

## NIGERIAN FEDERAL STRUCTURE: IMPLICATIONS ON NATIONAL GROWTH AND DEVELOPMENT<sup>1\*</sup>

### **Abstract**

*Federalism is cognizant of the heterogeneity of a given society. Its intention is the unification of people within a basic structure which guarantees unity without sacrificing the distinct identity of the diverse units. It promotes socio-economic and political growth of a nation by according due recognition to special needs of its constituent units and giving recognition to other autonomy in certain matters. It ensures unity without erosion of the identity of the distinct populations. Federalism is a system of governance that recognises unity in diversity. Notwithstanding, there is no universally accepted superlative model of federalism. Every nation has to determine for herself the varying components of federalism that suited her peculiarities. Since independence, Nigeria has been faced with the challenge of a workable model of federalism. No thanks to over 230 different languages and diverse array of cultural values, mores, and systems, to evolve a workable framework that will reconcile the often conflicting interests of these constituents has been a seemingly intractable challenge; a challenge which constitutes the root of our socio-economic and political development as a people. This paper intends to interrogate this defiance.*

**Keywords:** *Federalism, Nigeria, National Growth, Development, Implications*

### **1. Introduction**

Federalism recognises the heterogeneity of a given society. It seeks the unification of people within the framework which ensures unity on the one hand, and yet supports the distinct identity and the diversity of the constituent units, on the other hand. It also promotes economic and political growth of a nation by recognising their autonomy in certain matters. However, it should be noted that there is no universal supermodel of federalism. Therefore, each nation has to determine for itself the varying components of its own suitable federalism. Since independence in 1960, Nigeria has been faced with the challenge of identifying its own workable model. With over 230 linguistic groups and diverse array of cultural values and systems, evolving a workable framework that harmonises the often conflicting interest of these constituents has been a serious challenge.

### **2. Origins of Federations**

Federations have arisen in very different circumstances, each being the unique result of choices by political leaders and larger historical forces. Federalism has been chosen to bring together formerly separate units into a new country or to rearrange a previously unitary country, and even as a product of both processes together.<sup>2</sup> Every federation is unique; only few generalisations can safely be made about how and why federations are created and evolve. However, in every case of federalization, political leaders have constitutionalised two tiers of government as a way to realize and reconcile their respective goals while at the same time minimizing violence or in some cases in order to end it.<sup>3</sup> Today not less than 192 countries are in the United Nations, and approximately 28 of them are Federal. Most countries did not exist within their current boundaries a century ago and only a handful did so two centuries ago. Each country has its own peculiar story with respect to its origins and its territorial and political evolution. Such stories involve wars and revolutions, dynastic marriages, colonial empires, international treaties, as well as peaceful democratic processes. Federations have emerged within these larger processes of country formation and evolution in a variety of ways:

- (a) Previously separate units-independent states or colonies concluded that they had enough common interest and shared identity to come together in a federal arrangement.
- (b) In other cases, the country may have originally been created with a unitary and highly centralized (often authoritarian and undemocratic) structure. The eventual choice of federalism was in response to democratic political pressures for devolution because of the countries multiple languages, religion or

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<sup>2</sup> Anderson, 2008.

<sup>3</sup> Ibid.

ethnicities and perhaps, major economic differences between regions. In some others, the regions pressing for autonomy may have been distinct political entities in the past.

### **3. Basic concepts, Issues and Strategies in Federalism**

The word federalism, etymologically took its root from the Latin word 'Foetus' which means compact or league. In constitutional law, the word 'federal' is commonly employed to express a league or compact between two or more states to become united under the central government called the 'federal government'<sup>4</sup>. Wheare<sup>5</sup>, gave a simplistic definition of Federalism as 'the method of dividing powers so that the general and regional governments are each, within its spheres co-ordinate and independent'. From Wheare's view above, Federalism means a constitutional arrangement where powers are shared between central and regional governments in such a way that each within its respective area of jurisdiction ad competence is equal, independent and co-ordinate. In his own opinion, Appadorai<sup>6</sup> describes Federalism as follows: 'A Federal union means that, in respect of the subjects transferred to the Federal authority, the citizens of each member state will have to obey a government other than their own government in which no doubt they will have some but not the sole voice in determining policy. Federation essentially means a division of powers and double allegiance. It means nothing less than the surrender by the nations of part of its sovereignty. The minimum federal subjects, all our writers are agreed, are defence and foreign affairs; other common affairs may or may not be transferred to the federal authority'. Appadorai believes that a case for the Federal union is in theory, unassailable, that the insecurity men live under cannot be ended without abolishing war and ensuring world peace; and world peace can be ensured only by establishing world government. He further posited that this view was posited by historical facts, positive and negative- the history of how individuals have been able to provide for their security through government and the history of how states have been unable to provide for national security without common government. In early societies the individual relied upon his strength of security. At a later stage, he sought the help of neighbours; but his security did not become assured until a police force was permanently established, and the force at the command of the individual correspondingly reduced. The overwhelming force at the command of the state is used to give security to all alike, to see that no one takes law into his own hands. Disputes between individuals are referred to a common court and enforced by a common executive. It has also been opined that Federalism involves bargaining and conflict<sup>7</sup>. In other words, Federalism cannot mean the subjugation, suppression, oppression or manipulation of the state or region by the central or national government.

### **4. The Nigerian Experimentation**

Historically, the beginning of the Nigerian experiment in federalism can be traced to the amalgamation of Southern and Northern Protectorates in 1914. However the federal structure formation began in 1939 under Sir Bernard Bourdillon who divided the Southern Protectorates into two. The respective Richards (1946) and Macpherson (1951) constitutions only created decentralised unitary systems; the adoption of the Federal constitution of 1954 (Lyttleton constitution) the first genuine federal constitution for the country; all these convinced the colonialists that considerable regional autonomy must be granted to the regional governments and that only federalism could ensure the unity of Nigerians. 1960 independence constitution consolidated Nigerian federal system and since then, it has been operating in both political and fiscal contexts though not in full consonance with the basic principles of federal practices. By facts of history, Nigeria's federal system has fluctuated between the excessive regionalism that characterised the first Republic (1960-1966) and the excessive centralisation of the military (1966-78; 1983-99) and relatively the post military era (1979-83); (1999- to date). Basically, Nigeria's federal system had its doses of structural changes by which the federation moved from three powerful, regional and Federal Capital Territory of Lagos, at independence, to a four-region structure by 1964, and to its current thirty-six states structure including seven hundred and seventy four local government Areas.

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<sup>4</sup> See *Montana Auto Finance Corporation v. British and Federal Underwriters of Norwich Union Fire Insurance Soc* 72 Mont. 69; Kusamotu, *Nigerian Federalism and Separation of Powers* (2001); 4-5

<sup>5</sup> K. C. Wheare, *Federal Government*, 3<sup>rd</sup> Edition, Oxford University Press, London 1963

<sup>6</sup> A. Appadorai, *The substance of Politics*, Oxford Indian Paper Backs 2000, fourth Impression 2004. P. 157,

<sup>7</sup> EmeAwa, 1976

## 5. The Federal Government

The expression ‘The Federal Government’ is usually employed to designate the system of government administered in a country formed by the union or confederation of several independent or quasi-independent states. This is in contradistinction to a confederation which denotes a league or a permanent alliance or association between several states, each of which retains its full dignity, organisation and sovereignty though relinquishing to the central authority a controlling power for a few limited purposes, such as foreign affairs and issuing of currencies. In this political arrangement, the components (or confederating) states are the units, and the central government acts on them rather than on individual citizens. Whereas in a federation, the allied (or federating) states form a union, not indeed, to such an extent to destroy their separateness nor to deprive them of quasi-sovereignty with respect to the administration of their purely local concerns. In a federal system of government (as ours) the central government is elected into a true state or nation with a paraphernalia of a sovereign nation in respect of both external and internal affairs. While the administration of national affairs is directed, and its effect felt, not by the separate and individual states deliberating as units, but rather by all the people in their collective capacity as citizens of the nations. The adoption of the term ‘federal’ or ‘federation’ to describe the form of government in Nigeria has its foundation in successive constitutional provisions since the 1963 Republican constitution, ditto 1979 and 1999 constitutions. More specifically, section 2 of the 1999 constitution of the Federal Republic of Nigeria (as altered) provides:

- (1) Nigeria is one indivisible and indissolvable sovereign state to be known by the name of the Federal Republic of Nigeria
- (2) Nigeria shall be a federation of states and a Federal Capital Territory’.

By the way of recap, federalism means a constitutional system in which two authorities, each having a complete governmental system, exist in the same territory and act on the same people. Each government is supreme within its sphere of operations; neither is supreme within the sphere of the other.

## 6. How do the States React to Growth?

In many African countries, poverty is not only widespread, but also severe and deep. One of the lessons of history that we have learnt is that poverty cannot be reduced except there is growth in the economy. This economic growth is important, or more appropriately, it is the sine qua non for sustained growth economically. In the late 1990s, the population of the poor fell by an average of 5 per cent to 8 per cent annually for fast growing countries like Uganda, India, China, and Vietnam. In Nigeria, on the other hand, per capital consumption not only fell in the 1990s but poverty also increased from about 43 per cent to about 66 per cent of the population. The growth performance of many African countries has been disappointing (or dismal) over several years, the isolated cases of Botswana, Mauritius and Morocco notwithstanding, Africa, as a whole, has suffered from what Easterly and Levine called ‘growth tragedy’<sup>8</sup>

The usual question is, why is Nigeria not growing at its potential rate of growth? To answer this question we need to know first, what are the fundamentals of growth and second what are the implications of no growth? Necessity is placed on us to continually remind policy makers, policy analysts and in particular their advisers about the necessity of growth as well as the fundamentals of economic growth. Growth is sine qua non for poverty reduction. In other words to alleviate poverty from our midst, we need to grow. Today, Nigeria is among the poorest nations in the world. The extent to which importance is attached to growth is in a way, adequately demonstrated by government attitudes to strikes and lockouts in this country. The attitude in general is one of ‘wait and see’ as long as strikes do not affect the daily running of government machinery.<sup>9</sup> What about non-payment or irregular payment of salaries and emoluments and pensions. How do we explain that when doctors have grievances and go on strike, it does not matter how many lives are lost; and the hospitals can be locked up for as long as it takes to settle the disputes? How do we quantify the amount of lives lost? What about the prospective contribution of such lost lives to the national economy if they had lived? Such lackadaisical attitudes inevitably lead to unnecessary and avoidable waste of both human and financial resources. How do we explain the fact that no one blinks an eye when there is no electricity or water; or still water is commercialised? If these were in these states now how then do our factories run except at

<sup>8</sup> I. S. Ajayi, ‘Institutions: The missing link in the growth process?’ Presidential Address delivered on the 43<sup>rd</sup> Annual Conference of the Nigerian Economic Society (NES) held in Lagos from 7-8 August, 2002, 1-3)

<sup>9</sup> Ibid, 15

higher and exorbitant costs and lower production level? These and many others amount to failure of institutions-failure of governance, which impact negatively on growth.

### **7. Evidence of Policies and Strategies to Promote Sustained Growth**

Evidence of policies and strategies to promote broad-based sustained growth abounds. These include increasing the investment rates, investment in education and macro-economic policy characteristics. Many analysts have argued that the main engine of growth is the accumulation of human capital-of knowledge-and the main service of differences in human capital accumulation and its quality. Human capital accumulation takes place in schools, universities, in research institutes, and in the course of producing goods and engaging in trade. Physical accumulation plays an essential but decidedly subsidiary role.<sup>10</sup> None of our institutions of higher learning in Nigeria are receiving the right attention. These institutions are not being built to reach world class standards in terms of quality. By deliberate acts of commission, these institutions are being run down. They are being starved of necessary funding. Many of them find it very difficult to meet their obligations of paying salaries not to talk of funding research and training. In this new era of globalisation, knowledge will be the currency to use to gain access to the international economy. Allied to these is the need to integrate private tertiary institutions into the feeble attempt being made through TETFUND (Tertiary Education Trust Fund) as what is good for the goose is good for the gander. After all, students being trained by the private universities will also constitute part of the human capital to the national economy.

Therefore, as long as we refuse to build these institutions so long we will be depriving ourselves of reaching necessary growth potentials both locally and globally. Since independence, Nigeria has experienced different governance regimes ranging from totalitarian regimes to liberal democratic government. There are anecdotal evidence of how the military had done a good job of messing up all sectors of the economy, or perhaps more appropriately, how we have all allowed ourselves to be used and harassed out of our whims by the people who told us when they first took over that they had come to stamp out corruption and improve the lot of the common man. When Chief Olusegun Obasanjo was sworn in on May 29, 1999, a lot of people thought the problems of Nigeria was over! How mistaken. Instead of peace and harmony Nigerians have witnessed various upheavals since the inception of the new civilian government. The first experience are the arguments surrounding the introduction of Shariah and cutting of hands, the various parts of the country e.g. Jos riots, Fulani herdsmen and farmers, Boko Haram insurgency, the issues of resource control, asides from various arm twisting at governance level and above corruption which has eaten deep into our social political fabric. To move forward, therefore, Nigeria must stamp out or at least minimise corruption. However, stamping out corruption in a situation, when it has been institutionalised is the difficult part of the problem. It is impossible to tackle it in isolation. How can civil servants be law-abiding (not accepting bribes) when salaries are several months in arrears? When political office holders receive jumbo payments as at when due without disclosing the exact amount? And they exhibit and flaunt stupendous wealth while citizens are dying in penury! Etc. The reason why Nigerian economy has not grown in accordance with her potentials are directly proportional to the factors that either discourage investment or make it less productive. The factors limiting the productivity of capital in Nigeria include inadequate infrastructure, poor quality of civil service, corruption and distortions in investment incentives. The risks associated with investment in Nigeria are very high, especially those associated with macro-economic and political instability, insecurity of lives and properties, to prostrate state of infrastructure and weak and inefficient institutions. In most parts of the country today, pipe-borne Water is not available; electricity is at best epileptic, erratic and exorbitant, where available at all. No foreign investor will like to commit his resources to other sectors of the Nigerian economy except oil because of all these demerits. The whole world is now a global village and in an era of increasing globalisation people will shift their investments not only to areas and countries where the market is large but also the one in which their assets are safe, secure and the costs of doing business friendly not being prohibitive.

### **8. To Guarantee Future Sustained Economic Growth**

It is very apparent from a policy perspective what the choices are to ensure growth and development in this country, particularly for the component parts; they include the following:

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<sup>10</sup> Ibid, 16

- (a) The security situation in the country must be improved; and this cannot happen unless there are employment opportunities for millions or thousands of unemployed graduates and only improvement in economy can lead to this. This economy will improve if the fundamentals of growth process are obeyed by instituting right policies and solid institutional foundations are laid;
- (b) Improvement on the infrastructure in such a way that supply of pipe-borne water, electricity and communications are reliable;
- (c) Improvement on the factors of production by placing primacy on knowledge acquisition; and
- (d) Improvement on the governance institutions by putting in place regulatory institutions, conflict management institutions and enforceable laws to deal with property rights.

## 9. Towards Building Efficient Institutions in Nigeria

Four key institutions can be identified in order to bolster up our growth and developmental process:

### Regulatory Institutions

In economics, market fail when participants engage in fraudulent or anti-competitive behaviour; they can also fail when the cost of transactions prevent them from the possibility of internalising externalities;<sup>11</sup> both technological and other non-pecuniary; or when incomplete information results in cheating and adverse selection of investments. The role of institutions is to ensure the existence of checks and balances to guarantee the rights of everyone and to ensure that offenders are punished irrespective of their social, economic or political status.

### Conflict Management Institutions

Geographically, Nigeria is a large country. No ethnic or linguistic homogenous population out of more than 250 ethnic groups. There are inherent divisions as we have been experiencing in civil strifes, and these have negative effect on economic activity. Civil conflicts destroy both physical and human capital and reduce savings and divert portfolio from domestic investments in order to avoid risk. This would certainly lead to capital flight, the natural consequences of which are adverse effects on the economy. When there are civil strifes and or territorial activities, government will be compelled to purchase military hardware (weapons) in order to control unrest instead of provision of facilities that can improve welfare. This distortion of expenditure will lead to reduced growth and *a fortiori*, increased poverty. Put more pungently, conflicts destroy vital physical and human resources, causes social disorder, which increases the costs of trade transactions, as private citizens will divert resources to protection and self-defence, divert public expenditure from out-put enhancing activities and propel the movement of capital, physical and financial, outside the country. ‘This vicious circle of poverty feeds on itself in on a downward spiral’<sup>12</sup>

## 10. Towards Ensuring Sustainable Growth and Good Governance in the States

The basic and most fundamental panacea of Nigerian socio-political and economic problem is a holistic restructuring of the nation along the political, economic, financial and educational lines. Restructuring simply means to organise or re-organise the country in a new and different way to ensure efficiency and effectiveness to achieve different results. We cannot continue to do things the same way and expect the same result. Nigeria’s survival can be guaranteed only through restructuring<sup>13</sup>. There is no gain-saying the fact that currently majority of Nigerians have been so traumatised by bad governance through bad and poor leadership over the years and this has given way to disenchantment, discontent, and depression (as evidenced by many cases of serial suicide recently), gross and unpardonable corruption in all sectors of our national life (Executive, Legislature, Judiciary, Military, Police, Educational institutions and what have you). In fact corruption in Nigeria has reached its zenith to qualify as the country’s surname. Public officers steal with impunity and shamelessly to the extent that our younger ones do not know what is integrity, honesty or credibility or accountability, meritocracy has given way to mediocrity. I am afraid for our generation not to hand over to vagabonds, restructuring is unavoidable and it must be impartial, selfless and holistic no matter whose ox is gored. What this boils down to is that for us to build institutions that are independent and impartial in order to ensure, justice, equity and good governance, such institutions must be manned by

<sup>11</sup>Ibid, 22.

<sup>12</sup>ECA 2001, quoted in Ibid.

<sup>13</sup>*The Guardian*, Friday, March 31, 2017, p.5)

citizens that parade enviable credentials in terms of strength of character that will command (not demand) and enjoy the confidence of the people. It should be a question of putting a round peg in a round hole, in a manner that is devoid of despotism and nepotism. The country should be restructured along true fiscal federation so that each state within the federation will be able to activate its potentials and develop at its own pace as it used to be the case in the first republic.

There is also imperative need for educational restructuring to the extent that each state or for the start geo-political zone can formulate its own educational policies that suits its environment. It is not only disheartening but wicked and backward looking in the 21<sup>st</sup> century for our country to record millions of applicants to various universities who are not to be able to secure admissions on yearly basis due to educational policies that are not well thought out. Applicants to university education must be allowed to apply to as many institutions as they can afford to enable them have access to tertiary education and individual universities must be left to devise his own criteria for admission. The current policies are unreasonably restrictive and only portray our leaders as people who having gone to the top of the tree (either by hook or by crook) now throw away the ladder. Most of our leaders have albatross of unresolved certificate scandals over their necks yet they are the brains behind policies that blocks access to education. Now if they support darkness instead of light where then is the future of the country, the state? No country can grow/develop beyond the quality of her leaders. Quality education is sine qua non for any form of meaningful development; mental, physical, spiritual, economic or political development. Hence the issue is too fundamental to be left to the whims and caprices of pedestrian policy formulators who are in the habit of changing policies as if they were changing clothes to suit different occasions. It is therefore strongly advocated that policy formulation on education be left in the hands of states (or regional) government according as their respective needs; more importantly, admission to universities should be reverted to pre-UTME by JAMB era when individual institutions used to conduct its own admission examinations; after all we have more than enough universities (public and private) to accommodate intending students. This will go a long way to solve the problem of backlog of candidates seeking admission. It will also enable each state or geo-political zones to develop at its own pace.

### **Fiscal Federation**

In all federations, the central government raises more revenues than it spends for its own needs. This enables it to make fiscal transfers to the constituent unit governments. However, the wealth of constituent units within federations differs greatly (Nigeria is a classic example), affecting their ability to raise own source revenues. In Nigeria since the discovery oil in the 70s states have more or less folded their respective arms with respect to any other sources of revenue generation. Oil that was a blessing has since become a curse because apart from the fact that the country has been getting poorer, the cost of our national source of income is also beyond the reach of the citizens, a very interesting irony, of course, in a negative sense. As we said earlier, only the 1954 constitution was actually federal in nature, character and content. Therein, there were both the Exclusive and Concurrent Legislative lists, yet the powers of the Federal Parliament were not as grand as we experienced under the 1979 Constitution and now 1999 constitution because under the 1954 own we had items like higher education, prisons, census, industrial development, Conditions of labour, welfare of labour, trade unions, maintenance of public safety and public order, professional qualifications for professions designated by the Governor –General. Any other matter not spelt out in any of the two list was residual for the exclusive legislative jurisdiction of the regions. This position had an ally in the tenth amendment to the Constitution of the United States of America which provided thus: ‘The powers not delegated to United States by the constitution or prohibited by it to the states, are reserved to the states, respectively or to the people’.

Nevertheless, it must be conceded that both the Nigerian independence and Republican constitutions are less unitary in nature than the military-orchestrated constitutions of 1979, 1989 and 1999. Though the Honourable Niki Tobi led committee set up to collate views of Nigerians before the promulgation of the 1999 constitution, stated and advised that the citizens preferred the 1979 constitution as it was before promulgation, yet, surprisingly the military still went ahead to include some outlandish provisions into the document, thus making Nigeria a Federal state on paper but an over bloated unitary state in practice.<sup>14</sup> This self-serving more

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<sup>14</sup> W. Olanipekun, Nigeria: What manner of Federation, being a paper delivered at the 1999 Bar Dinner of the NBA Osogbo Branch on Tuesday 14 December 1999: *The Voice of the Law and Social Change*, Vol 2., 5

of the Military precipitated, clamours and agitations for sovereign national conference by majority of Nigerians, so that various and diverse groups and nationalities that make up Nigeria can sit down to rub minds on how best the country should be run to ensure fairness, equity and justice to all. These voices of reason and wisdom were ignored until shortly before the Goodluck Jonathan presidency; even then the report of the constitutional conference is yet to be implemented. By virtue of Section 4 of the 1999 constitution, the legislative powers of the country is vested in the National Assembly (Senate and House of Representative), Section 5 vests executive powers of the Federation in the President while Section 6 vests the Judicial powers in the Judiciary. It is the National Assembly that has the power to enact an Act to create a new state by virtue of Section 8 (1) of the constitution, while section 8 (2) vests it the power to pass an Act for boundary adjustment of any existing state; also it is the National Assembly that can alter the provisions of the Constitution subject to the concurrence or approval of not less than two-thirds majority of the Houses of Assembly of the states.

Furthermore the items on the Exclusive legislative list over which only the National Assembly can legislate include arms, ammunition and explosives, aviation, awards of national titles, bankruptcy, banks and banking, borrowing of money outside Nigeria, census, citizenship, currency, customs, defence, drugs and poisons, formation, annulment and dissolution of marriages, trade and commerce, traffic on Federal trunk roads, water from such sources as may be declared by the National Assembly to be sources affecting more than one state, weight and measures, wireless, broadcasting and television other than broadcasting and television transmission, police and other government security services established by law, posts, telegraphs and television and telephones, taxation of incomes, profits and capital gains etc.

The items on the concurrent legislative list under which both the National and state legislatures can legislate include grants or loans from the imposition of charges upon any of the public funds of that state, archives and public record, collection of tax, fee or rate, election to a local government council. Under federation that will impact positively on the states, the proper thing is that most of the items assigned to the federal government in the exclusive list such as mines and minerals, prisons, trade and commerce, agriculture, justice, formation, annulment and dissolution of marriages, police, taxation of incomes, profits and capital gains, education, should be given to the states to legislate on. More particularly education should be left for the states in view of incessant change of policies on it by the central government most of which are not well thought out. Each state should be allowed to develop at its own pace educationally. Individual universities should be allowed to conduct its own entrance examinations and to determine its own cut off marks for each course of study.

Apart from the fact that the items on the concurrent list are bizarre as it is only the National Assembly that can legislate on most of them Section 4 (5) of the constitution also circumscribed whatever might have been left for the states by providing that in case of any inconsistency between the federal and a state, the law made by a state will prevail. It is also the president who can declare a state of emergency in any part of Nigeria pursuant to Section 305 of the constitution, thus leaving the state at the mercy of the whims and caprices of the President. Quite interestingly but curiously, the judiciary is not spared in this centralisation exercise as the states have lost their traditional jurisdiction to the Federal High Court by virtue of the novel additional jurisdictions of the Federal High Court in Section 25 (1) (p) (q) (r) (s) in respect of administration or the management of the government or its agencies, operation and interpretation of the constitution as it affects agencies; certain forms of action affecting the validity of any executive or administrative action or decision by the Federal Government or any of its agencies; and such other jurisdiction, civil or criminal and whatever to the exclusion of any other court or as may be conferred upon it by an Act of the National Assembly. Pursuant to the above provisions, it has been variously held that it is only the Federal High Court that has jurisdiction in any matter involving the Federal Government or any of the agencies.<sup>15</sup> Contrariwise, it has been held in the under mentioned cases, that the state High Court could adjudicate on matters involving the Federal Government, some of its agencies banking and some other matters.<sup>16</sup>

<sup>15</sup> See *University of Abuja v. Ologe* [1996] 4 NWLR (Pt 445) 706; *Onyenucheya v. Military Administrator of Imo State* [1997] 1 NWLR (Pt 482) 429; *Ali v. C.B.N* [1997] 4 NWLR (Pt 498) 192

<sup>16</sup> See *Barclay Bank v. C.B.N* (1976) 6 SC 175; *Broniks Motors v. WEMA Bank* (1983) NSCC 226; *Minister of Internal Affairs v. Shugaba Abdulrahman Darman* (1982) 2 NCLR 915, and *Jammal Steel Structure Ltd v. African Continental Bank Ltd* (1973) 1 All NLR (Pt 2) 208.

Furthermore, in Section 271 (1) and (2) of the constitution, and for the first time in the history of constitution making in Nigeria, vests the appointment of a state High Court judge on the Governor of a state acting on the recommendation of the National Judicial Council (NJC) of which the Chief Judge of the state concerned or anybody from that state might not be a member. Section 291 (2) of the constitution pegs the compulsory retirement age of a state judicial officer to 65 years, while by a subsequent amendment compulsory retirement age of justices of the Court of Appeal and the Supreme Court was put at 70 years. It is most humbly submitted that there is no basis for the dichotomy in the retirement ages of state High Court judge on one hand and those of the Court of Appeal and Supreme Court, on the other hand. It is therefore proposed that compulsory age of retirement of judges of all cadres should be uniform, preferably 75 years provided the judge is still agile. The above is just a tip of the iceberg; and the bottom-line is that the Federal Government appears to be too overbearing it has become too powerful, arrogant, coercive, intimidating and fearsome, and this has given room for proliferation of militant socio-cultural groups such as Bakassi boys, Egbesu boys, Odua Peoples Congress, MASSOB, etc and crisis and conflicts in all parts of the federation. Thus the irresistible conclusion is that the present structure of our federation has become unworkable, and there should be no more further pretensions about it. Thus the inescapable panacea is restructuring and the starting point should be the implementation of the report and recommendation of the Constitutional conferences of 2014 convoked by Goodluck Jonathan presidency. That is the only sure way to get out of the present convoluted federation. If we will continue to live together we must not only identify and understand our differences, we must also address them frontally.

### **11. Conclusion and Recommendations**

Federalism is not slavery, it is not bondage; it is not winner-takes-all; it is not George Orwell's Animal Farm, where 'all animals are equal but some are more equal than others'. Rather Federalism is give and take; live and let others live, it is a relationship rooted in mutual respect. Therefore if all these virtues will be attained and the future of the states guaranteed, Nigerian Federation must be restructured on the following considerations: The operation of true and genuine Federalism is imperative as the only basis for the continuing existence of Nigeria as a corporate entity. Corruption in all its facets and at all strata of our society must be addressed headlong, devoid of politico-ethno-religious biases. There must be massive devolution of powers to the states while the Central Government sheds its present massive weight drastically. The universality of human rights is accepted and practiced; man becomes the unit and prime mover and the sole purpose of development. Revenue allocation is based on the principle of derivation. Hard work, self-discipline, self-denial, mutual respect and loyalty to common causes are practised Materialism and stupendous wealth are deprecated while integrity, honesty, simplicity and accountability are elevated as state policies. Supremacy of the rule of law is guaranteed. Access to education, particularly tertiary education is liberalised. The practice of democracy is truly democratised by removal of burdensome financial structures; while at the same time ensuring free, fair and clean electoral processes. Without sounding alarming, compliance with the above observations is sure way to peace and tranquillity and unity, the other alternatives are sure way to anarchy and disintegration. 'It is better to die for an idea that will live than to live for an idea that will die'<sup>17</sup>

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<sup>17</sup> The reported epitaph on the grave of the legendary Steve Biko: Ken Wiwa (son of Ken SaroWiwa: in the Shadow of a saint.