



# A Breach of Federating Units' Sovereignty in Nigeria: the place of social science paradigms

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## Abstract

The dysfunctional lop-sidedness of Nigeria's federal system from the amalgamation regime appears to be of the main banes of Nigeria's underdevelopment socially, economically and politically. Nigeria was previously described as a geographical expression in 1947 for example after forcefully coerced autonomous nations of diverse historically, culturally, politically, and religiously by the British colonial government adopted a federal system of government. Federalism is all about the power-sharing of governmental functions between the central and the federating states. In the formation of a federal system, the federating states existed first before the central government. The purpose of forming a federal system is to accommodate the federating units of a union in the decision-making process entrenched in the nation's constitutional frameworks. However, the relationship between the central and federating units is complex and most often subject to infractions of the union agreement. This article aims to examine the rationale for the Nigeria's Federalism and the reasons why citizens are clamouring for restructuring of the political system. In addition to this, the article objectives are to review restructuring in a proper context and what to be restructured, to assess the extent to which clamouring for restructuring of federal system has been carried out at a particular period and to identify how to approach restructuring in a complex society such as Nigeria. Then the knotty question remains, what is restructuring in a proper context, what is to be restructured, its implications to the public, what has caused bridge of constitution in Nigeria and the place of environmental possibilism and determinism. The researchers applied both secondary and primary methods of data collections. We have equally used semi structured interviews tied with relevant theoretical frameworks to support our assertions and the main findings in particular. The article argues that restructuring Nigeria's federalism does not translate alone to good governance, accountability, and political solutions to the huge national present challenges. The key finding shows that there is no true federalism in Nigeria as too much power revolves at the central mainly and this has affected the nation politically, socially, economically, morally and otherwise. Based on the key finding, the article suggests that Nigeria as a country should learn from other countries such as United States of America, where Counties (that is Local Government Authorities) are given power to operate legally, politically, and economically. This is necessary to avert the on-going Russia and Ukraine dilemma in Nigeria. The recent development in Nigeria is acknowledged where Supreme Court had ruled in favour of local authorities to receive their monthly allocations directly from the Federation account, but this does not reflect complete sovereignty, as true federalism is more beyond mere receiving monthly allocations directly from federation account rather the role of Local Governments should be clearly defined.

**Keywords:** Federalism, federating units, restructuring, environmental, possibilism and determinism

## 1.0. Introduction

The dysfunctional lop-sidedness of Nigeria's federal system from the amalgamation regime appears to be one of the main banes of Nigeria's underdevelopment socially, economically, and politically. This is because errors and omissions identified from the onset and during the amalgamation regime could have addressed in 1999. This has necessitated some Nigerians to continue debate about the divisibility or indivisibility of the Nigeria state. Furthermore, it appears that such debates and discussions normally attract attention during electioneering and struggle for political power with many political figures and commentators arguing for or against the restructuring of the Nigeria federalism. Political violence, hate speech, oppression of opposing views, leadership tussle, and undermining of democratic institutions have characterised the Nigerian political landscape since 1963 when the first Nigerian Republic constitution was created. The constantly renewed interest by the Nigerian political class clamouring for restructuring the nation's federalism is as old as the nation itself, commencing from the pre-colonial domination by British imperialism. The article objectives are to review restructuring in a proper context and what to be restructured, to assess the extent to which clamouring for restructuring of federal system has been carried out at a particular period and to identify how to approach restructuring in a complex society such as Nigeria.

However, the recent two decades of agitation for true federalism in Nigeria to some extent is objectively connected with the dysfunctional political system on the one hand, and the subjective politically motivated agitation by some political elites as a political gimmick, on the other. The re-echo of restructuring Nigeria's federalism is generally loud during electioneering and the struggle for political power, as earlier mentioned. The subject under discussion became inactive for a few weeks or months when the dust in the atmosphere was settled after 2023 general elections had been concluded. Nevertheless, if properly analysed one would readily conclude that the brain behind the agitation for restructuring the nation, especially by the political class has been for the political reason of securing public support and conflict of interest. For instance, one of the voices in the 2019 agitation was once in power, his party and he could influence the National Assembly on restructuring the nation but did nothing. Some leading opposition figures from 1999 to 2014 campaigning for the National Conference or Sovereign National Conference now in the government party have suddenly become silent on the issue since 2015, what an irony. This raises serious doubt about the sincerity of the political class clamouring for the nation's restructuring. The politicians are well informed about public interest, this study views that restructuring the Nigerian state is a welcome development to the electorates, without them understanding the motive of the political elites and the deep meaning and intention of politicians about the subject of restructuring. Then the knotty question remains, what is restructuring in a proper context, what is to be restructured, their implications to the public, what causes bridge of constitution in Nigeria and the impacts of environmental possibilism and determinism. Environmental possibilism is a theory that emphasises that human actions detect for the environment through man technical know-how, while environmental determinism maintains that the environment is the primary factor that detects for human actions.

Moreover, there are two paradigms of Nigeria federalism, that is, divisibility and indivisible Nigeria or reformist and anti-reformist. The public opinions view that citizens from Southern Nigeria (South-Western and Eastern regions) who know the composition of the nation would readily fall into the political manipulation of restructuring. Most of the Northern Nigeria would support the anti-reformist group. Similarly, there was legion of problems and challenges ranging from political corruption, incessant ethnic violence regional insurgencies, and economic sabotage. Most of the political gladiators from Northern Nigeria and some of their cronies from Southern Nigeria would resist the reformist; the anti-restructuring has argued that Nigeria is indivisible. The next section describes further the method of data collection.

### 1.1. Methods of Data Collection

In the past, both empirical and critical review approaches have been applied by different researchers without much attention to application of relevant models/theoretical frameworks to interrogate the key findings (for examples see Nwokolo, 2020; Opadere, 2018; and Orizu, 2018). This paper has closed such gaps through an empirical grounded research that was linked to relevant theoretical framework and citing of different scenarios as case studies.

This article illustrates how federalism plays out in a federal government; the study draws on experiences from two federal governments (America federalism and United Kingdom parliamentary federalism) because of their historical and political connection to Nigeria. Apart from semi structured interviews, where the identities of respondents were not disclosed in order to guarantee confidentiality. This article used existing relevant academic literature, textbooks, reports, conference, and newspaper's editorial comments to illustrate how Nigeria federalism undermine constituent units' sovereignty that necessitated some Nigerians continuous agitation for the nation restructuring. Thus, discussing federalism as a model of social contracts through theoretical framework become inevitable subsequently, as earlier mentioned in the above.

## 1.2. The Theoretical Frameworks – Federalism as a Model of Social Contract

Federalism is a principle of social contract. Social contract is a philosophical theory that is based on citizens' consent surrendering their liberty to the state authorities as outlined in Locke's *Second Treatise*. According to (Hobbes's 1651, Locke's 1689, and Rousseau's 1762 in Kharkongor 2019) social contract concept as a political ideology believes that societies can only achieve stability and civil society (modern democratic government) after leaving state of nature, a hypothetical condition where citizens lived perpetually in a state of war against one another.

Hobbes, Locke, and Rousseau social contract centred on human nature that needs to be govern by generally acceptable rules and regulation (constitutions). The constitution that emerged during Rousseau, Hobbes, and Locke's social contract that formed the basis of society and nation where the citizens derive certain rights, rights to life, liberty and property established the modern concept of federalism. A social contract is an agreement among individuals within a social group to abide by certain rules and laws for mutual safety and defence. Some Federalism emerged as consent or bargain between already existed communities where the inhabitants had already and willingly surrendered their individual rights and liberties to the state to govern them according to the legitimate power.

According to Hobbes (1651), a Commonwealth is said to be instituted when a multitude of men do agree, ... I Authorise and give up my right of governing myself, to this man or this Assembly of men, on this condition, that thou that give up thy rights to him, and authorised all his actions in like manner (Hobbes, 1651). The federalism is model of social contract a rational justification for the establishing a peaceful and just society. The Nigeria Federalism is discussed next.

### 2. 0. The Nigeria Federalism and the Components of a Federal State

Understanding the contemporary Nigerian political system and rising problems requires making some references to certain dominant forces militating against its progress to a matured nation-state that would compete with other developed worlds judging by its rich human and natural resources. Nigeria is a multi-national state. By nature of Nigeria's multi-ethnicity autonomous status has been infused by a great tension of self-determination some ethnic groups of the amalgamated Nigeria of 1914 were forced to coexist. Nigeria's founding federating/component units were the Eastern and the Western Regions which gained their autonomy and self-rule in 1957, and the Northern Region which became self-ruled in 1959. Independent Nigeria standing on a tripod self-autonomy region. However, the Midwestern Region was carved out of the Western Region in 1963 making the country a federation of four regions (Nwoko and Osiki, 2016: 116). The creation of the Midwestern Region marked the fragmentation of the original Nigeria federal state and domination of one region over the other till date.

Then, a federal state such as Nigeria is a sovereign political entity that emerged from a union of independent or self-governing regions, ethnic provinces, and states and united under one central federal government. In a federal state, there exists a sharing of powers among the federating units and the central government as enshrined in the constitution which is written. The term federalism is historically linked to the Latin word "Foedus", meaning compact, it meant to be a political contractual agreement, union, or treaty between nations on matters in which they have a common concern. According to Althusius (1964) federalism is focused on the union of shared sovereignty between constituent states. Althusius' union member shared sovereignty is buttressed by Ayode (1988) in (Tella et. Al, 2014) stating that federalism is an ideological issue that implies the division of governmental power between the national government and the constituent units, a state, province, and region.

Federalism is a political structure in which the functions of government are divided between both the regional and the central governments in such a way that each level of government has some autonomous final decisions, each government has its independent functions and neither has supreme authority over the other (Wheare, 1963). In Nigeria, each level of government (federal and federating units) is not equal; the federating units are subordinate to the federal government. Constitutionally, where there is a clash, the power of the federal government overrides the state. According to FGN (1999) as amended, Part II Second Schedule, section (5) if any law enacted by the House of Assembly of a State is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail, and that other law shall to the extent of the inconsistency be voided. Babalola (2013) and Wheare (1963) have argued that because of the constitutional provision of both the exclusive and concurrent legislative lists, it is impossible to avoid federal government dominance or the subordination of the states by the central government.

In a federal state, there are broadly three approaches to the distribution of powers between the central and the federating units/states. The exclusive powers are reserved for the central government; the residual powers are reserved for the federating units only while the concurrent powers are left for both federal and the federating units. In this power sharing, each level of government is expected to carry out its responsibilities in accordance with the constitution. In a practical term, the distribution of powers is not completely achieved in Nigeria. The central government has become too powerful; 'a quasi-federation' is what is in practice. The only realistic way of preserving

Nigeria as a multinational state is to reverse Nigeria's quasi-federation so that the sovereignties of each federating unit can be recognised in their respective jurisdictions. British federation consists of four federating units – England, Scotland, Wales, and Northern Ireland. It remains a coherent united nation today as it accommodates the explicitly political character of Wales, Scotland, and Northern Ireland through devolution of powers (Melding, 2009 in Osmond 2012).

According to one of our respondents he maintained that in the USA, Counties (that is Local Government Authorities in Nigeria) were given power to operate and function....for example, when a County from Miami USA collaborated with Nigerian Government on a particular project, and during the endorsement of document it was County Chairman that led the delegation, while Minister led the Nigeria delegation.....in Nigeria reverse is the case where Local Government Authorities are avenue to settle the boys sighting the cases where Governors will prefer to settle their boys with position of Caretaker Chairmen of LGAs instead of conducting election in fact LGA are not given power to conduct their own election and even when elections were conducted by State Independence body, it still appears that such elections were not truly independence in practice..... (Interview with AB on 7/5/2024). The issue around Local Government receiving allocations directly from Federation account is a recent development in Nigeria.

Nation states adopting a federal system assumed that it provides strong political stability over a con federal system. It is on this note that both Ziblatt (2006) and Renner (2020) argued that Germany's adoption of a federal structure was for the unification of the state, it is a choice in maintaining political existence. Judging from various assertions related to federalism, the fact is that a federal system is based on consent among the federating states/regions or provinces. The formation of the union is based on due consultation, cooperation, and concession by all parties without elements of force, coercion/threat. However, it appears that Nigeria's federalism was a subject of coercion after the invasion and abuse of human rights by the British colonial power. According to oral and recorded history, the colonial master purposely imposed a federal system through the 1914 amalgamation for administrative convenience and merged different socio-cultural ethnic groups to become Nigeria for their economic gain and political expansion. The 1914 amalgamation was described as the New British government policy spelled out according to Lord Harcourt (1913) that:

“We have released Northern Nigeria from the leading strings of the Treasury. The promising and well-conducted youth is now on an allowance on its own and is about to effect an alliance with a Southern lady of means. I have issued the special license and Sir Frederick Lugard will perform the ceremony; may the union be fruitful and couple constant,” as cited in (Abegunrin, 2015: 14). This is type of union that one of our respondents referred to as ‘Marriage without notice of intention, no transparent strategic communication nor genuine participation’, but rather an imposition.... And such arrangement is another form of scam (Interview with AA on 6/5/2024). Contrarily, even though it seems that the Colonial Master had planted discord between Northerner and Southerner Nigeria, another respondents viewed that colonial masters, past military governments, civil war and corruption of any kind, and deliberate indiscipline should not be blamed but rather the politicians should largely be blamed, as they have had enough time since 1999 for example to correct all the past wrongs (Interviews with AC dated 9/5/24).

The British colonial government introduced the seed of discord in her colonies, a former British colony official, I. F. Nicolson elucidated the reason for the forced marriage between the Northern and Southern protectorates that:

“...the immediate reason for the decision to amalgamate the two protectorates was economic expedience. The Northern protectorate was running at a severe deficit, which was being met by subsidy from the Southern protectorate, and an Imperia Grant-in-Aid from Britain of about \$900,000 a year. This conflicted with the colonial policy that each territory should be self-subsisting,” (Abegunrin 2015: 15).

According to Proudhon (1863) in George (1922) socio-economic diversity has been the reason for the adoption of a federal system. The various regions under the control of the British imperialist had rich economic raw materials that could be annexed to better the colonial master's homeland. Proudhon's reason corresponds with Stein 1971 whose concept of a federal society correlates with Nigeria's complex diverse society, for Stein, a federal structure will be suitable for a society where there are differences in language, religion, geography, and economics might reinforce these territorially based.

Arguably, the unification or integration of these diverse ethnic groups was not a priority. The Nigeria federal arrangement could be said to hold the diverse ethnic together under which each of the regions has the right to preserve their separate identity and development strategies. Federalism mirrors the complex characteristics and multiplicities in a society (Livingston, 1952) in Okhonmina (2006). A system purposefully designed to hold different nations with some degree of independence together in a state, while allowing each of

Livingston (2006) in Okhonmina (2006) acknowledged the fundamental problems associated with the federal system but argued that the issue of federalism will be better understood when having a true picture of its workings as a process

by which the federating states that make up the union have been able to participate and compromise their socio-cultural and other differences, rather than a set of legalised institutions and procedures.

We would argue that there is no rigid federal structure. Based on this assertion a federal state has been categorised as a nation with constitutions specifying a geographical distribution of power between the central government and constituent units in which important areas of power are left with the component units. This assertion further emphasised primarily federal nations with a stable democratic system and have weathered external and internal crises in the post-World War II period without a major change in the political system. Previous studies on federalism have identified about twenty federal nations in the world, six of them are considered adequate for the above discourse: Canada, Australia, the United States, Switzerland, the Federal Republic of Germany, and Austria. Each has a stable democratically elected government, which has been stable over at least the last generation, (McBeath and Helms1983) explained. The discussion on the stable federal system does not include India, Nigeria, Mexico, and Malaysia. In these nations, system-wide crises have made the national government heavily encroach on federating units' sovereignty (McBeath and Helms1983: 23).

The major problem facing Nigerian federalism is centred on age-long ethnicity rivalry, mutual distrust, and fear of domination from other ethnic groups. These are age-long seeds of discord implanted into this artificial geographical area, 'mere geographical expression,' (Awolowo 1947) in Zhema (2015). For Soyinka (2009) "Nigeria has become a nation space because it lacks the "coherent philosophy of reproducing her existence, of harmonizing co-existence, or integrating the constituent parts into a discernible, functional whole all of which transforms a mere nation space into a true nation-state," (cited in Akinyele 2013:1).

The Nigerian political culture is clothed with strong ethnic and regional loyalty over nationalism and patriotism, which the British colonial administration failed to integrate and unite the varying diversity before independence. The 1966 military coup overthrew the democratically elected government and the killing of prominent citizens such as the federal prime minister Tafawa Balewa, the Sardauna of Sokoto Ahmadu Bello the premier of Northern Nigeria, Chief Samuel Akintola premier of Western Nigeria. The thirty months old civil war of 1967-1970 toward the secession of the Eastern Region from Nigeria and the inability of the federal government under Gowon to implement the Ghana Aburi accord did not help the Nigeria federal system to mature.

In the true characteristics of Nigeria's federal system, since 1966 coup that gave rise to a military government has turned Nigeria into a unitary state where the federal government is supreme and restructured the original tripod regional federating units with the creation of more states and local government areas. The restructured levels of governments exercise only those powers that are delegated to them by the central government (Rogawski 1990) in Onyishi (2018). Under the Nigeria military unitary system of government, Nigeria has been experiencing geographical political restructuring without economic restructuring. The states and the local governments are created at will and sometimes for political compensation (patronage) by the federal government without consultation. The above structure still in operation to date has continued making the central government ultimately arrogant of supreme and absolute powers over the federating units impacting on units' socio-economic and political sovereignty. Nigeria is a "quasi-federation" that combines characteristics of both federal and unitary with a federal constitution. Some federal government powers override state governments' powers because of overloaded exclusive powers. The paper subsequently elucidates major constitutional conferences that led to establishment of Nigeria Federalism and further perceived citizen discontents.

### **3.0. Major Constitutional Conference that led to the Establishment of Nigeria Federalism and Perceived Citizen Discontents**

Nigeria's federalism is a by-product of the 1914 amalgamation of Northern and Southern protectorates of the geographical area called Nigeria. The Lyttleton 1954 Constitution was the fulfilment of the amalgam project of the imperial master and established the federal structure leading to Nigeria's political independence in 1960. Before the Lyttleton 1954 Constitution, there were a considerable number of constitutional changes such as the Clifford Constitution of 1922, and the 1946 Richards Constitution with the introduction of regional government, in the Northern, Eastern, and Western regions. The 1951 Macpherson Constitution introduced what is regarded as a quasi-federal constitution containing an element of unitary and federal systems, that is, the governor-general is the supreme authority over the regional government.

Nigerians' agitation for restructuring rest on a long-term dysfunctional government greeted with national insecurity across all geopolitical region, citizens' safety and security are the primary purposes of forming society and government. We would argue that as result of politics of religion, marginalisation, tribalism, and nepotism, the youth are now engaging in kidnapping, criminals armed with guns and cell phones apprehend unsuspecting victims and drag their victim into a secluded spot to demand a ransom; thus, resulting to high rate unemployment and economic crisis in the country. Similarly, regional insurgencies and terrorism are on the increase due to the high rate of youth joblessness,

political and institutional corruption in Nigeria (Lawal and Salawu-Adeitan, 2020); which is exacerbated by weak and fragmentation of institutions (Lawal, 2013). This is coupled with several well-established regional militancy groupings, such as Boko Haram terrorism in the North, Movement for the Emancipation of the Niger Delta (MEND), Movement for the Survival of Ogoni People (MOSOP), O' Odua People's Congress (OPC) and the 1967-1970 Civil War. It appears that insurgency serves diverse political grievances, agendas, and motivations at the long run.

However, Ikelegbe (2005) submitted that the increase in ethnic militias mostly during the democratic dispensation has been attributed to some degree of freedom of expression through which individual citizen expresses their opinions. Agitation, discontent, and cries of marginalisation by social groups (compared to despotic military authoritarian and suppressive rules. Hence, agitation for restructuring the Nigerian political system is a legitimate citizens' fundamental opinion. Nigeria's multitude of problems can be regarded as a result of the cumulative effects of the unresponsiveness of both present and previous governments, elites, and politicians' dishonesty. These issues among others show that the present federal structure in Nigeria cannot be sustained, there is a serious need for Nigerian leaders to objectively investigate the best way to democratically address the issue rather than sitting on the keg of gunpowder. Thus, unfolding and assessing the reasons for agitation for restructuring the Nigeria Federal System from different sources become inevitable through section 4.0 in details.

#### **4.0. Restructuring the Nigeria System**

The concept of restructuring means different things to different people. Restructuring involves a total repair or removal of the existing political system structure to make it not only effective but workable and acceptable to the federating states. The primary objective of restructuring, therefore, in the framework of political, resource control, and current centralise unitary policing seeks to reduce the lopsided and dysfunctional federal government by bringing back the original self-rule autonomous federating units/state. Political restructuring implies devolution of power to the federating units. It also involves resource control whereby the federating units are allowed to control the resources in their respective domains and contribute an agreed percentage to the central government. Political restructuring and resource control or revenue sharing/allocation was previous in existence during. Resource control or revenue sharing/allocation is the most contentious issue in Nigeria's polity (Onuigbo et al, 2016: 45). The present structure of federating units' dependency on monthly federal allocation has been described as "feeding bottle federalism (Onuigbo et al, 2016: 36). The mechanism for sharing the nation financial resources among the different tiers of governments (federal, states, and the local governments) is not well defined. Nigeria has previously experience constitutional or political federalism during the nation First Republic 1960-63. The then three regions – Western, Eastern and Northern that served as federating units with each exercised autonomous that promote national competition in areas of education, healthcare, agriculture, commerce, and industry. Each region channelled their resources toward developmental and sustainable development without being micromanaged by the central government. This study restructuring focus on political restructuring that will bring about both resource control and policing system. This study views that poor governance and widespread corruption in the Nigeria polity the primary reason for the nation political restructuring.

Restructuring as a concern in Nigeria's political environment may be the subject of multiple complex perspectives. A former Nigeria Head of State Retired General Gowon in Vanguard Newspaper (2017) see a restructuring of Nigeria as an impossible mission, he argued that multiple ethnic groups are involved with different meaning of what restructuring would mean. According to him, there would be various definitions of what restructuring is by the various ethnic groups and this would make it impossible for the groups to come to a general conclusion as to what it really should be, (Daily Post 2017 and Vanguard News 2017).

Restructuring of Nigeria's federalism will continue to reverberate objectively with good intentions or subjectively based on conflict of interest among state actors. This study views that Nigeria has the features of a federal system but has not been a federal society. Empirical evidence shows that despite the clear manifestation of all characteristics of a federal state, there remain serious gaps of disagreements between the principles and practices of a federal state in Nigeria compared with American federal structure and practices.

The Nigerian federal structure was designed by the British colonial power to the advantage of certain ethnic groups to the detriment of other regions that are more advanced in their traditional democratic rules and educational process. The argument is a settled point. To date, the gap in the levels of social-economic, the inappropriate balkanisation, and the fragmentation of towns and villages leading to constant communal conflicts endanger national or regional development in all sectors of governance and will attest to the above claim. Given an example in areas of democratic values, economic and educational prospects are areas of drawbacks of Nigeria's too-powerful centralised federalism holding back the wheel of progress of certain regions to develop at their own pace as envisioned by the proponents of federalist structure.

The British colonial administration set up a federal system by their interests, an artificial discriminate demarcation of land and towns to weaken an identifiable stubborn region and to strengthen a supportive region of the British colonial

administrative expediency. Osuntokun (1979) opines that Nigeria's federalism was a deliberate action of British colonial rule to perpetuate neo-colonial control of the country even after independence in Babalola 2013. The central argument is that the federal solution in Nigeria was necessitated by the desire to achieve 'unity in diversity' and this was made possible by the presence of certain socio-economic forces (Babalola, 2013). To date, Babalola's argument has remained hypothetical. These two sides (Northern and Southern Nigeria) have become the protagonist and antagonists towards restructuring, the politics of decentralisation, either regionalism or resource control and centralisation favoured an indivisible Nigeria.

One of our respondents argued that the idea of calling for a genuine restructuring might be difficult to achieve in Nigeria because of our diversities, insincerity, selfishness and lack of political... and as it is now there is no true federalism in practice in Nigeria (Interview with BT on 13/5/24). However, in a heterogeneous, complex, and deeply divided society like Nigeria, the interest of the critical stakeholders is the major determinant of political orders especially the political actors with enormous influence on formal institutions. This study argues that sustainability for agitation for restructuring the system depends on the interest or lack of interest of the political actors on one side. On the other hand, if the power lies with the citizens, employing the collective power of voting to elect who becomes their representative may be able to force the political class to actualise their demand for restructuring of the political system. Livingstone argues, that "if the society is not federal and if federal institutions are in place, then the latter should change to reflect the characteristics of a "non-federal society." Theoretically, Nigeria has generally been referred to as a federal system with all federal institutions but not in practice, then, people's clamouring for restructuring remains the only option.

Political science and history scholars would understand that Nigeria's political system has been seriously damaged and has contributed to its failure to move in the direction of a progressive nationhood. It is no shock the philosophical agitation for the nation restructuring. The rhetoric's philosophy of peaceful coexistence of different multi-ethnic nationalities in Nigeria as one peaceful entity is fading away at a greater speed, states and local governments surviving at the mercy of the mighty federal government through monthly allocation has continued to hinder the competitive development of these different regions of the country among other factors. The present political structure of the nation needs re-visiting. According to Nwafor-Orizu, et al (2018) study who recommends that Nigeria's federalism requires "re-federalization, value reorientation, institutional re-strengthening, and ethnic representation among others as the solution to restructuring." Restructuring is as old as the nation itself, it has been an instrument of disunity, and breeds conflict among the component units. This led to the polarisation of the country, Hausa/Fulanis, the Yorubas, and the Igbos (Yaqub, 2016) in Nwafor-Orizu, et al (2018: 20) that is, (the reformist or protagonists and the indivisibility of the nation or anti-restructuring.

Principally, the argument of some reformists centres on resource control, especially from most of the Easterners (the oil-producing region), the South-west reformist insisting on old regionalism, while the majority antagonists from Northern Nigeria have argued that the nation has been maintained through funds from agricultural products before the discovery of oil. This study per se argues that there is no clear direction of what is to be restructured as there are differences in the reformist camps. The agitation for restructuring from the South-West focused on regionalism and true federalism. The region is strongly of the view that local government is a subordinate administrative to the state and not an autonomous institution and has no coordinate status as the regional authority and the federal authority. Opposition to restructuring is understood to protect the age-long political domination and economic advantage derivable from the Southern region, that is, for economic and political reasons; thus, the basis of the 1914 amalgamation.

According to Alhaji Tanko Yakasai (2017) in The Sun of 26<sup>th</sup> May, 2017, the North has a reservation for restructuring because it aimed to deny the North revenue and representation. In his words: "the idea behind the agitation for restructuring is to demolish those two advantages that are naturally due to the north in terms of representation and revenue sharing."

This study agrees with Alhaji Tanko Yakasai opposition to restructuring Nigeria federalism is based on his objectivity, requesting for blueprint on the matter. According to him, if no one comes out with a blueprint for restricting the country, he will continue to pitch his tent, with proponents for the unity, and stability of the country (The Punch Newspaper, 2017). Away from Yakasai, Osoba, a south-Westerner expressed his support for restructuring, explained that restructuring the nation is of great benefit to both regions that those countries that have been forced together over centuries are at one time or another either disintegrated by force or negotiated separation. He commended UK federalism struggling with devolution power and the rising of Scotland's agitation for self-rule after the British exit and away from the control of the Westminster power, (The Sun Newspaper, 2017).

Lending his voice to the issue of restricting, the founder of Afe Babalola University (ABUAD), Chief Afe Babalola (SAN), said 'I say with emphasis that the only change that can change the country for better and pave the way for the

evolution of one nation is the changes that change the structure of Nigeria....that change is restructuring of the country, it is the restructuring of the country, it is restructuring that will reduce overconcentration of power in the centre and reduce corruption, promote harmony and unity and make the country metamorphose into a nation'(Guardian Newspaper, 2018). He further emphasised that the nation's constitution is the great problem. However, he failed to explain his type of restructuring. This study is of the view that the Former Vice President Atiku Abubakar and the Yoruba socio-cultural group Afenifere public discussion on restructuring is politically motivated due to the timing of the discussion have reiterated the need for immediate restructuring of Nigeria.

Similarly, the researchers are of the view that all the 36 states plus Federal Capital Territory (FCT) Abuja and 774 local governments of the federation as presently constituted are creations of the federal Military governments and, hence, were forced on the citizens without their consent. The study views that the 2014 National Confab failed to present to Nigerians a possible workable solution by recommending the creation of more states. To recap, a federal system of government is a voluntary union of various autonomous regions, provinces, or ethnic groups. The creation of new states is not an answer to Nigeria's problem. Part of the restructuring is the abolition of the 36 states and the 774 local governments. As presently structured the 36 states and the federal capital are all minors of central government with heavy reliance on the central government for their survival, a situation where the so-called federating units are agents of the central government.

As part of re-engineering the Nigerian state, the late General Sani Abacha created the present six geo-political zones on 1<sup>st</sup> October 1996. According to his former Chief Security Officer Hamza Al-Mustapha, the decision to create these zones was based on the historical background of each geopolitical region in terms of traditional institutions, culture, attitude, and how the people coexist. No matter how the creation was done, it brought about some stability and development to the nation and the regions. In 2010 former Libyan leader Mohammed Ghadafi said Nigeria should be partitioned into six independent states to end sectarian strife, (BBC 2010 and the Guardian 2010). Arguably, the situation at that time was much better than between 2014-2020, a period of a high rate of political exclusion, incessant killing by the Muslim Fulani herdsmen and Christian farmers' regional militant violence, and terrorism.

The union of a federating state belongs to that body of the consented federating units, in this case, Nigeria (the then Northern, Western, and Eastern regions). The decision to restructure or not, everyone returned to their earlier regions before the 1914 amalgamation. The purpose of forming a society or government is primarily the protection of lives and property of the citizens, fairness, and justice, (Hobbes 1651) Leviathan in Bennett (2017:6). Therefore, the only way to restructure the Nigeria federation union is through the conduct of a national referendum in a free and fair election with the adoption of former modified open ballot system General Babangida "option A4" that produced the freest and fairest June 12, 1993, presidential election in Nigeria. To remind us again, the electorates cued behind the preferred candidates. The will of the people at the suggested referendum should reign," that means. The citizens as the owners of the state have spoken. The nation can be divided but the voice of the people in a referendum is supreme sovereign and indivisible and can set Nigerians free from chains everywhere.

In summary, if Nigeria must be restructured, the question is what is to be restructured. For this study, as the situation is, the political system needs to be reformed, the old regional system be brought back, and each region be left to determine its political structure. Secondly, Nigeria does not need a bicameral legislative arm, hence, each region elects and sends an equal number of delegates to the central government appointing among themselves a president for the whole federation for a single term of office on a rotational basis. The leaders of delegates from each other region shall be appointed as vice presidents of equal power. Thirdly, the constitution amendment is important; an initial simple majority of the National assembly is needed to allow for a national referendum on restructuring. The next section discusses in a more detail the restructuring of the Nigeria centralized policing system in a proper context through section 5.0, as a case.

## 5.0. Restructuring the Nigeria Centralized Policing System

*'.....let each region have their own state police. If we have our own state police, the issue of Fulani herdsmen terrorising us in the South, believing that they have people at the top will not be there. If anybody comes to disturbed, let our police deals with them. The issue of having people at the top would not be. The issue of hope having majority at the National Assembly will not be there. For example, presently we have 36 states plus FCT, out of those 36 states, the Northern Nigeria had 19 states, and the Southern Nigeria had 17 states. Yorubaland from the South only had 6 out of 17 states..... (Interview with AK dated 21/5/24).*

The agitation for restructuring of Nigeria's centralised police under a federal system has continued to polarise the polity. On one side of the coin are those who believe in state and community policing that will foster security at the grassroots.

On the other side are those who believe in the maintenance of a centralised police command, that state police will become a tool of oppression in the hands of state governors. The most contesting of Nigeria state restructuring aside from both political and resource control is policing system arguing for restructuring the Nigeria Police command. According to sections 214 and 215 (2) "the Nigeria Police Force shall be under the command of the Inspector General of Police," (3) "The President or such Minister of the Government of the Federation as he may authorise in that behalf may give to the Inspector-General of Police such lawful directions concerning the maintenance and securing of public safety and public order as he may consider necessary," (FGN 1999) as amended. By implication, the current centralised or unitary police system does not reflect a federal system structure. The present police unitary command has continued to impede or incapacitate the federating units to act independently of controlling insecurity in their respective states. This is contrary to the British decentralised police structure under a parliamentary system of government and the American federal system of government like Nigeria.

In America, three levels of policing are publicly funded, (Evans, 2007). The American federal police are funded by the central government; this includes agencies such as the Federal Bureau of Investigation, Alcohol, Tobacco, and Firearms, and the Drug Enforcement Agency. Each State government has their police having jurisdictional responsibility for the entire state and are funded by the state, the local police with the support of the state police deal with local crime problems as both are accountable to their respective state governors, in conclusion, restructuring or reforming the Nigeria policing system is considered a national imperative.

Since the return of democratic rule in 1999, Nigeria has faced an uncertain future because of mounting physical evidence of national insecurity across the six geo-political zones ranging from banditry in the North-West, the Boko Haram terrorists in the North-East, the Igbo secessionists and other associated criminality in the South-East/South-South calling for an independent Biafra of 1967, and the South-West facing violent conflict between farmers and pastoralists and agitation for regional government. The country's not-too-long experience of the abduction of 276 Chibok girls in 2014 provides a practical security compromise occasioned by police ineffectiveness in Nigeria. While commenting on restricting Nigerian policing, Aremu, (2018) has argued that the Nigeria federal police, as presently constituted, is not in tandem with the present security challenges and realities of the country. One of the failures of the federal police in Nigeria is its inability to contend with the gale of terrorism, insurgency, and kidnapping in the country. Aremu criticised the current unitary police system in a federal system and called for the creation of state police with the fundamental principles guiding modern policing as promoted by Robert Peel of 1829, the founder of modern policing that will be accountable to the people as against the present composition.

Then, what should be structured in proper context is attended to from the genuine assertions of one of our respondent as thus: 'Let put-up, what we favour in each area.....If in the Igboland is trading that can fetch them money, let them put their money in trading. If in Hausa/Fulani land is cattle rearing, let them put their money there. If Yoruba or Igbo need cattle, we pay for it and you give it to us. The issue of creating cattle ranching will not come up. You are doing your own business, why do we say I succumbed to your own and to give you my own environment. Do your business in your own area, if you need anything in my own area and pay for it' (Interview with AK on 21/5/2024).

## 6.0. Conclusions and Recommendations

In conclusion, Nigeria's federalism emerged from British administrative economic convenience and political expansion. The original federating units were established on a tripod stand self-autonomy regions between the Northern, Eastern, and Western Regions. The solution to restructuring Nigeria's federalism is a political will from both the governed and the government. The public needs to be aware of not being negligent of their collective civil responsibilities and equally be aware of the gimmick of the political class that no longer represents the public interest.

The problems associated with restructuring the Nigerian state will exact a high cost of human and financial resources, political capital, that is, trust and respect, in the political elites, and critical stakeholders across each region to pursue objectivity and goodwill. There is a great battle to be fought with the national assembly, the bureaucracy, and other interest groups who may be defensive of their present status wealth, and power they processed and will not surrender without a fight. Restructuring cannot be subjected to a simple mathematical equation, a complex issue than can be imagined; the agitation for restructuring in many ways is a War of attrition to push through unpopular legislation without collateral damage. These damages can be minimised through systematic evaluation of the nation's problems and challenges grounded in objectivity and openness. Restructuring Nigeria's state may take years and may even never find all-round agreement or compromises. There is no doubt that Nigeria's Federal system is skewed with an enormous concentration of powers at the centre at the detriment of the component units. Nigeria's federalism has created a dependency relationship but not an independent or cooperative one between the federal and state governments.

Based on the findings the article suggests that the following recommendations among others:

1. The politicians should be ready to take Nigeria State to a greater height constitutionally, administratively, politically, socially and environmentally via very strong political will. Then, what is worth doing at all is worth doing well and as such the time for restructuring is now or never.
2. The politicians should encourage more researches in this line, so that the societies will understand what should be restructured in a proper context, after ascertaining whether we are compatible as a people or nation to live together as one nation or not.
3. Nigeria State should learn from other countries such as United States of America. Therefore, Nigeria needs to start from somewhere, where not just States but LGAs should be given power to function and operate like in the United States of America where Counties (LGAs) are permitted to conduct their own elections, put in place their own strategic security systems, determine their own projects and champion the processes of implementing such plans, programs and projects
4. Even though the article argues that restructuring Nigeria's federalism does not translate alone to good governance, accountability, and political solutions to the huge national present challenges, but achieving a robust restructuring and practicing true federalism should be recommended, where populace are disciplined and this will go a long way to guarantee good governance and in turn helps in meeting the needs of the larger population in Nigeria in terms implementing a purposeful infrastructure.
5. In order to avert the on-going Russia and Ukraine dilemma in Nigeria, the article suggests that the best time to practice true federalism and attend to the demand of larger populace should be prioritized.
6. In Nigeria, Fiscal Federalism should be established in the Constitution with the Federal Government for example having primary responsibility for defence, foreign affairs, and other national issues, while State and Local Governments for example should be responsible for issues such as health and education among others. Then, one of the main reasons for a robust fiscal federalism is to implement a clear and transparent system for revenue sharing and allocation of resources among the Federal, States and Local Governments.
7. Thanks to the Attorney General of the Federation of Nigeria and the Minister of Justice Lateef Fagbemi for the recent judgement on Local Governments financial autonomy. Importantly, the real Local Government autonomy is advocated and recommended beyond just receiving monthly allocation of revenue directly from Federal Government. Therefore, the ambiguity noticed in the role of Local Government Authorities should be addressed and their role should be clearly defined.

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