



Balancing Nigerian Federal System: The Politics and Economics of a Federation

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ABSTRACT

This paper discusses the efforts that have been made since Nigeria became independent in 1960 to balance her federal system. These efforts include balancing the territorial structure, creation of states, the power structure between the central and state governments, balancing inform of revenue allocation formulae and balancing by the adoption of federal character principle. Thus, to what extent have these efforts succeeded in balancing Nigerian federal system? Today, however, the efforts continue as Nigerian federal system is being confronted by the clamour for restructuring. The paper concludes by recommending a review of the current federal system which is being practiced more like a unitary system.

Keywords: Nigeria; Federal System; Federation; Politics

INTRODUCTION

There is a general consensus that a balanced federal system of government is necessary in order to ensure unity of national purpose and harmony in the political system of a plural society. In Nigeria, several parameters have been tried in order to ensure a balanced Federal system. And to this end a lot of efforts had been made to have a fair balance in the territorial structure of the component units. There have also been efforts to ensure a fair balance in the distribution of states among the major ethnic groups and between them and the minority ethnic groups. Again efforts have also been made to ensure that there is a fair balance in the distribution of powers between the federal and state Governments. Several attempts have also been made in order to establish a fair balance between the Northern and the Southern Nigeria.

In addition, a peculiar Nigerian innovation is the invention of the doctrine of federal character which, when applied to national institutions, is to ensure that there is no predominance of citizens from a few states or a few ethnic or other sectional groups in control of any Federal government

institutions or its agencies. Another doctrine which has also been marshaled in aid of balancing Nigerian federal structure is the doctrine of cooperative federalism.

Also, there is the factor of finance as an important and critical parameter in balancing any federation. And this factor is in the area of the division of national revenue between the federal government and the state governments and in this regard, Nigeria has experimented with various revenue allocation formulae.

There is no doubt that balance of power or what scholars call “the federal spectrum” is a relative and a shifting matter varying from time to time. At times in the life of a nation, the total desire may be to ensure more powers for the federal government. At other times, for the same nation, it may be to ensure that the centre of emphasis is on the States or the component units as distinct from the central government. Thus, each federal spectrum or balance of power is shaped by the total political, economic and social forces operating at any given time for any given federation.

At independence, the emphasis in Nigeria was on the powerful three regions under the overriding domination of Northern Nigeria and a weak Federal Government. Since 1967, however, the emphasis changed to an over powerful central government and weak state governments, the state governments that are now more or less at the beck and call of the Federal Government.

Despite many efforts that have been made to balance the division of the national revenue between the federal government and the state governments, the latter still lack the financial capability to stand on their own particularly in the current era of the thirty-six-state structure. Thus, how effective and successful have the foregoing parameters been in balancing Nigerian federation? Have they led to a federation that is truly balanced in all ramifications? These are fundamental questions that are demanding for answers.

Consequently, this paper proceeds with an analysis of the impacts of these parameters in the attempts to evolve a balanced Federal system in Nigeria.

BALANCING THE TERRITORIAL STRUCTURE AND THE DISTRIBUTION OF STATES

The collapsed of the first Republic in 1966 was partly attributed to the structural defect in the territorial balance of the Federation, the three and subsequently four regional, unfairly balanced structures, which led to serious tension that was created by the majority-minority tribes structure in each region, the intimidating size of Northern Nigeria which covered approximately 75% of the land area and 60% of the national population, and the use by the North of its influence to dominate the Federal Government. All these, according to Nwabueze (1982), deprived the Federal Government of legitimacy in the eyes of southerners as well as the needed capacity to give effective leadership.

The 1967 State creation exercise by General Gowon’s Federal Military Government which increased the states to 12 from four was the only near balanced effort to ensure a fair territorial structure in Nigerian political history. In that exercise, six states were created in the North and while six States were created in the South making the exercise to recognize the continuing relevance of the North-South balance in Nigerian political system. It also broke up the domineering position of Northern Nigeria and the stranglehold of the three main ethnic groups. It “liberated” the minorities from the

dominance of the three major ethnic groups and the minorities moved from the periphery to the frontline of the national political structure through the creation of their own states. Out of the 12 States, five were minority States while 7 belonged to the majority ethnic groups. Thus, an era of multi-ethnicism as opposed to tripartite ethnicism was inaugurated.

The balance that was established by the 1967 creation of states was reversed in the 1976 exercise when seven more states were created, increasing the total number of States to 19.

Out of the 19 States that were created, the southern Nigeria had nine states i.e the old West had four states, the old East had four states and there was the Midwest, which was renamed Bendel. Northern Nigeria had 10 states. However, with the 1976 state creation, the Federation again became unbalanced.

Before 1976, the agitation for the creation of States was more of a response to a minority problem. However, by the 1976 exercise, it was clear that a majority ethnic group has suddenly become reclassified as a minority in Nigerian political system. And of course, the effect was to disharmony and instability.

In 1987, two more States were created, Katsina and Akwa-Ibom, bringing the total number of States to 21. Even with the creation of the two states in 1987, there still existed some imbalance in the distribution of states in the federation. In order to correct the imbalance in the distribution of states, 9 more states were created in 1991 thereby increasing the number of states in the Federation to thirty. The present figure of the total number of States in the Federation is 36 because six more states were created in 1996 following the report by the Mbanefo Committee on State Creation. Thus, what does the thirty-six States structure mean in the context of the territorial balance of the Federation?

In the first place, a pertinent question that must be resolved is whether the Federation can carry the burden of such a massive proliferation in its political and administrative structures. The increase in the number of States is also paralleled by the massive increase in the number of local Governments. There are now 774 local Government units in Nigeria.

With the 1991 census, the population of the minority groups stood at 33,497,781 while those of the majority ethnic groups stood at 55,494,439. If we break this further down, we find that in the South, the minority tribes have six States (Akwa-Ibom, Bayelsa, Rivers, Cross River, Edo and Delta) with a population of 13,392,963 while the majority tribes have eleven States for a population of 28,230,020 (Nwodo 2010). In the North the majority tribe has a population of 27,264,419 with nine States (Sokoto, Jigawa, Kano, Kaduna, Katsina, Kebbi, Zamfara, Gombe and Bauchi) while the minority tribes have ten States (Adamawa, Borno, Yobe, Tarabar, Benue, Kogi, Kwara, Niger, Plateau and Nassarawa) with a population of 19,733,144. The figures indicate that the number of States belonging to the minority ethnic groups is not reflected demographically. This has made the territorial structure unbalanced.

However, there are some assumed advantages of the 1996 thirty-six states structure like satisfying the aspiration of more groups, both minority and majority groups for self-determination, (such as Ekiti, Zamfara, Gombe, Ebonyi, Bayelsa and Nassarawa States). Again, there was the assumption that

the creation of more states would allay the fears of domination of one group by the other. And it was assumed that the exercise would ensure equal access for more groups at the national level as the political space can now accommodate more people. It was also assumed that more states lead to greater territorial diffusion of economic and political powers, and brought about a possibility of more even development at a greater speed.

It can therefore be argued that the 36 state structures should make the states to be nearer to the people than at any time in the history of Nigeria.

Today however, what is nearer to the people is the mere apparatus and the symbol of power of a state government not the financial proximity to solve the problems of the people. The financial impecuniosities of many states have destroyed the rationale for state creation. Under the present situation, it is even difficult for most States to sustain the apparatus and the symbolism of power of state governments let alone to embark on capital projects for the realization of the development of the states. The result is that Nigeria is saddled with unviable States which are not able to maintain even the recurrent costs of state administration such as the payment of monthly salaries.

There are serious grounds which make it imperative that the 1996 thirty-six state structure be reviewed. In the first place, it has created a dynamic and a chaotic situation which will lead to the endless demands for new states by those who are currently not satisfied within the existing thirty-six State structure. This means that the process of state creation in Nigeria is now assuming the character of a bazaar, a jamboree, a continuous and infinite process which has a beginning but no end. Secondly, the exercise has brought to the fore the costs of running the Federal Government, the thirty-six States and the 774 local Governments.

There is little doubt that the total cost of running these three tiers of government will substantially impair the overall development capacity of the federation.

According to Zimako (2009), between 1999 and 2007, the salaries and allowances of public office holders constituted an estimated sum of N5 trillion. In 1998 alone a total of N124 billion was paid out as salaries and allowances to political office holders. In 2002, the figure had risen to N493 billion, due to the rise in number of appointees and a proportional increase in their salaries and allowances. By 2008 the salaries and allowances of public office holders had risen to an astronomical figure of N2.69 trillion per annum, which is broken down as follows.

Federal Government-----	N1.736 trillion.
The 36 State Governments-----	N360 billion
The 774 Local Governments-----	N593 billion

The greatest problem with the foregoing scandalous waste of resources is that since the advent of democracy in 1999 over 70% of the national budget is channeled towards the payment of the salaries of political officeholders, their aides and other special political appointees (Zimako 2009). If 70% of the budget in Nigeria is dedicated to the welfare of the political appointees, then Nigeria will continue to languish in poverty and underdevelopment.

In addition, under the present thirty-six state structure, the states are too small in population and in the ability to generate internal revenue. And according to Nwabueze (1982), it may readily be agreed that the Federal Government should be divested of a considerable part of its powers under the 1999 constitution, because the present 36 States are, in terms of population and the ability to generate their own internal revenue are too small.

Furthermore, the effect of the thirty-six states structure has made the Federal Government to be so powerful that it can even override the combined strength of the thirty-six states governments put together. Consequently, the gradual erosion of the strength of State Governments has diminished the prospects of Federalism in Nigeria and converted what is suppose to be federalism in Nigeria, into a de facto Unitary System. This has brought the state governments down to the level of provincial administrations which are no longer partners in a viable and balanced federal system. The states are now like docile passengers rather than active co-drivers of the Federal Republic of Nigeria.

Lastly, the present multiplicity of States by over centralizing the dominance of the Federal Government at the expense of the State and local Governments has refueled the explosive inter-ethnic struggle for the control of the Federal Government. The more attractive the powers of the Federal Government, the more fierce the inter-ethnic struggle for the control of the Federal Government of Nigeria and the office of the Presidency. This struggle now generates national political instability which has become the bane of Nigeria.

BALANCING THE POWER STRUCTURE

From the foregoing, it can be argued that the creation of thirty-six states has led to an unbalanced territorial structure for the federation, which is responsible for the enlargement of the powers of the Federal Government to the detriment of the states. What is most negative about this increase in the powers of the Federal Government is that it runs counter to normal division of functions in a Federation, whereby local matters are left to the states while common and national matters are left for the centre.

Unfortunately, transferring more powers of the Federal Government, as outlined in the present constitution,(1999) to the states, can only be effected if only the present 36 state structure is dismantled and replaced by the six new geo-political regions that are being advocated.

The balance of power in federation requires the balancing of the core objectives of national unity, ethnic autonomy and national stability. Nigeria's history shows that the stronger the power vested in the Federal Government, the greater the intensity of the competition for its control, with a consequential undermining of national unity and stability. It is, therefore, necessary to decisively deal with the over centralization of powers in the 1999 Constitution of the Federal Republic of Nigeria. Nwabueze (2013) has listed five main areas in which the 1999 Constitution has drastically altered the power structure of the federation in favour of the federal Government. The five areas are as follows:

Firstly, 16 matters, hitherto concurrent to both federal and regional governments, are now made exclusive to the Federal Government, viz arms, ammunition and explosives; bankruptcy and insolvency; census; commercial and industrial monopolies; drugs and poisons; fingerprints,

identification and criminal records; labour (conditions of labour, industrial relations, trade unions and welfare of labour); prisons; professional occupations as may be designated by the National Assembly; quarantine; registration of business names, regulation of tourist industry; traffic on federal trunk roads; public holidays; regulation of political parties; and service and execution in a state of civil and criminal processes, judgments, decrees, orders and other decisions of any court of law outside Nigeria or any court of law in Nigeria other than a court of law established by the legislature of a state. The complete exclusion of a State Government from all of these areas is a significant change indeed, for it takes away completely the initiative which, in the past, the regions undertook in some of these matters.

Secondly, not only is the scope of concurrent matters now severely restricted by the transfer of roughly 50 per cent of them to the exclusive competence of the Federal Government, but also some of the matters still formally listed as such are actually dealt with in such a way as to make them exclusive to the Federal Government to a very large extent. For example, a State Government's power over higher education is now restricted to merely making law for the establishment of an institution for purposes of university, professional or technological education. However, the whole area of higher education – the regulation of admissions and standards, the question of free education at that level, are now exclusive to the Federal Government. While public safety and public order remain a concurrent matter, the principal instrument for maintaining and securing them – the police force and the armed forces that are centralized in the Federal Government.

Thirdly, the Federal power over taxation of the income and profit of individuals is now, as in the case company taxation, plenary. Also important is the plenitude of the power of the central government exclusive power over trade and commerce, which is not confined to trade and commerce with foreign countries and between the States as under the 1963 Constitution, but extends to trade and commerce within a state.

The Federal power over trade and commerce is also significantly enhanced by the power given to the national Assembly

1. to declare that any economic activities are to be managed or operated by the Federal Government to the exclusion of everybody else, including individuals (S. 16(4));
2. to set up a body to review from time to time the ownership and control of business enterprises operating in Nigeria. And to administer any law for the regulation of the ownership and control of such enterprises (S. 16(3)).

Fourthly, Federal power is now extended to certain matters hitherto under exclusive regional competence. Minimum standard at the primary and secondary levels of education is now an exclusive matter for the Federal Government, so is the election of a State Governor and the members of the State House of Assembly. Land title is now largely exclusive to the Federal Government, for not only is the Land Use Act 1978 entrenched in the constitution (s. 274(5)), but also its provisions are to continue to have effect as Federal enactments and as if they related to matter included in the Exclusive Legislative List set out in Part 1 of the second schedule to this Constitution.

Local Government too is no longer an exclusive state matter in its entirety. Aspects of it – registration of voters at Local elections, the procedure for such elections, local Government finances

and, arguably, the creation of new Local Government areas are subjected to regulation and control by the Federal Government.

Fifthly, the Federal Government is granted yet another new source of power by the provision authorizing the National Assembly to establish and regulate authorities to promote and enforce the observance throughout the country of fundamental objectives and directive principles enshrined in the Constitution (Exclusive Legislative List, item 57, second schedule).

By these vast accretions, Federal power is now clearly predominates over state power in their formal extent. Consequently, there cannot be any doubt that the balance of power in the Federation is skewed towards the Federal Government.

Consequently, Nwabueze (2013) declared that the vast accretions of power to the Federal Government at the expense of the states have unbalanced the power structure in the other direction. Thus, with the Federal Government controlling land rights and local government the balance that is expected in a federation is seriously upset because land rights and local government affairs are examples, par excellence, of matters of local concern. Federal Government involvement in them offends, therefore, against the rationale of the division of powers under federalism, which requires that matters of purely local concern should be controlled and regulated by the state governments.

Then, there is the extension of Federal power to trade and commerce within each state. If trade and commerce is interpreted to embrace all commercial activities as well as non-commercial businesses like those of a carpenter, bicycle repairer, roadside mechanic, then the division of power would have been almost completely abolished in the field of economic affairs. Even when restricted to commercial intercourse, the extension of the power to purely intra-state commercial activities or transactions, such as the buying and selling of garri by villagers in a State's local market, is difficult to reconcile with true Federalism.

From the foregoing, the power structure under the (1999) Constitution may be said to be unbalanced. It has therefore been recommended that the accretions of power to the federal government should be taken away and handed to the state governments. The entirety of the matters on the concurrent list should be transferred to the state governments. Those on the exclusive list should also be looked at closely with a view to pruning them by the transfer of some of them to the Regional or State Governments as may be appropriate and desirable.

BALANCING REVENUE ALLOCATION.

In 1977, the Abayode Committee on Revenue Allocation made it clear that the states were merely the fiscal vassals of the Federal Government and that is because the states virtually go cap in hand before a financially over preponderant federal government. The financial hopelessness of the states is reflected in the fact that state government's dependence on federal allocation is over 90 percent of their total revenue.

In view of their financial predicament, the state governments are no longer the centres of proactive economic and industrial development like they were in the first Republic. Presently, the state governments derive their share of monthly allocation from the federally collected revenue which is paid into a common financial pool known as the distributable pool from which it is shared between

the three tiers of government. However, the states are constitutionally not entitled to the independent revenues which accrue to the Federal Government by virtue of its constitutional functions. The independent revenues are meant for the federal government and these revenues have expanded out of proportion, far more than the revenues that are shared out from the distributable pool,

Ekwueme once said that a large chunk of revenue accrues to the Federal Government through the weekly auction at the Autonomous Foreign Exchange Market (AFEM) and the Value Added Tax (VATare), are programmes that underline the Federal Government's desire to retain a disproportionate amount of national revenue at the centre.

In view of the national imbalance in the financial relationship between the federal and state governments, it is believed that the matter must be reviewed in line with the proposal for a six zone structure and the restructuring of the powers of the three tiers of government. Under a new structural balance of a federal government with lesser powers, six strong geo-political zones, with each zone creating its own local governments, each tier of government will be able to generate sufficient resources to enable it to function effectively. Thus, if the federation can be structured by the creation of the six geo-political zones, there will be the emergence of a new era in which national resources can be well utilized for transformative development by each zone.

BALANCING THE FEDERAL SYSTEM WITH THE PRINCIPLE OF FEDERAL CHARACTER.

One of the most interesting innovations of Nigeria in the realm of balancing a federal system in a plural society is the invention of the principle of Federal Character. The principle, first used by General Murutala Mohammed, Nigerian former head of state, in 1976, latter found expression in sections 14(3) and 14(4) and 277(i) of the 1999 Constitution.

Section 14(3) applied the principle in the operation of the federal government while Section 14(4) does the same for state and local Governments. Section 277(1) defines the meaning of the principle. The above three sections say as follows.

14(3) The composition of the Government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty thereby ensuring that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that government or in any of its agencies.

Section 14(4) the composition of the government of a state, a local government council, or any of the agencies of such government or council, and the conduct of the affairs of the government or council or such agencies shall be carried out in such manner as to recognize the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the Federation."

Section 277(1) Federal character of Nigeria refers to the distinctive desire of the peoples of Nigeria to promote national unity, foster national loyalty and give every citizen of Nigeria a sense of belonging to the nation as expressed in section 14(3) and 14(4).

The principle of federal character is meant to promote national unity and to ensure a sense of belonging in a plural and heterogeneous society. It also applies to elective positions in federal, state, and local governments.

The principle is intended to ensure that no one group will dominate the government or any of its agencies at the centre, state or local government. It is not meant just to ensure participation of each group. The intention of the principle is to ensure that the government is not subjected to domination by any one group or by a combination of the some groups. Although domination is not just a matter of numbers but may arise from the control of key positions where vital decisions regarding policy, financial disbursements, appointments, award of contracts etc are made; where, in short, the business of governing takes place.

However, the use of the state rather than the ethnic group as a basis for determining the application of the doctrine has been criticized as a distortion of its underlying objective because states are not part of Nigerian indigenous social organization, but, rather, they are artificial political creations. The Federal character principle represents an ingenious home doctrine specifically tailored to solve the problems of Nigeria's plural society. If faithfully applied, it may contribute to a balanced Federal Republic of Nigeria where all the heterogeneous communities have a sense of belonging. The effect of its robust application will be to suppress sectionalism so that the country can move forward in unity and strength.

However, Nwabueze (2013) has charged that the doctrine of federal character can hardly prevent the domination of the Presidency by one group. Accordingly, he suggests that in the election of the President, State Governors and Council Chairmen, no one ethnic group shall hold the office twice when other groups qualified by a criterion or criteria prescribed by the Constitution for the purpose have not held it.

The Federal character principle applies, not just for elective offices at the zonal level; the aim is to ensure that anybody who is elected has national, state or local government support through the application of the principle of geographical spread either the country, State or Local Government. However, the principle has to be applied with care otherwise it will destroy the principle of merit which is the driving force for change in today's technological world. In fact, some people including former President, General Ibrahim Babangida are calling for its abolition since it obstructs the full development of the principle of merit in our national affairs.

CONCLUSION

It is clear that Nigerian federal system has been wobbling since independence and as it has been demonstrated earlier, all efforts at balancing the federal system have yielded no positive results, from the creation of states, power arrangement and re-arrangement, a frequently reviewed revenue allocation formulae or the introduction of federal character principle.

There is no doubt that a balanced Federal Republic of Nigeria is *sine qua non* to the emergence of Nigeria as a modern great nation. In fact, no strategy for sustainable development is possible without a balanced and united federal system. The North-South dichotomy, the tripartite ethnic struggle for hegemony, the mentality of majority and minority ethnic groups, the continuous agitation of marginalization that are hovering like permanent clouds of darkness and retrogression

over 150 million Nigerians have impaired the crystallization and fulfillment of the Nigerian dream, of a strong and united black nation, capable of speaking not only for Africa but also on behalf of the entire black world.

However, the Nigerian federation has been fraught with crises and conflicts, with one ethnic group or another crying foul of exploitation and marginalization by the central government.

And these issues have inevitably brought about the agitation for resource control by various groups in the south-south region.

After almost six decades of independence, inter-ethnic feuds still persist and these inter-ethnic cleavages have not promoted any ethnic group in any decisive and significant way that is visible. On the contrary, ethnic conflicts have had the effect of paralyzing all efforts at developing the country thereby increasing the level of poverty in the land and preventing a prosperous nation to emerge where she can engage and participate in the economic and technological revolution that is being driven by globalization today.

Finally, the need to reverse the age long fiscal dominance by the federal government in order to re-establish a true federal system is strongly and absolutely necessary and even inevitable. The solution is to redress the prevailing mismatch by raising the level of taxing assignment of sub-national governments. Any reliable revenue allocation and utilization system must practically reflect the Federal nature of the country. The lopsided nature of fiscal arrangement in favour of the federal government is detrimental to fiscal operations of state and local governments and this has impacted negatively on socio economic development of Nigeria. Greater emphasis should be laid at the grassroots where the bulk of the people live and where development appears to be virtually non-existent.

In addition, all traces of unitary system of government should be removed from Nigeria's form of federalism in order to allow the states some the degree of freedom and autonomy consistent with true federalism. By virtue of its inherent value of reconciling opposing tendencies, the federal system holds better prospect in helping to stem a major source of political instability. This value was not lost on Nigeria's founding fathers when they tarried along with the British colonizers to establish a federal framework.

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