Chapter Nineteen

Nigeria's Federal System and the Clamour for Restructuring

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Introduction

Nigeria as a state operates a federal system which obtains its powers from the 1999 constitution (as amended). Prior to this system, the country commenced its journey as a sovereign state in 1960 with the parliamentary system of government. The 1963 constitution of Nigeria stipulates regionalism in the administration of the constituent units (Asobie 1996). Under regionalism Nigeria achieved rapid social and economic development between 1960 and 1966. However, there were serious concerns of neglect and marginalization by minority ethnic groups in the different regions in the country at that time. This fear contributed to the reasons for the creation of the Mid-West region out of the Western region. In the midst of political imbroglio in the western region from 1964 elections, the federation began to show signs of grip on developments by the government at the centre. Hence, as fallout of the January 15th 1966 coup d'etat and the seeming preference for unitarism by the military, a counter coup occurred on the 29th of July, 1966 spreading turmoil, killings and culminating in the atrocious civil war in which millions of lives were lost. The periods after the war exposed the instability and uncertainties that characterize Nigeria's politicallandscape.

At that juncture, the military government headed by General Olusegun Obasanjo sought to bequeath to Nigeria and Nigerians a constitution which, in their minds, would ensure unity and progress in the country. Hence, by the time of inauguration of the Shehu Shagari administration in 1979, it depended on the new constitution which ushered in the first executive president of the federal republic of Nigeria. The 1979 constitution also manifested a very powerful central government operating the over-loaded exclusive list which lasted just for the first four-year term, at the end of which the military under General Muhammadu Buhari struck once more and scuttled that political experience of the country. The 1983 second coming of the military literally condemned Nigeria and its citizens to a very long misadministration which became a case of 'one general out and another general in' till the year 1999. But prior to that, General Sani Abacha had, in a palace coup, eased out Ernest Shonekan of the Interim National Government (ING) in 1994.

The interim government was necessitated by the fact that after General Ibrahim Babangida had, against all expectations, annulled the results of the June 12th 1993

general elections which was widely thought to have been won by Moshood K.O Abiola, and in order to save some face and leave the stage with any form of respect, he had to hand over power to Ernest Shonekan briefly before things are sorted out. However, Abacha seized the opportunity leveraging on his high ranking in the military to take over the reins of power unto which he held till his death under some mysterious circumstances in 1998. From that moment, it was clear even to the military establishment that governance under them have become unfashionable and unwelcome to the people. So, the few months that General Abdusalami Abubakar was at the helm of affairs were just to prepare for the military's exit and to usher in an elected civilian government. Therefore, the new 1999 constitution of the federal republic of Nigeria was hurriedly drafted without the people's input, and the results and manifestations of the inherent flaws of that constitution make up the primary focus of this study (Ajagun, 2006).

What is Federalism?

Federalism in essence is an arrangement made constitutionally as regards the division of powers between two levels of government in a polity. The powers involve law-making powers, and administrative functions in each level's area of influence or territory (Wheare,1963). Federalism describes an arrangement which gives birth to a system in which the power to act as a sovereign is shared between two or more political units for governance. In some countries, they are referred to as states, and in some countries, they are called provinces. Though the federal and the constituent units share the power to function as sovereign, the federating units should be capable of existing and functioning autonomously with the ability to source needed resources to have fiscal independence. Therefore, the federal arrangement presupposes that all the federating units are not subordinate to the federal. According to Ezirim et al. (2018), the elements of a federalism system are as follows:

- There must be in existence a written constitution with prescribed process of amendment;
- The existence of a national and several other units of governance;
- The existence of an independent tribunal to interpret the constitution and adjudicate between the national and the regional governments;
- There must be a strict separation of powers;
- Available resources and functions to ensure that all levels are independent or autonomous;and
- The existence of exclusive, concurrent and residual legislative lists.

Government defined

The whole notion of government has to do with some form of public affair or exercise. Therefore, government as a political organization that represents the yearnings and aspirations of individuals, groups, and institutions, by formulating policies, conducting the affairs of the masses, and moderating the interrelations between people in its defined sphere of influence or territory(Burke, 2008). Chikeleze and Ofuebe (2011, p.1) see government as "the people who form the supreme administrative body of a country that makes and executes laws of a state, conducts its public affairs and maintains law and order within its territory." Thus, government encompasses all groups, bodies, and institutions through which the functions of the state are executed for the benefit of those on behalf of whom they are set up to carry out those functions (Durf, 1969). Appadorai (1975, p.12) notes that government is the "agency or machinery, through which the will of the state is formulated, expressed and realized." The term includes the sum total of the legislative, executive, and judicial bodies in the state. The main purpose of government is to protect and ensure the preservation of the constitutional rights of citizens as regards protection of lives and properties regardless of their sex, color, creed, tribe and tongue.

Defining Restructuring

Generally, restructuring could be seen as a far-reaching alteration in the operations of a system which is aimed at improving activities of the system. Specific terms that could be aligned with restructuring include, re-alignment, re-engineering, re-configuring, reforming, reshaping, and others (Patrick, 2019). Whenever an existing organization or a set-up is holistically re-adjusted in order to respond to its inability to achieve set goals, it could be said that restructuring has taken place (Kamal and Kamal, 2017). Similarly, restructuring could be taken to mean any action taken in the course of modifying the operations of a system or organization to make it efficient, effective, and functional (Okonkwo, 2018).

Furthermore, Nachana'a (2019, p. xci) define restructuring as a "significant alteration, re-organization, reformation and re-arrangement of an existing structure, form or *statusquo* in a revolutionary or evolutionary manner, with the aim of making it more improved, effective, efficient and functional in addressing the interests of the various groups that constitute the Nigerian political space."

There are two dimensions to restructuring in a state, these are the political and economic restructuring. First, political restructuring basically takes the shape of re-organizing aspects such as operational structure, ownership, and legal make up of an organ with a view to transforming it administratively to become more effective and efficient (Ebiziem & Onyemere, 2018). Also, political restructuring involves concerted efforts to re-configure a state's constitution in order to devolve powers in a commensurate manner to constituent units for effective governance (Ahmed,

Norafidah & Knocks, 2017). Economic restructuring has to do with equal distribution of a state's commonwealth to accommodate all citizens without alienating any section or area or equitable distribution of wealth. The meaning of restructuring that captures the demand in Nigeria has to do with efforts to re-organize and re-arrange the resource management. Regions and constituent units are currently demanding to control the exploration, exploitation, and development of their resource-rich sections of the federation that fall within their areas of influence (Najakku, 2016).

Theoretical Framework

This study adopts the structural-functional theory propounded by Gabriel Almond and Powell (1966) and popularized by Robert K. Merton (1957) and Talcott Parson (1975). The theory is an approach that tries to study and understand political systems in both their structural forms and the different functions of their parts as a system. The basic assumption of the theory is that it sees the society as a living organism made up of components part, which functions harmoniously for the survival of the whole system. Almond and Powell assumptions are derivative of the systems approach that: (i). The society is a single inter-connected system in which each of its elements performs a specific function and whose basic goal is the maintenance of the systemic equilibrium; (ii). The society, being a system as a whole, consists of its numerous parts which are inter-related. The dominant tendency of the social system is towards stability which is maintained by its own in-built mechanism; (iii). The system's ability to resolve internal conflicts is usually an admitted fact; (iv). Changes in the system are natural, but they are neither sudden nor revolutionary, but are always gradual and adaptive as well as adjustive; (v). The system has its own structure, with its own aims principles and functions.

Therefore, in any political system, there exist structures that perform essential functions for the survival of the system as a whole. There are so many sections or structures of the political system such as pressure groups, the mass media, and political parties. Also, for system maintenance, there are institutions such as those for interest articulation, political socialization, political communication, and mass mobilization. The functioning of any political system may also be viewed in terms of its capabilities, which is the way it performs as a unit in its environment. The concepts of regulative, extractive, distributive, symbolic and responsive capabilities are employed as criteria to assess how a system is performing within its environment, how it is shaping its environment, and how it is being shaped by the environment as well. The theory stresses that all systems have structures which can be identified, and those structures perform specific set of tasks if they are to remain in existence and maintain their relevance to the system. Political systems are compared in terms of the manner in which structures perform the expected functions in society.

Structural-functionalism is anchored on two basic concepts: structures and functions. While structures are arrangement within the system which performs the functions which could either be diffused or diffracted, functions are the objective consequences emanating from the workings of the system or what the system does All political systems are therefore perceived to perform two basic functions-input and output functions. Input functions are political socialization, recruitment, interest articulation; interest aggregation; and political communication. While the output functions are rule making, rule application and rule adjudication. This theory presents a kind of layout that are inter-related and reciprocally regulated patterns of actions orientation patterns that have needs for maintenance and survival. Hence, a fundamentally dysfunctional system will produce a dysfunctional result or outcome. The Nigeria state which is made up of more than 250 distinct ethnic nationalities has witnessed calls and demands for constitutional reforms. The expected constitutional reform would result in a restructured federation where the constituent units could co-exist peacefully and cooperatively for the overall social and economic development of the entire nation.

Research Design

The design for the study is essentially *ex-post facto*. The approach is applied more expressly in situations where occurrences have already taken place. The positions of causative factors are determined tentatively as developments occur and not manipulated as in real experiments. The design encompasses extended series of pre-measurements and post-measurements in order to establish causal relationships between dependent and independent variables. Asika (1991, p.29) represents it thus:

O	=	Observation
R	=	Random assignment of subjects to experimental groups and random assignments of experimental treatments to experimental groups
X	=	Independent experimental variable which is experimentally manipulated.
Y	=	Dependent
B	=	Before observation
A	=	After observation

After observations are made regarding the variables, they are duly recorded and related to the investigation under study. Generally, first, the interrelations between presumed causes and presumed effects are involved; second, the timing of the order of occurrence-the cause preceding the effect; third, the deduction of possible alternative explanations for the resultant observations (Selltiz, *et al*, 1976). Subsequently with the calculations, the relationship between (X) and (Y) variables could be identified, calculated, and recorded.

Nigeria's 1999 Constitution and Federalism

Federalism as a concept has some basic characteristics, some of which, according to Nosiri, (2018) are as follows:

- Formal division of powers: State powers are constitutionally shared or divided between the federal and the constituent units.
- Supremacy of the constitution: in relation to/with each other, the powers to be exercised by each level must be as stipulated by the constitution.
- Written constitution: this eliminates ambiguities and disagreements that could arise in the event of a conflict of interests.
- Rigidity of the constitution: constitutional amendments are not easily procured; they follow very rigorous procedure as spelt out by the constitution.
- Bicameralism: there is always the existence of two chambers of legislature-the upper and the lower houses.
- Constitution as a source of centre and unit powers: no other source holds the powers to be exercised by each level, only the constitution does.
- Independence of judiciary: there must be an independent judiciary which should adjudicate in cases of conflict between the different levels of government.
- One state and many governments: there are administrative, financial, and political structures at all levels of government for effective governance in the localities

Considering the above characteristics of federalism, one is tempted to want to examine whether Nigeria's federal system according to the dictates of the 1999 constitution conforms to what a federal system ought to be. Many issues combine to make the federal system of government expensive in nature, and more so for a country like Nigeria where there is a multiplicity of ethnic and religious divisions that must be represented. Atiku (2018) while considering the above notes the government at the centre in Nigeria has become so complex, and also have garnered so much spheres of influence and power some of which actually should be wielded by other levels of government.

Scholars have focused their different studies on the question of restructuring in the Nigerian federation; there is the idea that the foundation of Nigeria's 1999 constitution poses a serious impediment to achieving the objectives of a federation. The 1999 constitution of the federal republic of Nigeria ought to be abolished and re-enacted, so that in the process proper democratic procedure of producing a people-oriented constitution will be followed (Kia & Abeki, 2018). Abiodun (2018) stresses that there might not be much to be achieved through restructuring without adequately tackling pertinent issues such as decongesting the legislative powers which are concentrated in the exclusive list, and addressing wealth redistribution. The unfortunate situation that Nigeria and Nigerians find themselves at this time in their political history could be blamed on the lack of involvement of the masses in the process of enactment of the 1999 constitution of the federal republic of Nigeria. There was no consultation by way of referendum or any other means; hence the too much concentration of legislative powers in the exclusive list while leaving the concurrent list without meaningful powers (Ideobodo, Okolo & Eze, 2018).

Also, one of the units of the federation was made to be much more powerful by the 1999 Constitution of the federal republic of Nigeria; hence the federal unit feels more superior and, in some cases, dictated the position and procedure of joint business between it and the constituent units (Ideobodo, Okolo & Eze, 2018). That notwithstanding, a typical federal constitution is supposed to bring together or join administrative parties that are separate but also equal, with all the structures required for them to operate on their own. And this by implication means that each of the units should have their own constitutions for effective and timely administrative functions (Obidimma & Obidimma, 2015). The legislative list in the constitution of the federal republic of Nigeria have extensive layout of spheres of influence for each of the levels of government. The items on the exclusive legislative list represent most of the critical aspects of governance, while the concurrent list contains spheres of influence which are equally important but not as important as those found in the exclusive list.

As regards the provisions in the 1999 Constitution of the Federal Republic of Nigeria, the legislative list provides for the division of powers thus: the exclusive list, the concurrent list, and the residual legislative list. In section 4 subsection 1, the constitution provides that the legislative powers of the federal republic of Nigeria rest with the national assembly for the federation, and section 4 (6) locates the legislative powers of a state in that state's house of assembly. Nigeria's national assembly is bicameral consisting of two houses; the senate and the House of Representatives. In the 1999 constitution of Nigeria, there is provision for a total of 68 (sixty-eight) items on the exclusive list which a preserve of the federal government when it comes to legislation.

The exclusive list include the federation accounts; arms, ammunitions and explosives; awards of honours and decorations; aviation; bankruptcy and insolvency; banks, banking, bills of exchange, and promissory notes; borrowing monies inside and outside Nigeria for the purposes of the federation or any state; construction and maintenance of federal trunk roads; copyrights; census; citizenship, naturalization, and aliens; commercial and industrial monopolies; control of capital issues; creation of states; currency, coinage, and legal tender; customs and excise duties; defence; diplomatic, consular, and trade representation; drugs and poisons; election of offices of president and vice-president, governor, or deputy governor; evidence; exchange control; export duties; external affairs; extradition; immigration and emigration; implementation of treaties; insurance; incorporation, regulation, and winding up of corporate bodies other than those established by a law enacted by the state houses of assembly; labour; maritime shipping and navigation; meteorology; military (army, navy, and air force); mines and minerals; national parks; nuclear energy; and passports and visas, and so on.

The concurrent list, on the other hand, provides for items on which both the federal and the state governments can legislate, and these include; allocation of revenue; antiquities and monuments; archives; a collection of taxes; electoral law; electric power; exhibition of cinematography films; industrial, commercial, or agricultural development; scientific and technological research; statistics; trigonometrical, cadastral, and topographical surveys; universities; technological and post-primary education. The constitution also provides that legislative powers which are not expressly listed in the two foregoing lists comes under the residual legislative list (1999 constitution of the federal republic of Nigeria). The residual legislative list contains spheres of influence in which the local governments or the local authorities have the power to act. Primarily, this express division of powers is meant to serve as means of checks and balances in the general administration of the state.

Analysis

The call for restructuring in the Nigerian federation has been loud and clear for as long as the state existed. As lack of outright agreement on how and when to put forward a probable date for independence became a matter of disagreement even before its achievement. But the clamour for restructuring in Nigeria took a new worrying dimension after the suspension of the 1963 republican constitution by the military and governing the country with a unitarist system where absolute power rests with the government at the centre. However, it has been more vocal and persistent since Nigeria's return to democratic governance after a long period of military dictatorship. Nigeria settled for federalism as a system of government for some obvious reasons, the cardinal reason is captured by Ezirim et al (2018, p.59)

thus, "the choice of federalism as the preferred system of government for Nigeria was not accidental. With over 250 ethno-linguistic groups, some of which are bigger than many independent states of contemporary Africa, the Nigerian State is characterized by socio-cultural diversities. This is the raison *d'etre* for the adoption of federalism as the system of government in Nigeria."

Federalism was thought to be capable of affording the country quick and steady growth socially, economically, and politically by giving every stratum of the society ample opportunity to develop at its pace while contributing to the development of the federal state. This very believe and hope have not been realized, rather the very characteristic of the unitary constitution which is erroneously incorporated into the 1999 constitution of the federal republic of Nigeria, has turned out to be the main reason for the widespread clamour for restructuring.

Table 19.1 Revenue allocation formula in Nigeria, 1980-2024.

Commission/ Administration	Federal Government	State Government	Local Government	Oil Producing States	Ecological Problems	Special Funds
Okigbo Commission 1980	55%	35%	10%	-	-	-
Babangida Regime 1985-89	55%	32.5%	10%	1.5%	1%	-
1992	50%	25%	20%	-	-	5%
1993	48.5%	24%	20%	-	-	7.5%
Abacha's Regime 1994 – 1998	48.5%	24%	20%	-	-	7.5%
Obasanjo's Regime 1999- 2007**	41.3%	31%	16%	-	-	11.7%
1999-2007 (as proposed by southern governors)	36%	36%	25%	-	-	3%
2007-2014	52.68%	26.71	20.60%	-	-	-
Buhari Administration 2015-2023	52.68%	26.72%	20.60%	13%	-	-
Bola Tinubu 2023 – 2024	52.68%	26.72%	20.60%	13%	-	-

Source**:** Ezirim et al, (2018); RMAFC (2024).

Table 19.1 above shows the approved revenue sharing formula which is obtainable in Nigeria. The percentage of sharing has changed over the years as captured by the table. This above revenue-sharing formula in itself is an anomaly when considering the basic characteristics of federal states with a federal constitution. In a typical federal state, the respective components or constituent units are supposed to be viable, self-sustaining, and independent financially, politically, and administratively. The monthly financial handouts from the federal government at the centre in Nigeria to both the constituent states, and local government councils at the grassroots is a veritable anomaly as long as federalism is concerned. It has succeeded in exposing the many frailties of unitarians when adopted in a state like Nigeria where there are diverse religions and tribes among its population of over two hundred and fifty million (250 m) people. The interests, fears, and sensibilities of many sections of the society are not taken care of under the unitary-type federal constitution which has been in operation in Nigeria since the 29th day of May 1999.

After data analysis in the study, the research findings could be enumerated as follows: First, the 1999 Constitution wielded more power to the federal government and this makes it to more superior to the other levels of governance and capable of controlling as well as dictating their affairs (Ideobodo, Okolo & Eze, 2018). Second, the constituent units (the states) in the federal republic of Nigeria have become appendages or extensions of the federal unit. They are neither financially independent, nor are they even financially viable to enable them to operate independently. This is majorly due to the lopsided nature of the power division structure of the legislative list. Third, the interests of minorities in the Nigerian federation have not been adequately considered in the power configuration in the state, and also in the allocation of resources. This is one of the cardinal remedial features of federalism, however, the case of Nigeria has been different. The rise of ethnic-based agitations for self-determination such as the Niger Delta region could be linked to the structure of the federal constitution in Nigeria.

Fourth, the revenue sharing formula which is obtainable at the moment places excessive financial resources in the coffers of the federal state while the constituent units lack the resources needed for them to operate optimally. Since the turn of the century the revenue sharing formula shows that the federal government gets 52.68%, states 26.72% and local governments 20.60% (Ali and Sani, 2018). Fifth, it is difficult to identify any ethnic nationality in Nigeria that is satisfied with the trajectory of political and economic development in the country. Demands for restructuring have been echoed loudly by the three major ethnic groups in Nigeria; the Igbo, the Yoruba, and the Hausa/Fulani. This could be said to be the feelings of scores of minority ethnic groups in the six geopolitical zones of the country. Even the Niger Delta region which comes under the South-South geopolitical zone have

been worst hit by bad governance and neglect of its environment devastated by the operations of oil firms.

Conclusion

Federalism affords states that have agreed to exist together the opportunity to share legislative powers in areas where they should each operate. However, how states were created in Nigeria, and the motive behind such exercise seems to negate all the unifying features of federalism. Having identified the inherent abnormalities in Nigeria's 1999 federal constitution (as amended) which has made the operation of a proper federation unachievable in the country, and consequently led to unending calls for restructuring in the country. This study, therefore, recommends that Nigeria's political structure urgently need restructuring at this point, and the most effective way of achieving that should be through a national constitutional conference which would bring together all the distinct ethnic nationalities that make up the over 250 million Nigerians. This is preferred and recommended because the other avenue which has been pushed forward by some political analysts-a comprehensive legislative constitutional amendment will be very unlikely to succeed. This is judging by the fact that the incumbent 10th national assembly have severally shown through their actions and in-actions that they are merely an appendage of the executive arm of government in Nigeria, they rarely act like an independent arm of government.

The exclusive list in Nigeria's constitution should be decongested, on one hand, to reflect the characteristic federal system, and on the other hand, to make efficiency in operations for both the federal and the constituent units. The constituent units should be free to conduct their governance activities independently to achieve social and economic development for their citizens. The local government councils in Nigeria should be made to function in line with the provision of the 1999 constitution of the Federal Republic of Nigeria.

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