

Practice of Federalism in a Contemporary Society: The Nigerian Experience

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Abstract: *This study investigated thoroughly the practice of federalism in a contemporary society using Nigeria experience as a point of departure. Federalism is a system that evolved from the idea of containing deep-seated difference within states that are willing to stay together. Though federalism in Nigeria was the brainchild of the colonial overlords, it was adopted to combat the multi-ethnic and plural nature of Nigeria that has in it hundreds of ethnic and tribal nationalities. The study used survey research method. Primary and secondary method of data collection was deployed in the study. The study uncovers that efforts by the Nigeria state towards managing ethnic differences and making Nigeria federal practice work are rather aggravating the problem. The work concluded that true federalism in Nigeria is only achievable if the basic tenets that defined federalism are enshrined in the constitution and completely obeyed.*

Key words: *Contemporary society, practice of federalism*

A Special Issue Conference Proceeding Paper

INTRODUCTION

The concept of federalism has received broad scholarly definitions as each scholar attempt to define it according to his perception. Till the present day, the concept has no generally accepted definition as attempts at conceptualizing federalism almost always end in confusion. This is because of the broad and pluralized nature of federalism. From an elementary point of view, federalism could be explained to mean the principle around which all the principalities and units constituting a nation-state agreed to federate. These principles have historical, social, economic and even military dimensions to them. Federalism can be described as a system of government in which the indicators of social, political and economic development are pursued by a coordinated effort of both central and other integrated units of government (Friedrich, 1964).

Contemporary writers on federalism such as Machamon and Riker among others view federalism as a mutual interaction between and direct contact with at least two levels of government. This definition is rested upon the fundamental principle that federalism is a form of governmental and institutional structure, deliberately designed by political architects to cope with the twin but difficult task of maintaining unity and peace while also preserving diversity. Federalism also mean a technique for aggregating large areas under

one government (Dike, 2012).

Under this political set-up, the component units are given the opportunity to develop along the trend of their environment and needs. Moreso, federalism could be explained to mean a system of government that entails branching of powers into levels of equal government, which translate to mean a form of a mixed government which involves a branch government and a centralized power which involves provincial, regional, state and other sub forms of government into just a central system (Davis, 1967).

The most cogent, clearly expressed and widely accepted definition of federalism was the one given by Wheare in his classical work "Federal Government". This definition set a new template for contemporary thinking on the subject matter. Wheare (1943) averred that federalism is a method of dividing powers so that the central and regional governments are each within a sphere, coordinate and independent of one another. Wheare went further to explain what he regarded as federal principles to include:

- The division of powers among levels of government
- Written constitution showing this division and
- Coordinate supremacy of the two levels of government with regards to their respective functions.

Typologies of Federalism

There are different kinds of federalism and nations of the world practice it depending on the nature of their economic life, geographical alignments, economic advantages, historical similarities, political culture etc. However, attempt will be made to explain the dominant type of federalism.

1. Political Federalism: Okey (2012:86) opined that political federalism describes the nature of sharing of duties and responsibilities within the central and component government. He stated further that the examination of political federalism probes into the issues of degree of political power given to the various levels of government. Political federalism is the very reason behind the introduction of exclusive, concurrent and residual list and the items in it. In some country of the world that practices federalism, the government holds a relatively stronger power while the regional government enjoys lesser powers. The former represent what is obtainable in Nigeria while the latter is a reflection of the situation in the United States of America.

2. Fiscal Federalism: It is a consequence of federalism and is concerned with the relationship among the various levels of government with respect to the allocation of national revenue and the assignment of functions and tax powers to the constituent units in a federation (Nyong 1998).

Fiscal federalism is basically concerned with revenue allocation formular – the sharing of national revenue among the various tiers of government (vertical revenue sharing) as well as the distribution of revenue among states (i.e. horizontal revenue allocation). Fiscal federalism defines the degree of division of revenue between the centre and the component units as well as between the components. It examines the extent of financial control which each level of government exercises. It examines the power of taxation granted each level of government as well as any other sources of fund allowed in level of government (Okey, 2012). Fiscal federalism also refers to the use of funds allocated

from the national program is supported. A perfect example of fiscal federalism is the categorical grant, whereby the national government gives money to the states and that money has requirement attached.

Machineries Used in Managing Nigeria's Fiscal Federalism

Asogwa (2009) highlighted the following as the machinery used in managing Nigeria's fiscal federalism;

A. Federation Account Allocation Committee: Officials of federal and state governments along with Revenue Mobilization Allocation and Fiscal Commission and Central Bank of Nigeria meet monthly with revenue generation agencies to share revenue accruing to the federation account in the preceding month. The meeting which is known as the Federation Account Allocation Committee (FAAC) meeting is chaired by the minister of state for finance and is attended by the Accountant-General of the federation, states commissioners for finance and accountant-generals and revenue generating agencies such as the Nigerian National Petroleum Corporation (NNPC), Federal Inland Revenue Services (FIRS), Nigeria Customs Services (NCS) and department of petroleum resources (DPR). Federation account is a special account into which shall be paid all revenue collected by the government of the federation except proceeds from personal income tax of the personnel of the Armed Forces of the federation, the Nigerian Police, the ministry or department of government charged with the responsibility for external affairs and the residents of the federal capital Abuja. The federation account is a distributable pool account and shall be distributed among the federal, state and local governments. These monies are distributed among the three tiers of government using approved revenue sharing formula from time to time. It was established by the Raisman's Commission in 1958 as Distributable Pool Account for Cushioning the effect of differences in capacity in a situation in which derivation was used for sharing revenue among component units that had different degree of natural resources. Since 1977, it came to be known as the Federation Account Okey, (2012)

B. Revenue Mobilisation Allocation and Fiscal Commission (RMAFC).

The CFRN 1999 (Section 31, part 1 of the third schedule) provided for this commission to among other functions, the monitoring of the accruals to and disbursement of revenue from the federation account. The commission has the following composition;

a) Chairman and

b) One member from each of the state of the federation and Federal Capital Territory, Abuja, who in the opinion of the president are persons of unquestionable integrity with requisite qualifications and experience.

The powers and functions of the commission include the following:

- Systematic design and effective mobilization of sources of a public sector revenues.
- Periodic review of revenue allocation principles and formula such that would minimize short-term political pressure.

- Prescription and application of revenue allocation formulae after due approval by the federal government for the purpose of sharing the federation account between the federal, state and local governments.
- Monitoring the accruals and disbursements of revenue from the federation account, the states joint account, the local government joint account, the various special purpose accounts and such account that may from time to time be established or designated by the commission with the approval of the federal government.
- Ensuring full compliance with established revenue sharing arrangements as well as full public accountability for all funds so allocated to various governments/or agencies involved in the disposition of the federation account and many other powers and functions.

C. State-Local Government Joint Allocation Account Committee

The formation, powers and functions of this committee varies from state to state though they share close similarities. Enugu state is used as a reference point. The Enugu State Joint Local Government Account (Distribution of Revenue and Other Related Matters) law of 2001, No.6 provided as follows with regard to Joint Allocation Account Committee (JAAC)

Membership

1. A chairman;
2. Representative of each of the three senatorial zone of the state;
3. Local government treasurer representing each senatorial zone;
4. Representative of ministry of finance;
5. Representative of ministry in-charge of local government; and
6. A secretary.

All these appointments are made by the Governor and the remuneration of salaries are also subject to the approval of the governor. The tenure for these positions is one year subject to renewal of one additional year except for local government treasurers who have one year which is not subject to renewal. The committee has a good number of functions which involves;

- To open and maintain joint account.
- To review from time to time the formula for the distribution of funds to local governments councils.
- To advise state and local governments on fiscal matters and methods by which their revenue can be increased.
- To monitor the disbursement of revenue from the joint account etc.

However, it is necessary to note that before every revenue accruing to local governments from the joint account can be distributed, the following first line charges are deducted.

- a) Primary school teachers' salaries and overhead
- b) Money for local government pension board for payment gratuities and pensions
- c) One percent (1%) training fund for local government service commission for capacity building of all staff of the local government.
- d) Traditional rulers' stipends.

Principles of Fiscal Federalism

The following are principles guiding fiscal federalism according to Ekpo (2004)

I. **The Principle of Diversity:** This means that the federal system must have the ability to accommodate a large variety of diversities. For this reason, the fiscal system must provide scope for variety and differences, to supply national, regional and local public goods.

II. **The Principle of Equivalence:**Based on the geographical incidence of different public goods, allocation of revenue must be efficient to equalize the differences with a combination of taxes and public good services.

III. **Principle of Fiscal Equalisation:**This principle posits that in order to ensure minimum level of public goods and services, some degree of fiscal equalization is required. This is as a result of differences in resources endowment in the states of the federation. For this reason, a well rounded programme for reducing financial inequalities among the states will ensure purity among states and local governments and reduce tension surrounding revenue allocation in Nigeria.

IV. **The Efficiency Principle:**This principle implied that efficiency must be applied in the allocation of resources. In addition, each level of government should maximize its internal revenue earnings at maximum tax efforts.

V. **The Principle of Derivation:**This principle opines that the component units in a system should be able to control some of its own resources as they desire. Resource control is regarded here to the extent that the federation is not undermined.

VI. **The Principle of Centralized Redistribution:** This principle states that redistribution function of fiscal policy through progressive taxation and expenditure programmes should be centralized at the federal level. This is because if it is decentralized, it can result in locational decision.

VII. **Principle of Centralize Stabilization:** This requires the use of fiscal instruments (variation in taxation and expenditure) for achieving macroeconomic objectives of growth, stabilization and full employment at the national level.

3. **Dual Federalism:** Patterson (1999) averred that dual federalism is a constitutional doctrine which holds that certain policy areas such as interstate commerce and defense are

the clear and exclusive province of national authority, while other policy areas such as public health and intrastate commerce belong clearly and exclusively to the state.

This doctrine is therefore based on the idea that a precise separation of national and state authority is both passive and desirable to make the system work optimally. This kind of federalism is nicknamed "Layer Cake Federalism". This is because people view the relationship between governments as a series of layers, localities on the bottom, states in the middle and the federal government occupying the top spot.

Bringing this to the Nigeria scenario, primary education, primary healthcare and rural development are seen as local government functions. Agriculture, education policy, currency, aviation, migration and immigration, police recruitment are preempted by the central government. Scholars like Grodzins and Elazar have seriously objected the idea of the "layer cake" administrative federalism on the ground that it has substituted the logic of cooperation.

4. Cooperative Federalism: Societies of the world excel and perform very well in the present clime because of interdependency. The idea behind cooperative federalism is predicated on the fact that problems affecting citizens of country in one part of the country are likely to affect citizens living elsewhere in the country. For instance, problems of insecurity, environmental pollution, unemployment, poverty, flood, disease etc affecting Nigerians living in Benue state are likely to affect Nigerians living in Rivers state.

The implication is that this situation will inform and encourage the decision of the central, states and local government policy makers to collaborate their efforts to solve a particular problem that is of interest to them. Nwosu (1992:268) in Asogwa (2009:114) observed that in cooperative federalism arises because several separate government share a divided responsibility for regulating a single economic social structure. It is not common to see that any constitution could be drafted which would enable each to perform its specific functions impinging on the others. Therefore, their activities are inevitably mingled and cooperative arrangements must be clearly worked out. This collaborative effort of various levels of government is what is regarded as cooperative federalism.

The difference between this system of federalism and the dual federalism is like the difference a marble whose levels flow together and a layer cake whose levels are separate (Patterson, 1997:57). Again in Nigeria for instance, medical programme like the National Programme on Immunization (NPI) which is aimed at eradicating polio among Nigerian children of tender age, the Universal Basic Education programme which has assisted in the enrollment increase of primary school pupils and also in the construction of classroom blocks in the states of the federation for basic education of Nigerians. Agricultural and rural development programme etc all being undertaken through the collaborative effort of all the levels of government (Asogwa, 2009).

Also the ongoing policy of Muhammadu Buhari to feed primary school pupils across some states of the federation is another perfect example of cooperative federalism. Cooperative federalism describes the belief that all level of government should work together to solve common problems.

5. QUASI FEDRERALISM: As earlier explained, federalism is associated with legal arrangement which defines the powers and functions of the different tiers of government.

This is what is obtainable in countries that practices federalism like USA, Nigeria, Canada, Mexico, India, Argentina etc. This legal division of powers and functions is absent in Quasi-federal state, but powers and functions are shared between the levels of government in practice without a legal framework in reality that will define such powers and functions.

6. Centralized Federation: This is a kind of federalism whereby most powers are given to the federal government thus weakening the capacity of the states to legislate on matters they consider essential to them.

Also, centralized federalism centers on the idea that the federal government should be responsible for setting all national policies and the state and the local government should be responsible for carrying out these policies. Nigeria presents a perfect picture of centralized federalism. This is because most powers of the government are concentrated in the exclusive legislative list in the 1999 constitution. Other examples of countries that practice this kind of federalism are Great Britain and France.

The Evolution of Nigeria Federalism

Many view the adoption of federalism in Nigeria as historic and circumstantial. It started with the activities of the nationalists who fought tirelessly for the independence of this great country. Nigeria federalism could be traced to the amalgamation of this Southern and Northern Protectorate as one country in 1914 by Lord Fredrick Lugard. Also, in 1922, following the appointment of High Clifford as the governor-general of Nigeria, he divided the country into Southern province and Northern province. He introduced the first ever elective principles in Nigeria which led to the formation of the first political party (NNDP) in Nigeria in 1923. The party was championed by late Herbert Macaulay. Hugh Clifford also introduced a single legislative council for the colony of Lagos and the Protectorate of Southern Nigeria.

In 1946, when Arthur Richard took over the helms of affairs from Bernard Bourdilion as the governor-general of Nigeria, he introduced the principle of regionalism and it was formally enshrined in the constitution which recognized the three regions via Eastern, Western and Northern regions. He also established a single legislative council for the whole country, the southern and western Nigeria was now united into one legislative council. The constitution also recognized the regional councils and allocated some political deliberative powers to it. Moreso, during the 1953 London Constitutional Conference, a true and clear federal system of government was adopted for Nigeria. In that conference, it was generally agreed that Nigeria should adopt a complete federal system of government with a clear division of power between the federal and the component government.

Also, as a pathway to Nigeria federation, the social units within the respective values and orientation strive to express their feelings on national issues and governance, each section, region or ethnic group struggles to perspective its influence over others in governance. These inherent ethnic and sectional differences led to the adoption of federalism in Nigeria in the early history of our nationhood and quest for development.

Why Nigeria Adopted Federalism

1. The very reason for the adoption of federalism in Nigeria was to allow and encourage the people at the grass root take active part in local affairs.

2. It was also to create and encourage healthy competition and innovation among the component units. This will make the component units grow and develop at their own pace.
3. NATIONAL INTEGRATION: Federalism is all about national integration, it creates cohesion and unites the citizens of a country. It will eliminate the problem of separation, ethnic rivalry and fear of domination of minorities.
4. FEDERALISM IS A FRAMEWORK FOR DEVELOPMENT: As posited earlier, federalism decentralizes power. This feature of federalism is widely believed to be a veritable framework for even development. The advanced country where Nigeria had borrowed leaves from, such as USA practice federalism. This made Nigeria believe the choice of federalism will help them achieve the status of the USA, hence the choice of federalism.
5. POLITICAL STABILITY: An outstanding motive of federalism is to promote unity and to force the government to be closer to the people. Federalism was born from the idea of peaceful co-existence of citizens, stability and cohesion to promote national integration.
6. FOR THE PURPOSES OF EVEN DEVELOPMENT: The wealth of Nigeria is not in all the states. Some state especially the Niger Delta states are far more richer than the others. Nigeria adopted federalism to ensure these wealth spread across other states who do not have these natural resources in abundance so they can develop and take good care of their needs as well.
7. COLONIAL BACKGROUND: Nigeria has been severally referred to as a product of British Colonial suturing. A key reason for Nigeria's federalism is common historical/ancestral background. The tongues and tribes that made up Nigeria have one colonial history. Moreso, colonial masters with the Richard's constitution in 1947 launched Nigeria onto the path of the present federal system of government via regionalization of the country.
8. THE SIZE OF NIGERIA: With the total area of 923,768km², Nigeria cannot justifiably be administered by a lone "leviathan" from the top. Such arrangement would breed neglect, frustration and aggression, no thanks to red-tape dominance in unitary system of government, thus promoting efficiency in service delivery and governance.
9. THE PLURAL NATURE OF NIGERIA: Nigeria is a plural society with over 1000 ethnic groups and tribes. Besides the major three; Igbo, Hausa and Yoruba, there are other macro and micro ethnic minorities in the country. Federalism was favoured to address the situation.

BASIC FEATURES OF NIGERIA FEDERALISM

1. The relations between the federation and its entities are governed by the federal constitution.
2. There are two legislative chambers at the federal level (Senate and House of Representatives), one legislative chamber (House of Assembly) at the state level and the subjects of the federation have equal representation in one of the chambers i.e. the senate.

Every state in Nigeria has three senators in the Nigerian senate, while House of representatives is on proportional representation.

3. Foreign policy activities are conducted by the federal government on behalf of the state.
4. States use their own constitution, decrees and other normative legal acts that will be legal in their territory on a par with federal constitution and federal laws.
5. States of the federation have their own colour, emblems, anthems and other signs of the state except state sovereignty.
6. States in Nigeria are not independent subjects to international laws.
7. The entities of Nigeria are not allowed to secede from the federation or to unilaterally terminate links with the national government.
8. No amendment(s) can be made to the federal constitution without the approval of the states of Nigeria.
9. State power is divided between the federal government and the government of the states of the Federation. .
10. Law courts are organized according to dual principles: each level has its own court to ensure effectiveness of the laws.
11. Elections into the executive arm of the government at the federal and state level and into the national and state parliaments is conducted every four years.
12. Independent National Electoral Commission (INEC) conduct elections for the federal and state government while State Independent Electoral Commission conduct elections for the local government.

STRUCTURES AND INSTITUTIONS USED IN SERVICING NIGERIA FEDERALISM

Countries of the world that practices federal system of government has some institutions and structures established for managing the relations between the federal government and the competent units. The situation is the same in Nigeria. Some of these institutions and structures will be discussed here;

1. COUNCIL OF STATE: Section 6 of third schedule (part 1) of the CFRN 1999 gave impetus to this council. The views of the membership include president, vice president, senate president, speaker of House of Representatives, military head of state, all former chief of justices of Nigeria and attorney general of Nigeria. The council has the responsibility to advise the president on matters like, national population census, prerogative of mercy, award of national honours and maintenance of public order within the federation. The council in addition to the above is expected to again advise the president with regards to the following federal commissions. The Independent national Electoral Commission (INEC), the Judicial Commission (NJC) and the National Population Commission.

2. NATIONAL ECONOMIC COUNCIL: Membership of this council is composed of the following, the vice president as the chairman, the governor of each state of the federation and the governor of the Central Bank of Nigeria (CBN). The National Economic Council was created as a mechanism for the coordination of the different levels of government in respect to economic matters. The council is saddled with the responsibility of advising the president concerning the economic affairs of the federation and in particular on measures necessary for the economic planning effort of economic programmes of the various governments of the federation. The National Economic Council was provided for in Section 153(1) of the CFRN 1999.

3. FEDERAL CHARACTER OF NIGERIA COMMISSION: One fundamental provision of the CFRN 1999 which is geared towards servicing Nigeria set-up is contained in section 14(3) of same constitution. The composition of the government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the character of Nigeria and the need to promote national unity and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or in one of its agencies.

The idea behind federal character principle is that the president shall appoint at least one of his ministers from each state who shall be indigene of such state. Federal character principle is predicated on the fact to maintain "National Unity" and "National Loyalty", there must be harmonious federal state relations. The aim again is to ensure those in the minority states are not shortchanged and sidelined in the scheme of things of the federation thereby disabusing their minds from alienation.

The same federal character principle was extended to the state local government relations through a modified version of the provisions relating to federal-state level. This is provided for in Section 14(4) of some constitution. It is however heartbreaking to observe that the aim of the federal character principle in the lopsided appointment of successive federal government and different state governments. The present administration of Muhammadu Buhari is the worst heat of it.

4. THE CODE OF CONDUCT BUREAU AND TRIBUNAL: The code of conduct bureau is one of the institutions established by the CFRN 1999 Section 153(1). The bureau has a chairman and nine other members, each of whom at the time of appointment shall not be less than fifty years of age. The body has offices in each state of the federation. The bureau has the following responsibility;

- a) Receive declarations by public officers made under paragraph 12 of part 1 of the fifth schedule of the 1999 CFRN
- b) Examine the declaration in accordance with the requirements of the code of conduct of any laws.
- c) Retain custody of such declarations and make them available for inspection by any citizen of Nigeria on such terms and conditions as the national assembly may prescribe etc.

The code of conduct tribunal, on the other hand imposes punishments upon any public officer found guilty of contravening any of the provision of the code. These two bodies are

federal government agencies established to serve as watch dog over the public officers in the federation which include states and local government officers (Asogwa, 2009)

5. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC): The CFRN, 1999 section 153(1) provided for this commission. The commission is composed of the following; a chairman, who shall be the chief electoral commissioner and twelve other members to be known as National Electoral Commissioner. A member of the commission shall; be non-partisan and a person of unquestionable integrity. The commission is expected to:

- Organize, undertake and supervise all elections to the offices of the president and vice president, the governor and deputy governor of a state and to the membership of the senate, the house of representatives and the house of assembly of each state of federation
- Register political parties in accordance with the provisions of the constitution and Act of the National Assembly.
- Monitor the organization and operation of political parties including their finances, conventions, congresses and party primaries etc.

6. DERIVATION PRINCIPLE: This is a mechanism established by the federal government for sharing revenue between the national government and the state government on one hand and between the state government and local government on the other hand. The 13% derivation principle for the oil producing states is a perfect example. According to Okey (2012); the adoption of this principle entails the sharing of revenue generated in the federation in such a manner that these component units from which greater portion of the national revenue is generated also receive greater share in the allocation of revenue.

7. REVENUE ALLOCATION FORMULA: This is a statement expressing the pattern of distributing national revenue between a central government and component government and among component governments. It consists of principles and percentages ratio, indices upon which the sharing of revenue is carried out (Okey, 2012:81).

ISSUES IN NIGERIA FEDERALISM

That the federal system of government was designed primarily to solve the fear of alienation of the minority by the majority; to address the multi-ethnic and plural nature of Nigeria, to ensure even development and many more can never be over emphasized. To boldly say that these issues has been squarely addressed with many years of the practice of federalism can never be true as more and more of these issues keep coming up. The following constitutes area of problems in Nigeria federal system;

1. REVENUE GENERATION AND ALLOCATION: In an attempt to solve this endemic problem, various principles of revenue allocation has been adopted by commission of enquiry/panels setup by the federal government in recent times. These principles include; principle of derivation, national interest, population, equality of states, even development etc. In the present day Nigeria, the resources of the country belongs to the national government. Oil is the life wire of Nigeria and whatever is generated from it is kept in the federation account and is shared monthly among the different levels of government- federal, state and local government. This is never supposed to be so as the component units

to tap their resources, generate revenue from it and pay an agreed percentage in the form of tax to the federal government. This act has turned the component units into beggars begging for what rightly belongs to them.

A record example is the oil producing states of Niger Delta who are made inferior and subservient to the centre. This act has forced the youths of the region to take up arms against the federal government. There reasons has been despite the vast wealth produced in the area, plus the negative impact of oil industry on their land, the people of the area remain poorer than others overtime, they cry very loud against not only marginalization and exclusion but outright neglect in the sharing of the wealth of the native and lost prominent men in the fight against the federal government e.g. The Ogoni⁹ (Ehiodo, 2012:68). Till this present day, Nigeria is still struggling to enjoy relative peace in the Niger Delta region and this has been the result of lopsided revenue allocation formula. Revenue allocation is a source of controversy and huge obstacle to the practice of federalism in Nigeria.

2. CENTRALIZATION OF THE POLICE FORCE

The police high command is centralized and is headed by an inspector general of police, appointed by the president (federal government). The various state commissioners of police take orders directly from the police inspector general. The state governors who are flattered with the title of chief security officer in the states have no control over the police commissioner in their states. When the governors give instructions to the police commissioners, they police commissioners will need to first consult their boss (IG) before taking action, leading to delay and more escalation of the crises situation. In a situation where the state government is at loggerhead with the central government, your guess is as good as mine. In another development, it will be practically a difficult task for the federal government to post a police commissioner to another state that it is not his state of origin and expect such police officer to fight crime very well. How on earth do you expect forexample Ogoni man who is a police officer to fight crime very successfully in Lagos, an unknown terrain ? This is because he has no good understanding of the terrain and therefore cannot execute his plan and strategies against terrorists very perfectly. This can as well be fingered as one of the reasons why crimes continue unabated in Nigeria.

3. THE UNKNOWN IDENTITY OF THE THIRD TIER LEVEL OF GOVERNMENT

One of the very reasons why the 1976 local government reform in Nigeria was widely celebrated and applauded was that it makes the local government a third tier level of government and it was formally enshrined in the constitution thus making it co-equal with the federal and state governments. By such position, local government in Nigeria is supposed to be politically and economically independent from other levels government. But this is not what is obtainable in reality as local government in Nigeria is made an appendage of the state government. This is a huge mockery to federalism. Nigeria federalism structure is in anti-thesis to the principle of federalism which recognizes only two levels of government. With the level of political culture in Nigeria, granting autonomy to local government will cause more problems of governance to state governors. You cannot imagine a situation where some local government boss will run directly to the president and boycott the state governors and will even want to flex muscle with state governors. This will result to breach of peace as the state will become a theatre of war.

4. CONTINUED DOMINANCE OF GOVERNMENTAL POWERS BY THE FEDERAL GOVERNMENT

In Nigeria, the state government is claiming superiority over the local government just as the federal government is claiming superiority over them. Till date, it cannot be completely said that the state government are autonomous. This ugly situation has informed the decision of many political thinkers and activist to call for political power devolution so that states can enjoy real autonomy as it is done in other advanced clime. This excessive political power wielded by the central government has made them take certain decisions without minding the component units, as the best they can do is to cry out loud. The decision of the federal government to spend money from the excess crude account without first taking the 13% derivative fund meant for the oil producing states which attracted nation-wide condemnation is one example of such excessive power of the centre.

5. POLITICISATION AND OUTRAGEOUS NUMBER OF COMMITTEE IN THE PARLIAMENT

Committees are where core legislative business are carried out. This is why the import of parliamentary committees cannot be cajoled with. Parliamentary committees are supposed to be carefully selected with distinct responsibility attached to it but this is not what is it in Nigeria, as it is used to settle loyal party legislators. Good numbers of committee are headed by members of the leading political party in the parliament without recourse to area of specialization and these are “money spinning” committees. And because their interest was to get the proceeds of such committee, they are carefree about carrying out thorough committee work as their aim has been met to the detriment of Nigerians.

Again because major legislative work is done in the committee, judging from the foregoing, the committee report to the general house will be lopsided and the result will be one sided legislation. Also, Nigeria’s National Assembly has about 165 committees. 68 and 97 for the senate and House of Representatives respectively. This is never a welcome development. In most cases, some of the committees do not perform any noticeable function throughout their lifespan in the parliament but fund is allocated to them for committee seating.

In the USA, where Nigeria imported federalism, the size of their national parliament is almost times two smaller than that of Nigeria. Though it can be argued that it is a different strokes for different folks, the big question should be how has Nigeria fared with this structure? Has it helped Nigeria federalism achieve a desired pace of growth and development? We better try something different. Multiple parliamentary committee is not helping the country and should be jettisoned.

6. DUAL NATURE OF THE COURT SYSTEM (JUDICIARY)

The existence of many courts to a large extent affects the practice of federalism. This is because it is expensive to run and maintain. In Nigeria, there is the presence of many courts. This is to some great extent makes lottery out of the judiciary, making it difficult for the integration of legal system. Though the supreme court holds as the highest court which guarantees uniform application, but the various orders and judgement of the high courts with concurrent jurisdiction affect the practice of federalism in Nigeria.

7. OWNERSHIP OF RESOURCES (RESOURCE CONTROL)

Nigeria has witnessed and is likely to witness more inter-ethnic crises on the ground of

who to control the resources of the land and this if not given quick attention will continue to put Nigeria in an unfortunate situation. Resource control agitation is a call for the re-organization of fiscal federalism in such a manner that component units could generate and utilize revenue arising from the exploration and exploitation of mineral and non-mineral resources in their territorial areas (Okey, 2012:103). It should be noted that this usurpation of resource control by the central government was initiated by the Lt. Col. Yakubu Gowon (administration) regime as an expedient measure to pursue the 1967-70 civil war. Since then, states especially Niger Delta states has been transformed into beggar pleading for their rightful share of their resources and this has resulted to several crises between the people of the region and the federal government. One example that readily comes to mind is the Ijaws in particular, under the banner of the Ijaw State Movement had been seething with rage that their territory had provided much of the country's wealth yet they got nothing from it, so after the Jan. 15 1966 coup, the Ijaws led by Isaac Jasper Adaka Boro a former student of University of Nigeria took up arms against the Ironsi regime. He proclaimed the independence of the Niger Delta People's Republic, declared a state of emergency and announced that the territory would be tax free until fully industrialized but the federal military government dispatched troops and crushed the rebellion (Ehiodo, 2012:69).

8. THE ISSUE OF SECESSION

In a federal set-up, there is always the problem of secession. Agitation for self determination by those who found themselves in the minority group is continuous and this threatens the practice of federalism. The activities of Niger Delta Avengers (NDA) agitating for Niger Delta Republic and the Indigenous People of Biafra (IPOB) clamouring for the Republic of Biafra is a typical example.

RECOMMENDATIONS

1. Each state of the federation should be allowed to determine the minimum wage it can pay her workers. The idea of enforcing a uniform minimum wage should stop henceforth as it is never a healthy practice. Let there be competition in the system.
2. All existing and potential precursors to cultural and ethnic conflicts should be reasonably suppressed if Nigeria federalism is tenable.
3. The federal executive must ensure that national resources are utilized equitably so that no component unit will feel cheated. Nigeria is multi-ethnic in nature. This means that any misguided action by the federal government in the utilization of resources would always trigger off reactions from the component units. This is one fact that the leadership at the centre must always bear in mind (Okey, 2012).
4. Parliamentary committees in both the state and national assembly should be reduced to such a manageable size, the formation should not be politicized and it should be made functional to ensure quality legislation that the impact will be far reaching.
5. State independent electoral commission should be restructured, strengthened and rationalized for effective and efficient service delivery.

6. The national and state parliaments should put up a legislation to determine the total number of aides to the president and state governors. It has been observed that state governors create unwanted offices and fill them up with party loyalists, family members, friends etc even when they are working nothing thereby contributing to high cost of governance.

7. State police should be created to fight crimes within the state. This time those who know the terrain will be incharge of combating crime and one can be assured there will be no hideout for criminals.

8. The statutory allocation to the local government from the centre should be abolished, while allocation to the states should be increased so that each state could tend to localaffairs through, ofcourse the local governments (created and managed by each state) (Okey, 2012).

9. All resources found in the states to be explored and managed by the state, an agreed percentage to be paid as tax to the federal government.

CONCLUSION

Nigeria federal structure since inception has witnessed structural and fiscal reformation as new realities emerges and this is not without major deficits but like in all political organization, there is no perfect policy. The Nigeria federal structure may not have succeeded in all its political ills, it is nonetheless what has kept as united. However, even non federal states are faced with similar problems bothering on threats to its very existence.

Therefore our inability to have stability in our political system in spite of years of practicing federalism should not be taken as bankruptcy of the system. It is a proven fact that the best form of government for Nigeria is the federal system with its basic tenets properly and carefully administered. Hence, I hereby submit that true federalism in Nigeria is only possible and achievable if the basic tenets that defined federalism are enshrined in the constitution.

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