POWER SHARING WITHIN A FEDERAL STATE: NIGERIA IN CONTEXT

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1. Introduction

The founding fathers of Nigeria were united on the suitability of federalism as the best form of government, and thus advocated the federal system for the nation. The choice of this system was based on the need to accommodate the interest of the various ethno cultural groups within Nigeria, and at the same time, manage diversity arising from political threats[4]. Thus, Chief Obafemi Awolowo, who was then Premier of the Western Region, reasoned that, "the constitution of Nigeria must be federal .... any other constitution will be unsuitable and will generate ever-recurring instability which may eventually lead to the complete disappearance of the Nigerian composite State", while the Premier of Northern region, Sir Ahmadu Bello held that federalism provided the "only guarantee that the country will grow evenly all over; we can spend the money we receive, the money we raise, in the direction best suited to us"[5]. On his own part, the Premier of Eastern region, Dr. Azikwe, was resolute that the strength of Nigeria as a nation lies in its heterogeneous composition and the potentials that a federal structure possesses for the release of the energies of these component parts for national development.

Notwithstanding the unanimous stance of nationalists on the suitability of a federal system, they however, diverged on specifics. This lack of consensus on specific issues persists to date in the struggle for the enthronement of 'true federalism' in Nigeria.Thus, since Nigeria's return to civil rule in 1999, there has been a fierce struggle for true federalism as evidenced by the agitation of the South-west for greater state autonomy; the enthronement of Sharia Law by many Northern States; the agitation for State Police; agitations, lawsuits and administrative policies on control of local governments; and agitation for resource control in the Niger Delta, etc. Researchers have also linked the Boko Haram insurgency to the struggle for federalism in Nigeria[6].

Against the foregoing background, this paper seeks to shed light into the concept of federalism and all its aspects. Specifically, it analyzes Nigerian federalism from a historical perspective, and the effects of the system on her political development. It also gives a briefing on the current practice of federalism in the country and the challenges to its effective operation. The paper concludes by taking a position on the future of federalism in Nigeria.

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4 Eme C.I, Onyishi,A.O., and Sam, C.U, "Preserving Federalism, Local Autonomy in a Resource Dependent Rural State: A Case of Nigeria", *Kuwait Chapter of Arabian Journal of Business and Management Review Vol. 1, No.3; November 2011*

5 ObafemiAwolowo, Thoughts on Nigerian Constitution, Oxford Press, London 1966.

6 Pichette A., "The Rise of Boko Haram: An Analysis of Failed Governance" Outstanding Gateway Papers (2015), Paper 9.

2. Meaning and Conceptual Foundation of Federalism

There is no universally accepted definition of the word federalism; although the concept has received broad scholarly attention globally. To this end, each scholar defines it according to their perception; hence Peter Ordeshook and Olga Slivetsova's apt observation that:

"the meaning of federalism is yet to escape the state of uncertainty."[7]

Federalism is derived from the Latin word "*foedus*", which means covenant[8]. It is a political idea in which a group of partners are bound together by covenant with a governing representative head. Federalism is thus definedas a compound form of government, blending a general government (the central or 'federal' government) with regional governments (provincial, state, cantonal, territorial or other sub-unit governments) in a single political system. Its unique feature, as embodied in the founding model of modern federalism by the United States of America under the Constitution of 1787, is a relationship of parity between the two levels of government of equal status[9].

Federalism in principle thus entails the formation of a system where compromise is reached between existing demands of the union and the regional diversity within an emerging society, by the creation of a single political system within which central and provincial governments are assigned coordinated authority in a manner defining both the legal or political limits of equality or subordinate functions[10]. Babalawe explained a federal state as:

> ....one in which there is an explicit and constitutional demarcation of powers and functions among national and sub-national units. Moreover, the powers and responsibilities are distributed in such a manner as to protect the existence of authority of both levels of polity each of which is independent within its own sphere. Federalism refers to the doctrine which advocates and promotes the form of organization of a state in which power is dispersed or decentralized by contract as a means of safeguarding local identities and individual liberties.[11]

Thus, federalism varies from confederalism, where the general level of government is subordinate to the regional level; and from devolution within a unitary state, in which the regional level of government is subordinate to the general level. It represents the central form

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7 Mikhail Fillipov, Peter Orderhook, and Olga Shvetsona, Designing Federalism: A Theory of Self-Sustainable Federal Institutions, Cambridge Press: UK, 2004.

8 The Free Online Dictionary <https://legal-dictionary.thefreedictionary.com/Federalism>accessed 30/12/17.

9 In 1946, Kenneth Wheare, a constitutional law scholar, observed that the two levels of government in the US were 'co-equally supreme'. In this he echoed the perspective of the founding fathers, James Madison in *Federalist 39* having seen the several states as forming 'distinct and independent portions of the supremacy' in relation to the general government. Wheare, Kenneth (1946) *Federal Government*, Oxford University Press, London, pp. 10-15.

10 Agbu, Osita (2004) "Re-inventing Federalism in Post-Transition Nigeria: Problems and Prospects". African Development, Vol. XXIX, No. 2, 2004, pp.26-52.

11 Babalawe, T. "The Impact of the Military on Nigerian Federalism" Re-inventing Federalism in Nigeria: Issues and Perspectives. Kunle Amuwo and Tunde Babalawe (eds.) Ibadan: Spectrum Books,1998.

in the pathway of regional integration or separation, bounded on the less integrated side by confederalism and on the more integrated side by devolution within a unitary state[12].

According to Prof. Ben Nwabueze:

> Federalism is an arrangement whereby powers of government within the country are shared between a national country wide government and member of a region territorially localized government in such way that each exists as a government separately and independently from the other, operating directly and independently on persons and properties within its territorial area with a will of its own and its own apparatus for the conduct of an authority in some matters exclusive of all the others. Federalism is thus essentially an arrangement between governments, a constitutional device by which powers within a country are shared between two tiers of government rather than among geographical entities composing different people.[13]

The most acceptable definition is that of K.C Wheare, who popularized contemporary federalism[14]. In his work, he talked about *"federal principle"*, which he explained as a constitutional arrangement which divides the lawmaking powers and functions between two levels of government in such a way that each within its respective spheres of jurisdiction and competence, is independent and coordinate.[15]A federal system of government often occurs from the aspiration of peoples to form a coalition without automatically losing their identities. Federalism therefore, seems to be the most attractive system of government in the context of ethnic pluralism found in many African states including Nigeria; and is generally accepted by many as essential for managing ethnic or cultural diversity as aptly reflected in the saying, "unity in diversity".

Relatedly, for any federation to be sustained there must be fiscal decentralization and financial autonomy. Fiscal decentralization means delegating decision-making to lower levels of government instead of concentrating it at the centre. Each level of government, therefore, should be free to take decisions and allocate resources according to its own priorities in its own area of jurisdiction. In addition, the federating units should be able to act independently on matters within their own jurisdiction[16].

2. Features of Federalism

According to Wheare, one of the most important features of federalism is the presence of relatively autonomous levels of government, such as the central or national government and the regional or state government. These two governments should respectively have a range of

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12 Law, John (2013) 'How Can We Define Federalism?', in *Perspectives on Federalism*, Vol. 5, No. 3, pp. E105-6.

13 In his book, *Federation in Nigeria under the Presidential Constitution,* cited in Dele Adeshina, Nigeria: a Case for True Federalism, This Day of January 9, 2017<thisdaylive.com>accessed 30/12/17.

14 All other formulation from other scholars like Livingstone, Macmahon, and Riker are variations of his work.

15 Wheare, K.C. (1963), *Federal Government*. New York, Oxford University Press.

16 EwetanO, Fiscal Federalism and Macroeconomic Performance in Nigeria, Covenant University, Ota, Nigeria, 2011.

powers that the other cannot encroach upon. Furthermore, the state government usually has a degree of executive and legislative power, hence, states are usually ruled by a chief executive, often called governor, and have a state legislative assembly. For states to retain their autonomy, they usually have a source of revenue that is independent of the national government. Accordingly, states can also set up taxes on their own.

The separation of powers and jurisdiction between the state government and the national government usually vary from country to country. For example, states in the United States have an elected governor as chief executive and a legislative assembly which make laws for the state. The same is true for states in Australia, India and Russia, and Nigeria. In Germany however, it is the national government that makes all policies, while the state government implements them.

Another feature of federalism emphasizes that responsibilities, duties, powers, and jurisdiction between the two levels of government should be defined in a written constitution. Thus the relationship between the state government and the national government must be conducted in a legal framework. Like most constitutions, the Nigerian Constitution defines the powers of the two levels of governments[17]. This feature also protects the powers of the state government and the national government. In case of disputes between the state and the federal government, the judiciary steps inasconstitutional arbiter, and usually it is the Supreme Court that is vested with this jurisdiction. An example of such dispute is the challenge by 28 states in America against the health care reform law of President Barack Obama which was passed through the federal government[18]. Similarly, the Nigerian courts as protectors of the constitution have in many cases checked both the executive and the legislature from exceeding their constitutional limits. Also, theSupreme Court has severally reiterated the federal nature of Nigeria[19].

Another feature of federalism is the presence of institutions that link the state and national government together. This is necessary to ensure that the voices and opinions of different states are heard during policy making. Usually, this is done through a bicameral legislature; in which the members of both houses are elected representatives of their respective states. In Nigeria, each state is represented by three senators (one from each of the three senatorial districts in the state), and one senator representing the FCT; while each federal constituency in the country has a representative in the House[20]. This is supposed to guarantee equal representation of the 36 states regardless of size in the Senate, and proportional representation of population in the House of Representatives.

3. Advantages and Disadvantages of Federalism

Federalism has numerous advantages, which include the following:

1. It brings government close to the people.Each province has political, social and economic problems peculiar to the region itself; and because provincial government representatives live

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17 See the Second Schedule of the 1999 Constitution- Parts I and II.

18 *David King et al. v Sylvia Burwell, Secretary of Health and Human Services et al. 576 US (2015).*

19 See *AG Lagos v AG Federation (2014) 9 NWLR (PT. 1412) 217 at 257.*

20 Nigeria has a total of 109 Senators, and 360 Members in the House of Representative.

in proximity to the people and are most of the time from the same community, they are in the best position to understand these problems and offer unique solutions for them. This expands government on national, state, and local levels, thereby giving people more access to leaders and opportunities to get involved in their government.

2. A federal government encourages development of the nation in a decentralized and regional manner and allows for unique and innovative methods for confronting social, economic and political problems. It offers representation to different populations, as citizens of various provinces may have different aspirations, ethnicity and follow different cultures. The central government can sometimes overlook these differences and adopt policies which cater to the majority, hence, this is where the regional government steps in. While formulating policies, local needs, tastes and opinions are given due consideration by the state governments. Through this practice, rights of the minorities are also protected.

3. Through federalism, state governments have the freedom to adopt policies which may not be followed nationally or by any other state. This gives federalism a room for innovation and experimentation. For example, two local governments can have two different approaches to bring reforms in any area of public domain, be it taxation or education. The comparison of the results of these policies can give a clear idea of which policy is better and thus, can be adopted in the future. Division of work between the central and the regional governments leads to optimum utilization of resources. The central government can concentrate more on international affairs and defense of the country while the provincial government can cater to local needs.

4. Federalism also ensures separation of powers and prevents tyranny. Even if one person or group took control of all three branches of the federal government, federalism ensures that state governments would still function independently. Federalism, therefore, fulfills the framers' vision of a governmental structure that ensures liberty.

5. Federalism fosters state loyalties. Many people feel close ties to their home state, and federalism maintains that connection by giving power to the states and it provides a barrier to the dominance of the majority.

On the other hand, the disadvantages of federalism are identified as follows:

1. Sometimes there can be overlapping of work and subsequent confusion regarding who is responsible for what. It can lead to duplication of government and inefficient, over-lapping or contradictory making of policies in different parts of the country.

2. Federalism can lead to having a government that will eventually result to corruption because of there will be too many elected representatives with overlapping roles.
3. Federalism can also lead to inequality between the states and lead to unhealthy competition and rivalry between them. There can be a rebellion by a regional government against the national government too. Both scenarios pose a threat to the country's integrity. Also, natural resources, industries, employment opportunities differ from region to region. Hence earnings and wealth are unevenly distributed. Rich states offer more opportunities and benefits to its citizens than poor states can. Thus, the gap between rich and poor states widens.

4. Federalism can make the state governments selfish and concerned only about their own region's progress. They can formulate policies which might be detrimental to other regions. For example, pollution from a province which is promoting industrialization in a big way can affect another region which depends solely on agriculture and cause crop damage.

5. It is also said that federal system of government is very expensive as more people are elected to office, both at the state and the center, than necessary. Thus, it is often said that only rich countries can afford it.

4. Models of Federalism in Other Countries

The leading country that practices federalism is the United States of America. However, besides America, other federalist countries include Canada, Australia, Brazil, China, Pakistan, India, Russia, Malaysia, Belgium, Comoros, Ethiopia, South Africa, and Nigeria[21].

4.1 The United States of America

The USA is probably the most standardmodel of Federalism. There are multiple federalist systems in place within the United States. Each state has individual sections, such as counties, which are governed by a state government made up of multiple branches. Each state is ultimately governed by a federal government made up of three branches. Two of the branches, the legislative and the executive, are elected positions.

The ability of the federalism philosophy was most rigorously tested in the United States during the Civil War. It was during this time that many of the southern states chose to secede from the national government. However, the national government headed by President Abraham Lincoln did not recognize their power to do so and thus they never officially seceded from the United States.

4.2 Canada

In Canada, the powers of the government are divided between the ten individual provincial governments and the federal parliament. Legislative powers were specifically granted by the Constitution Act of 1867. The federal government in Canada is limited in part by the powers that were specifically given, in this act, to the provincial governments.

As with many federalist systems, the amount of power each branch holds is often in debate.

4.3 The European Union

While many people in Europe hesitate to call the European Union a federalist government, it does fit the basic requirements and most authorities do classify it as such. Each of the European Union countries has their own system of governments, much like the states in the United States and the Canadian provinces. They then have the European Council which is made up of the President of the European Council, the President of the European Commission and the head of state or government for each of the member nations.

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[21] There are certainly more nations with federalist governments, however, these are some of the largest and most recognized.

A few nations such as Iraq and Czechoslovakia adopted federalism in the past but do not currently adhere to the principles. Being a philosophy of government, the practice of federalism is not restricted to national governments, thus examples of federalism can be found in private and religious organizations.

5. Historical Development of Federalism in Nigeria

Nigerian federalism dates back to 1914 when the Northern and Southern protectorates were amalgamated,although with unitary form of administration. Subsequently governmental power in Nigeria started to be distributedamong the central government controlled by the Governor-General and the governments of Northern and Southern protectorates headed by the lieutenant Governors[22]. Hence, with the subsistence and recognition of the two separate (Northern and Southern) provinces, the governmental system of Nigeria wore an outlook of a federation.The country was further divided into three provinces (Northern Province, Western Province and Eastern Province) by Governor Bernard Bourdillion in 1939.Bourdillionsubsequently recommended the replacement of the provinces by regions which Arthur Richard's Constitution later implemented in 1946. It was the idea of the Richard's constitution that brought in a Federal structure, which it didn't accomplish to the end. However, in 1953, Governor Macpherson's Constitution improved on that of Richard's by creating the House of Representatives with powers to make laws for the country and Regional Houses of Assembly to make laws for the regions. Later, in 1954, the Lyttleton Constitution came in with a Federal system of government for the country[23].

It is worthy to note that although federalism is a system of government that requires power to be constitutionally shared between the central government and other component units e.g. state/region and local government; in 1954 there were only the central and regional government in Nigeria, so their powers and functions were allocated to them by the constitution. Exclusive legislative functions were meant for the central government while concurrent legislative functions were meant for both the central and regional government and residual legislative functions were meant for the regions[24].

Even after independence, the Nigerian Constitution continued to retain the federal system imposed by the departed colonialist but with some minor modification[25].This was demonstrated in the federal constitution, especially in the 1963 federal republican constitution, that clearly defined the jurisdictions of the federating units[26]. For example, each

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22 Ibid.

23 This was as a result of a Constitutional Conference that was held in London in 1953 (1953 London Constitutional Conference) where it was decided that Nigeria should become a Federal State.

24 The period 1950 to 1959 represented a 10-year period of negotiations between the major stakeholders in the Nigerian project and that what they finally arrived at in the form of 1960 Constitution was, subject to minor, non-structural modifications, the only legitimate basis of association of all the different nationalities in Nigeria.

25 The 1960 Constitution gave extensive power to the Regions, making them effectively autonomous entities and the revenue arrangements which ensured that the regions had the resources to carry out the immense responsibilities

26 Under the 1960 and 1963 Constitutions, a true federal system made up of strong States or Regions and a Central or Federal 'state' with limited powers, was instituted. Both the 1960 (Independence) Constitution and the 1963 (Republican) Constitution were the same. The only differences were the provisions for ceremonial President (1963) in place of the Queen of England (1960) and the judicial appeals system which

of the federating units had its own constitution, which is a basic feature of federalism.

It is observed that, before the attainment of independence by Nigeria in 1960, all the federating units (Eastern Nigeria, Northern Nigeria and Western Nigeria)were independent entities in the international community[27]; thus, if they had chosen to, the nationalists could have withdrawn from the amalgamation[28], but instead, they independently decided to remain together, thereby debunking the notion by some researchers that the forced amalgamation of 1914 by the British is the cause of Nigeria's "flawed federalism". However, despite sustaining federalism since the British left, the system has been characterized by series of instability, and criticisms. It is on this basis that I shall consider the structure of the Nigeria federal system and some of the challenges thereto.

6. Structure of Federalism in Nigeria

Nigeria is, one of the most ethnically diverse countries in the world with well over 250 ethno-linguistic groups, some of which are larger than many sovereign states in Africa[29]. Naturally, in conceiving the form and structure of government, certain interests were put into consideration, such as: cultural diversity; fear of domination by majority tribes; size of the economy; geographical factors; the need to bring government nearer to the people; British colonial policy; economic factors; effective administration; etc. Thus, the structure of Nigerian government is made up of three tiers: - the federal, state and local governments; with each of them being reasonably independent, and having distinct roles.

The principle of separation of powers under the Nigeria Constitution could be deduced as a vertical division and horizontal separation of powers. This entails the Nigerian Constitution, (as a federal Constitution provided under Section 4), dividing the legislative powers of Nigeria between the federal government and the state government. It vested legislative power of the federation in the National Assembly (comprising of the Senate and the House of Representatives) and the States legislative powers in the States Houses of Assembly. Section 5 also divided the executive powers of Nigeria between the Federal and States executives. It vested the federal executive powers including the execution and maintenance of Federal laws in the president and Federal functionaries. It also vested State executive powers including the execution and maintenance of the laws of the State in the Governor of the State and the State functionaries. Similarly, Section 6 divided the judicial powers of the Federation and the States. It vested the judicial powers of the Federation in the courts established therein for the federation. It also vested the judicial powers of a state in the courts established therein for the state[30].

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terminated with the Supreme Court (1963) rather than the Judicial Committee of the British Privy Council (1960).

27 The attainment of independence independent in 1957 (for Eastern and Western Nigeria) and 1959 (for Northern Nigeria) strengthened their respective sovereignty.

28 For example, the federations of Rhodesia and Nyasaland was also a creation of British rule. It is significant to note that, unlike Nigeria, the constituent units of Rhodesia and Nyasaland elected to go their separate ways by becoming the independent state of Zambia, Zimbabwe, and Malawi respectively.

29 Ojo, N.18 above.

30 Professor ItseSagay (SAN) "*True Federalism*" being a paper delivered in commemoration of the 1st Year Anniversary of Timeless Newspaper on 15 June, 2004 at Muson Centre, Lagos.

In its political context, Nigeria's federalism has been described as a biological cell capable of dividing and reproducing itself [31]. This is because, it has continued to witness continuous splitting of units- from a federation of three regions in 1954, it became four with the creation of the mid western region (from the western region) in 1964. By 1967, the federal structure was further divided into 12 states, and subsequently 19 states in 1976. 13 years later, in 1989, Nigeria became a federation of 21 states, growing to 30 by 1991 and by 1996 it had subdivided to become a federation of 36 states. Correspondingly, the creation of more states has always been complemented by the creation of additional Local Governments Areas. Thus, from 301 in 1976, the country presently has about 774 Local Government Area Councils[32]. From the foregoing, it is observed that while it is not strange to have more than two tiers of government in a federation in order to cope with probable diversities, the persistent structural division, however, has adversely affected the development of the component units. This is manifestly so as every decision to create states and local government is usually trailed by increased agitations for more[33].

The powers and functions of each level of government are clearly indicatedin the Second Schedule of the 1999 amended Constitution of the Federal Republic of Nigeria. There are two legislative lists, namely: The Exclusive Legislative List and the Concurrent Legislative List. While the former comprises of subjects on which the Federal Government alone can make and administer laws, the latter specifies matters over which both the Federal and State Governments have legislative powers[34].

7. Challenges to the Practice of Federalism in Nigeria

Despite the popularity of federalism as a system of government, it has several challenges, particularly inNigeria, where there is continuous need to maintainunity and commitment in the midst of hundreds of ethnic nationalities. Accordingly, some of the challenges to Nigerian federalism are discussed as follows:

7.1 Power Sharing

In considering whether Nigeria has been living up to the federal arrangement in adherence to Wheare's guidelines, one can boldly say no, because Nigeria only operates a federal system on paper, but the federal structures have never existed in the Nigeriansociety. In fact, ever since the intervention of the military in government, the federal government has always assumed superiority over the state government, and because military federalism had been more common than civilian federalism, this model made the federal government the ''master" in relation to the "dependent'' state governments. In the same vein, state governments have become "masters" to local governments, who refuse to grant them

[31] Dent, M. 'Ethnicity and Territorial Politics in Nigeria' in Smith, G. (ed.), *Federalism: The multiethnic Challenge.* New York: Longman. 1995, Pp 128 – 153

[32] See AderonkeMajekodunmi, federalism in Nigeria: the past, present perils and future hopes, journal of policy and development studies, Vol.9 no.2 february 2015 pp 107-114.

[33] Muhammad, A.A "Federalism and Political Stability in Nigeria: Current Peril and Future Hopes", Journal of Sustainable Development in Africa Volume 9, No.4, 2007.

[34] Ola R.F*Nigerian Political System: Inputs, Outputs and Environment*, Benin City, Ambik Press, 1995.

reasonable measure of autonomy.

This situation, where the federal government sees itself as superior to the state governments is a stumbling block to federalism, and according to Wheare:

> .... the fundamental and distinguishing characteristic of a federal system is that neither the central nor the regional governments are subordinate to each other, but rather the two are coordinate and independent.

Thus,in *A.G. Lagos State V A.G. Federation*[35], where Lagos State Government sued the Federal Government, over creation of Local Governments and the seizure of Lagos State Revenue Allocation, the Supreme Court of Nigeria observed that:

> By the doctrine of federalism which has been adopted by Section 2(2) of the 1999 Constitution, the autonomy of each government which presupposes its separate existence and its independence from the Federal government is essential to federal arrangement. Therefore, each government exists not as an appendage of another government but as an autonomous entity in the sense of being able to exercise its own will in the conduct of its affairs free from direction by another government.

However, regarding the creation of the said Local Governments, the Supreme Court commented that:

> Sections 1, 2 & 3 of the new Local Government Area Law No. 5 of 2002 Lagos State in fact constitutes the law which was enacted by the Plaintiff in accordance with the provisions of Sections 7(1) and (3) of the Constitution, the law is therefore valid, though it is not yet operative. The 57 Local Government Areas established by Local Government Area Law No. 5 of 2002 Lagos State Law are inchoate until the National Assembly passes the Act necessary under Section 8(3) of the Constitution. Therefore, the new 57 Local Government Councils are not entitled to receive funds from the Federation account.

It should be noted that many legal writers have criticized the decision of the Supreme Court in this case, arguing that; if the law as passed by Lagos State is valid, why can it not be operative?also, if the law creating the 57 Local Government Councils was valid, why is it that the Councils were held not to be entitled to receive funds from the federation account?[36]

Notwithstanding the Supreme Court's position on the creation of local governments, it is settled that the federal government on one hand, and the state governments on the other hand are autonomous in their respective spheres, and failure to respect the autonomy of states and local governments alongside the federal government in Nigeria goes against the principle of federalism[37].

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35 (2002) 6 NWLR (Part 764) 524.

36 Dele Adeshina, Nigeria: A Case for True Federalism, This Day of January 9, 2017<thisdaylive.com>accessed 30/12/17.

37 Ibid.

7.2 **Fiscal Federalism**

Fiscal federalism is a concept that implies a financial arrangement among the tiers of government which allows significant fiscal function to be exercised at lower level of government. Therefore, a sound fiscal policy is expected to manage the expansion rate of the Nigerian economy for the purpose of ensuring its full sustainability. Unfortunately, fiscal federalism has always been a subject of disagreement in Nigeria since its inception, and accordingly, financial autonomy has never been achieved in Nigerian federalism. The high level of intervention of the federal government through national financial policies and grants-in-aids (among others) increases the power of the federal government and makes the federating units subordinate to the federal government. This is because the increased revenue from oil boom has made the federal government to be more financially powerful over the state governments than before. As a result of this financial power, the federal government now embarks on some projects which are meant to be in the state residual list[38].

A key component of fiscal federalism is the issue of revenue allocation, which refers to the sharing formula of the country's financial resources among the different tiers of government in the country, with the main objective of enhancing economic growth and development, reducing inter-governmental tensions and promoting national unity.Nigeria has been trying to create the best revenue allocation formula for seventy years, yet till date, no formula has been established as satisfactory to all the states or political blocks in the country. The general view is that Nigeria has a very powerful center and weak states, with the states becoming administrative units of the federal government. The states are so weak and impoverished that they have no capacity even to negotiate meaningfully with the centre. Except a few of states like Lagos, Kano etc, no other state in Nigeria can generate enough internal revenue to prosecute any appreciable social and economic development. Hence, instead ofserving as pillars, the states have become burdens on the nation.

Another problem with revenue allocation is the agitations fromoil producing states, who maintain the position that they should have more allocation in terms of revenue since 80% of export production for Nigeria comes from the oil that they produce[39]. This often generates a lot of political tensions since the allocation formula comes from the federal government, believed to be greatly influenced by northern politics. Therefore, other parts of the country feel cheated , and fear that revenue allocation will always be in favor of Northern States[40].Hence. there is a need to resolve these sentiments.

Also, the main task of fiscal federalism is to raise and spend money. However, the reverse is the case in Nigeria and it is a fact that today, a lot of states in Nigeria borrow money from banks to pay salaries and settle other expenses. There is therefore a pressing need to reverse this situation, because the success of federalism depends on states controlling their resources; and an acceptable distribution of resources and functions among the three levels of government so that efficiency in the use of scarce resources is encouraged.

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38 Ewetan, N.13 above.

39 SeeA.GAbia State V A.-G Federation (2005) 12 NWLR (Pt. 940) 452. 2.

40 George Igbenegbu, "Problems of Revenue Allocation In Nigeria"<www.naija.ngaccessed>30 December, 2017.

7.4 Inter-Ethnic Rivalry

Being a multi ethnic, multi cultural, and multi religious state, there is prone to be some rivalry between groups in Nigeria; thus over time, ethnic rivalry and distrust among various groups in the country has become a severe issue. For instance, at the federal level, there is a subtle rivalry between the major tribes (Hausa, Yoruba, and Igbo), which has hindered development in the country. The issue of secession is a major factor disrupting the federalism in Nigeria, and it also have a way of affecting the growth and development of the country. A fall out of this rivalry is the current issue of the Niger Delta Avengers, and the Indigenous People of Biafra, who are clamoring to secede from Nigeria and form their own republic because they feel marginalized; and the violent pursuit by Boko Haram to force their ideologies on the whole country.

Furthermore, the issue of minorities has constituted one of the major problems militating against the development of the nation. For example, within the states, minority ethnic groups keep clamoring for more recognition and power from the dominant groups. which sometimes leads to disagreements and ethnic conflicts among the parties involved[41]. Similarly, there has been a continuous problem of boundary disputes between states or local governments, which obstructs peace and security in the country.

The major reason for ethnic rivalry in Nigeria which has constantly disrupted peace and development in the country is lack of national unity, resulting from the queer practice of federalism in the country.

7.5 Power Sharing Formula

Power sharing has been one of the major issues militating against federalism in Nigeria. This basically ensure that certain elective offices such as the office of the president, governors, and chairman or membership of federal government owned institutions are evenly distributed and rotated among the geo-political divisions in the country. Unfortunately, over time, the practice of corruption, favouritism and nepotism by our leaders has made it impossible to maintain a decent power sharing formula.

Even with the introduction of a policy on federal character which is designed to ensure unity through balancing [42], the country seems to be further divided. Thus instead of satisfying the quest for representativeness and appointment among various groups in the application of the formula, choices are often made on the basis of criterion rather than merit. It has therefore been argued that the quota system as applied in education leads to lowering of standard against national interest; in the army, it leads to the production of second-rate soldiers and officers who lack the respect of their subordinates; while in the civil and public services of the federation, ethics and professionalism are compromised. Ultimately, many Nigerians

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41 Examples are: The Berom /Hausa conflict in Jos, and the Tiv/Jukun conflict in parts of Taraba State.

42 The Federal Character Commission (FCC) is a Federal Executive body established by Act No 34 of 1996 to implement and enforce the Federal Character Principle of fairness and equity in the distribution of public posts and socio-economic infrastructures among the various federating units of the Federal Republic of Nigeria.

consider the quota system to be a counter-productive and a morally unjustifiable act of injustice[43].

8. conclusion

The Federal System of government was foisted on Nigeria by the British colonialists.Nevertheless, the founding fathers of Nigeria retained the federal system out of the need to accommodate the interest of the various ethno cultural groups within Nigeria, and also manage diversity arising from anticipated political threats[44]. However, examining the literature on federalism and its best models, one can easily discredit the claim that Nigeria is indeed a federation, because federalism is operated only on paper, and in the absence of convincing federal structures in Nigeria.

Yet considering the essential attributes of federalism as propounded byWheare and other eminent scholars, it is submitted that despitemany years of misadventure with the practice of federalism, it still remains the best system of government for a multi- ethnic, multi-cultural, and multi-religious country like Nigeria. If practiced sincerely, federalism has the potential to expeditiously transform the polity far and above any other system because it would ensure better accountability, as elected officials are closer to their districts and will better represent their interests. It will also spur economic growth as each statewill determine ways to channel its local resources and strengths. Finally, a federal government can ensure social and cultural development, as regional aspirations and cultures can be protected and developed while still ensuring national unity.

It will be a dereliction of duty if we fail to add that the system of master/servant federalism presently being practiced in Nigeria is objectionable; thus, we are aligned to the call for restructuring the political system. With patience, understanding, respect,trust, dialogue, and a single nationalpurpose, federalism can put Nigeria in the right track. After all, it took America, which is the best model of federalism in the world, over two hundred years of challenges to get to where it is today.

[43] Despite the obvious shortcomings and the controversies surrounding the notion and application of federal character, there seems to be a general acceptance of the principle as a normative expression of the equal right of all Nigerians to participate in the politically administrative and economic affairs of the country. One significant fact has emerged that as long as Nigeria remains a federation, the need and the clamour to balance the diverse interest in the country will always be there. The federal character has been employed to take care of this diverse and sometimes conflicting interest.

[44] Eme, C.I., Onyishi, A. O., and Sam, C.U. 'Preserving Federalism, Local Autonomy in a Resource Dependent Rural State: A Case of Nigeria' [November 2011] (1) (3)*Kuwait Chapter of Arabian Journal of Business and Management Review.*