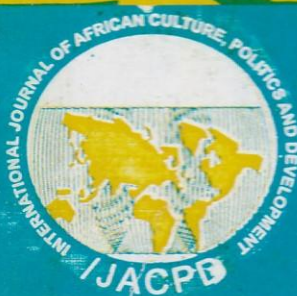


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THE MILITARY AND THE CENTRALIZING TRENDS OF NIGERIAN FEDERALISM SINCE 1966

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Abstract

The emergence of the military on the political scene brought about a military styled federal system of administration characterized by over-centralization. Between 1960 and 1999, Nigeria's political landscape was a tumultuous one with frequent military interventions. By 1999, when the military relinquished power through a democratic process, the military had ruled for 29 years, thus becoming a major stakeholder in the nation's political governance, whose role in nation building cannot be easily glossed-over. Eventually, the country tilted to a unitary system with a very strong centre which has indirectly undermined the development of the constituent states. Adopting a historical narrative approach, this paper discusses the evolution of Nigerian federalism and the dilutions introduced by the military which now manifests in the usurpation of substantial powers by the federal government, thereby making the constituent units which are supposed to enjoy a great degree of autonomy in a balanced federalism, to become appendages to the central government. The paper recommends a restructuring of the Nigerian polity in line with the principles of federalism to engender speedy development. Data is drawn mainly from secondary sources

Introduction

The contemporary conditions and contradictions of the Nigerian federation have been heavily and directly shaped by the federation's colonial origins and the legacies of the country's successive post-independence military regimes. If we agree with Bill Dudley that "colonial rule was for all practical purposes, military rule", then we may conclude that Nigerian federalism was not only instituted, but has developed and degenerated under conditions of military autocracy (Dudley, 1973). Such heavy military influence is crucial to understanding the paradoxes, pathologies and irregularities that currently plague the Nigerian federalism (Suberu, 2002).

The Nigerian Civil War provided the historic occasion for the country's transformation from a centrifugal to centripetal (and ultimately, hyper centralized) federation. The war-time developments that contributed to the ascendancy of the federal government included the creation of new states, the centralized control of expanding revenue and the central government's appropriation of the constitutional powers of the defunct regional authorities. These policies provided the platform and the pathway for further consolidation of federal hegemony after the Civil War under successive federal military administrations up to 1999, with a brief civilian interregnum between 1979 and 1983. The military's undermining of the viability of Nigerian federalism as the delicate macro-political formula for sustaining the country's unity and diversity, the over-centralization of powers and resources has generated a fervent campaign for the restructuring or decentralization of the Nigerian political system (Suberu, 2002).

Because of the fact that, 2016 marks the 50th anniversary of the military intervention in the nation's political scene, it becomes necessary to examine the road that the country has traversed and the need to return to the path of progress through a proper and sound federal structure, especially in a dispensation where a former military officer, General Muhammadu Buhari, who had also served as military head of state, is a democratically elected leader of Nigeria.

The paper is divided into seven sections. Section one is the introduction, section two deals with the clarification of term, section three discusses issues in Nigerian federalism between 1954 to 1966, section four examines the military and Nigerian federalism, section five considers the Nigerian Civil War and the hyper-centralized Nigerian federalism, chapter six discusses the military and revenue allocation, while chapter seven is the conclusion.

The Concept of Federalism

Indeed, contemporary social science scholarship has accumulated quite an impressive literature on federalism and there has been extensive analysis of Nigerian federalism from various perspectives, namely: historical, cultural, legal and economic. The subject, nevertheless, continues to be an intriguing one if one understands federalism as a process of social and political engineering (Essien, 2002). Kenneth Wheare, described as the best known exponent of the federation system, defines federalism as a system of government whereby the central and regional governments have exclusive competence within defined areas in which the two sets of governments are co-ordinate with and independent of one another (Wheare, 1963).

He submits further thus:

First of all since federal government involves a division of functions and since the states forming the federation are anxious that they should not surrender more powers than they know, it is essential for a federal government that there be a written constitution embodying the division of powers and

binding all governmental authorities throughout the federation. From it all state and federal authorities derive their powers and any actions they perform contrary to it are invalid (Wheare, 1963, p. 140).

He adds that a cardinal principle and essential ingredient of federalism is that no level of government is subordinate one to another, though there must be a central government. For this exercise, some important features of federalism are:

- (a) The division of powers among levels of government;
- (b) Co-ordinate supremacy of the two levels of government with respect to their respective functions;
- (c) Financial autonomy of each level of government.

The fact that all tiers of government are coordinates implies that if state authorities, for example find that the services allotted to them are too expensive for them to perform and if they have to call upon the federal authority for grants and subsidy to assist them, they are no longer coordinate with the federal government but subordinate to it. Consequently, financial subordination makes mockery of federalism no matter how careful the legal forms may be preserved. Each unit must have power to tax, borrow for financing its own services and harness its resources (Wheare, 1963).

Wheare's opinion has, however, been criticized for being too legalistic and failing to take cognizance of the environment and the interaction of socio cultural and political factors. Some critics opine that the third principle of Wheare's federalism can no longer hold.

In the opinion of Appadorai, a state is federal in form when in its structural arrangements, there is:

A central authority that represents the whole, and acts on behalf of the whole in external affairs and in such internal affairs as are held to be of common interest; and in which there are also provincial of state authorities with powers of legislation and administration within the sphere allocated to them by the constitution (Appadorai, 1975: 501).

It follows therefore, that a federal state is one in which a number of coordinate states unite for certain purposes - defence, trade, territory and culture, among others. Unlike the unitary form of government which emphasizes the permanent (habitual) exercise of supreme legislative authority by one centre, the federal system is built on the principle that government must be structured on the basis of the existence of multiple levels/layers of governments (Dode, 2008).

Dare (2003) opines that the term federal denotes some form of covenant or compact among the component states, and among the citizens of the various states to establish a

common civil order and notes that this is why in federations; a citizen is simultaneously under two levels of government.

Appadorai (1975) confirms this assertion thus:

In the area of citizen-government relationship, federalism authorizes the citizens to be subject to each level of government with the central government/authority representing and acting on behalf of the whole in external affairs and in such internal affairs that are held to be of common interest. On the other hand, the component authorities (governments) exercise some governmental legislative, administrative and other governmental powers on subjects either expressly and/or implicitly allotted to them by the constitution (Appadorai, 1975).

The study of federal states has led to the classification of federal practices into different types. Just as some have been categorized as “strong” or “weak” others have been referred to as “pseudo” or “quasi”, “centralist,” “militarist” or otherwise. The Nigerian federalism contradicts all known criteria for federations. The unitary inclined constitution for a federal form of government enhances the accumulation of the bulk of resources and political power to the centre, thereby making the states weaker in its bargaining activities with the centre.

The process of establishing a federal system may take place through integration of previously autonomous units, or through the disaggregation of a former empire. At the time of the compact, the component units agree to certain terms. These conditions which are usually in form of a written constitution place limits on the powers exercised by both the component units and by the centre. The various levels of government share power, and the right to exit from each level is not dependent on the convenience of the other. Consequently, each level of government can trace its rights, duties and obligations to the original compact. Ideally, these conditions must exist in some form before a political system can be classified as a federal (Dare, 2003).

Where the federal system does not collapse, it has been argued that there must be a constant effort to find ways to accommodate conflicts and build upon fundamental agreements in the society. Centralization has to be discouraged. Centralization is represented by policy responsibilities assumed by central government, and toward contraction of the policy responsibilities assumed by the component units of the federation. Centralization refers to the ability of the central government to exercise its authority in areas defined as provincial or regional, through a transfer from the constituent units to the centre or through the implementation of constraining mechanisms of conception, evaluation, orientation and/or control to which the provinces are subordinate (Rocher and Rouillard, 1997).

Issues in the Evolution of Nigerian Federalism: 1954-1966

The year 1954 remains a watershed in Nigeria's evolution into statehood. For whichever way the current crisis of legitimacy of Nigerian state is resolved, reference cannot but be made to the year when both the colonial state functionaries and the "nationalists" reached a consensus that federalism was the best form of power sharing for the nation – in the making. On the part of the British, it was the formula that assures their friends – the Northern oligarchy – of progress at their own pace. On the part of the other anti-colonial agitators from the South, it facilitated the consummation of a dream – the termination of British rule and the consequent realization of sovereign statehood. In the euphoria of the moment, little attention was paid to the dynamics of inter-ethnic competition for scarce state resources that was soon to be unleashed to undermine the process of national integration as the new republic crawled off (Gana, 2003).

While many African countries opted for unitary system at the time of their political independence, Nigeria adopted a federal arrangement reflective of the multi-cultural nature of the Nigerian society. The history of the various groups, prior to and during colonialism helped in shaping the differences among the various ethnic groups within the geographical border of Nigeria. At the time of Nigeria's independence in 1960, there were three regions. In each of these, a major ethnic group was dominant, while there were minority groups. In other words, none of the three regions was ethnically homogenous. Because of the existence of diverse ethnic groups each of which occupies an identifiable territory, the only political arrangement that could promote peaceful co-existence and reduce the fear of domination or assimilation was a federal one. It was therefore a matter of political necessity that Nigeria adopted a federal constitution (Dare, 2003). The federal constitution provided for devolution of powers to regions with the Exclusive Legislative List containing 28 items, the Concurrent Legislative List had 44 items, while Residual powers were vested in the regions, with a strong regional structure and vestiture (Alli, 2001).

Reflective of the prevailing state of inter-ethnic suspicion, the constitutional format of 1960 was one of a weak centre and strong regions. The regions had developed on their own during the dying days of colonialism. The regional leaders, namely: Ahmadu Bello, Obafemi Awolowo and Nnamdi Azikiwe had all been premiers of the Northern, Western and Eastern Provinces, thus, enhancing the legitimacy of the regional administrations. The centre was not as established as were the regions. In fact, the central government was created through negotiation by the regions, each attempting to protect regional interest. The premiers were protective of their turf, and only agreed to what would not erode regional powers and interest. All through the early days of Nigerian federalism, the centre was therefore, weaker than the constituent regions. It was this weakness that set the stage for the political crisis of the first Republic, which was then popularly blamed on regionalism (Dare, 2003).

The Military and Nigerian Federalism

On coming to power in January 1966, the military regime under Major-General Thomas Ironsi suspended the legislative and executive institutions in the regions and at the centre. Under Decree No 1, 1966, the Federal Military Government was given “the power to make laws for the peace, order and good government of Nigeria or any part thereof, with respect to any whatsoever”. The decree also defined the division of labour between the regional and federal governments. The Military Governor of a region could not “make laws with respect to any federal matter included in the Exclusive Legislative List”, nor could he “make any law with respect to any matter included in the Concurrent Legislative List” except “with prior consent of the Federal Government”. The Military Governor could, however, make laws with reference to matters in the Residual Legislative List. Regional laws attained expressions in edicts, while federal laws were called decrees (Elaigwu, 1979).

According to Elaigwu (1979), technically, the suspension of institutions of popular representation and the appointment of regional governors by the Head of the Federal Military Government gave the impression of a military system of government and was a violation of the principle of federalism. In actual practice, however, the regions remained virtually as autonomous as they had been in the civilian regime – except that the Military Governors were directly responsible to the Head of the Federal Military Government.

After five months in office, General Ironsi opted for greater centralization of power, through unitarism. This was given political expression by Decree 34, of 1966, which made Nigeria a unitary state. Part of the provisions stated thus:

Nigeria shall on the 24th of May, 1966,...cease to be a federation and shall accordingly as from that date be a republic by name of the Republic of Nigeria, comprising of the whole territory which immediately before that day was comprised in a federation (Constitution Suspension and Modification Decree No. 34).

The former regions were abolished, and Nigeria was grouped under territorial areas called provinces. Each former region was to be known as “group of provinces”. A National Military Government was established in place of the Federal Military Government. The government declared that the above decree was:

Intended to remove the last vestige of intense regionalism of the recent past and to produce that cohesion in the government structure which is so necessary in achieving and maintaining the paramount objective of the National Military Government national unity (Constitution Suspension and Modification Decree No. 34).

The same decree unified the civil service in the country, and stated that "as from the appointed day, all officers in the civil service of the Republic in a civil capacity shall be officers in a single service to be known as the National Public Service..." (Constitution Suspension and Modification Decree No. 34).

In practice, the decree hardly changed the structure of the country. But the unification of the civil services threatened the security of the North. Between May and July, 1966, there were series of uprisings in the North in which people of the former Eastern Region, mainly Igbo, lost their lives. The suspicion continued among various Nigerian groups. Extra-military social cleavages had not only found their way into the military institution since January 1966, but had heightened inter-group insecurity in the institution. In July 1966, the Northern soldiers in the army staged a counter coup which resulted in the overthrow of the General Ironsi's led administration and the emergence of then Lt. Col. Yakubu Gowon as the Head of State.

On the 27th of May, 1967, Lt. Col. Gowon, declared a state of emergency throughout the country, assumed full dictatorial powers and without even a meeting of the Supreme Military Council (the military legislature) sub-divided the Nigerian federation into twelve states. By the States (Creation and Transitional Provisions) Decree No. 13 of 1967, Gowon changed fundamentally, the administrative and fundamental structure of the Nigerian federation (Asobie, 1996).

The Nigerian Civil War and Hyper Centralization

The causes of the Nigerian Civil War, as of many other monumental socio-political events, were complicated and multi-faceted, reflecting a complex repertoire of historical, structural and institutional factors. The war was not an isolated event, but the tragic culmination of trends and tendencies dating back to the "amalgamation" of the Nigerian multi-ethnic groups under British colonial hegemony in 1914. Because it was established arbitrarily and artificially by the British, the Nigerian state was a paradigm of ethno-cultural fragmentation and differentiation. The apparent rationale for the British attitude was the need to protect the conservative, pro-British political class of the economically backward North against domination by the political elite of the more modernized South. Yet the lopsided, regionalist, federal structure engendered profound ethno-regional political disaffection and polarization, including fears of permanent Northern hegemony, which inevitably and predictably convulsed the country's first post-independence civilian regime from 1960 to 1966 (Suberu, 2002).

It should be noted that the July 1966, counter coup restored Northern control of the federation under the leadership of Lt. Col. Yakubu Gowon, who repealed General Ironsi's military decree and restored the system of regional federalism. Some of the federal violations of powers were directly the result of the civil war and the creation of states. But once taken, these actions could hardly be reversed. Beginning from 1967, by a number of decrees, the Federal Military Government took over some functions which hitherto belong to the states. Thus, by Decree No. 17 of 1967, (that is the Newspapers Prohibition and Circulation Decree), the Head of the Federal Military Government

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conferred on himself the power "to prohibit any newspaper". By Decree No. 32 of 1968, that is Investigation of Assets (Public Officers and other Persons) Decree, the Federal Military Government acquired the power to inquire into assets of those politicians who held office in the civilian regime throughout the federation. This represented an encroachment of the powers of the regional or state governments which had the responsibility of probing public officers under them (Asobie, 1996).

Some other measures were also introduced under Gowon which represented transfer of state functions to the federal government. It transferred secondary and primary education from the Residual List to the Concurrent List. Also, university education was transferred from Concurrent List to the, Exclusive Legislative List. The federal government grew steadily in its administrative powers at the expense of the states. There is no doubt that the presence of the military accounted for the relative ease with which constitutional amendments were made through decrees. In the civilian era, long procedural hurdles through the federal legislatures were required for constitutional amendments (Elaigwu, 1979).

The abolition of the former regions also made it necessary for the federal government to take over the payment of scholarships offered by these governments. Similarly, the federal government took over the payment of pensions for expatriates previously paid by the former regions. Administrative problems in servicing certain projects in the former Northern region, necessitated federal government takeover of the financing of the Ahmadu Bello University, hides and skin and leather project, laboratory investigation service, locust control; meat inspection; motor licensing, birds control; soil conservation project and so on (Elaigwu, 1979).

The Military and Revenue Allocation since 1966

Like state-creation process, the revenue allocation system has been plagued by severe perversities and controversies. A fundamental pathology of this system is the huge vertical fiscal imbalance in inter-governmental relations arising from the domination of the Nigerian political economy by the centralized collection, appropriation, disposition or administration of oil revenue by the federal government. The concomitant overwhelming dependence of the sub-federal tiers on federal revenue sharing makes mockery of Nigeria's federalist institution, pretensions or aspirations. Thus even in the Third World standards, the degree of financial dependence of the Nigeria states on federally collected revenue is extraordinary (Suberu 2002).

Changes in the nature of fiscal federalism were among the most dramatic consequences of the civil war and military rule in Nigeria (Rupley, 1981). Prior to the civil war, the Nigerian revenue allocation system was significantly decentralized, with a clear demarcation between different federally collected revenue sources, and the redistribution of these revenues largely (although by no means, exclusively) on the basis of regional derivation. Thus, under the revenue allocation system in operation on the eve of the civil war, 100 per cent of all export duties and the import and excise duties on tobacco and motor fuel, as well as 50 per cent of all mining rents and

royalties, were returned to the region of derivation. The Federal Military Government's Petroleum Decree No. 51 of 1969 vested into the federal government "the entire ownership of all petroleum in, under and upon any lands" in the Federation (Suberu, 2002).

With the creation of 12 states, the Distributable Pool Account was re-allocated to reflect the 12 new states structure and revenue was shared among the new states. The allocation among states was not based on any uniform principle nor was it done on the basis of the principles (derivation, population, need and even development, etc.) used previously in allocating revenue among the regions. Beginning from June 1967, the federal government retained about 58.4 per cent of the federally collected revenue while the regional/states took the remaining 41.6 per cent. The Civil War time developments also resulted in the setting up of the Dina Committee on Revenue Allocation. The Committee made far reaching fiscal recommendations which were rejected at the end of the day by the federal and state governments (Uwatt and Umoh, 2003).

With the dislocation of the autonomous but perfectly operational regional federal system and its replacement with a command-oriented unitary arrangement, the stage was set for the reconstruction of the Nigerian polity. It was also time for redefinition of equity, a new revenue allocation formula and an all-out offensive against, and pacification of oil producing areas of the Niger Delta regions. The changes in the fiscal policy were strengthened in 1971 by the federal government's distinction between revenue from on-shore and off-shore production of oil, and the decision to take over "all royalties, rents and other revenues" from off-shore oil production. Revenue which on the principle of derivation, had accrued to those states whose shores oil was produced now went to the federal government.

The federal government went on to make several other changes in the fiscal structure. A reform of the Marketing Board system in 1973 had the effect of depriving the states of one of their independent sources of revenue. Between 1954 and 1973, the Marketing Boards were regional corporations, exploited by the government of the regions (and the states after 1967) for revenue purposes. The Boards remained a definite source of state revenue until April, 1973, when the federal government took over the former national agent of the Marketing Boards, the Nigerian Produce Marketing Company (NPMC). Consequently, the Marketing Boards inversely became agents of NPMC for the purposes of purchasing produce from the farmers. The Boards earlier functions of generating surpluses from their operations and converting these into government revenue ceased. The federal government became the price fixing authority for export crops with the aim not of accumulating a surplus over the above "producer prices" but of encouraging production by a redistribution of incomes among primary export producers (Oyovbaire, 1978).

By 1979, however, the relatively decentralized system of revenue allocation had been transformed into a highly centralized regime in which all federally collected revenues

were consolidated into a single "Federation Account", which was then disbursed between and among the levels of government on the basis of criteria that gave little or no recognition to the derivation principle. The move towards centralization and the downgrading of the derivation rule was significantly reinforced by the implementation, during April-September 1979, of the main proposals of the Oyetunji Aboyade Technical Committee on Revenue Allocation. The Aboyade scheme recommended the consolidation of all federally collected revenue into a "Federation Account", which would be shared in the proportion of 60, 30 and 10 per cent between the centre, the states and the localities respectively (Oyovbaire, 1978).

The federal government has become a regular and monthly paymaster, and the states, its waste pipes, accounting to no one in particular, not even to its subjects or itself. Many otherwise vibrant and enterprising nationalities have been reduced to beggarly, unproductive entities living off the central government. Commodity and raw material produce for which Nigeria had been famous have been neglected and ignored. What is in place is a skewed federal revenue allocation formula that emphasizes land mass, need, population and other weird factors, rather than derivation, for sharing the national cake. It is perfidious arrangement that reflects the greatest injustice in the national system. As successive military dictatorships sought legitimacy and local support, they created more states without regard for viability and consideration of the nation's macro economic conditions. The federal spirit encapsulated by earlier constitutions has been totally negated by military administrations that have persistently claimed exclusive and exhaustive knowledge of the Nigerian conditions and confusion created over the years by the barrack's messiahs (Alli, 2001).

Nigeria witnessed its third military coup in July, 1975, and General Murtala Mohammed became the Head of State. Perhaps, trying to douse off tension and domination, Gen. Mohammed created additional seven states thus, bringing the number to nineteen. However, though additional states were created, the power structure remained centralized. Thus, the Supreme Military Council was the highest ruling body, and it continued to fuse both the executive and legislative powers of governance. The regime was regrettably too short for one to predict what steps it could have taken in entrenching true federalism in Nigeria (Odje, 2002).

On the 13th of February 1976, following the assassination of Gen. Mohammed, General Olusegun Obasanjo emerged as the fourth military leader of Nigeria. He pledged to continue with the policies of late Gen. Mohammed, consequently, he administered the country through military fiats otherwise called Decrees. The legislative and executive powers were, as usual, vested in the Supreme Military Council (Joseph, 1995). On the 28th of March, 1978, a severe blow was thrown into the federation of Nigeria by virtue of the Land Use Decree. Hitherto, states were at liberty to regulate land transaction, and dealings, and this was in consonance with the principles of federalism. The Land Use Act, abolished the pre-existing land tenure systems (subject to some exceptions) and vested all lands in the state in the Governor, who is to hold same in trust for an on behalf of the people of the state. By this decree,

the Federal Military Government centralized and regulated all and dealings and transactions in the whole Nigeria. Thus, Nigeria now has only one regulatory law in respect of land transactions. The reasons for this it was thought was to unify various land tenure systems in Nigeria and discourage land speculators (Agedah, 1993).

General Obasanjo also created certain federal bodies which ought to have had their counterparts at the state levels as well. The creation of a centralized Federal Electoral Commission (FEDECO) was politically chauvinistic. The states ought to have been empowered to create a state equivalent of FEDECO, now Independent national Electoral Commission (INEC). A situation where elections into Local Government Councils were being conducted by a federal body should not suffice in true federalism (Akpan, 2006).

Even though Nigeria experienced civil rule headed by Alhaji Shehu Shagari, between the 1st of October, 1979, and the 31st of December, 1983, the administration's activities were regulated by the 1979 Constitution which the previous military administration framed. Moreover, the new administration simply stepped into an existing centralized system. According to Odje (2002), the constitution had 279 sections, and though it was enacted on the plank of federalism, regrettably however, after a holistic review of the said sections, the word "federalism" meant little or nothing to that document, federalism was enshrined therein only in name. The items on the Exclusive Legislative Lists were 66. Additions of 24 items were transferred into the Exclusive Legislative List. Some were even removed from the Concurrent Legislative List of past constitutions for this purpose. About 10 items on the Concurrent Legislative List of the 1960 and 1963 constitutions were transferred to the Exclusive Legislative List of the 1979 constitution.

The politicians did not learn their lessons during the Second Republic. The same accusations of corruption, "tribalism", rigging and so on, that characterized the politics of the 1960s all found their way into Shagari's government. After the elections results of 1983 were announced, tension mounted, prompting accusations and counter-accusations of widespread rigging, and intimidation of political opponenst. This set the stage for the fourth military coup in Nigeria on the 31st of December, 1983. The military usurpation of power was to remain for another 16 years (from 31st of December 1983 to 29th of May, 1999).

On his assumption of power on the 31st, 1983, Gen. Muhammadu Buhari immediately promulgated decrees which suspended and modified the 1979 Constitution. Again, the dubious appendage of "Federal Military Government" was retained in spite of the highly centralized structure of the military government. Although this paper is not primarily concerned with fundamental human rights of Nigerians during the regime, it must be noted that Gen. Buhari's regime, was involved in human rights abuses, suppression of press freedom. Absolute power was vested in the Head of State with the traditional requirement of consultation with the Supreme Military Council. Nigerians under this administration were governed more as conquered people than as a sovereign

state. Military orders were issued to all and sundry, be it a military administrator or a civil servant (Akpan, 2002). The Gen. Buhari's military administration adopted the unitary structure of military governance to the fullest. Thus, there were really no conflicts in terms of states and federal military government, because Gen. Buhari (with the Supreme Military Council) arrogated to themselves all powers, including those in the hitherto Concurrent Legislative List in the 1979 Constitution.

On the 27th of August, 1985, General Ibrahim Babangida, overthrew the Buhari's government and declared himself the Military President. Even though the unelected president initially addressed some unpopular policies of the previous regime, he nevertheless retained all the legal structures of the Buhari's administration. Just like the Buhari's regime gained notoriety by its "reign of terror" and fear, the Babangida's administration was characterized by political insincerity and the lust for power. The creation of two additional states was aimed at achieving "true federalism". The exercise reduced the fear of domination of one ethnic group by the other. However, the "President" was bombarded on the issue of true federalism and resource control. These were channeled through political aspirations; and at times, by an attempt to forcefully take-over the country (Odje, 2002).

By 1992, as part of the transition to civil rule, Gen. Babangida remained an unelected Military President, while there were equally democratic structures underground. For instance, the national and state legislatures, governors and their deputies as well as elected local government council chairmen. This was described as "diarchy styled democracy" (Ayoade, 1992). This was the first time in Nigeria's chequered post-independence history that this system was being practiced. Odje (2002) therefore, argues that since Gen. Babangida, equally involved the traditional rulers in his political plans, it became a tripartite power structure (of unelected military president, elected democrats and traditional rulers), he explains that it was no longer diarchy but trichotomy.

In reaction to this development, Anyanwu (1998) notes that "it only demonstrated the macabre dance of a confused and expired military ruler who paradoxically wanted to leave office by remaining in office". This fusion of political structures, naturally led to the circumscription of the powers and functions of the elected legislature and executive.

Anyanwu adds:

Babangida inaugurated the Assembly on the 5th of December, 1992 and emasculated it. He put into effect a new law called "National Assembly (Basic Constitutional and Transitional Provisions) Amendment Decree Number 53 of 1992". By this decree, the legislature's law-making function was both circumscribed and usurped by a military executive. National Assembly was allowed only limited responsibility....Twenty nine items over which constitutionally it had powers to make law were declared off-

limits for the National assembly...the legislature was reduced to a playground in which children were spoon-fed and kept "engaged" by a crafty military class. The National Defence and Security Council (NDSC) continued to exercise most of the legislative powers of the National Assembly. The arrangement was such that bills passed by the National assembly would become law only after the approval of the NDSC and the endorsement of the Military President. Amidst all these, a transitional council led by Chief Ernest Shonekan was set up (Anyanwu, 1998, p. 23).

As it is well known, Gen. Babangida annulled the June 12 presidential elections believed to have been won by Chief Moshood Abiola, and "stepped aside" on the 26th of August, 1993. By that action, Chief Ernest Shonekan administered the Interim national Government from the 26th of August, 1993 to 17th of November, 1993 (Anyanwu, 1998).

On the 17th of November, 1993, Gen. Sanni Abacha assumed leadership of Nigeria as its seventh military ruler. What looked like mere hand over was later converted into a military coup in the true sense of that word. This was because the maximum ruler abolished all the hitherto existing political structures under Babangida's regime by military fiat vide Decree 107 of 1993 titled "Constitutional (Suspension and Modification) Decree of 1993". The most disrespectful strike by Gen. Abacha was the confinement of the untested 1989 Constitution by his predecessor to our constitutional dustbin. The disguised unitary structure of the military governance was sustained by Gen. Abacha. Some elements of Gen. Ironsi's Decree No. 34, of 1966, find itself in sections 2 (1) (2) (b) of Decree 107. From that section and its subsections, it became apparent that even in the matter of the Concurrent Legislative List, the Military Governors were obliged to seek the consent of the Head of State before he can legislate on the items. This however was very outrageous in a true federalism (Odje, 2002).

Many things happened during the "reign of terror" under Gen. Abacha, which are not central to this discourse. However, it should be added that under Decree 25 of 1994, Gen. Abacha's government established the Petroleum Trust Fund for the infrastructural development of the country. The establishment was bedeviled by corruption, apathy and ethnic politics. Also Gen. Abacha's self-succession bid became his albatross.

The demise of Gen. Abacha, brought another northerner, Gen. Abdulsalami Abubakar to the saddle on the 8th of June, 1998. His administration did not depart from the centralizing trend instituted by the previous military administrations. Like his predecessors, Abdulsalami, with a stroke of the pen, rolled out a new transition programme vide Decree No. 34 of 1998 titled "Transition to Civil Rule (Political Programme) Decree" which commenced on the 11th of August, 1998. In the light of previous transitional failures, Nigerians were highly skeptical of the promises he made in respect to handing over power to civilian administration. However, through his

instrumentality, the military relinquished power on the 29th of May, 1999, to a democratically elected government headed by Chief Olusegun Obasanjo.

The advent of Chief Obasanjo, a former military ruler did not impact on the practice of federalism particularly in the area of fiscal federalism. For instance, despite the clear constitutional provisions guiding the implementation of the 13 per cent derivation to oil bearing states, Chief Obasanjo's led federal government refused to implement this fiscal regime. In February, 2001, Federal Government filed a suit against the thirty six State Governors. The basis of their argument was that off-shore oil production should not be taken as production within the contiguous state rather; such production should be credited to the Federal Government since the production is done within the Nigerian territorial waters of the Nigerian Continental Shelf or within the Exclusive Economic Zone (Okpong, 2002). By this action, President Obasanjo re-introduced the on-shore/off-shore oil dichotomy in the sharing of federally generated revenue. This resulted in many years of what is referred to as "the resource control" controversy between the federal government and the oil bearing states (Akpan, 2016).

Indeed, the federal government became very powerful and overwhelmed the functions of the states in many areas. During the period, military methods were sometimes adopted in solving federally generated problems. After the tenure of Chief Obasanjo in 2007 came the Yar' Adua/Jonathan's administration, which ended on the 29th of May, 2015. Beginning from the date, a retired military officer, Gen. Muhammaud Buhari came on board as a civilian president. The long years of military induced damage has amplified the persistent calls for restructuring of the polity. Restructuring in the generic sense means a significant modification or a drastic or fundamental internal change that alters the relationships between different components or elements of an organization or system. In the Nigerian political sense, this could be seen as situation whereby more freedom has to be allowed to the constituents of the Nigerian federation to be in charge of their affairs while the central government retains control of only those areas of national affairs where sovereignty confers superiority and exclusive jurisdiction on it (Punch, September, 16, 2016, p. 16).

Conclusion and Recommendations

The origin of Nigeria's federalism is a reverse of the American system in both concept and intent. The American federalism is a coming together, by the free choice of small strong units under one umbrella. The original purpose was confederation, graduating to federalism with each small but strong unit yielding some means of power and structure to the federation. The Nigerian federation started the other way round, first as protectorates with provinces, then as regions and subsequently quasi-states or unified states. As regions, each was autonomous with the North both, as a geographical and political bloc, constituting by questionable design, 50 per cent of the constituent regions of Nigeria. As this paper has shown, the federal form which survived that military onslaught and on the basis of which the country precariously persisted as an entity, has never since regained its true essence. Till date, the concentration at the

centre, of formidable array of legislative and other responsibilities remains one of the disruptive heritages of the military rule in Nigeria. Put differently, since the disengagement of the military from governance in Nigeria, the orgy of centralization has been perfected and constitutionalized.

Indeed, the way forward lies in the idea of restructuring of the Nigerian polity. Restructuring would ensure the development and growth of the federating units. This stance is justified by the prevailing practice before the military intervention in 1966. The increasing wave of agitations and militancy across the country are clear indications that the present system has to be significantly modified to ensure drastic fundamental internal change that alters the relationships between different components or elements. More freedom has to be allowed the constituents of the Nigerian federation to be in charge of their affairs while the central government retains control of only those areas of national affairs where sovereignty confers superiority and exclusive jurisdiction on it.

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