

APPRAISAL OF THE QUEST FOR RESTRUCTURING THE NIGERIAN FEDERALISM\*

**Abstract**

*Nigeria is a federation with numerous ethnic and diverse nationalities numbering about 250, and a very large population of more than 200 million people. Even though federalism does not have a single recipe for its practice, it must however, meet certain features and must be propagated to achieve its best practice and to achieve the set goals in a federation. This article x-rayed the factors bedeviling the Nigerian federalism and the quest for restructuring same, the challenges of restructuring in Nigeria and the benefits of restructuring. It was suggested that some items such as the police, oil mining and exploration, incorporation, business name, etc., should be moved from the Exclusive Legislative List to the Concurrent List. Again, the current sharing formula should be jettisoned, rotational presidency and governors, amongst other things. It is hoped that the socio-economic and political sphere of Nigeria would witness tremendous growth and improvement if the recommendations are carried out.*

**Keywords:** Federalism, Nigeria, Restructuring, Devolution and Challenges.

**1. Introduction**

Nigeria is a heterogeneous nation with series of ethno-tribal diversities and a verse population of about 200 million people.<sup>1</sup> Consequently, the British colonial administration chose federation as a system or concept of administration in the country in order to pave for ease of administration and development to various ethnic groups and the grassroots. However, some pundits have argued that the British colonial masters introduced federalism for their selfish interest. It is not in doubt that Nigeria is a federation.<sup>2</sup> The practice of federalism pre-dated the 1914 Lord Lugard's amalgamation of the Northern and Southern protectorates, even though the 1954 Lyttleton Constitution of Nigeria gave credence to Nigeria's federation. This is because the 1946 Richard's Constitution actually provided the initial framework for its existence.<sup>3</sup> Nigeria has had series of Constitutions before gaining her independence in 1960. The independence Constitution came into force on 1<sup>st</sup> October, 1960. The powers of the government were divided between the federal and regional governments. Similar provisions were made in the 1963 Constitution of Nigeria on becoming a federation in 1963. The 1963 Constitution was more of a re-written 1960 Constitution but with some minor changes. The 1963 Constitution actually devolved powers to the government at the center and the regions (sub-nationals). Many Nigerians have advocated that Nigeria should revert to the 1963 Constitution of Nigeria because the said Constitution recognized revenue allocation based on derivation which includes: derivation -50%; distributable pool-30%; federal government-20%.<sup>4</sup> Communities and regions benefited from revenue allocation from the various regions that produced certain commodities or mineral resources deposited in those regions.

The Constitution of the Federal Republic of Nigeria 1979 also retained the federal principle but deviated from the regional system of government. The federal Character, fundamental rights of the citizens, Council of States, etc, were introduced. Again, the Constitution of the Federal Republic of Nigeria 1999 (as amended) is the Current Constitution in Nigeria. It made similar provisions as in the 1979 Constitution retaining the Presidential system of government, fundamental rights, Federal Character, etc. The practice of federalism in Nigeria is antithetical to the tenets of the concept. Apart from the 1960 and 1963 Constitutions which devolved more power and autonomy to the regions with a view to paying royalties to the government at the Centre, the 1979 and 1999 Constitutions of the Federal Republic of Nigeria have conspicuously devolved more powers to the federal government of Nigeria, thereby leaving the component units with little or nothing to operate.<sup>5</sup> Whereas the 1960 and 1963 Constitutions granted autonomy to the regions, the 1999 Constitution of the Federal Republic of Nigeria (as amended) hereinafter referred to as the 1999 Constitution, gave enormous powers to the federal government of Nigeria<sup>6</sup> thereby systematically eroding the tenets of federalism. There is therefore, inadequacy of extant federalism framework in the Constitution and this has led to poor governance, insecurity, lack of autonomy to the sub-nationals, unemployment and socio-political and economic squabbles in the Country.

Flowing from the above, it is submitted that the gamut of the Nigerian federalism as it stands today, be jettisoned and the clarion call for restructuring should be heeded in order to guaranty a virile economic, socio-political advancement in the country, otherwise, Nigeria would risk disintegration. Although, there is no one recipe for

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\* **By Samuel UGBO, BL, LLM, PhD candidate, ACArb**, Email: samlegal2004 @ gmail.com; Tel: +2348080540346

<sup>1</sup> Collated in 2012 by the Nigeria National Bureau of Statistics. See also World Bank and United States Census, <<https://tradingeconomics.com>>accessed 29<sup>th</sup> May 2022.

<sup>2</sup> S.2 CFRN 1999 (as amended).

<sup>3</sup> D.Babalola, 'Fiscal Federalism and Economic Development in Nigeria: Contending Issues,' *Global Journal of Political Science and Administration*, vol.3 (2015)No2, p53.

<sup>4</sup> S. 140 Constitution of the Federal Republic of Nigeria 1963.

<sup>5</sup> Pt. 1, 2<sup>nd</sup> Sch. to CFRN 1999 (as amended).

<sup>6</sup> Ibid.

federalism, it is pretty clear that if the challenges of lack of extant federalism principles continues to hold sway in Nigeria, it poses a great danger that is capable of causing unabated economic and political havoc in the country.

## **2. The Scope of Federalism**

Oftentimes, so many write-ups on the concept of federalism starts with the issue that federalism lacks a standard definition. The implication of this is that there is no one recipe for federalism in the universe. What it means to a people in one country may be different from what it means to the people in another country. Thus, Omoregie posited that social scientists involved in federalism studies appear to be most solely culpable of the pitfall of denying the federalism favoured by social scientists but preferred the one by the legal academy.<sup>7</sup> The rationale behind favouring the definition by the legal academy is not far-fetched. The practice of federalism means a lot to different people. As stated earlier, how it is practiced or carried out in country 'A' might be different from how it is practiced in country 'B'. So, it means different thing to different people depending on the provisions of such country's Constitution or local circumstances.

Whare stated that 'federalism is the method of dividing powers so that the general and regional governments are each, within a sphere, co-ordinate and independent'. Again, Black's Law Dictionary defines federalism as 'the relationship and distribution of power between the national and regional governments within a federal system of government',<sup>8</sup> A federation is a league or union of states, groups, or peoples arranged with a strong central authority and limited regional sovereignties – though the individual states, groups, or people may retain rights of varying degrees. In *A.G. for Commonwealth of Australia v Colonial Sugar Refinery*<sup>9</sup> the court held that the natural and literal interpretation of the word 'federal' continues its appellation to cases in which States, while agreeing on a measure of delegation of powers to a Commonwealth government, yet in the main continue to preserve their original Constitution. Also, in *Federal Republic of Nigeria v Amache*,<sup>10</sup> the Supreme Court of Nigeria held that the definitions, meanings, concepts or constituents of federalism must be related to the manner in which it is adopted in any government's Constitution. The court further stated thus:

There is however, no universal agreement as to what is federalism. A federal government would mean what the Constitution says it means and this must be procured within the four walls of the Constitution only. Although, the word federalism may be knot in the theory of political science, it conveys different meaning indifferent Constitutions as the constitutional arrangement shows in the legislative unit.

Flowing from the analysis above, it is glaring that federalism means different thing to different people in different climes depending on the provisions of a country's Constitution. The Constitution of a particular country is therefore, the driving force of such country's practice of federalism; it determines how federalism can be practiced and propagated in particular country through an agreement always enshrined in the said Constitution.

Federalism originated from the word 'federal' which means *foedus* in Latin, meaning, covenant or agreement.<sup>11</sup> Every federation is unique; few generalizations can be about how and why federations are created and evolved. Some have arisen to bring together formerly separated units into a new country, or to re-arrange a previously unitary country and even a product of both process together.<sup>12</sup> Federalism has certain features, ranging from orders or tiers of government, a written Constitution which must be supreme over any other laws, separation of powers and checks and balance, devolution of powers to the other tiers of government, a virile judiciary, etc. It must however, be noted that not all the countries that practices federalism meets the above features of federalism. This is aching to the fact that the practice of federalism is subject to a country's local circumstances and Constitution.

There are different types of federalism. The identified types are: dual federalism, co-operative federalism, fiscal federalism, creative federalism, new federalism, symmetric and Asymmetric federalism, etc. Dual federalism refers to where the government at the center and the sub-nationals share but federal government holds more than the component units. This is what is obtainable in Nigeria where the Constitution of the Federal Republic of Nigeria 1999 (as amended) share or devolve power to the federal government of Nigeria and the sub-nationals but the federal government wields more powers to the detriment of the sub-nationals.<sup>13</sup> Again, co-operative federalism borders on equal sharing of powers between the central government and the component units. It is very

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<sup>7</sup>E.B. Omoregie, 'Nigeria, Between Re-Federation and Disintegration, Being a Paper Delivered at a Symposium with the theme: Critical Perspectives on Political Restructuring in Nigeria' (in the Department of Political Science, University of Pretoria, Halfeld Campus, South Africa 16<sup>th</sup> July 2018), 5.

<sup>8</sup>B.A. Garner (ed), *Black's Law Dictionary*, 7<sup>th</sup> edn (USA: West Group Publishing Co. 1999), 627.

<sup>9</sup> (1914) A.C. 237, p 252.

<sup>10</sup> (2004), 4 WRNI.

<sup>11</sup>Ibid.

<sup>12</sup> G. Anderson, *Federalism: An Introduction*, Special edn. For NBA Conference, (London: Oxford University Press, 2008), 7.

<sup>13</sup> See Pt.1 2<sup>nd</sup> sch. to the CFRN 1999(as amended), Exclusive Legislative List.

cumbersome and difficult to have this type of federalism succeed because it would be difficult for both the federal and the component units to agree on the sharing formula. Fiscal Federalism is the type of federalism that involves money bags, where the legislature appropriate or budget monies for the smooth running of the government. It equally encompasses autonomy and the harnessing of the resources available in various component units. It is common in Germany and United States of America (U.S.A) but has diminished as the society advances. Symmetric Federalism refers to a federal system of government whereby each constituent unit possesses equal powers; no distinction is made between constituent units. However, in the case of asymmetric federalism, it is in contrast with symmetric federalism in that a symmetric federalism borders on unequal powers and relationships in administrative, political and fiscal agreement between the component units. In this case, different component units pose different power. And new federalism too, advocates the return of power and rights to the sub-nationals. This is to enable local or rural participation and development.

Federalism has its merits and demerits. Some of its merit includes: federalism brings about peace, unity in the countries that have multi-ethnicity and diversities. It also provides the framework for the recognition of substantial autonomy to the sub-nationals. It equally provides enabling grounds to accommodate the minorities in a country. Again, federalism allows the States and local governments develop their ideas in as much as it will not contradict the policies of the central government. Federalism also promotes grassroots participation by allowing the sub-nationals engage in policies that will affect members of the public in that area.

There are also some demerits of federalism: it may lead to increased inequality between sub-national governments. This is because sub-nationals possess different degree of resources or revenues. Again, series of litigations usually occur where power is shared between the central and sub-national governments.<sup>14</sup> Federalism also exposes minorities to discrimination and oppression especially in terms of appointments and elections. It equally encourages corruption and other social vices as the sub-nationals are always reluctant to fight corruption because it involves the grassroots as friends and relatives are always involved.

### **3. Devolution of Power in the Nigerian Federalism**

Federalism in Nigeria encompasses three tiers or orders of government, viz; federal, states and local governments. Each of these tiers of government has its powers and functions enshrined in the 1999 constitution (as amended). In an ideal federalism, both the central and component units are co-ordinate, independent authorities within their allowed sphere of jurisdiction.<sup>15</sup> Neither the central nor the constituent units encroach into the power and affairs of the other. Prior to the 5<sup>th</sup> alteration to the 1999 Constitution, there were 68 items the Exclusive Legislative List<sup>16</sup> which can only be legislated upon by the National Assembly, that is, the Senate and the House of Representatives alone, can legislate on the items.<sup>17</sup> It follows that it is only the federal government of Nigeria that has power on such items. In fact, the bulk of the nation's revenue is from those items. They include but not limited to arms and ammunition, aviation and airports, banks, census, citizenship, customs, defence, copyright, currency, coinage, diplomatic and consular, drugs and poisons, extradition, export duties, fingerprints, immigration, incorporation, insurance, maritime, military, mines and minerals, geological surveys, passports and visas, police, and other security services, prisons, quarantine, railways, stamp duties, taxation, dissolution of marriages, etc. The federal government of Nigeria has power over the above items and others as stipulated in the Exclusive Legislative Lists. The National Assembly has exclusive jurisdiction to legislate on these items to the exclusion of the state legislatures. Thus, in *A.G. Ogun State v Aberuagba*,<sup>18</sup> the Supreme Court held that it is not within the competence of a state to make Sales Tax Law affecting any of the matters in the Exclusive Legislative List.

Again, prior to the 5<sup>th</sup> alteration to the 1999 Constitution, 30 items were contained in the Concurrent Legislative List.<sup>19</sup> These items can be legislated upon by both the National Assembly (Senate and House of Representatives) and the State Houses of Assembly. It follows that both the federal and State governments have powers over such items in the Concurrent List. Again, items in the Residual List (leftovers) are exclusively reserved for the states. Items in the Residual List include such items which are neither included in the Exclusive Legislative List nor in the Concurrent Legislative List. They are known as left over and only the states have powers over such items, such as chieftaincy matters.<sup>20</sup> Constitutionally, where a state law conflicts with a law validly made by the National Assembly, that law made by the States Houses of Assembly becomes void and law made by the National Assembly prevails.<sup>21</sup> In dealing with inconsistency of law by the federal government and the states, it presupposes that though the state law is in existence, its applicability and enforceability is suspended. When the federal law is

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<sup>14</sup>See *A.G. Lagos State, A.G. Federation* (2003) 12 NWLR (Pt.833), p 8.

<sup>15</sup> K.C. Wheare, *Federal Government*, (London: Oxford University Press, 1963), p 11.

<sup>16</sup> Pt.I, 2<sup>nd</sup> Sch. to the CFRN 1999 (as amended).

<sup>17</sup>Ibid.

<sup>18</sup>*A.G. Ogun State v Aberuagba* (1985) 1 NWLR (Pt. 3) 395, p 419.

<sup>19</sup> Pt. II 2<sup>nd</sup> Sch. to the CFRN 1999 (as amended)(Concurrent Legislative List).

<sup>20</sup>See Generally, s. 4 (7) CFRN 1999 (as amended).

<sup>21</sup>S.4 (5) CFRN 1999 (as amended).

repealed, the state law therefore, becomes operational and enforceable.<sup>22</sup> It was submitted earlier that both the federal and state governments can make laws on some items as contained in the Concurrent Legislative List.<sup>23</sup> In criminal matters, both the federal and state governments legislate on a wide range of criminal offences. The federal government of Nigeria legislates on matters or items enshrined in the Exclusive Legislative List and some which are embedded in the Concurrent Legislative List as it affects crime.<sup>24</sup> The Federal High Court equally has jurisdiction over such matters which the National Assembly has powers to legislate upon.<sup>25</sup>

Also, where the field has been covered, i.e. where there is a conflict between the legislation of a state and federal governments on a matter in the Concurrent Legislative List, an inconsistency arises as between the two laws so passed, the one passed by the state is rendered inoperative during the life time of the federal law. This is because Acts of federal government in a federal system of government binds the states and their agencies as representing separate segments of the federation within the limits of the enumerated powers.<sup>26</sup> Where a federal Act had made provisions on hours of work and a state entered upon the same field to make its own provisions, the High Court of Australia held the state law inoperative.<sup>27</sup> A law enacted by the federal legislature is therefore, superior to that made by the state legislature.<sup>28</sup> It must however, be noted that administrative rules, acts, directives, orders, notices, circles, etc., made under federal laws are not applicable.<sup>29</sup> In *A.G. Abia State v A.G. Federation*,<sup>30</sup> the Supreme Court held that the National Assembly cannot validly make a law permitting direct allocation to local government councils. However, a legislative field earlier covered can be cleared by an express legislation declaring its intention to do so. For Example, in Australia the commonwealth can control the operation of the constitution of Australia<sup>31</sup> by making it expressly clear that the common wealth (federal) laws can operate concurrently with the state laws.<sup>32</sup>

#### **4. The Functions and Powers of the Local Government Councils**

Nigeria has 774 Local Government Area Councils.<sup>33</sup> Each of the Local Government Councils is governed by a Chairman who is the Chief Executive Officer and the Councilors who form the legislative arm of government at that level. Each Councilor represents a ward (district). There are 36 states and a Federal Capital Territory. The Local government is the third tier of government and the lowest tier in hierarchy. It deals with the grassroots because of its direct relationship with the people. The 1999 Constitution states that the main functions of a local government council include: the consideration and making of recommendations to a state commission on economic planning or any similar body on: economic development of the state, collection of rates, radio and television licenses, establishment and maintenance of cemeteries, burial grounds and homes for destitute or infirm, licensing bicycles, trucks, canoes, wheel barrows and carts, establishment and maintenance of slaughter houses, slabs, markets, motor parks and public conveniences, construction and maintenance of roads, streets, streets lightings, drains and public highways etc., naming of roads and streets, and numbering of houses, provision of public conveniences, sewage and refuse disposal, registration of births, deaths and marriages, assessment of privately owned houses or tenants for the purpose of levying such rates as may be prescribed by State House of Assembly, etc. and such other functions as may be conferred on a local government council by the House of Assembly of the state.<sup>34</sup>

The creation of new local government councils in Nigeria has been a herculean task as such attempts have always been futile as it is so difficult to meet the requirements of the law.<sup>35</sup> In *A.G Lagos v A.G Federation*,<sup>36</sup> the Supreme Court of Nigeria held that for a state to create a local government, the provision of sections 8 and 9 of the 1999 Constitution must be adhered to strictly. There is also the wide disparity in the number of local government councils in various states and the number of local governments determines the quantum of allocations to various

<sup>22</sup> B.O.Nwabueze, *Federalism in Nigeria under the Presidential Constitution*, (Lagos State Ministry of Justice Law Review Series, 2003), 41.

<sup>23</sup> See s. 4 (4) (a) and (7) (b) CFRN 1999 (as amended).

<sup>24</sup> But See *George v FRN* (2011) 10 NWLR (Pt 1254) I, p 72 – 73, where it was held that the power of Lagos State House of Assembly to legislate on criminal matters is derived from the Residual Legislative List in the 1999 Constitution (as amended).

<sup>25</sup> See s.251 CFRN 1999 (as amended).

<sup>26</sup> See *Amalgamated Society of Engineers v Adelaide Steamship Co Ltd* (1920) 28 CLR 129, 153, 154.

<sup>27</sup> *A.G Ondo v A.G Federation* (2002) 99 LRCN p 1334.

<sup>28</sup> *A.G Ontario v AG Dominion of Canada* (1894) AC.189.

<sup>29</sup> V. Morabito &H. Strain, *Inconsistency Rule in Australia*, 1993, p 188 <<https://en.m.wikipedia.org/wiki/section-109-of-the-Australia>> accessed 30<sup>th</sup> May, 2022.

<sup>30</sup> *A.G. Abia v A.G. Federation* [(2002) 6] NWLR (Pt. 764), p 542.

<sup>31</sup> S. 109 Constitution of Australia.

<sup>32</sup> See *R. V. Credit Tribunal; Ex Parte General Motors' Acceptance Corporation* (1977) HCA 34, Para. 28 – 29.

<sup>33</sup> Pt. I 1st Sch. to the CFRN 1999 (as amended).

<sup>34</sup> See generally Pt. III, 4<sup>th</sup> Sch. to CFRN 1999 (as amended).

<sup>35</sup> See Ss 8 and 9 CFRN 1999 (as amended).

<sup>36</sup> (2005) 1 M.J.S.C. 6.

states.<sup>37</sup>Local government councils in Nigeria have no doubt suffered and had a chequered history. The dwindling revenue allocation to the local councils is nothing to write home about. This has no doubt resulted in the abysmal performances of the various local government councils in the country.

In order to achieve the goals of providing infrastructure and amenities, security, education and the welfare of the people, government is in dire need of money to achieve such goals. Fiscal federalism encompasses the idea whereby the government at the center and the federating units own and manages their resources and revenues but make contributions to the federal government to fund federal responsibilities. In this case, the autonomy of the sub-nationals is guaranteed. Unfortunately, in Nigeria, the government at the Centre (federal government) has almost everything at its disposal. The sub-nationals get little or nothing from the Centre thereby hampering their performances and portray the Nigerian federalism as a unitary government. Nigeria has had series of sharing formulae of its revenue and allocations. Today, the sharing formula is as follows: federal government - 52.68%, states - 26.72%, local governments - 20.60% and 13% derivation to states with natural resources. Factors, such as equality, population, land mass, internally generated revenue and social development, determines the allocation of revenue. Sharing formula in Nigeria is done vertically and horizontally. Whereas the former shows the percentage allocated to the three tiers of government, that is, the federal, states and local governments; it allows every tier of government to know what is due to it, the latter is applicable to states and local governments, i.e. the 36 states and the 774 local governments in Nigeria where monies already shared by the Federations Account Committee will in turn be shared by the states to each and every local government through the Joint Account Committee. Federalism in an ideal society means that the component units survive on its own sphere. Each state unlocks its potentials. It also denotes resources control. Unfortunately, the reverse seems the situation as the hands of the states and local governments are tied behind their back in Nigeria.

Fiscal Federalism in Nigeria has some challenges ranging from unacceptable sharing formula of the revenue and resources accruing to the federation; reliance on oil revenue<sup>38</sup> as the basic source of revenue thereby paying lip services to other sources of revenue such as science and technology and agriculture; inadequate derivation for states that has natural resources is equally a challenge.<sup>39</sup> Again, lack of fiscal autonomy and independence of the sub-nationals pose a great challenge to Nigeria's fiscal federalism.<sup>40</sup> Many Nigerians have persistently called for re-federalization or re-organization in order to meet the yearnings and aspirations of the people.

### **5. Why the Quest to Restructure the Nigerian Federalism?**

Restructure or restructuring refers to a drastic or fundamental way of re-organizing, changing, altering or restoring an organization or entity in order to make it work more effectively.<sup>41</sup> It was submitted earlier in this work that federalism refers to 'a division of power between one general and several regional governments, each of which, in its own sphere of action; and must within that sphere, be independent of the others.'<sup>42</sup> Flowing from the above, it follows that in a true or ideal federalism, there is a division of power between the central and sub-national governments, such as states and local governments or provinces. There must therefore, be independence between the central and component units. This means that there should be autonomy of the various tiers of government and this must be embedded in the Constitution of country.<sup>43</sup> Nigeria's version of federalism is no doubt antithetical to growth and development, breeding tensions and further deepening the fault lines inherent in the political system. It is characterized with unitary tendencies whereby the component units are reduced to mere appendages.<sup>44</sup> Some scholars have posited that the Nigerian federating units are far from being independent and co-ordinate. Thus, they posited that:

Observably, given the nature of Nigeria's federal structure and the constitution in place, the federating units are far from being independent and co-ordinate. In Nigeria's federal system, there is a hierarchy of authority, with the central government sitting on top of the others. In reality, Nigeria as a country is run as a unitary state, in which the components units are legally subordinate to the central government with authority flowing from above; instances abound where the independence of the states are trampled upon by the federal government. The federal

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<sup>37</sup>For Instance, in Kano State, there are 44 Local Government Councils; in Katsina, there are 34; Anambra-21, Delta -25; Kwara – 16, etc.

<sup>38</sup>K.O Umana, 'Challenges of Fiscal Federalism in Nigeria and Solution', <<https://researchcyber.com/challenges-fiscal-federalism-Nigeria-solutions/>> accessed 13 May 2022.

<sup>39</sup>In *A.G Abia State v A.G Federation* (2004) S.C., the Supreme Court held that the Littoral States cannot benefit from the revenue from the seaward (off-shore).

<sup>40</sup>G.D. Olowononi, 'Revenue Allocation and Fiscal Federalism in Nigeria'. *An Analysis of Issues and Challenges*: edited by K. Amuwo, A. Agbaje, Suberu & G. Herault, (Ibadan: Spectrum Books Ltd), p 247.

<sup>41</sup><<http://www.merriam-webster.com>> accessed 1 June, 2022.

<sup>42</sup>K.C Wheare, *Federal Government*, 4<sup>th</sup> edn (London: Oxford University Press, 1963), p 18.

<sup>43</sup>B.O.Nwabueze, *The Presidential Constitution of Nigeria*, (London: C. Hurst & Co Publishers Ltd. 1982), p38.

<sup>44</sup>V.E. Ita Ebong, B. Itoro & T. Inimo –Etele, 'Restructuring Nigeria Federalism: A Prognosis for Nation – Building and Social – Political Stability', *Journal of Political Science and Leadership Research*, Vol.I, 2019), p 2.

government owns all the resources and allocates what it deems appropriate to the federating units as against the norms...<sup>45</sup>

There is no gainsaying the fact that the Lyttleton Constitution of 1954 actually popularized federalism in Nigeria as the said Constitution granted autonomy to the various regions. The 1960 and 1963 constitutions of Nigeria equally followed suit and granted autonomy to various regions. Moghalu stated that:

The crisis of marginalization, restructuring and secessionist tendencies are, at their core, a cry for justice in our country. Some compatriots will go beyond their disagreement with secessionist rhetoric in the South East, South South and South West today, to treat their fellow Nigerians with unjustified suspicion because of their beliefs about how Nigeria can be repaired or indeed if our country should remain one country. Our country is not working... Many nations have achieved nationhood and prosperity in diversity, which the default composition of most nations on earth. We must design a structure that works for us all. Restructuring, if properly carried out, would have a proactive effect of positioning Nigeria for real development and growth.<sup>46</sup>

The words of Moghalu above are apt to describe the situation of things in Nigeria today and truly calls for urgent overhaul or restructuring. Nigeria is actually drifting and risk a break or secession. Again, the Northern-East and North- West geo-political Zones are under siege from terrorists, insurgency, banditry, kidnapping, aggressive Fulani herdsmen and other criminal groups from all over West Africa are laying waste to large swathes of North, Middle Belt and increasingly, the Southern States with tepid or ambiguous response from the Federal government of Nigeria. Armed robbery, gang wars, oil theft, vandalism in the South-South Niger Delta region, the Boko Haram menace and insecurity threats. The country has plunged herself into various insurrections and criminalities. So many stakeholders are therefore, calling for restructuring or risk a breakup.

## **6. Factors Bedeviling the Nigerian Federalism**

It was earlier submitted that federalism in Nigeria is actually clothed with unitary appendages and that it needs to be re-organized in order to achieve the country's set goal of tremendous improvement. Flowing from the discourse above, it is obvious that Nigerian's are indeed in need of restructuring the entity. The question that comes to mind at this juncture is: what are those issues bedeviling the Nigerian federation that needs to be restructured? In other words, what are those areas that need to be re-organized in the Nigerian federalism? The following issues bedeviling the Nigerian federalism needs to be addressed in order to avoid disintegration but for our focus to remain on the changing dynamics of our environment and the expectations of our citizens and global community. These challenges include but not limited to the followings; constitutional constraints; multi-ethnic diversities; autonomy of component units; insecurity; regionalism; control of the resources; devolution of power; electoral processes, federal character; leadership imbroglio; political problems, secession and agitations, etc.

**Constitutional Constraints** - This is one of the problems bedeviling the Nigerian Federalism. Being a federation, Nigeria has a written Constitution and the process of amending such Constitution is very cumbersome.<sup>47</sup> The 1999 Constitution has some short comings embedded in it. Presently, Nigeria has a very strong center and weak component units and this has resulted in poor infrastructure development and growth economically and otherwise. The 1999 Constitution is no doubt a product of the military without a constitutional conference. The Exclusive Legislative List has 68 items exclusively reserved for the center alone and 30 items in the Concurrent Legislative List which are meant to be dealt with by both the federal government and the component units.<sup>48</sup> Again, the functions of the Local Government Area Councils are not clearly defined. The states controls the local government councils but the Constitution created the local councils with little functions apportioned to the councils.<sup>49</sup> The Constitution gave the President and governors enormous powers. It equally made mention of Sharia, Nigeria being a circular State.<sup>50</sup> The provision for the appointment of the chief Justice of Nigeria and heads of other government agencies, such as security agencies, electoral umpires, etc, does not go down well with Nigerians. Again, the provisions of the Land Use Act<sup>51</sup> i.e. giving lands in every state to the governors of the state is antithetical to freedom and hampers development. Flowing from the above, stakeholders and well-meaning Nigerians have advocated that the current 1999 Constitution of Nigeria (as amended) should be further amended to accommodate the issues raised above or that it should be jettisoned for a fresh which will be propagated through the

<sup>45</sup>Ibid.

<sup>46</sup>K. Moghalu, 'What to Restructure' <<https://www.thecable.ng/how-to-restructure-nigeria-why-what-how-and-when/amp#referrer=https://www.google.com>> accessed 31<sup>st</sup> May 2022.

<sup>47</sup>See. Ss 8 and 9 CFRN 1999 (as amended).

<sup>48</sup> See *A.G. Lagos v A.G Federation* (2004) 122 LRCN 5042 – 5283.

<sup>49</sup> S.7 CFRN 1999 (as amended).

<sup>50</sup>See S. 10 CFRN 1999 (as amended).

<sup>51</sup>Ss. 21 and 22 LFN 2004.

instrumentality of the National Conference to be convened in order to center for the yearnings and aspirations of the citizenry.<sup>52</sup>

**Devolution of power** - One of the tenets of federalism is that there must be devolution of powers between the Centre and the component units. This sharing of power should be enshrined in a written Constitution. This issue of devolution of power has been dealt with earlier on in this work. However, suffice to state further that it is one of the problems bedeviling the Nigerian Federation today. Again, the fiscal sharing of the revenue accruing to the federation account does not augur well with the component units as the units are not able to carry out their development plans consequent upon the meager resources that accrue to them at the end of every month.<sup>53</sup> The items in the Exclusive Legislative List are more in number, important and better compared to those items in the Concurrent List which is legislated upon by both the federal government and the component units.<sup>54</sup> It is submitted that the 1999 Constitution wielded so much powers to the federal government of Nigeria to the detriment of the component units in terms of devolution of power and sharing formula. Again, whereas the federal government receives 52.68% of the revenue accruing to the federations account, the states and local governments receive 26.72% and 20.60% and 13% derivation to states with natural resources respectively. Flowing from the above, many Nigerians have suggested a return to the 1963 Constitution of Nigeria which made provisions for 50% derivation, distributable pool-30% and federal government -20%.<sup>55</sup> Devolution of power and sharing formula of the revenue accruing to the federation account are no doubt mundane issues bedeviling the Nigerian federalism. Power distribution is very volatile in nature; it must therefore, be thoroughly handled in order not to invite anarchy and chaos. It must be noted that centralization has given way for decentralization in modern federations.

**Autonomy of the Component Units** - Federalism entails a political system whereby the independence of the component units is guaranteed. The central government exists independently but co-ordinate with the component units. The implications are that the tiers of government co-operate with one another, but operate separately. In an ideal federalism, the resource available to the component units belongs to them and they manage such resources and pay royalties to the center. No wonder Eso JSC noted that 'the autonomy of the state governments is the defining principle of true federalism, its function or bedrock'. In *A.G. Lagos v A.G. Federation*<sup>56</sup>, Lagos State along with other states of the federation challenged the Nigerian Urban and Regional Planning Act as infringing on the Constitutional rights of the states to develop the physical structure of their states thereby violating the federal structure principle of the 1999 Constitution (as amended). The Supreme Court among other things held that section 1(3) of the Urban and Regional Planning Act offends the principles of federalism and same is unconstitutional and therefore, null and void. The Local governments are also protected under the Constitution, thus, in *Bemidele v Commissioner for Local Governments*,<sup>57</sup> the plaintiff brought an action against the Lagos state government over its Alabiagba market in the Lagos Island Local Government. The Supreme Court held that the first lesson is that institutions which ensure democracy must not be allowed to take any other form and be personalized. If they are, they become open to grave abuse. Each tier of government should be allowed to harness the resources within its domain. The financial subordination makes an end of federalism no matter how careful the legal forms may be preserved.<sup>58</sup> Nwabueze was of the view that federalism requires that national and sub-national or regional governments should stand towards each other in relation of meaningful autonomy and equality resting upon a balanced division of powers and financial resources. Each must therefore, have powers and financial resources sufficient to support the structure of a functioning government able to stand on its own against the other.<sup>59</sup> This is however, contrary to what is obtainable in Nigeria where the sub-nationals rely on the monthly allocation from the federation account for their survival. Autonomy no doubt brings competition and it strengthens the component units and encourages participation in government at the grassroots level, especially the participation of women and the minorities.

**Insecurity and the Creation of State Police** - Insecurity of lives and properties has been the bane of democracy and federalism in Nigeria. Religious groups, i.e., Christians and Muslims, ethnic rivalries, insurgency, banditry, armed robbery, terrorism, kidnapping and abduction, are most of the security challenges in Nigeria. And this has hampered federalism and diligence in governance in the country. The Boko Haram sect and herders in the northern part of the country, agitators and militants in the Niger Delta region, O'dua People's Congress (OPC) syndrome

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<sup>52</sup>A. Babalola, 'Nigeria Needs New Constitution to Progress' <<https://thenationonline.net-needs-new-constitution-to-progress-says-afe-babalola/>> accessed 1 June 2022.

<sup>53</sup>See, s.162 CFRN 1999 (as amended).

<sup>54</sup>Pt. II 2<sup>nd</sup> Sch. to the CFRN 1999 (as amended).

<sup>55</sup>See I.O. Obijiaku, 'An Analysis of the Concept and Nature of Federalism under the Nigerian Democratic Experience' *Ebonyi State University Journal of International Law and Juridical Review*, Vol.2, 2013), p 185. See also s.140 1963 Constitution of Nigeria.

<sup>56</sup>See *A.G. Lagos v A.G. Federation* (2003) 12 NWLR (Pt. 833), p8.

<sup>57</sup>See *Bemidele v Commissioner for Local Government* ((1994) 2 NWLR (PT.328), p 568.)

<sup>58</sup>P. Ransom, *Studies in Federal Planning*(London: Macmillan Press, 1943), p 28.

<sup>59</sup> B. O Nwabueze, *Constitutional Democracy in Nigeria*, Vol.1 (Ibadan; Spectrum Books Ltd. 2003), p 80.

in the West, the Movement for the Actualization of Biafra (MASSOB) and Indigenous people of Biafra (IPOB) imbroglio in the South East of the country, militancy or agitation in the Niger Delta region, form part of the security challenges in the country. Almost on a daily basis, unsuspecting and law abiding Nigerians are kidnapped or abducted by bandits and kidnappers. Even the security agents including the military are being killed and maimed by these hoodlums. The question is who will guard the guard? It is submitted that if full autonomy is guaranteed in the Nigerian Federalism, security challenges would be achieved as various States and even local governments would ensure the security of lives and property which is the goal of government. Gowon stated that the clamour for urgent restructuring of the Nigerian federalism is nearing a crescendo. He further opined that the eruption of the centrifugal forces could well provoke another civil war, which in his opinion, the country might not survive. According to him, the foundation of the state is crumbling and unless the sensible step of remodeling it to guarantee justice and local autonomy is taken, the specter of a cataclysmic collapse is real indeed.<sup>60</sup>

The Nigerian Security agents and its architecture seem to have failed Nigerians. The Nigeria police which is the leading crime fighting security agency in the country has not lived up to the expectation of Nigerians. It is against this backdrop that many regions or states have resorted to the establishment of security outfits to tackle security challenges in their various states.<sup>61</sup> The formation of security outfits such as Amotekun in the Western part of the country, Ebube Agu, in the Eastern part and Civilian JTF in the North and other security outfits in various states and regions is to buttress the fact that the security agencies can no longer withstand the quantum of insecurity in Nigeria. The accomplishment of sustainable national security through efficient and effective policing can make or mar the development process of a country. The 1960 and 1963 Republican Constitution of Nigeria, allowed the creation and maintenance of regional, Local Government and Native Authority systems of police operations in Nigeria. The Northern and Western regions were able to retain the local police established by their native authorities.<sup>62</sup> It appeared the Eastern region did not utilize that opportunity. The 1999 Constitution (as amended) did not make a similar provision to that of 1963 Constitution. The 1999 Constitution provides that “there shall be a police (Force) for Nigeria, which shall be known as Nigeria Police (force) and subject to the provisions of the Constitution, no other police shall be established for the federation or any part thereof.”<sup>63</sup> It follows that apart from the Nigeria Police established by the Constitution, no other police shall be established by any state or local government. The debate on the creation of state police has been raging. The proponents of the creation of state Police in Nigeria have argued that the creation of state police would stem the increasing insecurity in the country. But those who are opposed to the creation of states police argued that the state governors of various states who would be responsible for funding the various states police, would use the states police against their perceived political opponents or enemies. It is worthy of note that different federations operates in different ways subject to their Constitutions and local circumstances. Suffice to state that the need for the creation of states police in Nigeria has become very necessary, therefore, all hands should be on deck towards achieving this feat. A legal framework should be established and enshrined in the Constitution to ensure its effective existence and to operate in tandem with the federal police. According to Clark:

I agree we must have state police; it is a question of must. It is a necessity we have to pursue. But under whose control would it be? Is it going to be local police in uniform manner again that will create one unitary command and come back to the same problem? We do not know! So, these are the areas you and I have to look into.<sup>64</sup>

Former Inspector- General of police, Ehindero was of the view that Nigeria is not ripe for state police. He maintained that the first and second Republic witnessed how the police were used by political opponents and that it was an instrument of terror at that time. He opined that state governors would have some control over the police, citing issues such as boundary disputes between a state and another as one of such issues that could raise alarm between two states police if created.<sup>65</sup> It is submitted that the argument canvassed by scholars who are opposed to the creation of state police is greatly rooted to the fear that the state governors would use the states police against their political opponents, which the politicians parade as their main reason for opposing the creation of state police in Nigeria. However, during the 1960/1963 constitutions of Nigeria, there was regional police and these police assisted immensely to stem and curtail security challenges in those regions. The argument of the proponents of the states police appears in my view to outweigh the opposing view.

**Regionalism** - Many Nigerians and scholars have advocated the return of the country to a regional type of government where there would be a government at the center and various regions, such as the western, Eastern,

<sup>60</sup>Gowon, Obasanjo, on Threat to Nigeria’s Corporate Existence <<https://punding.com/gown-obasanjo-on-threat-to-nigerians-corporate-existence>> accessed 31 May 2022.

<sup>61</sup>See *Daily Independent Newspaper*, (Tuesday 8 January 2019), p 1.

<sup>62</sup>S. 105 (7) 1963 Constitution of Nigeria.

<sup>63</sup>S. 214 CFRN 1999 (as amended).

<sup>64</sup>*The Guardian Newspaper*, (Saturday, 19 October 2019), p3.

<sup>65</sup><<https://punding.com/will-creation-of-state-police-improve-security/amp/#aoh=15746945115193>>&referrer=https%34%2F%2Fwww.google.com&amp-rf=from%20%251, accessed 1 June 2022.



Northern, Middle Belt and Mid-west regions, etc. The proponents of regionalism are of the utmost view that rather than continue in the current presidential system of government where Nigeria has 36 states, a federal capital territory and 774 local Government Area Councils, Nigeria should return to the 1960 and 1963 Constitutions where there was a government at the Centre and different regions with their autonomy.<sup>66</sup> Adeniyi was of the opinion that we must go back to the tried and tested terrain that gave us glory and development in the first Republic. According to him 'we must go back to Regionalism and parliamentary democracy, we must jettison corruption laden presidential system; collapse unviable states, make legislatures part-time and generally, severely reduce the cost of governance'.<sup>67</sup> Regionalism is preferable because internal colonization has no place in modern day civilization. Those opposed to restructuring and liken restructuring to disintegration should begin to sing new tunes towards achieving this goal.

**Multi-Ethnic Diversities** - Nigeria is multi-ethnic and diverse country with a population of about 200.96 million and over 250 ethnic groups with respective culture, traditions, practices, values and political leadership and successors.<sup>68</sup> Inter-ethnic rivalry has been a factor militating against the Nigerian federalism. The Hausa/Fulani, Yoruba, Igbo and other diverse ethnic groups and cultures with diverse values agitates for power or positions of authority which sometimes culminates in disagreements and ethnic strife. Unity is the key to success in a multi-ethnic federation like Nigeria. Therefore, democracies and federations facing unity challenges can promote a positive political nationality that citizens feel is compatible with a climate of tolerance and accommodation. Fairness and equity should be enthroned to curtail aggressiveness in the polity. The South-East geo-political Zone is the only zone in Nigeria that has 5 states. Others have at least 6. This is an agitation that the Igbos has been clamouring for but to no avail. Unity in diversity should be well propagated. Nigerians should see themselves as Nigerians first before thinking of their diverse and ethno-tribal groups.

**Leadership Imbroglia** - The problem of leadership in Nigeria has been in the front burner. It has been a major factor bedeviling the Nigerian federalism. Nigerian leaders have abandoned the tenets of the rule of law, equity, governance, federalism and egalitarian society for their selfish interest and aggrandizement. Cooper opined that it is not a new revelation that Nigeria's leadership or government is run as a business investment whereby the rich godfathers invest through sponsorship of political campaigns, rigging of elections, snatching and stuffing of ballot boxes and vote buying and selling, gets a candidate to the exalted seat of government, then pressure the candidate to yield his returns through the embezzlement of taxpayer's funds. The same and him/herself, becomes the godfather, invests in another candidate to bring him returns, and the vicious cycle goes on and on.<sup>69</sup> The latest style of political empowerment in Nigeria is from father to son or daughter syndrome, where a man leave office and impose his son or daughter to the detriment of others who have laboured for years in a political party. Corruption, impunity, nepotism, among other social vices and maladies, are the bane of good leadership in Nigeria. Clarke was apt when he stated that:

Nigeria has not been able to produce a single leader that would have propped the country to be the leader in Africa. We had the wherewithal; the resources, indeed everything; but we did not have a leader. And top of it we allowed corruption to eat deep into the fabric of the society and to destroy the hopes of some of us, who saw independence at the age of 20 or thereabout. It is so disheartening to note that countries that became independent at the same time with us, especially from the eastern part of the world today are no longer developing countries, but are among the developed countries.<sup>70</sup>

Nigerian leaders must put the interest of the nation at heart rather than their selfish interest. The era of 'contractor leaders' who amass wealth through proxies, should be jettisoned for leaders who have had a change in attitude and have the taste and hunger for development strides.

**Secession** - Agitation for secession is a serious problem militating against the Nigerian federalism. Since the Nigerian Civil war, a civil war between the Nigeria government and the secessionist states of Biafra from 6 July 1967 to 15 January 1970, different zones in the country have from time to time agitated for secession. This lingering problem of secession must be handled with utmost care in order not to snowball into another civil war. Nigeria cannot afford another civil war. In the Niger Delta of South-South geo political zone, the militants or

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<sup>66</sup>D. Kennena, 'Return to 1960, 1963 Constitutions', <[https://www. businessamlive.com/return-to-1960-1963-revenue-sharing-formula-key-solution-to-question-of-fiscal-federation-restructuring/](https://www.businessamlive.com/return-to-1960-1963-revenue-sharing-formula-key-solution-to-question-of-fiscal-federation-restructuring/)> accessed 12 May 2022.

<sup>67</sup>T. Adeniyi, 'Huge Benefits of Restructuring Nigeria' <<https://www.sunnewsonline.com/huge-benefits-of-restructured-nigeria>> accessed 22 May 2022.

<sup>68</sup> Collected in 2012 by the Nigeria National Bureau of Statics. See also, World Bank and United States Census <<https://tradingeconomics.com>> accessed 29 May 2022.

<sup>69</sup>R.Cooper, 'Integration and Disintegration' (Journal of Democracy 10 (1)), p 8. cited in V.E. Ita, Ebong, B.Itoro & T. Inimo-Etele, 'Restructuring Nigeria Federalism: A Prognosis for Nation – Building and Socio-Political Stability', *Journal of Political Science and Leadership*, vol. 5, No. I 2019), p 9.

<sup>70</sup>*The Guardian Newspaper*, (Saturday 19 October 2019), p3.

agitators are asking for the creation of Niger Delta Republic. The O' dua Republic in the West are agitating for Oduduwa Republic. In the Northern part of Nigeria, both the middle Belt and the Arewa Consultative For a are separately demanding their independent existence. This demand has no doubt adversely affected the acceleration of growth in Nigeria. It is submitted that keeping Nigeria as one larger entity is far better; the unity in diversity, if properly handled, would be more beneficial to Nigeria.

**Resource Control** - The debate on resource control in Nigeria has been a serious problem. Resource control is simply a principle that allows a people in a particular community or region to tap into and harness the natural resources deposited in their domain and pay back royalties to the government at the Centre. In an ideal federalism, resource in an area is being controlled and managed by the people of that area with a view to paying royalties to the central government. It entails a resource control where the Niger Delta region will have a direct and decisive role in the exploration for, exploitation and disposal of, including sales of the harvested resources.<sup>71</sup> The advocates of resource control appears to describe fiscal federalism when they speak of, or describe fiscal federalism in an ideal federalism that the component units own and manage their resources and revenues but make a contribution to the central government to fund federal responsibilities.

**Political Problems** - Some of the political issues bedeviling the Nigerian federation includes but not limited to power rotation, independent candidacy, type of legislature, electoral processes, non-adherence to federal character, etc. Awortu and N-eu rightly stated thus.

Interestingly, the persistent and recurring intense struggles is traceable to the dysfunctional federal system which is manipulated by the three major ethnic groups in the country, namely; Hausa/Fulani, Yoruba and Igbo and the military – imposed 1999 Constitution which enervates principles of federalism. Their inordinate ambition to lord it over the minorities had manifested in the country's several spheres of life, leading to non- utilization of the provisions of and benefits of true federal structure.<sup>72</sup>

The political processes in Nigeria need to be re-organized. Nigeria has had a chequered constitutional history which has become an albatross in the collective will and aspirations for one and indissoluble Nigeria as provided in the 1999 Constitution.<sup>73</sup> Stakeholders have questioned the domination of the position of the President of Nigeria by a group of people or from a certain geographical location or region. The domination of the national policy by the Northerners is a serious issue that needs to be addressed, otherwise, this world continues to spur and aggravate agitations for secession. Again, there is a debate on the refusal of inclusion of independent candidacy in the Electoral Act or the Constitution. It is submitted that there is need for this to enable persons who are interested in participating in politics to do that without belonging to a political party. There is also the clamour for the conversion of the legislative Houses to part-time in order to reduce the cost of governance. The quest for the inclusion of rotational Presidency in the polity has been treated with deaf ears. The refusal to rotate the presidency from one geo-political zone to another negates the principle of federal character as enshrined in the Constitution and this should be addressed to cushion the effect of continuous agitation by other zones who felt cheated in the scheme of things.<sup>74</sup>

## **7. Challenges of Restructuring the Nigerian Federation**

Several factors have been identified as affecting restructuring in the Nigerian federalism. One of such factors is the provisions of the Constitution on the procedure for its amendment which makes it cumbersome to amend.<sup>75</sup> Also, there is lack of technical awareness on the need to restructure, especially amongst the political class. They remain resistant to restructuring because they lack understanding of the subject matter. Again, personal interest and self-aggrandizement among some Nigerians, especially from the Northern part of the country have hampered the quest for restructuring in Nigeria. Also, dwindling revenue is another factor as some people believe that if restructuring is carried out, some people states without natural resources would have little or nothing as their revenue. Fear of domination and suppression is another challenge bedeviling the quest for restructuring in Nigeria. Some people feel that some states or regions would dominate or suppress others especially those with less revenue.<sup>76</sup> Elitist's interest is another factor, as the elites especially from the Northern part of the country are serious opposed to restructuring.<sup>77</sup> This category of people is seriously benefiting from the system as it is

<sup>71</sup>See I. Sagay, 'Federalism, The Constitution and Resources Control: My Response', The Guardian Newspapers online, <<https://www.nguardiannews.com/>> accessed 3 June 2022.

<sup>72</sup>B.E.Awortu and N-ue, 'The politics of Revenue Allocation in Nigeria: A Historical Analysis of Chief Olusegun Obasanjo led Administration', (Journal of Social Science - 1AUE, 14, 1999-2007), p 135.

<sup>73</sup>See. S.2 CFRN 1999 (as amended).

<sup>74</sup>S. 14 CFRN 1999

<sup>75</sup>See ss 8 and 9 CFRN 1999.

<sup>76</sup>O.C.Nwaorgu & N.A. Erundu, *Nigerian Government and Politics: A Book for Readings*, (Owerri: Center for Research and Manpower Development, 2010), p25.

<sup>77</sup>E.H.Ujah & Agbakwuru, 'Who Says Nigeria is Indissoluble?' *Vanguard Newspaper* 26 May 2017, p 15.

constituted and do not want to be surcharged.<sup>78</sup> Other factors affecting restructuring are corruption, impunity, nepotism and other social vices among the political class and the bureaucrats.

### **8. Benefits of Restructuring**

There is no gainsaying the fact that restructuring the Nigerian federalism would usher in growth and development strides in the socio-political and economic sphere of the country. It will form the basis of sustained growth, wealth and prosperity.<sup>79</sup> Again, restructuring the Nigerian federalism will be beneficial in the following ways: promotion of natural integration and stability; promotion of political stability; elimination of the problem of uneven distribution of government allocation, etc.<sup>80</sup> It is further submitted that if the identified problems bedeviling restructuring of the Nigerian federalism are solved, Nigeria would no doubt heave a sigh of relief in growth and development. It is only a die-hard skeptic that would argue that restructuring the entity known as Nigeria would not promote economic and political growth in the county. Nigeria is no doubt drifting; it has become pertinent therefore, that all hands must be on deck to ensure that the quest for restructuring or re-organizing the gamut of the country is supported and achieved. One problem with Nigerians is their poor attitude to national issues and the corruption malady which has eaten so deep into the key actors in the Nigerian polity. It must however, be noted that there is no one recipe for federalism the world over. Every federation is determined by their Constitutions and local circumstances. This notwithstanding, the tenets and principles of federalism must be met and propagated by various federations in order meet international standards.

### **9. Conclusion and Recommendations**

It is not in doubt that the Nigerian federalism has some challenges. Having stated the problems bedeviling the Nigerian federalism, it is submitted that federalism as practiced in Nigeria falls short of an ideal or true federalism in the comity of federations. Nigerian federalism is clothed with unitary garments; it is antithetical with growth and stability. It is characterized with insecurity, poor power devolution or revenue sharing, agitation for secession, resource control, autonomy, leadership imbroglio, corruption and such other socio-economic and political maladies in the country. In spite of the diverse and heterogeneous nature of the country, it is submitted that Nigeria is better as one entity than secede. Therefore, the unity in diversity in Nigeria should not be compromised rather, it should be strengthened. Nigerians should see themselves first as Nigerians before thinking of themselves as Hausas, Igbos, Yorubas or Ijaws. A federal system must have the capacity to achieve relative economic equilibrium among constituent units, and by extension, a balanced federation if the union is to continue to exist.<sup>81</sup> Therefore, the need for a balanced federation system is important and cannot in any way be over emphasized. Nevertheless, it so unfortunate that after spending huge sums of money in organizing constitutional conferences in 2005 and 2014 to find lasting solutions to Nigeria's problems, the reports and recommendations of those conferences were swept under the carpet till date. This situation is very embarrassing and painful; it is condemned in its entirety and this is a clarion call on Nigerians to have a rethink and support the call for restructuring. Even if there is no one recipe for federalism the world over, the quest for restructuring the Nigerian federalism has been age long and it is high time Nigerians ensured that all hands are on desk towards ensuring that the Nigerian federalism is restructured or re-organized to meet the realities on ground and to guarantee growth, stability and tremendous development. Nigeria is in no doubt drifting, therefore, this is the time to put an end to this political and economic imbroglio in the country.

Having adumbrated all the issues above, there is no gainsaying the fact that there some shortcomings in the practice of federalism in Nigeria. The following recommendations are therefore, made to salvage the country as it affects the practice of federalism: it is hereby recommended that the National Assembly should further amend the 1999 Constitution and move some items in the Exclusive Legislative Lists, such as finger prints, incorporation, mines and minerals, including oil fields, oil mining, geological surveys, business names, police, Railways, etc, to the Concurrent Legislative Lists. Also, the current revenue sharing formula should be jettisoned and a new formula in the following order should be adopted: federal government-28.60%, States -30.68%, Local governments - 40. 72%. The National Assembly should further amend the 1999 Constitution to increase the 13% derivation of the revenue accruing to the federation account to states with natural resources to 20%. Again, the National Assembly should further amend the 1999 Constitution with an inclusion of rotational single term of six years among the six geo-political zones. Again, an additional State should be created in the south East geo-political zone. This should also be applicable to the Senate and House of Representatives, governors and House of Assembly of the states. The number of National Assembly members (senate and House of Representatives) should be reduced to two in each and every states of the federation and they should be made part-time. It is hoped that if the above recommendations are strictly carried out by those in authority, there would be tremendous improvement in the Nigerian federalism.

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<sup>78</sup>E. B. Omoregie, p 19-20.

<sup>79</sup>E.D.Azubuike, 'Seven Benefits of Restructuring Nigeria' <<https://medium.com>> accessed 23 May 2022.

<sup>80</sup>Ita, Ito & Inimo-Etele, 'Restructuring Nigerian Federalism: A prognosis for Nation – Building and Social – Political Stability,' *Journal of Political Sciences and Leadership Research*, vol. 1, 2019, 32.

<sup>81</sup>D.Babalola, 'Fiscal Federalism and Economic Development in Nigeria: The Contending Issues', *Global Journal of Political Science and Administration*, vol 3, No 2, 2015, p 53.