

## Federalism and Intergovernmental Relations in Nigeria's Fourth Republic

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### **Abstract**

The issue of power centralization in Nigeria's federalism from 1966 has greatly concerned scholars and the general public. Some of the most prominent issues raised in this debate include but are not limited to marginalization, inequitable distribution of federal-funded infrastructures, a non-representative nature of Nigeria's federalism and resource control. This study deals with federalism and intergovernmental relations in Nigeria's fourth republic. It relied on secondary data sources and an analytical framework. The study considers, briefly, the evolution and rationale of federalism. Further, it examines conflicts and intergovernmental relations in Nigeria. Findings revealed that Nigeria still practices centralized federalism where very little power is given to regional or state governments. This centralization has contributed largely to the unproductive nature of many states in the country as they depend mainly on the federal government for survival and sustenance. This study recommends, among others, that effective and proper intergovernmental relationships in Nigeria will boost federalism in the country and reduce the perception of marginalization, and inequitable distribution of federally funded infrastructures as well as regional agitations for succession.

**Keywords:** Conflicts, federalism, Intergovernmental Relations, Nigeria's Fourth Republic

### **Introduction**

The issue of power centralization in Nigeria's federalism from 1966 has greatly concerned scholars and the general public. Some of the most prominent issues raised in this debate include but are not limited to marginalization, inequitable distribution of federal-funded infrastructures, a non-representative nature of Nigeria's federalism, and most recently, resource control. Federalism has been defined as a system of government that consists of different coordinated and independent tiers with defined jurisdiction. On the other hand, intergovernmental relation is the interaction between the federal and other tiers of government. According to Obi (2004), it means the complex pattern of interdependence, cooperation and interactions between federal and other constituent units of government. Intergovernmental relations aim at creating an enabling environment for the free flow of service delivery in the interest of sustaining democracy and promoting the capacities of all spheres of government in the interest of the masses (Isioma, 2010). This study deals with federalism and intergovernmental relations in Nigeria's fourth republic. Nyong (2012) asserts that whether in terms of national question or term or revenue allocation, the fundamental concern is about the promotion of national unity and economic development. It has been said that revenue allocation may be used to achieve desirable goals of the federation such as

elimination of uneven development or promotion of balanced economic development, national unity, national unity, and rapid and sustained economic growth.

## **Literature Review**

### **Intergovernmental relations**

Intergovernmental relations are the interaction between the federal and other tiers of government. According to Obi (2004), it means the complex pattern of interdependence, cooperation and interactions between the federal and other constituent units of government. Intergovernmental relations aim at creating an enabling environment for the free flow of service delivery in the interest of sustaining democracy and promoting the capacities of all the spheres of government in the interest of the masses (Isioma, 2010). Flowing from the above and in the words of Bello (2014), “Intergovernmental relations can be described as the interactions that take place among the different levels of government within a State. Usually, the concept is associated with States having a federal administrative system. However, this does not suggest that intergovernmental relations do not take place in a unitary system. In a federal system however, where the relationships between the Federal, Central or National Government and the major sub-national units (province, region or State) are formally spelt out in the constitution, any rearrangement must be through a constitutional amendment involving all the levels of government.

### **Federalism**

Federalism is a system of government that consists of different coordinated and independent tiers with defined jurisdiction (Ekuri & Etim, 2017). Babawale (1998), defines 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 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”. Accordingly, Moodle (2014) explains the division of powers between the federal and other tiers of government. Sovereignty, in a federal system of government, is not centralized and must exist between at least two tiers of government and must enable each unit a level of financial and other forms of autonomy.

According to Bassey (2012), federalism as a constituent principle of organization is often promoted as a political philosophy of diversity in unity, while federations represent the materialization and condensation of the federalist ideals. However, irrespective of interpretation and formulation, the pluralist perspective provides the theoretical basis for structural decentralization from which the doctrine of federalism derives its provenance. Federalism is predicated upon the idea that the existing structure of societal conflict, consensus and resources can be organized usually into two “communities” to which citizens belong- the state or local and the federal. Most of the arguments in Nigeria over the fiscal relationships between the federal and constituent levels of government have centred on the question of revenue allocations between the different parts of the country and the principles upon which distributions should be based. These principles became a major cause of the inter-regional rivalry and conflict which have dominated Nigerian politics, particularly before 1966.

### **Evolution of Nigerian Federalism**

According to Human Rights Watch (2016), Nigerian federalism had its origin in 1954 after the drafting of the Lyttleton Constitution and the country remains one of the most diverse countries of the world, with so many socio-cultural backgrounds. This plurality in the socio-cultural background led to the introduction of a decentralized unitary system of government, for administrative convenience, by the colonial masters to promote unity among the diverse people that were found in the territory (Jega, 1999). Irrespective of this approach,

the country was still faced with the issue of inter-ethnic, ethno-religious and other forms of inter-group conflicts. Undoubtedly, these episodes of violent conflicts are threats to nation-building, political stability and corporate existence in Nigeria as a federation. It is worth noting that, one of the necessitating factors that triggered the drafting of several constitutions in Nigeria between 1946 and 1954 was addressing the structural political challenges that militate corporate existence in the country.

From 1960 when Nigeria gained independence from colonial rule till 1966 when the country experienced its first military takeover, there was a relatively dual intergovernmental system of government where the regions exhibited some forms of autonomy. Unfortunately, since 1966 after the first military coup, Nigeria has been faced with the crises of over-centralization of power in the centre. The situation has affected fiscal federalism and has promoted the preying of the federal government on the States and Local governments. Osaghar (2005) listed several factors that undermined federalism in Nigeria after the civil war. According to him, these factors include the economic over-centralization of the federation, the proliferation of sub-federal administrative boundaries and identities, and Nigeria's distributive multi-state federalism, among others. Although this list remains inexhaustible, it points majorly to the fact that the allocated quota of power to the State as seen in the 1999 constitution is not enough to showcase the beauty seen in 'true federalism'.

### **Inter-Governmental Relations in Nigeria: Issues and Challenges (1999-2014)**

#### **Federal-State Relationship in Resource Control and Revenue Sharing Formula:**

Inter-governmental differences associated with revenue allocation as a generic problem are not peculiar to a federation like Nigeria alone. Old federations like the United States of America and Canada are equally faced with these problems too. But to some extent, they have been able to manage some of these problems due to their advanced economy and settled the problem of governance (Akpan, 2012). In the Nigerian context, apart from the problem of securing adequate financial resources on the part of lower levels of government (state and local) from the higher level of government (Federal), another aspect of the problem which is gaining increasing attention and is more problematic than the above mentioned one in a way is the problem of both statutory and non-statutory transfer of resources from the federal government to the Oil Mineral Producing /areas in which the federal government has not addressed their economic, political and developmental need despite their enormous contribution towards the development of the country as a whole.

Resource control has been one of the major causes of disagreement between the Federal and State governments in Nigeria. Irrespective of the controversial derivation figure of 13% of total revenue to oil-producing States located in conformity with section 162 (2) of the 1999 constitution, the federal government has often failed in its application. Owing to much pressure from oil-producing States, the Obasanjo-led administration decided to arbitrarily pay 60% of the 13% while the remaining 40% was claimed to be an off-shore component. Sadly also, this payment was affected from the year 2000 instead of 1999 when the constitution became operative. To date, oil-producing states are yet to gain all their entitlements from the Federal government (Ojameruaye, 2002). According to Akpan (2012), revenue allocation is such a politicized issue that it shares with general elections, census and state creation the dishonour of being some of the most destabilizing factors in the Nigeria body politic. Thus, the nation must devise a way of neutralizing ethnic revolt occasioned by perceived or real feelings of marginalization resulting from the method of sharing national revenue among its component units to achieve peace and stability (Constitutional Conference Report, 1996).

#### **The Sovereign Wealth Fund Act**

In Nigeria, Sovereign Wealth Fund (SWF) came as a replacement for the Excess Crude Account (ECA) which was believed to be a political tool for the embezzlement of public funds by a few privileged politicians. Today ECA is history and SWF is in operation,

yet, there has been no improvement in the condition of living of Nigerians. SWF according to the International Working Group of Sovereign Wealth Funds (IWG), are special-purpose investment funds or arrangements that are owned by the general government” (Etim, Odey & Duke, 2017; Amobi et al, 2014). Although SWF is not a bad idea, State governments have been unable to explain the actual situation of funds in that account. Also, it remains an avenue to satisfy political loyalists with questions.

### **Internal Security**

Internal security remains one of the major issues in intergovernmental relations as State governors who are supposed to be chief security officers in the various States are incapacitated by commissioners of police and other military and paramilitary organizations who directly take orders from the federal government and in many cases work against the State governments, especially when there is a face-off between a sitting governor and the president. “Not only that the police are imported for crisis management, but sometimes they are drafted for the ulterior motives of the central government against the opposition States. In recent times, one of these is the massive deployment of soldiers to monitor elections in a manner that becomes routine as against the function of the military. This is done by the president under the pretence of maintaining internal security. A week before the June 21, 2014 governorship elections in Ekiti State, armed personnel were drafted to the State to carry out surveillance before the election was held.

The armed personnel were equipped with helicopters, armoured personnel carriers, patrol vans, sniffer dogs and other gadgets. Some members of the All-Progressive Congress, APC, in Osun State approached a Federal High Court, Lagos, for an injunction restraining President Goodluck Jonathan from deploying military personnel during the election in the State. Among the reliefs sought by the plaintiff include a declaration that, by the Provisions of the 1999 Nigerian Constitution, it is ultra vires for the President to deploy members of the armed forces to Osun State for the election. In Osun State, some forty-eight hours before the election day, over 10,000 battle-ready soldiers were drafted to mount surveillance thereby putting the State in a virtual lockdown” (Punch, 2014).

### **Domination in Inter-governmental Relations in Nigeria**

As rightly noted by Smith (2004), “The tragedy of failed federations is the tragedy of the failure of peaceful, democratic co-existence. It is obvious that there are two enemies of federalism; the first is the domineering attitude of the central government that most often than not overrides the other constituent units. Second, is the lack of compliance by the constituent units. These issues are used to evaluate the federal system of government anywhere in the world (de Figueiredo & Weingast, 2005). Being a system of government that advocates for the decentralization of political power between the centre and other constituent units, federalism is a recommended form of government in a multi-ethnic and pluralist country like Nigeria. As numerous as the benefits of federalism are, its failures have often spelt doom on countries as evident in Sudan, Yugoslavia, Congo and others (Olowu, 1990; Smith, 2004).

To say that federalism has not succeeded in Nigeria is, to say the least as the values of federalism have been unduly eroded under civilian governments in Nigeria from 1999 till date. State governments and their appointees have been left at the mercy of the federal government which has more often than not exhibited habitual recklessness to the point of influencing and removing State government appointees, including governors (Nwosu, 2006; Ekpe, 2006). This overwhelming power of the federal government over other constituent units can be seen today as the federal government now uses federal agencies to witch-hunt perceived political opponents. For instance, the EFCC, DSS, Police, etc have in their nets more opposition politicians than actual criminals in the country. State governments have been unduly threatened while performing jurisdictional functions. A typical example is the cases of Benue and Ekiti States.

In Benue State, as a result of the feud between the sitting governor (Samuel Ortom) and the ruling party (APC), the State's account was frozen as against court orders and the constitution of the Federal Republic of Nigeria. The big question is: if the State governors are truly the chief security officers of their respective States, why is the security apparatus found within the States not answerable to the State governors, especially those perceived to be political opponents, whereas; when there is a breakdown in law and order, a state of emergency is declared with the argument that the State government was unable to provide for adequate maintenance of public order as was experienced in Plateau during the Obasanjo administration in 2004.

The issue of resource control also remains at the front burner of national debates. It is quite unfortunate that till now, Nigerians are still clamouring for resource control, restructuring and State autonomy, even when it has been proven beyond every reasonable doubt that there are very potent means of solving the security needs of the country and restoring the true face of federalism. We still talk about unity in diversity and the total absence of conflicts in a country where 75-85% of revenues generated from oil exploitation are spent in non-oil-producing States, thereby leaving the oil-producing States in poverty, hunger and frustration as a result of oil spillage, unfertile farmlands, unsafe drinking waters, to mention a few. If there must be true federalism in Nigeria, the issue of restructuring should be given adequate attention, State governments must be given some autonomy and there must be a reduction in the excessive powers possessed by the federal government.

### **Requirements for True Federalism**

There are several requirements for true federalism in Nigeria. These include but are not limited to the existence of two constitutions. This has been the argument of Adesina (2017) while citing Lord Haldane in *Attorney-General for Common Wealth v Colonial Sugar Refinery company* which states that "the natural and literal interpretation of the word 'federal' continues in application to cases in which States while agreeing in a measure of delegation of powers of a common government yet, in the main continues to preserve their regional constitution". The issue was accommodated in the 1960 and 1963 constitutions and it is believed that it can give power to the constituents to enact laws that align with their culture and developmental desires.

The next is the autonomy of governments which is advocacy for a distinct and interdependent government at all levels in the country. Here, no government, be it Federal, State or Local exists as an adjunct of another, but should be free to carry out all its jurisdictional functions in the interest of the masses (Nwaeze, 2017). There should be a meaningful number of State and Local governments as this multiplicity will create the feeling and actual independence (Adesina, 2017). Further, there should be an equality of status between the federating units. Here, according to Ojo (2017), the federal system is not expected to be morbid, the powers of the central and constituent units of government should be the same and there should be no special position for the central government.

### **Conclusion and Recommendations**

This study focused on federalism and intergovernmental relations in Nigeria's fourth republic. The study considers, briefly; the evolution and rationale of federalism. Further, it examines conflicts and other contending issues in managing intergovernmental relations in Nigeria. It has been revealed that Nigeria still practices centralized federalism where very little power is given to regional or State governments. This centralization has contributed largely to the unproductive nature of many States in the country as they depend mainly on the Federal Government for survival and sustenance. This study recommends that effective and proper intergovernmental relationships in Nigeria will boost federalism in the country and reduce the perception of marginalization, inequitable distribution of federal-funded infrastructures as well as regional agitations for secession.

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