

Historical Evolution and Growth of Federalism in Nigeria

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Introduction

Federalism as a governmental structure is that form of government where the component units of a political organization participate in sharing powers and functions in a cooperative manner (Tamuno, 1998:13). As a concept, the 'term' Federalism is traceable to the American political evolution. It may be germane to observe that the founding fathers of federations and earlier writers on federalism had used the term "Federalism" and 'confederalism' interchangeably. In line with this, Eme Awa (1973:5) notes that "the American founding

fathers often used the term federal and Confederal synonymously. In any case, the modern usage of the two terms now differs significantly and can rightly be understood as opposites. For example, a confederation is now understood as a union of states which retain their independent status virtually intact.

A federal system on the other hand has over the years distinctly assumed the form whereby authority and functional competences are shared among different levels of government (Watts: 22-32). Federalism basically involves the combination of shared

rule within a single political system so that no unit is subordinate to the other. Accordingly, Ronald Watt (2005:207) argues that:

The function of federations is not to eliminate internal differences, but rather to preserve regional identities within a united framework. Their function, therefore, is not to eliminate conflict but to manage it in such a way that regional differences are accommodated.

But how well this is done has in practice depended often upon the particular form of the institutions adopted within the federation.

It may not be relevant to dwell too much on definitions and conceptualization for as

TekenaTamuno (1998:13) rightly put it, “readers and pundits in the field of federalist studies no longer fight over definitions and descriptions”. What is, however, notable is that whatever the particular political colouring that a country’s federal government takes, is often reflective of its historical experiences, its political, cultural, social and economic environment and the disposition of its people at a particular point in time.

Foundations of Nigerian Federalism

But how exactly has federalism evolved in Nigeria? It may sound strange to start with the statement that federalism in Nigeria was an accident of history. A study of the evolution of Nigerian federalism will justify the

above assertion. This is because Nigeria became a colonial state in 1914 following the amalgamation of the Southern, Northern and Crown Colony of Lagos. Before 1914, colonial conquest had already altered the pattern of inter-group relations in the Nigerian geographical area. Accordingly, Ojiakor (2006:1) observes that “the important aspect of this system was that it laid emphasis on the differences among people, while encouraging social apartheid. There was division, hatred and unhealthy rivalry among the people”. This partly explains the amalgamation, an act which provoked bitter controversy at the time, arousing the resentment of the

educated elites and of some British Administrators. The decision of Lord Lugard to create a unified Nigeria on January 1, 1914, did not result from the pressures of local political groups; rather it derived from considerations of administrative convenience that guaranteed easy economic exploitation of the Nigerian peoples.

It has become elementary knowledge to argue that the colonial government was exploitative as it was geared towards the procurement of raw materials and a ready market, for its manufactured goods. According to Ojiakor, “the railways and roads tell the story most clearly;—a simple network linking areas that produced the crops that the European industries

needed (Ibid).Chukwu (2007:32) succinctly argues that the philosophy of European colonialism was largely predicated on their economic interests. This reflected on all aspects of their business in Nigeria.

On the political sphere, with regard to the structure of government, the British economic motives ensured that a disarticulated, confused structure was contrived as the basis for Nigeria's political evolution. According to Osadolor (1998:35); the act of amalgamation was not a federal idea,Lugard did not conceive the idea of a federal state for Nigeria even though there were strong integrative factors of inter- group relations and the trend of opinion before 1914

favoured the division of the territory into a number of units which could develop into component units which could form component units of a future federation. Between 1861 and 1914, the different peoples had been brought together under British colonial authority through conquest, and not necessarily as a result of the desire to develop existing linkages of pre-colonial inter-group relations.

This confusion was also noticed in the colonial office in London when Lugard submitted his proposal on 9 May 1913. A senior British Official reports that:

Sir Lugard's proposals contemplate a state which is impossible to

classify. It is not a unitary state with local government areas but with one central Executive and one Legislature. It is not a Federal union of separate colonies under the same Governor like the Wind-Ward; it is not a confederation of states. If it were adopted, this proposals could hardly proffer a permanent solution; and Sir. Lugard only regarded them as temporary at any rate in part.... (Ibid)

The evolution of Federalism in Nigeria will, therefore, appear to have been given more impetus by the nationalist agitations of the educated elite. As can be gleaned from the constitutional arrangements of

colonial Nigeria prior to 1954, Nigeria was administered as a unitary state. It follows that the federal system of government which was for the first time constitutionally enshrined in the Lyttleton's constitution was a concession granted to the nationalist who were becoming more vociferous in their demands for autonomy.

Another factor that strongly inhibited the earliest development of a federal thought was the divide-and-rule policies of the British and their paternalism for the Northern part of Nigeria. It has been stated that the underlying motive for British colonization of Nigeria was predicated on economic

considerations. Thus, in order to create a conducive political cum social climate for the effective attainment of her economic intentions, the British colonists came to see the ethnic groups of southern Nigeria as un-governable (Ota, 2007:98). Ota, further asserts that this hatred of southerners by the British was particularly so in the predominantly Igbo East (Ibid). The Northern part of the country appeared to have offered a malleable political climate, because the British colonial officers felt more at peace there. Ota reveals that this may probably be because the British officials came from aristocratic backgrounds, in that:

these officials felt more comfortable and leisurely with the political and social settings of Northern Nigeria. They had no opposition by way of criticisms from the commoners and they enjoyed an easy partnership and rapport with the highly aristocratic Northern Emirs and other political figures in the traditional system (Ibid).

Okonjo (1974:325) who seem to have personally witnessed some of these prejudices writes that “this deeply felt British preference for the Northern Nigeria way of life was entirely without parallel in southern Nigeria....

Ejitu Ota goes on to observe that:

As a result of this, British colonial administration employed two major tactics or strategies to ensure limited opposition to their predatory activities in Nigeria. One of these was to highlight the ethnic and even racial differences and incompatibility of Northern Nigerians with their southern counterparts. The other strategy arose from the first and sought to keep the two halves of Nigeria as far apart as possible (Ibid).

It is not, thus, spurious to argue that the British never thought of Nigeria evolving into one country, so the idea of federalism was not remotely hinted. The point has variously been made by eminent scholars like

Tamuno (1972), Onwuejeogwu (2009), IsawaElaigwu (2007) O. B. Osadalor (1998) among others. Osadalor (1998) elucidates in his submission that:

Partly on account of the above facts and also due to opposition to British rule, early Nigerian nationalists began to advocate the concept of a single Nigerian nation. The official policy was hostile to those nationalists whose ideas of self-government were in terms of a single and unified Nigerian nation. Sir. Hugh Clifford who succeeded Lugard as Governor of Nigeria dismissed the idea. To him the idea of a Nigerian

government was
inconceivable...

One can, therefore, posit that any meaningful historical appraisal of the evolution of federalism in Nigeria may not necessarily have to begin with the Lugardian travesty of 1914, nor the Clifford compromise of 1922. To appraise the development of federalism in Nigeria, one may have to start with Arthur Richard's constitutional arrangement of 1947, which even though it did not explicitly declare the country a federal state, it nevertheless provided the framework for greater interaction between Nigerian peoples.

At least, for the first time, the North was brought under the same legislative authority with the South, in spite of the seemingly intractable North-South chasm in the legislative council. The general trend of thought was that of a bias for a Federal system.

A lot of factors were responsible for this bias for a federal system. The idea of a federal arrangement was particularly suited for managing the Nigerian multi-ethnic political order. Tafawa Balewa himself concedes in his thought that Nigeria's political future may only lie in a Federation, because so far as the rate of regional progress is concerned, some regions

appear to be more developed than others...(Simeon et al, 2001:339).

Accordingly, Simeon and Conway argue that the logic in support of Federalism is simple. It reduces conflict by a measure of disengagement and separation. Harmony is increased in a system in which autonomy or self-determination is allowed for the component units on matters crucial to their identity and continued existence (Ibid). Similarly, a federal system limits the ability of the majority to exert their influence on the minorities. Federalist ideas held sway because it has been associated with such “virtues” as promoting

justice, equity and equality (Onyeosiri, 2005:17).

It has been noted that the amalgamation and colonial policies made it hard to predict whether Nigeria was to evolve as a unitary, con-federal or federal state. However, by the time Clifford’s constitution was contrived, it was clear that the British clearly favoured some sort of a con-federal arrangement which, albeit, ensures the continuation of their economic exploitation. The regionalism that the Clifford, Richards and Macpherson’s Constitutions encouraged have been all classified as either unitary or con-federal constitutions (Ibid). This explains why Onyeosiri submits that

Nigeria's blend of federalism evolved from a unitary system.

The evolution of federalism in Nigeria was actuated by the two main objectives of the early nationalists viz; self-government and the attainment of national unity. It was because of the differences among Nigerian peoples vis-à-vis language, religion, custom, tradition, historical background and the differing stages of their development, that majority of Nigerian legislators in the colonial legislative House in Lagos, in contributing to debates, favoured a federal system that would give the regions or provinces the possibility of maintaining their identity while remaining part of a union. For them,

“the federal state was extremely productive of unity, and hence also promotive of culture” (Azikiwe, 1975:101).

Nnamdi Azikiwe and Obafemi Awolowo were known to be two nationalists who ceaselessly advocated for a federal structure for Nigeria within the orbit of the colonial legislative house. As far back as 1943, in his political Blue print for Nigeria, Azikiwe envisaged a federal common wealth of Nigeria composed of eight “protectorates” based on ethnic affiliations (Awolowo, 1947:47). Awolowo had contended also that since the existing three regions were merely for the purpose of administrative convenience, only a

truly federal system suits Nigeria's political conditions. The contributions of Nigerian students in the United Kingdom gave a unique fillip to the federal idea in that as early as 1945, these Nigerian students had held a conference and the communiqué that ensued was an avowal for federalism⁴⁷. Osadolor reports them as stating that "the constitution of Nigeria should be based on some federation which would permit all the nationalists of Nigeria to develop to full political and national cultural maturity..."⁴⁸

Since all human activities start with an idea, the idea of a federal state had already taken root by 1950 even though that idea had to contend with

the British *divideetimpera* and the attendant official opposition to the idea of federation. What was, however, clear by 1950 was that the trend of thought of the generality of the budding Nigeria elites was on federalism. There seemed to be a general consensus that:

The foundation of the federal state should be a national act based upon a constitution; second, that federalism and decentralization should not be taken as meaning the same thing; third, that federalism would be a test of the administrative expediency of distributing authority between the centre and member states;

fourth, that the acceptance of the federal idea in political restructuring would affect the evolving laws and constitution; and finally, that the existing framework for political participation since 1914 had proved inadequate for national unity and integration⁴⁹.

Irrespective of the trend of thought that self government be granted on federal basis, the 1951 constitution did not reflect the federal system, what the British granted was the request by the Northern legislators that one half of the seats in the House of Representatives become theirs⁵⁰. This development further deepened the apprehension of the advocates of

federalism; especially on the concentration of powers on a single region of the country. Accordingly ObaroIkime laments that “arrangement and other political developments since independence have created a political culture in which a particular group considers that the control of Nigeria’s central government is her birth right”⁵¹. I. A Anyua, further observed that the 1951 constitution was somewhat a paradox; this was because it sought to encourage Nigerian participation in colonial administration while at the same time emphasizing the existing differences through regionalization⁵². Ikime noted that the British, who were the umpires at the constitutional

conferences had some stake in ensuring that the conservative North dominated the central legislature⁵³. Thus, it was unlikely that the 1951 constitutional framework would encourage greater interaction between the North and South. O.S Osadolor maintains that it only encouraged regionalization of nationalism in Nigeria⁵⁴. Nnamdi Azikiwe dismissed the constitution as a makeshift arrangement. Hence he predicted that “It is my sincere belief that, like all Makeshifts, it will flounder and necessitate early revision... since no constitution which fails to measure up to the highest standards of democratic living can have lasting benefit for the people”⁵⁵

Like Azikiwe predicted, the constitution was unusable due to its unsuitability to the prevalent conditions in the country. This partly derived from the fact that it was essentially a unitary constitution which concentrated many powers on the central government. It is worthy of note that part of the reason for adoption of federalism for the country was to satisfy the ambitions of the conservative North who had earlier threatened to secede from Nigeria if they were not statutorily given half of the seats in the central legislative House. This particular compromise has haunted the federation ever since. Suffice it to state that the Nigerian federation has

evolved with myriad of issues which have continued to negatively affect the well-being of the federation.

With the plethora of crises that bedeviled colonial Nigeria as a result of the unworkability of the 1951 constitution, an urgent solution was urgently needed. In this vein, O.S Osadolor notes that:

To find solution to the political crisis, the colonial secretary, Oliver Lyttleton, convened a constitutional conference in London from July 30 to August 22, 1953 to revise the 1951 constitution originally expected to expire in five years. At the conference, a federal constitution was accepted by the

leaders of the main political parties. This solution was not reached easily but it was the only feasible answer to the problems of national integration...⁵⁶.

It is now generally understood that the 1954 constitution statutorily established a federal framework for Nigeria⁵⁷. Indeed, the constitution made Nigeria a federation of three regions namely, eastern, northern and western Nigeria. It established the division of government powers into exclusive, concurrent and residual powers to avoid conflicts between the federal and regional governments. The regional assemblies were given full parliamentary responsibility. The constitution also allowed the

Derivation method as the basis of the fiscal relations between the regions and the central government. Whilst the Lytleton constitution may continue to receive scholarly approbation for the unity of Nigeria by contriving the federal option, one can still see that most of the problems of Nigeria's federalism are traceable to the demerits of this constitution. For example, the constitution retained unequal sizes of the regions in order to appease the interests of the North in tandem with the colonial interests of Britain. Most importantly, the resource control and revenue allocation in Nigeria has its genesis and roots in the 1954 constitution. The colonial government could not

face the problem of revenue allocation once and for all or even constitutionally. It therefore, resorted to a temporary solution. This explains why it delegated the function to the Chicks and Willinks Commissions. It is unarguable that the first basis and area of discussion in a federation is the fiscal federalism. A viable federal state must as a matter imperativeness have an acceptable and justifiable means of collecting and sharing revenue constitutionally enshrined. This was conspicuously missing in Nigeria's first federal constitution and the implications continue to haunt its corporate existence.

That Nigeria's first federal constitution was skewed is a common

knowledge, what is important is that the consequence resulted in structural imbalance in Nigeria, which has become the most potent source of threats to the corporate entity called Nigeria. Osadolor observes that “though the federal idea was appropriate to the socio-political situation, the form of federation was not an appropriate framework capable of protecting the groups from internal strife”⁵⁸

Osadolor argues further that:

It is evidently clear that the federal framework of 1954 did not attempt to prevent the dominance of one group over the other, which also meant that competitive federalism

followed logically... As it were, competitive federalism intensified the politics of “winner takes all” as political competition was no longer lively but intensified inter-ethnic suspicion, hostility and rivalries... the nature of competitive federalism during the period no doubt produced a weak national political culture⁵⁹.

It is, therefore, not inappropriate for one to conclude that the foundation of Nigeria’s federalism was faulty and has affected and impinged colossally on the country’s developmental and integrative aims, such that only a

spirited restructuring of the entire state system can serve as a panacea.

Nigeria's Federalism 1960-present

Having firmly established a federal framework in 1954, Nigeria proceeded to acquire her independence within the ambiance of that structure. A.E Afigbo perhaps in order to systematically study the evolution of federalism in Nigeria divided the evolution of Nigeria's federalism into three epochs; the period of "informal federation" [1900-1940]; the first phase of formal federation" [1940-1966]; and the second phase of formal federation [1967-date]⁶⁰. Whatever the case, the year 1954 is crucial in the study of Nigerian federalism and according to

Wisdom Iyekevpolo et al, the history of Nigeria's federalism dates back to the pre-independence constitution of 1954 called the Lyttleton's constitution"⁶¹

A lot of factors necessitated the adoption of federalism in Nigeria. The size of Nigeria, for example, was considered too large for the operation of any type of government which is not federalism, thus for the effectiveness of government to be felt throughout the country, a federalist decentralization of governmental powers have to be adopted. More so, for administrative convenience and effectiveness, the federal system of government provided the best option. Another crucial factor that

strengthened the quest for a federal system was based on diversity of Nigerian ethnic groups. The colonial anthropologists had grouped Nigerian ethnic groups into 250. Although M.A Onwuejeogwu has categorically debunked this thesis and argues that Nigeria has up to 455 ethnic nationalities. Onwuejeogwu maintains that:

Nigeria is the only extant nation with up to 455 ethnic Nationalities One major characteristic of Nigerian ethnic Nationalities is that each has a traditional core territory or culture areas and a core language. The present ethnic territories ranges from 20sq km to over 7000 with a

population of 20 persons (sic) up to 20 million persons or more⁶².

Thus, to accommodate all the ethnic groups in one entity and to maintain unity in diversity, federalism provided the best avenue. Other factors which encouraged the adoption of federal system were: Need for local autonomy, security and military reasons; and economic factors etc.

By the time Nigeria got her independence in 1960, Nigeria was a federation of three (3) regions namely Eastern, Northern and Western Nigeria. The 1960 independence constitution, among other things, reinforced the federal structure of the country even though the Westminster parliamentary system was adopted.

The federal system of sharing governmental powers into the exclusive, concurrent and residual lists was still intact. By August 1963 however, the federal structure of Nigeria was increased to 4 with the extraction of the Midwestern region from the western region. Again, the 1963 republican constitution which was the first indigenous constitution ever to be drafted by Nigerians for Nigeria made Nigeria a republic within the commonwealth of Nations whereby Her Majesty, the Queen of England ceased to be the head of state of Nigeria. However, the federal structure still remained untouched.

The 1979 constitution also recognized the importance of federalism in

Nigeria. The American presidential system of government was introduced by the constitution which nevertheless retained the federal structure. Nigeria's 1999 constitution, which ushered in the fourth republic, states that "Nigeria shall be a federation consisting of thirty-six states and the federal capital territory"⁶³. It is thus clear that Nigeria is statutorily a federal state.

It is, however, expedient to observe that Nigeria's federalism has been seen by some scholars as a quasi federalism. John Ayoade for example has dismissed Nigerian's federalism as "A false brotherhood that has been the subject of continual tinkering panel beating, and even attempted

solution⁶⁴. This is because the federal government of Nigeria has too much powers when compared to the federating units. These has been a recurrent decimal in the evolution of federalism in Nigeria. EbereOnwudiwe and RotimiSuberu put the argument better when they observed that:

Contrary to the tenets of robust, growth oriented, fiscal federation, Nigeria's constitution states and localities lack any significant degree of fiscal autonomy, viability, responsibility and competitiveness as underscored by their near total budgetary dependence on central financial devolutions. This

dependence derives partly from the underdevelopment and limited diversification and industrialization of the Nigerian economy which has been compounded by the expansion and centralization of mineral oil revenues since the seventies. But economic over centralization has been institutionalized and immensely reinforced by Nigeria's pseudo federalist system of "centralized resources dispensation", which has reduced the states and localities into no more than administrative conduits for the dissemination of the national oil largesse to diverse local elites and constituencies⁶⁵.

What is more, Nigeria has several military interregnums from 1966 to 1979 and again from 1983 to 1999, within all these period, O.B.C Nwoliase contends that Nigeria cannot be said to have practiced federalism. According to him, what obtained during this time was only unitary government.

O.B.C Nwoliase quoting Yakubu Gowon states in retrospect that:

Federations are not meant to be ruled by military governments, more so in the case of Nigeria where there are many varied interests. By its nature, the military is a centrist command and obedience based institution.

Against a background of inexperience in politics, a military head of state having military governors in the states would be hard put to see the duty of his governors as any different in terms of their obligations and loyalty to him. By their orientation, the military governors therefore would be more inclined to obey, first before complaining⁶⁶.

The centrality of Nwoliase's argument is that the military ruined Nigerian federalism and that various Nigeria military governments deserve no honorable mention in the historical evolution of federalism in the country. He further maintains that; unless the full contents of the pathogens

introduced into Nigeria's federalism by military rule (1966-1999) are sucked out, and their impact studied in some details for exorcism, the Nigerian federation no doubt will, with time, not so distant from today, join the list of the world's failed states. Given the very apparent opposing characteristics of militarism and federalism, it is rational to state or expect that federations should never have been (mis) governed by the military.

Whether we accept the view of Nwoli; that all the military interregna should be removed from the appraisal of federalism in Nigeria since they proved themselves antithetical to the ideals of a robust

federalism or the opinion of J.I Elaigwu that "the particular political colouring that a federal government take is often reflective of its historical experiences, it's political, cultural, social and economic environment and the disposition of its people at a particular point in time"⁶⁷, what is important, no matter the argument, is that Nigerian federalism is lopsided. Nigeria has evolved a highly centralized federation. Therefore there is need to recreate a true federalism in Nigeria which will take into consideration the way the fabric of the society is constituted and how power is perceived in such a culture. This means that the adoption of a new form of federalism that will meet the

aspirations of the people is imperative.

Federalism like other systems of government is dynamic inspite of the colonial experience and the over centralization tendencies of Nigeria's federalism from 1960. Till date, federalism remains a viable system for the allocation of power between governments and as an instrument for national integration⁶⁸. A restructure of Nigeria's federalism in which each of the states must become autonomous in theory and in practice is the solution. Nigeria should be reinvented to become a true federal state with clear demarcations of powers and functions among the levels of government. The issue of the

fiscal autonomy between the central government and the federating unit should be resolved once and for all. National questions involving the distribution and allocation of resources should be tackled in a sincere and constructive manner especially through the convening of a national conference.

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