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THE RESTRUCTURING DEBATE AND THE NIGERIAN FEDERALISM: A PERSPECTIVE

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ABSTRACT

In recent times, the debate for the restructuring of the Nigerian polity from the bloated dysfunctional political and economic structure has generated tremendous interest from many quarters. The advocates for restructuring are calling for the devolution of powers from the central government to the states. They note that issues such as the creation and operation of local government, policing, revenue sharing, etc., currently superintended over by the Federal Government should be reviewed. On the other hand, those opposed to the idea opine that it is a veiled attempt at the balkanisation of the country. The paper discovers that the call is in tandem with the practice of federalism. Indeed, between 1954 and 1966, when Nigeria practised federalism, the existing regions were constitutionally empowered with sufficient resources to engage in many meaningful projects in their respective domains. Unfortunately, the military truncated the system and introduced the present skewed system that makes the central government very powerful while the states act as beggars. It concludes that the National Assembly should amend the 1999 "military oriented" constitution as an interim measure and thereafter a National Conference should be organised where all stakeholders in the Nigerian project would collectively negotiate and re-configure the structure of the polity to inject the principles of competition, justice and equity that would engender peace, harmonious co-existence and development. It adopts a historical analytical methodology.

Keywords: Restructuring, Federalism, Nigeria, Development

1. INTRODUCTION

About a century after the amalgamation of Nigeria and 57 years after its independence, there is still strong and persistent clamour by some interest groups across the nation for the restructuring of the existing political and economic arrangement. The advocates posit that restructuring is inevitable if the nation must remain an indivisible and indissolu-

ble entity. The clamour comes on the heels of the Nigerian federalism almost totally assuming the features of a unitary system of government. It has been pointed out that the prevalent unitary structure that masquerades like federalism is the aftermath of many years of military rule which resulted in the truncation of the 1963 Republican Constitution. It is contended further that Nigeria as it cur-

rently stands is unworkable and cannot, therefore, experience sustainable development unless a fundamental restructuring is undertaken.

However, those on the opposite direction of the restructuring idea, posit that Nigeria does not require any form of restructuring particularly in view of the prevailing climate of mutual suspicion among the component units and that such venture would result in the disintegration of the polity. Initially the call was pioneered by advocates from the Southern part of the country until some influential personalities from the North, including a former military president and a former vice-president joined the restructuring band-wagon.

Indeed, the idea of restructuring has been given different interpretations, but the underlying philosophy is tied to the practice of federalism. Federalism is a system that divides power between a national (federal) government and states and local governments, otherwise known as component units. Consequently, in a federal system, each level of government is autonomous and share certain functions. For instance, both the federal and state governments have the power to collect tax. However, only the Federal Government has exclusive jurisdiction over issues such as defence, immigration, currency and external affairs. An authentic federation allows the representatives of its national communities to engage in dialogue and bargaining about their interests, grievances and aspirations. This is necessary because such dialogue is a prerequisite for the development of cooperative practices. On the other hand, a unitary state is one that is organised (constitutionally) in a way that there is a single, very powerful central government

and weak units. Under a unitary form of government, the central government or authority is supreme over the whole. Unitarism therefore, is a "habitual exercise of supreme authority by one central power (Dode, 2008).

It should be noted that there are many dimensions to restructuring, some of which include: political restructuring, educational restructuring, social restructuring, accounting restructuring, administrative restructuring, security apparatus restructuring etc (Bello, 2017). This paper is concerned primarily with the devolution of power, which means a scenario whereby more powers are constitutionally assigned to component units to engender development in line with the spirit of federalism.

This paper is divided into eight sections. Section one is the introduction, section two explains the meaning of restructuring, section three discusses the background to the emergence of the Lyttelton's Constitution, section four looks at some federalist provisions of the Lyttelton's Constitution of 1954, section five examines some federalist provisions embodied in the Independence and Republican Constitutions, section six discusses the role of the military in the unworkable Nigerian federalism, section seven provides the rationale for restructuring, while chapter eight is the conclusion.

2. THEORETICAL FRAMEWORK

In the study of politics, some identifiable theories or framework of analysis may be adopted. Some of the theories include: philosophical approach, political theory, group theory, elite theory and systems theory. The framework adopted serves as a perspective from which to view the issue at stake.

This study adopts the systems theory as postulated by David Easton. The framework views the political process as a "system of interaction". A system is a set of objects or elements standing in some characteristic process. It is a collection of diverse parts which serve a common purpose. The notion of system, which has been borrowed from the natural sciences, explains the relationship that exists among the different units in the political process. All the parts in a system are inter-dependently co-joint with each other and this contributes to the stability of the system. Therefore change in one part affects the performance of other parts either functionally or dysfunctionally (Udokang, 2006).

Indeed, Easton's systems theory considers the political system as interactive elements which contribute to "the allocation of values for a society. The political system is therefore seen as comprising all aspects of society that directly or indirectly affect governmental process institutions and persons who are logically and behaviourally related to each other and to the governing process. In this regard, inputs in the form of demands and support are received from the environment (individual, groups, and institutions) and converted (by governmental institutions and processes) to outputs (governmental policies, declarations, communiqué) which are "authoritative and binding".

Outputs attract some form of feedback and enable the government to correct their behaviour and discover new ways of dealing with problems. Thus, the feedback mechanism keeps the government well informed about the effectiveness of its policies and actions. As explained by Easton, every political system

is made up of inputs, conversion, outputs and feedback mechanism. Inputs in the political system are all the claims, pressures, influences, requests and demands generated by individuals and groups. Inputs also involve support granted the government in order to keep the system working, they are raw materials for the government. The conversion mechanism which could be called stages of decision-making transforms the claims, requests and desires of individuals and groups. Thus, the inputs are aggregated by the government (the executive, legislature and judiciary) and sent out as policies, services and declarations. Policies/decisions are the outputs emanating from the political system embodying the laws, rules and decisions formulated by the government. The feedback mechanisms recycle the outputs from government and relay them to the society, which go a long way towards influencing further inputs into the system (Udokang, 2006).

Within the context of this discourse, the agitation from the various parts of the country and for restructuring represents the inputs. It is therefore, the place of the Nigerian leaders, particularly in the executive and legislative arms of government to convert it into policy decision, by enacting requisite laws in this respect. That would represent the out puts. Indeed, within this perspective, the restructuring agitation is in order.

3. THE MEANING OF RESTRUCTURING

As the word implies, restructuring is a process of re-arrangement, re-organisation or reformation of the manner or way in which something (in this case governance) is done. As used in the Nigerian political lexicon, restructuring

refers to the modification of the system of governance to guarantee the socio-economic, political growth and development of Nigeria. It involves devolution (decentralization) of power for greater functionality, national integration, rapid economic and social reconstruction (Adeyeye, 2017).

In examining political restructuring, which is the crux of the latest agitations concerning the Nigerian federation, restructuring could be seen as a situation whereby much freedom is granted 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 upon which sovereignty confers superiority and exclusive jurisdiction. It is believed that with fiscal federalism, the federating units will become more active and productive in terms of development. It is a process of increasing or decreasing the number of component parts that make up a system and re-defining the interrelationship between them in such a way that the entire system performs more effectively; it does not in any way suggest balkanization of the polity (Ikemintang, 2017; Bello, 2017).

4. BACKGROUND TO THE EMERGENCE OF THE LYTTTELTON'S CONSTITUTION

Afigbo (1989) has divided the evolution of Nigerian federalism into three epochs: the period of "informal federation" (1900-1946); the first phase of "formal federation" (1946-1966); and the second phase of "formal federation" (1967 to date). These three periods, unlike the pre-colonial epoch, have been marked by intense rivalries among the ethnic nationalities in the country.

Some turbulence of governance was associated with the emergence of the Nigerian state following the amalgamation of 1914 up to the promulgation of the Macpherson's Constitution of 1951. However, the year 1952 was of relative calm in the political history of the nation as ethnic or inter-party strife was avoided; the impression was given by Nigerians that they were giving the 1951 constitution a fair trial. From 1953 onwards, the House of Representatives witnessed turbulent sessions as the tempo and intensity of political agitation sharply increased, leading to the succession of dramatic events within and outside the central legislature (Osadolor, 2003).

The constitution was unsuitable to the prevalent conditions in the country because it was basically unitary in nature and granted extensive powers to the central government to exercise control over the regions. It proved unworkable one year after it came into effect. Apart from its structural weakness and manifest deficiencies, Nigerian nationalists were determined to drastically reverse the constitution. However, it was the motion moved by Anthony Enahoro of the Action Group on the 31st of March 1953, in the House of Representatives, Lagos, requesting for self-rule for Nigeria in 1956, that triggered political crisis and the threat of disintegration. The Northern members in the Federal parliament stoutly opposed the motion. Indeed, Alhaji Ahmadu Bello, the leader of the Northern People's Congress moved a motion for an amendment of the substantive motion, changing the proposed date from 1956 to "as soon as practicable". The debate on the amendment motion was bitter and tempestuous and the Action Group (AG) and National Council of Nigeria Citizens

(NCNC) members walked out of parliament. The Northern members were subjected to abuses by many Lagos residents and were sternly criticised by the vibrant Lagos press. The crisis culminated in a series of riots which lasted for four days in Kano, when the AG delegation visited the town to canvass for support for self-rule for the country and led to the death of 50 persons with more than two hundred others wounded. Shortly after the riots, the Northern House of Chiefs and the Northern House of Assembly passed an eight-point programme, which in effect demanded the dissolution of the Nigerian state (Olusanya, 1980; Osadolor, 2003).

In a bid to proffer a solution to the political crisis, the Colonial Secretary, Oliver Lyttleton, convened a Constitutional Conference in London from July 30 to August 22, 1953 to revise the 1951 constitution, originally expected to expire in five years. At the conference, a consensus for federal constitution was not reached by the leaders of the main political parties. The work of the conference was completed by a further conference in Lagos between January and February 1954 (Osadolor, 2003).

5. SOME FEDERALIST PROVISIONS OF THE LYTTLETON'S CONSTITUTION OF 1954

The legal framework or enabling law declaring Nigeria as a federation is the Nigeria (Constitutional) Order in Council, 1954. Section 3(1) of the order states thus:

The Northern Region of Nigeria, the Western Region of Nigeria, the Eastern Region of Nigeria, the Southern Cameroons and the Federal Territory

of Lagos shall be styled the Federation of Nigeria (Odje, 2002: 18).

According to Odje (2002), some of the features that pointed towards federalism under this constitution as well as those concretised from its predecessor, the Macpherson's Constitution, include the following:

- (1) There was established a Supreme Court for the Federation of Nigeria to be known as the Federal Supreme Court. It replaced the old Supreme Court established as far back as 1934 in a unitary system of government. The new Supreme Court was to be essentially a court exercising appellate jurisdiction, hearing appeals from the Regional High Courts. In that respect, it replaced the old West African Court of Appeal, hitherto, a Court of Appeal for all British West African Colonies of the Gambia, Sierra Leone, the Gold Coast and Nigeria. The Supreme Court was essentially a Nigerian court. It had original jurisdiction on constitutional matters referred to it. The Chief Justice of Nigeria was the President of the Supreme Court.
- (2) There was also established a High Court for each of the three Regions of the Northern, the Western and the Eastern: a regional judiciary, each with a Chief Justice and a Judicial Service Commission with a full complement of judges. The Chief Justice of a Region was appointed by the Regional Governor after consultation with the Chief Justice of the Federation of Nigeria.
- (3) There was also in each Region, the Regional Magistracy as well as the Customary Courts establishment

which were regarded as falling within the residue of powers and functions.

- (4) There was set up Public Service Commission both for the Federation and for each of the Regions. It was the duty of the Commission to recruit personnel for the Services in the Federation in the case of the Federation and in the Regions, in the case of each regional commission.
- (5) On the basis of Montesquieu's doctrine of separation of powers, there was created, separation of powers between the legislature and the judiciary.
- (6) Each Region was granted a kind of regional autonomy. Consequently, each Region was treated as a separate independent country, which had willingly surrendered part of its sovereignty to the central or federal government and its legislature.

It is worthy to note that the leaders stood firmly against the abandonment of devolution of powers and functions from the centre to the Regions. This is still the basis upon which the clamour for restructuring is founded. Undoubtedly, in order to achieve "true federalism", there must be substantial devolution of powers and functions from the centre to the states in a federation.

Alhaji Ahmadu Bello, the Premier of the Northern Region, cited in Odje (2002) confirmed the imperativeness of the federal principle thus:

The first and most important point was to clear up the relations between the central government and the regions. The British government has already said that they would

agree to changes, and so it is up to the conference (i.e. the first London Conference) to decide the extent. It was agreed that the regions should be as independent as possible, and there was a long argument as to whether specific functions should be allotted to the centre or the regions. Indeed, the Northern proposal (styled "the eight points") to the first London Conference were designed to consolidate the idea of strong regions and a weak centre in the federation (Odje, 2002: 22-23).

6. SOME FEDERALIST PROVISIONS IN THE INDEPENDENCE AND REPUBLICAN CONSTITUTIONS

The 1960 Independence Constitution and the 1963 Republican Constitution adopted federal principles. Odu (2008) has listed the federal features enshrined in the constitutions as follows:

- (1) Each Region had its own constitution separate from the constitution of the Federal Government.
- (2) Each Region had its own separate Coat of Arms and the motto different from that of the Federal government
- (3) There was a separate judicial system for each region; each region established its own High Court and Regional Courts of Appeal. The Federal government had its own High Court and the Court of Appeal as well
- (4) Each Region had a bi-cameral legislature
- (5) Each Region established its own separate semi-independent mission in

the United Kingdom, headed by "Agents-General"

- (6) The regional government had residual powers, where any matter was not allocated to the Region or the Federal government; it automatically became a matter for regional jurisdiction. Thus, apart from items like aviation, borrowing of money outside of Nigeria, control of capital issues, copyright, deportation, external affairs, extraction, immigration, maritime shipping, mines and minerals, military affairs, post and telegraphs, railways, all other important items were in the concurrent list: the Regions had equal rights to legislate and operate on matters under the concurrent list. It is important to observe once more that everything outside of the exclusive and concurrent list was exclusively a matter for Regional jurisdiction.

An important feature of the 1960 and 1963 constitutions is the extensive powers granted the regions. The regions were autonomous entities. The revenue arrangements ensured that the Regions had resources to carry out their immense responsibilities. The striking differences in the 1963 Republican Constitution from the 1960 Independence Constitution were that the Queen of England ceased to act as the Head of State of Nigeria while appeals from the Supreme Court of Nigeria did no longer go to the Privy Council London.

- (7) Revenue allocation formula under the 1960 and 1963 constitutions was strictly based on derivation principle. Section 140 of the 1963 Consti-

tution which made provision for the sharing of the proceeds of mineral oil stipulates that:

There shall be paid by the Federal Government to a Region, a sum equal to 50 per cent of proceeds of any royalty received by the Federation in respect of any minerals extracted in that Region, and any mining rent derived by the Federal Government from within any Region (Odu, 2008: 15).

The regional constitutions, the 1960 and 1963 constitutions described each region as "a self-governing Region of the Federal Republic of Nigeria". To buttress the self-governing status of each region, adequate provisions were made to guarantee the economic independence of the region; thus, avoiding the hollowness of a declaration of self-governing status totally undermined by financial dependence. Moreover, consistent with the federal character of the country, - a country made up of many nations, the basis of revenue allocation was strictly derivative.

The 1963 Republican Constitution - section 140(1) and 14(b) - which made provision for the sharing of the proceeds of minerals including mineral oil stated that:

There shall be paid by the Federal Government to a Region, a sum equal to 50 per cent of the proceeds of any royalty received by the Federation in respect of any minerals extracted in the Region and any mining rents derived by the Federal Government from within any Region (Ode, 2004: 16).

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For the purposes of this section, the continental shelf of a Region was deemed part of that region. By section 136(1), 30 percent of general import duties was paid into a distributive pool for the benefit of the regions. With regard to import duties on petrol, diesel oil and tobacco, the total sum of import duties collected, less administrative expenses, was fully payable to the Region from which the petrol or diesel oil or tobacco was exploited. A similar provision was made for excise duty on tobacco. With regard to agricultural produce such as cocoa, palm oil, groundnuts, rubber and hides and skin, the proceeds of export duty were shared on the basis of proportion of the commodity that was derived from a particular region (Ode, 2008).

Through the constitutional empowerment, and in line with policies that suited their peculiar spheres, each region created a niche for itself. These disparate, but national development trajectories found a convergence in healthy competitions among the regions in the field of education, bureaucracy, judiciary and internal security expressed in regional policing. Remarkable evidence was the free education policy of the Western Region under the premiership of Chief Obafemi Awolowo, which was adopted in the East. Also when the Eastern Region established the University of Nigeria, Nsukka, in 1960, Ahmadu Bello University and the University of Ife (now Obafemi Awolowo University) sprang up in 1962 in the Northern and the Western regions respectively, in response to the challenge (The Punch Editorial).

During the period, Nigeria and indeed Nigerians lived a far higher quality of life than is currently being experi-

enced. In the absence of greed-driven and corruption-infested oil industry, the poverty rate was 16 percent. Now it is 75 percent. Agriculture accounted for 68 percent of the Gross Domestic Product GDP and some 80 percent of the export earnings. The economy of the Western Region outstripped that of Spain (Baje, 2016).

7. THE MILITARY AND THE FLAWED NIGERIAN FEDERALISM

Since the 1960s, the Nigerian constitutions have been suspended, written, re-written, doctored and mutilated repeatedly, in vital areas. They have changed as frequently as respective regimes sought, for their ego massage, to carve a name or place for themselves primarily and a niche for the military. Consequently, constitutions lack continuity and solidity for them to be taken seriously. The process was put in motion by General Aguyi Ironsi, Nigeria's first military Head of State and consummated by the subsequent military rulers (Alli, 2001).

As noted earlier, the founding fathers had hoped for a federation in which all nationalities would, and should develop and grow at their respective paces. The military however, struck at the depth of federal enterprise and replaced it with a cankerworm that has eaten to shreds the moral fibre of the nation's progressive federal enterprise. In effect, the discarding of the 1963 constitution was the destruction of the Nigerian federalism. The federal structure of the constitution and government provided for devolution of powers to the regions with the federal list containing 28 items, between the federal list and the regions 44 items, while residual

powers were vested in the regions, with a strong regional structure and vestiture. Decree 1 of 1966 aborted all that, imposing on a naive nation authority for the federal government to have the power to make laws for the peace, order and good government in Nigeria or any part thereof, on any matter. The Regional Governor could legislate on the items in the concurrent list only with prior consent of the Federal Military Government. Federal laws were called Decrees and regional, later state laws, were called Edicts. It established a Federal Council (Supreme Military Council) with specific functions but vested authority in the Head of State or Head of the Federal Military Government and Governors in the states. Based on this development, the sovereign state of the peoples of Nigeria was subtly subverted paving way for a command structure in later years in which an individual no matter how much he is manifestly inadequate, combined the triple functions of the executive, the legislature and the judiciary by indirect inference (Alli, 2001).

The overwhelming and unchallenged power by the unitary-structured military government manifested in the promulgation of decrees to enable it exercise maximum control over the resources of the nation. They included the Petroleum Decree No. 51 of 1969 which granted the central government ownership and control of petroleum in, under or upon any land in Nigeria, including land covered by water such as territorial waters and the continental shelf. The Exclusive Economic Zone Act of 1978 reaffirmed the sovereign and exclusive rights of the Federal government to all natural resources of the sea bed, the sub-soil and

superjacent waters in the Exclusive Economic Zone in the federal Republic of Nigeria, while Section 1 of the Land Use Decree of 1978 provided that: "...all land comprised in the territory of each state in the federation are hereby vested in the Governor of that state and such land shall be held in trust and administered for the use of common benefit of all Nigerians" (Odu, 2008).

With these and other laws, the central government gained access to the resources of the oil bearing communities and only allocate fractions of the earnings to them. Many otherwise vibrant entities and enterprising nationalities have been reduced to beggarly, unproductive appendages living off the central government. Commodity and raw materials produce for which Nigeria had been famous have been neglected and ignored. What is in place is a skewed federal revenue allocation formula that emphasises land mass, need, population and weird factors, rather than derivation, for sharing the national wealth. As successive military dictatorship sought legitimacy and local support, they created more states without regard to viability and consideration of the nation's macro economic conditions. This gave the majority ethnic groups greater and closer access to the wealth of others, particularly the Niger Delta resources. Meanwhile, the central government gains more aggregate power, in girth and scope and governance became an end, an industry in itself. The federal spirit encapsulated by earlier constitutions has been neglected (Alli, 2001).

States and local governments became politicised to favour a section of the country. For instance, on account of population the former Sokoto State has

been balkanised into three - Sokoto, Kebbi and Zamfara States. On the basis of equality of states principle, the area previously occupied by Sokoto State now gets more revenue individually. Moreover, on the basis of local government, the three states with 58 local government areas unjustly derive more revenue from the central pool. Kano and Lagos States started off with the same number of local government areas at creation in 1967. Jigawa State was later carved out of Kano State, Kano now has 44 Local Government Areas. Also, Jigawa has 27 Local Government Areas, while Lagos, the most populous state in the country with a population of about 21 million people has only 20 Local Government Areas. On account of equality of state and local government areas, the old Kano gets more from the federal allocation. This institutionalised injustice justifies the claim that the military which is dominated by Northerners deliberately structured the polity to favour the Northern part of the country. Gombe and Nasarawa States, two states in the North, possess about the size of Ijebu or Shagamu in the South West, but the former have been made distinct states with 24 local government areas even though Ijebu and Shagamu areas are more viable (Akpan, 2012; Nyiam, 2017).

Another area that exposes contradictions and a warped system in the federal system is in the sharing of the proceeds from the value added tax. Many states get money simply for contributing practically nothing. According to available statistics, Lagos State alone generates 55 per cent of VAT collected in the country, followed distantly by the Federal Capital territory, which contrib-

utes 20 percent. This means that the contribution from the remaining 35 states of the federation is just 25 percent. VAT returns from Rivers and Kano States is six percent respectively, meaning that the remaining 33 states jointly make a paltry contribution of just 14 percent. It has also been revealed that all the 214 people who paid up to 20 million Naira each as tax per annum were resident in Lagos, while of the 914 who paid between 10 million and 20 million Naira tax, only two were resident outside Lagos. Figures from Manufacturers Association of Nigeria also indicate that Ikeja Industrial Zone alone - not even the entire Lagos - accounted for 55 percent of goods manufactured in the country in 2016. However, the setting becomes unpalatable when it comes to the sharing formula. For the month of February 2016, for instance, while Lagos got 6.14 billion Naira, reports have it that Kaduna State, whose contributions were put at mere one percent, got 4.23 billion Naira, just as Kano and Rivers got 1.66 billion naira respectively (Nwankwo, 2016).

VAT, a tax levied on goods and services, is shared among the three tiers of government, with the federal government taking 15 percent, while the state and local governments share 35 percent respectively. With the present local government structure in the country, the Northern section of the country is placed in an unduly advantageous position because it has by far the greater number of local government areas. These are local government areas based more on land mass than on human population. Added to the problem is the inclusion of the 12 Sharia practicing Northern states in the sharing of VAT on

alcoholic beverages. *Hisbah*, the Sharia law enforcement agencies in these states, regularly confiscate and destroy alcoholic drinks. In 2001, a group known as Independent Sharia Implementation Committee destroyed more than 600 crates of assorted beer. On November 27, 2013, the *Hisbah* destroyed more than 240,000 bottles of beer in Kano. In January 2015, the Kano *Hisbah* Board claimed that it destroyed 326,151 bottles of beer. Despite these atrocities, these states still share in the revenue generated from alcoholic beverages (The Punch Editorial).

Since Nigeria's regional political structure collapsed in 1966, the central government has seized the responsibility of policing the entire country, drawing its authority from Section 214(1) of the 1999 Constitution, which established the Nigeria Police Force. According to this part, "...subject to the provisions of this, no other police force shall be established for the Federation or any part thereof". With the upsurge in criminality and terrorism, more than 100,000 policemen are almost permanently attached to public officials, the remaining 200,000 officers are not enough for general security duties. Fears in some quarters that state police will lead to break-up of Nigeria or be abused by Governors are pure hogwash. In the United States, each state has its own police, whose work complements that of the Federal Bureau of Investigation. The New York City police is one of the most respected internal security forces in the world in terms of operational efficiency. It is the city government headed by a Major, not the state Governor that funds and controls it. A similar structure exists in Australia and Canada, where counties,

provinces and regions operate their own police agencies. Nigeria is a federal republic, therefore, it should not continue to be administered as a military enclave where unitary or centrist tendencies govern national affairs (Etemiku, 2016).

At present, Nigeria is the only prominent member of the Forum of Federations that is maintaining a supposedly federal and only one police force to maintain law and order in a population of more than 180 million spread over 36 federating units and 774 local government councils. The United Kingdom has 45 territorial police forces and three special police forces. This does not include non-police law enforcement agencies or bodies of constables not constituted as police forces (Ikimitang, 2016).

Another inherent contradiction in Nigeria's federalism is the adoption of the present 774 Local Government Areas as part of the federating units. This is a clear breach of Chapter 1, Section 2(2) of the 1999 Constitution, which states expressly that "Nigeria shall be a federation consisting of states and a federal Capital Territory". Currently the North has 19 states, mostly unsustainable, while the South has 17 states, some likely, not sustainable as well. There are more senators and representatives from the North, who are constitutionally empowered to make laws that govern the conduct of all Nigerian citizens. Furthermore, the 19 Northern states have 419 local government areas, 58 Senatorial seats and 191 House of Representatives. Hence, the North reaps more through an unjust structure, policies and laws. This aberration was imposed on the 1999 constitution designed to favour the North at the expense of the South. The adoption of this flawed constitution

creates an unjust system that benefits through a constitutional means. The present Nigerian structure imposed by the constitution is unjust, inequitable, unfair and unbalanced and must be changed to address the challenges of the current disposition. The military constitutional imposition must be done away with alongside the unitary system which is counterproductive to a democratic form of government. Nigeria should be restructured to fast track economic growth and entrepreneurial productivity and development. Restructuring that is based on the principles of federalism seems to be the only solution (Ikimitang, 2016).

8. THE RATIONAL FOR RESTRUCTURING

Nearly 60 years after independence, the states in the country which ought to be autonomous constituent units of the federation still rely heavily on the central government monthly for economic bailouts. They are largely dependent on a mono-crop economy - crude oil of the Niger Delta. With this development, the resources in other parts of the country have been left largely untapped. The leaders of most of the states lack creativity. They have also not explored other money-spinning opportunities which economies of scale could give them. The result is that once oil sales suffer a hitch in the international market, all the states fail to meet their obligations to the people. The situation is made worse by the fact that crude oil is extracted and sold to other entities that add value and re-sell same to Nigeria at higher cost. Thus, an oil bearing nation like Nigeria still imports refined products for its daily operations.

Across the country, states are indebted to their employees, some in arrears of one year and above.

According to the 2014 internally generated revenue of states, Kebbi made 3.8 billion Naira, Ekiti, 3.4 billion Naira; Bauchi, 4.8 billion Naira; Sokoto, 5.2 billion Naira; Niger, 5.7 billion Naira; Kogi, 6.5 billion Naira; Imo, 8.1 billion Naira; Nasarawa, 8.2 billion Naira; Benue, 8.2 billion Naira; Osun, 8.5 billion Naira; and Plateau, 8.2 billion Naira. Yet some of these states have monthly wage bills that outweigh their monthly receipts from the Federation Account Allocation Committee. As the amount shared by the three tiers of government paled into insignificance because of the fall in the price of oil in the international market, about 27 states became insolvent and owed workers salaries for many months. Consequently, in the first quarter of 2017, these states got a 713 billion Naira bailout from the Federal Government (The Punch Editorial).

Previously, with the steady flow of revenue from the Niger Delta's crude oil, Nigeria's greatest problem as it were, was "not money but how to spend it". This mindset hindered the efforts at diversifying the economy. It also blinded the imagination and vision of the leaders against two possibilities: that crude oil would one day dry off, or its prices in the international market may dwindle. What preoccupied the leaders was how to loot and squander the available resources. At present, the nation has come to a crossroads. States are cash-strapped as a result of economic recession and as noted above, many of the states have become insolvent.

Since the restructuring debate came to the front burner, many interpretations have been given to it and many suggestions have also been made about the methodology that would ensure its realisation. Some pundits have suggested that Nigeria should be unbundled into the pre-civil war regional structure, others opine that it is the economy that should be restructured and not the political paraphernalia. There are others who have suggested that the six existing geo-political structure should form the template for the integration of the states in each geo-political zone. However, while regional integration like the coming together of the six South-West states as members of the Odua group, the envisaged integration of the South-East states would naturally allow the wealth and skills within each region to be maximized, there is nothing wrong in encouraging such voluntary geo-strategic enterprise.

It should be noted that this is only an aspect of restructuring. Restructuring advocates from the Southern part of Nigeria have insisted that the federal government should adopt and implement the report of the 2014 National Conference Report, which addressed many of the issues at stake. On the other hand the Northern leaders opine that the report was anti-North and should remain un-implementable. The federal government which is led by the All Progressives Congress, has not shown any interest in the Confab report, may be because it was engineered by a government led by the People's Democratic Party. Recently, the APC set up a "committee of restructuring", and charged it with the responsibility of undertaking a tour of some parts of the federation to gather

views of the citizens on the critical issues to enable it issue a report on the matter in line with the manifesto of the party.

One of the major problems plaguing the practice of federalism in Nigeria is the 1999 Constitution which is in operation at present in the country. The document is a product of a highly, hurried and closed process of review and re-drafting of the Constitutional Conference's original version of the 1998 Constitution. Major-General Abdulsalami Abubakar regime, which seemed too much in a hurry to hold elections and hand over power within the short time in 1999, relied on a very small circle of advisers to produce the constitution. This development is at variance with the popular idea of constitution making. Popular participation in constitution making confers legitimacy on the constitution and makes it a popularly acceptable sovereign document, deriving its power and authority from the people. In the particular case of crisis ridden post-colonial countries emerging from prolonged authoritarian rule, the constitution is supposed to create the basis for a new social contract and framework for peace and harmony, with the requisite stability for progress and development. Also, it is supposed to revive hope in a union brought about by colonial exigencies and nurtured in mutual suspicion engendered by colonialism and accumulation strategies of post-colonial elite. The best way to make the constitution a workable and acceptable document is to ensure that as many shades of opinion and interest as is possible are involved in its making. In fact, the process of bringing about a constitu-

tion is as important as the end-result (Jega, 2007).

Even though the ruling APC government has set up a committee on restructuring, the fact remains that implementation of its recommendations would still be hindered by the provisions of the constitution. In other words, the report may suffer the fate of the 2014 National Conference and related reports reached in time past. It is hereby suggested that the National Assembly should in the interim amend some of the most contentious aspects of the 1999 Constitution, while an inclusive National Conference should be convened by the Federal government before the 2019 general elections to enable Nigerians to dialogue on critical issues of nation building and arrive at just and acceptable solutions.

9. CONCLUSION

For quite some time now, there has been agitation by individuals and geopolitical groups for the restructuring of Nigeria. Advocates of the restructuring agenda insist on devolution of powers to the states, particularly through the reduction of the items in the Exclusive List in favour of the Concurrent List, development of a peculiar model of fiscal federalism, unbundling of local government system as a tier of government, creation of state police etc. It has been pointed out that Nigeria operated a balanced federal system particularly between 1954 and 1966 when the Lyttelton's Constitution was introduced in January 1966, and the military brought the First Republic to an abrupt end and also abrogated the 1963 Republican Constitution which was then in vogue. Since then, anti-federal policies resulting in the existence of a strong centre that

usurps the functions of the component units have prevailed in the polity. The subsisting skewed 1999 Constitution is seen as an offshoot of this political blunder (Akpan, 2017).

In 2014, the Federal government led by Dr. Goodluck Jonathan set up the National Conference to dialogue on crucial national issues and make recommendations to government. However, that administration could not act on the report since a new government came on board following the outcome of the 2015 presidential elections which Jonathan lost. The incumbent President Muhammadu Buhari has not responded favourably to the debate. His thinking, like some others is that the agenda poses a threat to the corporate existence of Nigeria. To this end he has stated categorically that Nigeria's unity is not "negotiable". However, like all pluralistic societies, Nigeria's corporate existence will always be a subject of intense agitation. This is more so as the country is an entity with more than 400 ethnic nationalities.

Undoubtedly, nearly six decades after independence, various cracks have emerged in the fabric and political architecture of the country that call for urgent, comprehensive and dispassionate reappraisal of the terms and principles of peaceful co-habitation for the sake of its corporate survival. The citizens need to strengthen the "glue" that holds Nigeria together through dialogue and negotiation.

Decentralisation is not an invitation to the breakup of the country and national unity should not continue to be confused with unitary and concentration of power and resources at the federal level. Democracy, anywhere in the world is a work in progress and one that

is subject to constant evolution and debate. Nigeria should continue to generate strength, determination and commitment from her heterogeneity and diversities and focus on common national goal. Nations are driven by a common ideal and not by homogeneity of their race. Somalia a homogenous conclave is one of the most troubled countries in

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