strike action because we are not really practising federalism.

#### **6. Conclusion**

An attempt has been made to x-ray the practice of federalism in Nigeria. Even though Nigeria claims to be a federation, it operates federalism only on paper. Federal structures never existed in Nigeria. Nigeria is actually practising unitary government. This is buttressed by the following factors: The federating units have no control over the resources in their territory, the federating units have no absolute control over the local governments-they cant create more or merge some together as it is done in the US, there is no state police, the central government reserves the power to determine the cut off marks for admission into federal and state-owned tertiary institutions. All these negate the principles of federalism. It is recommended that:

The 36 states be collapsed into six regions and full autonomy granted to them.

State police be created to fight crimes in the states.

Six premiers be elected to oversee the activities of the state governors.

State ministries of education to fix marks for admission into tertiary schools owned by them.

Each state to determine the minimum wage it can pay.

All resources found in the states to be explored and managed by them and are expected to pay an agreed percentage as tax to the centre. This will make the centre to be unattractive and presidential election will no longer be a do or die affair.

Local governments to be derecognised by the constitution for them to remain the creations of the states. This will stop them from carrying on as third tier of government.

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