

'True' Federalism in Nigeria: A Political Discourse

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The call for certain changes and reforms that would allow the federating units to have full authority and autonomy, structure and design a system of local council administration, have more revenue, insure equitable representation in the federal appointments, and establish separate police force, which means re-allocation of powers and functions has brought into focus argument for the strengthening of Nigerian federalism by strengthening the states, what has been termed "true federalism". This paper argue using the process view of federalism that conditions, factors or forces which are conducive to federal stability, or rather to the successful operation of federal polity is peculiar to a particular environment. Thus, there are no clearly definable dimensions of what makes a 'true federalism'. Federalism is rather a process, undergoing continuous modifications to fit the peculiarities of the environment in which it is being practiced. Therefore we suggest that a radical redistribution of power and resources is required to stabilize Nigerian federal system. In fashioning the acceptable form of power sharing, the interest of the citizen must be of utmost concern.

Key Words: True federalism, federalism, restructuring, power re-distribution, resource Control

Introduction

Federalism is marked by a constant search for the most efficient balance between central and component states powers. Empirical evidence from different parts of the world points to the fact that federal constitution reflects the pulls and pressure at a particular historical point. The framing of the constitution does not itself eliminate these contradictory pressures, which make federalism a political necessity (Dare 2003:93). From this point of view, events, and constitutional developments in Nigeria illustrate this movement between "more power to the centre" and "more power to the periphery". The major institutional design problem has been over the division of powers and functions at the various levels of government (federal, state, and local government). It has been a case of how to strike a balance between opposing demands for centralization or decentralization of powers (Jinadu 1994:57 in Agbu 2004). There is the problem of

how to design the federation in such a way as to prevent an ethnic group or a combination of ethnic groups, or one state or combination of states, from perpetually dominating and imposing their will on other ethnic groups (Jinadu 1994, in Agbu 2004).

Between 1960-1966, Nigerian federalism underwent a period of crisis as a result of power decentralization to the regions. These include the crisis in the leadership of the Action Group (AG) 1962, census crisis 1963, General Election crisis 1964/65, and Civil War 1967-70. These crises necessitated the incursion of military into politics in 1966. The military Government assumed absolute power. In order to eliminate the danger of size (a great obstacle to the stability of the federalism), the monolithic Northern Nigeria, created by the British and remained as the Northern Nigeria which occupied about two thirds of the size of Nigeria, was broken into six states (Okunnu, 2000). An



important aspect of the debate, however, revolves around principle that no federal unit should be too large in population as to threaten or dominate the others. This consideration led Gen. Gowon (Head of State 1966-75) to split the country into 12 states. By this action the centre became very powerful and the States weakened. Discontent arose soon after and the agitation is now on curbing the powers of the centre to the advantage of the States. This is what is now popularly described as return to 'True Federalism'.

Advocates of 'true federalism', argue for the stripping of the federal government of many of its overbearing powers and devolving same on the lower tiers of government through a rigorous and purposeful re-examination and re-allocation of the legislative list in terms of variety and content in favour of the lower tiers. Some have argued for the re-grouping of the existing 36 states into six regions which will be the federating units exercising the powers of the former four regions. Some want a return to pre-1966 fiscal relations in which the States controlled their resources and contributed to the central Distributive Pool which is shared between the centre and States in an agreed formula. It is also intended that Federal Government should not meddle with Local Government set up.

The prevailing opinion in Nigeria is that to survive as a nation-state, the country must restructure its political relations vesting a substantial degree of autonomy in the component units (Nnaan, 1995: 75 in Ibrahim 2003:134).

Background of the Problem

When the British left in 1960, Nigeria was a federation of three regions North, West and East, and the federal territory of Lagos. It became a republic in 1963. The Mid Western region was created in 1964 bringing the number of regions to 4. There was a separate constitution for each of the four regions. The regions exercised substantial

powers and functions owing to their territorial size and the revenue accruable to the regions. Principle of derivation was adopted in the Revenue Allocation formula, simply because the revenue base was fairly evenly distributed. As Asobie observed:

The peasant based agrarian economy of Nigeria had a natural geographical spread, which encouraged the development of a decentralized political economy. In the 1940s and 1950s, Nigeria's agrarian economy was, in geographical terms, decentralized but balanced: the Northern parts of the country produced cotton and groundnuts; the Eastern, palm produce and the Western, cocoa and rubber. Much of the foreign exchange for Nigeria was derived from the sale of these products. (Asobie, 1998:45).

Since agriculture was on the residual list, the regional governments derived much revenue from the sale of the export of agricultural commodities based on derivation principle. By section 134 of the constitution 1960, the federation must pay to each region, 50 percent of "the proceeds of any royalty received by the federation in respect of any minerals extracted in that region" and "any mining rents derived by the federation during that year from within that region (Okunnu, 2000).

In 1963, the distribution of funds in the Distributive Pool Account was adjusted to give the new Mid-Western region created out of Western Nigeria sums equal to 18.95 percent of the account.

The military seized power in 1966 suspended the 1963 constitution and ruled the country for about 13 years during which the civil war broke out from July 6, 1967 until 10th January 1970.

On the eve of the civil war 27th May, 1967, Gowon, created a twelve states structure: North Western, North Central, Kano, North Eastern,

Benue Plateau, Central West (later renamed Kwara) state, Western state, Midwestern state, East-Central, River, south Eastern and Lagos state. The idea then was that the size of Northern Region contradicts the principle of federalism that no one federal unit should be too large in population as to threaten or dominate the others. While some analysts see the application of this principle as a means to break the North others see the introduction of the twelve states as a means to checkmate the secessionist tendency at the Eastern Region as at that time led by Lieutenant Colonel, Chukwuemeka Odumegwu Ojukwu, who was about to declare the 'Republic of Biafra'. The idea itself brought up its contradictions. The creation of states continued under the military rule until the current 36 states were created out of the former four regions.

The experience of war itself and the increase inflow of mineral oil revenue from the early 1970s facilitated the emergence of a highly centralized federal system in Nigeria. As Abayode and Ayida observed:

The Nigerian civil war broke out shortly after the military assumed control of the State. The prosecution of the war and the hierarchical structure of the military command facilitated the greater concentration of power in the federal state and the increased centralization of the administrative machinery. War economic policy measures added up to a substantial increase in the level of state intervention in external trade (Abayode and Ayida (in Ohiorhenuan 1989:145).

The former argument and pushing for the strengthening of the country by weakening the region in 1967, today, has now shifted to strengthening the country by strengthening the states. The Military Heads of State created all the

states except the Mid-West region. State agitators base their demands purely on political motives. They believe it will enhance their chances during federal or state elections as well as increase their representation in the Federal Executive Council, the National Assembly and in appointments into federal boards. The representation of states in the Senate is based on equality of states.

Under the military constitution making became centralized. On the assumption of office after the coup d' etat of July 29th, 1975, Gen. Murtala Muhammed in October 1975 appointed a constitution drafting committee of 49 Nigerians to review the 1963 constitution. The balance of power shifted in favour of the centre. This was achieved in many ways: some matters previously on the concurrent list were transferred to the exclusive list. It is also correct that, matters in concurrent list were treated for practical purposes exclusive to federal for example higher education, the Police etc. Thirdly, the federal government powers were extended too, to matters formerly under exclusive competence of the regional government for example local government administration (Asobie 1998, Sagay 2001).

The 1999 constitution consolidated the 1979 constitutional provisions,

The 1979 and 1999 constitutions maintained the trend towards centralization, even though they were made "by the people" for the operations of a democratic and federal system of government. Thus instead of 45 items in the Exclusive legislative list as in the 1960/3 constitutions, there were 66 items in the 1979 constitution and 68 in the 1999 one (Sagay, Ibid).

Basic state matters like; drug and poisons, election of state governors and state Houses of Assembly, finger print identification and criminal records,



labour and trade union matter, meteorology, police, prisons, professional occupations, stamp duties, taxation of incomes, profits and capital gains, the regulation of tourist, traffic, registration of business name, incorporation of companies, traffic on federal truck roads passing through states, trade and commerce and census, were transferred from the concurrent to the exclusive list (Sagay, 2001, Asobie, 1998).

Under the military, the North gained superiority and established bureaucracy in which it has a majority. Fears of marginalization by other ethnic groups became real. Since the north had traditionally dominated the military, which in turn has dominated Nigerian politics, northern domination of the rest of the country was enhanced by military rule (Dare, 2003:93).

By the 1970s, under the military, the financial position of the federal government vis-à-vis the state government was strengthened. While federal government revenue expanded tremendously, revenue attributed to the state fell drastically. Under Gowon, owing to the oil 'boom' agricultural sector was neglected, and with years, mining rent and royalties became, by far, more buoyant than any other source of income to the states. With the persistent weakening of the revenue bases of the states, the change of focus in the accumulation process from peasant based, and regionally controlled agriculture to federal controlled mining rents and royalties and the principle of vertical allocation of revenue which favours the federal authorities, the focus of Nigeria politics shifted from the states to the centre. Controlling the federal government became a guarantee for using the state as a means of capital accumulation.

Statement of the Problem

Nigerian federalism can, perhaps, be described as having become highly centralized during military rule. Having returned to democratic rule since May

29, 1999, statesmen, commentators, academics, writers and analysts brought into focus the need for certain changes and reforms that are necessary in the post military era. These divergent views are all subsumed in one concept, 'true federalism'. In as much as all agree on the need for a 'true federalism', the changes that are required to achieve this is as varied as the number of people that propose it.

Argument on what "true federalism" entails can be narrowed down to factors centered on power sharing (reformulation of fiscal relations bordering on revenue allocation and resource control, the constitution on the federating units, marginalization /representation and local government creation).

For the academics 'true federalism' is taken to be theoretical- the 'rigid' distribution of functions and powers between the centre and the component units. Any breach or usurpation of another's functions amount to disregard of the principle of federalism, therefore, the federalism is no longer 'true'. On the part of the politicians and commentators, restructuring Nigeria in line with their perceptions is the only ideal and genuine basis for future unity in a 'true federal nation'. Some believe it could be achieved through the instrumentality of the National Assembly, others think it requires an entirely independent arrangement.

In the light of the above assertions, there appears to be a general agreement across the land that the existing federal arrangement is not desirable, that so much power is concentrated in the centre.

Advocates of 'true federalism', argue that stripping the federal government of many of its powers and devolving same on the lower tiers of government through a rigorous and purposeful re-examination and re-allocation of the legislative list in terms of variety and content in favour of the lower tiers, re-grouping the existing 36 states into six regions which will be the federating units exercising the powers of the former four regions, and a return to pre-1966 fiscal relations, and the federal

government handing off local government affairs in favour of the states, would be a return to a 'true federalism'.

This paper seeks to look critically at the concept of "True Federalism" in Nigerian political discourse to determine whether there are clearly definable dimensions of power sharing that make 'True Federalism'. We will also take a critical look at dimensions of political restructuring in Nigeria, which have been termed "True Federalism".

- Are there clearly definable dimensions of power sharing in a 'true federalism'? / At what state of power sharing do we say we have 'true federalism'?
- Have the 36 states structure of Nigerian federalism overshoot of the equilibrium in number of states?
- What is the role of fiscal arrangement in the centralizing tendencies of Nigerian federalism?
- Has federal character ensured fair distribution of appointments and equal representation?

Significance of Study

This work is motivated by the earnest desire to contribute more significantly to existing literature on the theory and practice of federalism. The paper examined the concept "True federalism" which is childbirth of some people's perception of what the Nigeria federalism ought to be. The current topical issue in Nigerian federalism, Resource Control, Restructuring the Federating Units, Representation / Marginalization, Revenue Allocation and Derivation, local government administration, creation and control draws our attention.

This study is therefore timely. The findings and conclusion of the study will be useful to the students of Nigeria federalism and policy makers in Nigeria. The general public seeking to know more about contemporary issues in Nigeria federalism will find the study interesting, as the country is still in search

of the right panacea to the problems of unity in diversity, the significance of the study lies in its practical relevance.

Scope of Study

The study covers from May 29, 1999 when Nigeria returned to democratically, elected, and constitutional Government to date 2007.

Methodology

The study was carried out on the bases of access to the broadest possible array of current published and unpublished materials. We relied more on secondary sources for data collection: books, journals, periodicals, articles, seminar papers, dissertations, government (official documents). But where necessary we held discussions with colleagues and some personalities who have been involved in the debate

Limitations of the Study

For the benefit of doubt, the review covered 1999-2007 when Nigeria returned to democratically, and constitutional government. It would have been difficult to argue whether Nigeria could be said to have practiced federal system under military rule. What follows in this paper is a detailed critique of Wheare's thesis, limitations, and therefore need for a theory with higher explanatory power and in line with current demands. Even granted that Wheare places too much emphasis on the legal dimension of federalism, there can be little doubt that federalism involves a legal-constitutional arrangement which delimits the legal and political competence of the levels of government. It is within the legal framework provided by federal arrangement that socio-political factors take on meaning and significance. What the process view adds is that it sensitizes us to the changing and evolving nature of the federal balance of power and to the fact that inter-governmental co-operation cut across the



formal constitutional division of powers.

True' Federalism in Nigeria: Critical Issues in the Literature

The issues of functions and power distribution between the states and the federal government bordering on resource control, marginalization, restructuring the federating units, the administration, control and creation of local council have again become the most contentious national issues. Prior to 1967 the argument and debate was on the lopsided nature of the Nigerian federation and the need to weaken the regions, and strengthen the centre. More specifically there was problem on the size of the northern region and the basic principle of federalism which stipulates that no component parts shall be large in territory / population to be in a position to dominate others. The problem could not be addressed within the first republic 1960-67. It took the forces of civil war and military fiat to correct the perceived anomalies.

Presently, the argument and debate has changed to weakening the centre and strengthening the states; that the states numbering 36 are weak to play the roles of the component units of a federation under what is termed 'true federalism'. Nnamani, the former Governor of Enugu state, (Newswatch Jan. 29, 2001:18) believed that the true federal structure was the four regional structure which existed from the colonial legislations through democratic process, that the twelve states structure and subsequent 36 were the creations of the military therefore, undemocratic and not 'true'. He sees 'true federalism' in terms of structure, which must emanate as a result of dialogue by the people through constitutional framework:

By using instrument of democracy and instrument of constitution, a structure should evolve a real federal structure, true federalism.

It is not clear whether Nnamani wishes the country to go back to the 4 regional structures or for the 36 states to possess the powers of the former 4 regions. On the return to the pre-1966 federal system Onimode (2003:169) notes;

The pre-1966 federal system was based on a tricolor regional system that has atrophied, and that system predates the era of oil wealth. The creation of so many states since 1967 makes it difficult to imagine the abolition of these states and a return to the old regional system, though its distribution of powers and fiscal system may still have valid attributes...the country's present level of oil wealth and development have also become too complex to be adequately captured by the pre-1966 federal system.

The second option dealing with power distribution and decentralization is an up-date version of the pre-1966 federal system in which the country renegotiates the distribution of legislative powers and resource allocation among the three tiers of government. This redistribution and decentralization is necessitated by the current unitary tendencies of the original federal system, the increase number of states and local governments, and the post 1973 oil wealth in the country. Advocating the re-distribution of powers and resources in favour of the states and local governments, Onimode noted that there can be no permanent solution to the problem of appropriate choice of the best structure for a nation-state; the structures evolve in time according to historical experience of the country. Concluding, he notes that the main options for restructuring the federation include, a return to the pre 1966 federal system, the redistribution and decentralization of powers under this system, politico-military restructuring, fiscal federalism, confederalism, and rotational

presidency. The possible political approaches for choosing among these options are constitutional amendment, constitutional commission and conference, a sovereign national conference and plebiscite

The increase in number of states arose not as a matter of choice but of necessity to sustain "one Nigeria". The twelve states were created to curtail the centrifugal forces arising from the civil war. Federalism entails the putting of centrifugal and centripetal forces at bay. Policies to ensure this emanate from a given environment, events and time. Because the states were created under military regimes we cannot say it did not get popular support. The civilian administration of Shagari wanted to create new states in 1984. The national assembly received requests for about 45 new states. The House of Representatives endorsed 29 of such requests. They were yet to be ratified by the Senate when Gen. Muhammadu Buhari ousted the administration. Commenting on the creation of 12 states by Gowon Okunu (2000) wrote:

On the day the drums of war were heard, Decree No.14 was proclaimed. On that day, a great obstacle to the stability of the federation was removed. The monolithic Northern Nigeria, created by the British and renamed as the Northern Region which occupied about two-thirds of the size of Nigeria, was broken into six states... it is a cardinal principle of federalism that no one federal unit should be too large in population as to threaten or dominate the others... It was significant; therefore, that Decree No. 14 of 1967 went a long way to restructure the federation in such a way as to eliminate the danger of size

Further creation of states by the military was also met with jubilation. According to Dayo (in

Nkwocha 1997):

Each time a military head of state creates states, he is seen as a messiah of a sort, it helps him to either legitimize his regime or consolidate his power base. He, rides on the crest of the popularity for a long time

Each time a group wants recognition, they start by agitating for their reconstitution into a separate state. Government has responded to such pressure by creating new states to please group leaders. The people themselves are rarely consulted in state-creation exercises, giving the impression that the creation of states is a political reward to the leaders who are now given their own empire for economic exploitation. According to Dare (2003:106), the increase in the number of political units in the more stable federations came about through the expansion into the frontier, rather than the subdivision of the existing units. Aminu (2001) opines that the principle of federalism, which advocates that no component part of a federation should be large enough to threaten the rest, was used purposely to break the north. Having broken-up the north, ethnically based divisions continued regardless of size and regardless of the potential ability to 'threaten the rest'. He noted that former arguments and pushing for a strengthening of the country by weakening the region in 1967 and today of strengthening the country by strengthening states, supports the preposition that it is, indeed, true that the fertile debating ground of "true federalism" is a convenient diversionary tactics in place of the daunting and demanding task of development. Majority of scholars and statesmen alike in the northern Nigeria advocate for a powerful central government, Nasarawa State governor, Adamu Abdullahi's condemnation of the demand by the South-South is notable

The demand over resource control in the



oil producing states is in truth a protest against the right of the north to share from the earnings from crude oil. The people of Niger Delta believe that northern leaders stole the oil wealth to turn every road in the north into dual carriage way (in Dike 2006:283).

The ethnic and tribal groups in Nigeria are always looking out for their own interest, as they are always organized to press their case or oppose others whose interests impinge on their interest. The North (in particular, the North West) was the main opposition to the South South's demand of 50% derivation. The Arewa Consultative Forum (ACF) called on Nigerians to reject the increase noting that the 17% approved by NPRC was an excessive generosity (Dike, 2006:283). This cannot be removed from the mono-sectoral economy of Nigeria, based on petroleum resources, which is derived from states in the south. The bulk of the state's income comes from the oil rent. But while most of the states in the south produce oil, none of the states in the north as at now produce oil. Thus, state control of these resources which advocate of another form of "true federalism" centered on 'resource control project will put the north at a great disadvantage. In order to control the petroleum resources the centre must control the states, weakening the centre, and revisiting the pre-1967 derivation principle means removing mining rents and royalties from the centre. This also means removing the economic base on which the ruling class in both the centre and state derive their resources. Hence, in a more profound sense Julius Ihonvbere (in Gana and Egwu 2003: xxv) take the issue to a much deeper level starting from the premise that the Nigerian state as presently constituted is really designed to serve the ruling class in the society and we must consider the class character of the ruling cabal in the debate on political development of the country.

Scholars and statesmen from the Niger Delta, the area that produces the bulk of the petroleum Resources see 'true federalism' as 'Resource control' an arrangement, which will put the states in control of their resources (Sagay, 2001, Ugo, 2004). As far as they are concerned the debate on the concept 'true federalism' centres on who appropriates the revenue accruable from oil (communities, local government, States, or federal government) as oil accumulate more percentage in the economy of Nigeria. So long as oil remains the preponderant influence on the national economy mining rents and royalties being a major pillar on which development planning is built the debate on 'resource control' as a form of 'true federalism' will go on for a long time. The change in economic base from agriculture as the mainstay of Nigeria economy to petroleum, which is not evenly distributed, is at the centre of the problems, which may prolong the dream of the Niger Delta for resource control. In that regard Sagay (2001) argues that 'true federalism' lies in 'Resource control':

We have clearly seen that the future of this country lies in only one direction true federalism, together with fiscal federation and resource control by the owners of the resources.

Resource control and fiscal federalism constitute an all inbuilt in the 'true federalism' as seen by Sagay a scholar from the Niger Delta. From 1960 and 1963 constitutions Sagay (ibid) noted the following features, which emphasized the existence of a 'true federal system'

1. Composed of powerful and autonomous regions and a centre with limited powers.
2. Each region had its own separate constitution, in addition to the federal government constitution.
3. Each region had its own separate coat of arms and motto, from the federal state or government.
4. Each region established its own separate semi

independent mission in the UK headed by 'Agent-General'.

5. The regional governments had residual power i.e., where any matter was not allocated to the regions or the federal government it automatically became a matter for regional jurisdiction.

6. Separate regional judiciaries and the power of the regions to establish, not only High Courts, but also regional Court of Appeal.

7. The regions had their own separate electoral commissions for local government elections. However, the chairman of the federal electoral commission was the statutory chairman of the state commission.

8. The revenue allocation system under the 1963 constitution was strictly based on derivation (see also Dike 2006:105).

Within the context of a 'true federalism', Sagay, like most other people from the oil-producing states see the return of ownership, control, use and management of land and its mineral resources to the 'rightful owners' (states): the kind of federal structure that allows each federating unit to control and manage its own resources, and pay taxes to run the central government. But we can take the argument further. We could raise the issue of who should ultimately control the resources-the State, the local government, the community or the individual who own the land. Etikerentse (2001) submits that resource control cannot be a substitute for dedicated transparent, just and prudent governance at all tiers of government. He asserts further that even with resource control, without good governance, the Niger Delta will see more crises.

There is no reason to believe that the degree of distrust between a state and the federal government on this subject does not exist between a state and the communities (particularly those minority populations) that are located far from

state government presence.

If the federal government is stripped of its ownership and control rights in favour of the state, Etikerentse argued, it would be a matter of time before communities, families and individuals in the areas within the state (from which petroleum is derived) demand ownership and control right too. In fact certain politicians already cite the situation in the United States, seeking private or individual property interest in petroleum in their campaign for resources control.

Some analysts think that the imbalance in the distribution of military and administrative offices is an issue to be tackled in "True Federalism" (Ogummuyiwe, (1998), Oloja (2000), laide, 1999). In the opinion of this group 'True Federalism' means equal representation. They believe that the north takes all positions of power and organs that generate or spend much of the nation's resources. The thinking is that the north takes all the positions of power and organs that generate or spend much of the nation's resources while leaving the highly technical ones to the Yoruba, Igbo and Southern minorities. According to Laide, (1999:19) the position of power and / or money are Head of State, Secretary to Government, Chief of Defense Staff, Inspector General of Police, Chief of Army Staff, Ministers of Justice, Internal Affairs, Finance, Agriculture, Water Resources, Solid Mineral, FCT, Controller General of the Customs and Excise, Managing Director of NEPA, NITEL, etc. Those traditionally left for the south are education, information, national planning and aviation. Secondly, the north has more states in a manner that negates the principle of equity. The north also has more local governments which, together with states, ensure that more revenue accrues to the north. Yet the resource (crude oil) comes from south.

There are those who believe that in a federal



system like Nigeria, the centre has no business controlling the lion share of the revenue (Akaragum, (2000), Edemode, (2001). They argue that the local governments, being closer to the people and the bastion of real development activities should be favoured with higher revenue from the federation account, while some think that revenue allocation formulae should be adjusted in favour of the states.

Perhaps the most comprehensive and abstract, free from personal benefit view on restructuring comes from the Patriots, a pan Nigeria, non political group led by legal luminary, late chief Fredrick Rotimi Alade Williams (SAN). They proposed that the existing 36 states be grouped into six regions: North Central, North East, North West, South East, South -South, and South West. The regions will become the federating units, although the various states within each region will continue as units exercising governmental functions in accordance with the constitution of the region over the territory of the state concerned.

From the opinion expressed by the Patriots, their arguments for regrouping the existing 36 states into six regions were based on the principle expressed in the view that the units of a federation should each have sufficient population and economic resources so that they can run their government effectively; Based on the belief that at 36 states structure Nigeria has overshot the equilibrium in the state strength in terms of economic viability, thus must seek to restructure the states to ensure a "true federation". On this note the view expressed by (Awa,1976:40) becomes relevant. Awa argued that so long as the units of a federation remain autonomous, the governmental system will remain federal even though it may be necessary for small or poor units to receive aids of all sorts in order to function effectively. "There are some difficulties connected with the principle of economic viability, the main one is that it is based on the tacit assumption that

there is such a thing as an optimum size of the units of a federation and that if the regions of any federal union were made smaller than the optimum size and as a consequent given fewer functions then:

- They (the units) would cease to function effectively and
- The governmental system would cease to be truly federal. This position is false from both theoretical and the empirical point of view".

Theoretical Issues

As must have been noticed above, the discussions on true federalism has focused mainly around K.C Wheare's concept of federalism. Indeed his has always been the starting point for every discourse on federalism. He is rigid in his thesis that any deviation from it is not a federation. What follows is a detailed critique of Wheare's thesis and its limitations, and therefore need for a theory with higher explanatory power and in line with current developments and demands.

Federalism as a Process

Jinadu (1979) observed that federalism need not be rigid and based only on legality and institutions as Wheare has maintained. He argued that federalism must be seen as a dynamic and progressive development constantly adjusting in line with the demands of the society. According to Jinadu two broad definitional categories of federalism could be identified, namely, the *legalistic institutional approach* epitomized by Wheare (1963), which stresses a formal division of powers between levels of government and the *process view*, which sensitizes the student of federalism to the phenomenon of intergovernmental co-operation which cuts across any formal constitutional division of powers. The first is *classical*, the other *sociological*. The two are not mutually exclusive.

A basic important feature of this paper is its

method of analysis, which stresses the importance of constitutional and extra-constitutional factors in the making of any federal system. Thus, we utilized the '*process view*' of federalism. This is concerned with conditions, factors or forces which are conducive to federal stability, or rather to the successful operation of federal polity which is peculiar to a particular environment. Livingston has alleged that Wheare's definition of federalism neglects sociological factors which are crucial to the understanding of dynamics of federalism. An explicit attempt to avoid the pitfall in Wheare was made by Carl Friedrich (in Jinadu 1979) according to whom 'federalism is a process rather than a design...any particular design or pattern of competence or jurisdiction is merely a phase, a short-run view of a continually evolving political reality'. Friedrich further claims that 'if thus understood as the process of federalizing it will become apparent that federalism may be operating in both the direction of integration and differentiation'. Thus, the values of the society do affect the integrative or disintegrative process. What is worthy of note about Friedrich reformulation according to Jinadu is that it asserts that federalism is a general principle of social organization and that the degree of federalism in a particular system is a function of sociological and not legal criteria. Defining federalism in sociological terms, Livingston (in Akindele 1996:4) has argued that the essence of federalism lies not in the constitutional structure but in the society itself. Federal government is a device by which the federal qualities of the society are articulated and protected'. Federalism is more fully understood if it is seen as a process an evolving pattern of changing relationship rather than a static design regulated by form and unalterable rules"

It is important not to view constitution making simply as a once and for all response to how 'the pressure for unity and diversity are fairly closely

balanced' in any society but, perhaps more illuminating, as implying the continuous process of federally adjusting the written legal basis for the division of power and sharing of responsibilities between the levels of government in a society so as to adapt the initial federal bargain to the changing circumstances with or without express constitutional amendment (Akindele 1996:7). 'Governance is a learning process of adaptation and adjustment to the problematic of a particular society. The operators of Nigeria federal system have been rather slow in this process of adaptation.' The problem with Nigerian intellectuals/politicians is that they have not attempted to see federalism as being unique in the entire environment it is being practiced. Nigerian federalism must not be equated with that of America, Canada, or even India in the garb of 'true federalism'. Attention must be focused on the peculiarities of Nigerian society in fashioning whatever that is accepted as 'true federalism'.

Those who see federalism as being static has always quoted Wheare, 'that federal system of government involves division of functions between a central government and the units, without any part encroaching into the domain of the other. The component units have unfettered control of their financial resources sufficient for the performance of the functions assigned to it under the constitution. Therefore financial subordination makes an end of federalism' (Dike, 2006:107). From Wheare's definition it can be inferred that the distinguishing characteristic of a federal system is that neither the central nor the regional government are subordinate to each other but rather the two levels of government are co-ordinate and independent.

By federal principle I mean the method of dividing powers so that general and regional governments are each within a sphere, co-ordinate and independent
K.C Wheare (in Jinadu 1979:15).

Given the definition of federalism by Wheare, Dike (2006:106) argues that, the government of Nigeria as constituted presently is not a true federal state. That the component units do not have state constitutions or police and they depend solely on the center for monthly handout; that, debate for political restructuring to true federalism and agitation for resource control and fiscal federalism were signs that the states are feeling the overbearing influence of the federal government

Wheare's definition has been criticized as being legalistic, inflexible, unrealistic and unworkable as well as neglecting certain economic, socio-political and cultural factors that actually affect the dynamics of the federal arrangement (Dare 1979, Jinadu 1979, Akindele 1996). According to Jinadu (1979:14) federalism like democracy is an ambiguous term with no clear or universal acceptable meaning. This is derived from the fact that federalism comparatively, defers in practice and in fact had been a process. In many practice and history it has taken the form of quasi federalism, cooperative federalism, dual federalism, meaning that federalism is rather a process. He noted that Wheare's definition stresses formal institutional requirements: Constitutional delimitation of powers, bi-cameral legislature, independent electoral systems for both levels of government, multi-party but preferably a two party system, a supreme court as if they are defining characteristics of federalism. Existing federal systems of government do not all embody these criteria and even where they embody some of these criteria there is usually a variation among them. Some unitary government is known to possess some of the institution and a bicameral legislature. "There is no pure or true federalism ... what exist is a federal spectrum, along which there are variations, characterized by some devolution of power (Jinadu, 2003: xiii).

Commenting on the 'coordinate and independent

powers' of the general and regional governments as stipulated by Wheare, Asobie (1998:17) notes that the units need not be independent or coordinate with the national political unit but must have constitutional guarantee sphere. William Livingstone (in Akindele 1996:4) argues that the essence of federalism lies not in the constitutional or institutional structure, but in the society itself. He defined the federal government as "a device by which the federal qualities of the society are articulated and protected". It can be inferred from his opinion that the integrative and disintegrative forces in society affect the nature of constitutional arrangements, which implies that federalism is a function of those societal forces like ethnic diversities, historic reasons, enormous geographic size, etc. Thus, as against the Wheare's view of federalism being static, it is rather a process, in fact an umbrella covering many types of federalism. Federalism stands between unitary and confederation, ensures constitutional sharing / division of power between a central government and the constituent units each deriving its power from the people and can equally exercise such on the people and property within the spheres of authority.

The constitution lists the power of the national government and the power denied to the states, all other powers remain with the state, for example, United States of America. In some federalism like Nigeria, concurrent list is established. There is limit on the exercise of power by the national government and the state; moreover, the limits have proved changeable. In the words of Lord James Bryce (in Amuwo 1998:1):

The problem which all federalized nations have to solve is how to secure an efficient central government and preserve national unity, while allowing free scope for the diversities and free play to the ... members of the federation. It is ... to keep the

centrifugal and centripetal forces in equilibrium so that neither the planet states shall fly off into space, nor the sun of the central government draw them into its consuming fires.

Driving from these, we held that there is no clearly definable dimension of what makes a 'true federalism'. The concept 'true federalism' in Nigerian political discourse can best be taken as a way of showing dissatisfaction with a regime which has not met people's expectations, as there is no stage at which we may say that federalism is at its true form. As Awa put it:

There is no pure federal model; a whole range of institutional variations implementing the principle of coordinate authority is possible (Awa 1976:7).

Conclusion

We have in fact laid emphasis on the society, the individual and his needs as different from the state and its apparatus. We are therefore saying that if we have the individual in mind in our construction of a federal system we are likely to achieve 'true federalism' which is a federal system that will make the individual have a sense of belonging, be fulfilled, be protected, as a citizen. Each of the present tiers of government has something to offer to the citizen, security from external attack, monetary system that ensures that his earning is worth something, internal security from hoodlums and assassins, self-worth (psychological) and respect etc. A radical redistribution of power and resources may be required to stabilize Nigerian federal system.

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