

*Full Length Research Paper*

# **The travails of Nigerian federalism 1951-1999: A federation in crisis of constitutional engineering**

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**Federalism in Nigeria dates back to 1951 (69 years), but in spite of the long period of experience with federalism as a political system, Nigerians are still in search of an acceptable, truly and functional federal constitution. Today, the clamor for the restructuring of the Nigerian federal system, another way of asking for a new constitution, is so rife that it has assumed a crisis proportion. This paper therefore briefly discusses some conceptual notes of federalism and summarizes the federal constitutions in Nigeria from 1951 till date. And finally, the paper adopts four perspectives in explaining the challenges of Nigerian federalism. The four perspectives are (1) the political economy of constitution making, (2) the nature of the Nigerian state, (3) the absence of hegemony and (4) the military factor.**

**Key words:** Nigeria, federalism, constitutional engineering, political system.

## **INTRODUCTION**

Federalism as a system of governance is pragmatic, dynamic, utilitarian and evolving representing a unique form of governmental arrangement in order to promote unity while at the same time preserving existing diversities within an overarching national entity (Wheare, 1963).

Nigeria was created in 1914 with the amalgamation of the Southern and Northern protectorates, when the British introduced a unitary system which lasted from 1914 to 1951. However, in 1951, Nigeria adopted a federal constitution that created three regions which were dominated by the three major ethnic groups, Yoruba in Western region, Igbo in Eastern region and Hausa-Fulani

in Northern region. However, it can be argued that although Nigeria has been practicing federalism since 1951, but by the 1999 constitution, the country is more a unitary than a federal system. This is indicated by how governmental functions and powers are shared between the central government and the component states.

Thus, out of the several political challenges that have confronted Nigeria, a critical one is the vexed and reoccurring issue of balancing the political structure of the Federal Republic of Nigeria by constitutional engineering.

Perhaps, with a very few exceptions it would appear that the predominant consensus is that Nigeria should be run as a federation in view of her heterogeneity and

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diversity. Consequently, since the inception of a federal constitution in 1951, Nigerians have been clamouring for a balanced federation, which was why the regions were increased from 3 in 1960 to 4 in 1962, and to 12 states in 1967, 19 states in 1976, 21 states in 1987, 30 states in 1991 and 36 states in 1996. Yet with 36 states the country's federal system is still regarded as unbalanced. Consequently, the agitations for more states have become phenomena, fueled by the fact that states are one of the factors taken into account in the distribution of national wealth. Thus, some communities who cannot achieve the desired pace of development within their existing state usually opt for the creation of a new state out of the existing state. Thus, as at 2009, requests for new states were up to 46 in number (Ojo, 2009), raising the question of whether the Federal Republic of Nigeria can ever achieve a balanced federal constitution.

Consequently, as the political fragmentation of the country continues, in terms of state creation, the Federal Government grows more in stature and becomes a *de facto* unitary state masquerading as a federation, which makes the following questions to be pertinent. One, what are the problems with crafting a balanced federal constitution for Nigeria? Two, when will constitutional engineering that will take account of Nigeria's unity in diversity, in search of a balanced federation end in Nigeria?

The crisis of constitutional engineering, the problem of continuous fragmentation of the country into states and the increased tendency to making Nigeria a unitary system with serious socio-political and economic consequences are the focus of this paper while the objective is to adopt four perspectives in explaining the problems with the preparation of a federal constitution that will be accepted by all the different ethnic groups in Nigeria. The four perspectives are: (1) the political economy of constitution making, (2) the nature of the Nigerian state, (3) the absence of hegemony and (4) the military factor.

Being a qualitative paper, it is analytical in nature on contemporary issues and challenges that confront the nation on the preparation of a federal constitution.

## **FEDERALISM AND FEDERATION: SOME CONCEPTUAL NOTES**

Federalism is difficult to define and that is why there are today many versions of its definitions by different scholars. Wheare (1963) argues that a federal principle is the method of dividing power so that general and regional governments are each within a sphere, coordinate and independent.

The federal principles in Wheare's view will include the following characteristics:

(a) A division of power between different levels of

governments, in the country

(b) A written constitution that entrenches division so that the constitution cannot be amended unilaterally by anyone or government acting alone.

(c) Each government is independent of the other level of government with regards to their respective functions;

(d) In the event of dispute between the federal and state government as to the extent of their powers some independent body other than the state or federal government will be authorized by the constitution to adjudicate on the dispute;

(e) Each level of government must have sufficient independent financial resources to liquidate its constitutional functions.

(f) In Wheare's view, financial subordination makes an end of federalism.

However, Wheare's (1963) argument is noted for its rigidity, and when strictly applied, will exclude all known federations. And that is because the degree of financial autonomy demanded in a federation by Wheare is virtually not maintainable given the shifting character of financial relation in a federation.

In his view, Livingstone (1956) stresses sociological perspective of federalism, by saying that for a federal arrangement there must exist a federal society. A federal society in his view is one with plurality of ethnic groups with different historical, cultural and linguistic backgrounds but in which each ethnic group occupies a marked and distinct geographical location from the others. According to him, the federal society derives from the cleavages between the diversified groups. It is the political, economic and social forces among these geographically grouped diversities that create the centripetal and centrifugal forces that formed the basis of federal society.

A federal constitution which is a legal document must, therefore, be distinguished from a federal society. In his view, it is the federal society that gives birth to the constitution. A federal constitution must embody the principle of division of powers, while a federal society is one with cleavages which are patterned along geographical lines. However, Livingstone argues that the social diversity which originally necessitates the creation of federal arrangement is constantly in a state of flux. The legal constitutions, he points out, affect and is affected by the societal diversities.

The sociological approach by Livingstone and the legal approach by Wheare are complimentary and not mutually exclusive. Each approach depicts an aspect of federalism from a separate disciplinary angle. The one approach does not exclude the other and an integrated application of both approaches opens a new dimension both to the formal and informal aspects of federalism.

According to Elaigwu (2005: 6), federalism is essentially a compromise solution in a multi-national government which guarantees security for all in the

nation-state on one hand and the self-determination of component groups to retain their individual identities on the other. It is therefore an attempt to satisfy "the need" for cooperation in some things coupled with right to separate action in others (Ramphal, 1979). Watts (1970) argues that, what distinguishes federalism from a unitary government is that in a unitary government, states subordinate themselves to the central government. It also differs from confederacy in which the central government is legally subordinated to the component units.

Federalism, according to Jinadu (1979), is usually viewed as a form of governmental and institutional structure deliberately designed by political architects to cope with the twin but difficult task of maintaining unity while also preserving diversity.

Furthermore, it has been argued that in spite of the variety of meaning there is a remarkable similarity in an attempt by Anglo-Saxon writers to conceptualize federalism. In this respect, Wheare's formulation is perhaps, the most cogent and clearly expressed (Jinadu, 1979). Thus, Wheare's model, stresses formal institutional requirements such as, constitution, bicameral legislature, independent electoral system for both levels of government, multiparty, preferably two party system and supreme court (Jinadu, 1979).

Again, it has been argued that:

*The dialect and disparity between the geographical confines of territorial states on the one hand and the boundaries of ethno-territorial communities on the other hand, seem to invite a federal solution. In federalism, we find a system of government that has been referred to as "the magic formula" for solving the governmental problems of multi-ethnic societies because as Mazrui point out; federalism is an institutionalization of compromise relationships (Duchacek, 1970: 255).*

In view of the aforementioned, it is believed that in Nigeria, federalism should offer the best option to accommodate the ethno-linguistic and religious diversities, which were for the most part, geographically distributed.

From the aforementioned conceptual notes, it can be argued that, in a heterogeneous and multiethnic society like Nigeria, it is perhaps a well-structured federal system that can satisfy the desire for unity without tempering with and or destroying the identity of component units. Thus, federalism de-emphasizes concentration or centralization of power and that is precisely because, every constituent part will have its powers and functions clearly spelt out in the constitution.

## **A BRIEF BACKGROUND OF FEDERALISM IN NIGERIA**

The evolution and development of Nigerian is a reflection of the country primordial features of different indigenous

societies in form of kingdoms and empires, with whom the British negotiated separate treaties. The diverse societies, diverse in terms of language, tradition, culture and values, therefore made a federal or confederal arrangement inevitable. However, until 1914, Nigeria existed as three entities, as Lagos colony and the northern and southern protectorates. It was in that year (1914) that Lord Lugard amalgamated the southern and northern protectorates and named the territory as Nigeria.

After the unification (amalgamation) in 1914, a new Nigeria and its continuous survival dominated the constitutional conferences and arraignments, beginning with the 1922 Clifford constitution. In 1943, Sir Arthur Richard having succeeded Sir Clifford as Governor General divided the country into three regions that were devoid of the principles of a federation. However, Awolowo (1947), while opposing the creation of only three regions, argued that there should be as many regions as there are ethnic groups in Nigeria and each region should be independent and autonomous, with regard to its internal affairs while each region must have its own regional house of assembly. Obafemi Awolowo's position was based on his argument that Nigeria is not a nation; it is a mere geographical expression.

## **CONSTITUTIONAL DEVELOPMENT AND NIGERIAN FEDERALISM**

In 1900 the Southern Protectorate and the Colony of Lagos were merged under the title "The Colony and Protectorate of Southern Nigeria." In the same year, a Legislative Council was created for the protectorate which was made up of British officials of government. And in 1914, the Colony and Protectorate of Southern Nigeria, and the Protectorate of Northern Nigeria, were amalgamated, and became one entity called Nigeria, under Lord Lugard as Governor-General.

### **The 1922 (Clifford) Constitution**

The making of formal constitution in Nigeria, began in 1922 when a new constitution was promulgated by Governor Clifford, who revoked the 1914 constitution. The Clifford constitution created a Nigerian Legislative Council even though its jurisdiction was limited to the Southern Provinces, that is, the Colony of Lagos and the Protectorate of Southern Nigeria, and also established an Executive Council for the whole country. However, the governor continued to be the legislative authority for the Northern Protectorate (Ikime, 1980).

### **The 1946 (Richard) Constitution**

In 1946, Governor Arthur Richards promulgated a new

constitution which came into effect on 1st January, 1946. Prior to this Nigeria had been divided into three regions in 1939, the Northern, Western and Eastern regions. However, the Regional Houses were not empowered to legislate, even for their own regions. They could only consider bills affecting their regions, and make recommendations or pass resolutions for the central legislature in Lagos to consider. It was the latter only that could pass legislation.

The 1922 and 1946 constitutions were unitary constitutions which technically mean that it was the 1951 constitution that can be referred to as the watershed in the production of federal constitution and in the process of creating/making Nigeria a federation.

### **The 1951 (MacPherson) Constitution**

The 1951 Constitution, which went through an unprecedented process of consultation with the peoples of Nigeria, can be regarded as the first that attempted to draw up a federal constitution for Nigeria.

The following points need to be noted about the 1951 constitution as they form the nucleus of federalism in Nigeria. The new constitution represented a major advance on the existing state of legislative competence of Nigerians by (i) introducing elected majorities in the Central Legislature and (ii) in the Regional Houses of Assembly, (iii) endowing the Legislative Houses with independent legislative power in many areas of state activity, and (iv) establishing a Federal System for Nigeria for the first time.

However, the Macpherson constitution collapsed as a result of the threat of secession by the Northern People's Congress (NPC), the crisis in the Eastern Region house of assembly, the Kano riot and the 1953 motion by Anthony Enahoro, calling for Nigeria's independence in 1956.

### **The 1954 (Lyttleton) Constitution**

In 1954, there was, for the first time, direct elections into the Federal Legislature and the office of Premier was created in the regions and the office of Prime Minister was established at the Centre in 1957. Subsequent changes were not fundamental, but merely in further preparation for full independence.

The Lyttleton constitution of 1954 failed because it did not address the fears of the minorities as the federal structure created by the constitution favored the major ethnic groups. Again, the regional structure that was established by the constitution helped to regionalized Nigerian politics, deepening ethnicity and national disunity. These shortcomings of the Lyttleton Constitution led to its collapse and replaced with a new constitution in 1959 as Nigeria prepare for independence in 1960.

### **The 1960 Independence and 1963 Republican Constitutions**

By 1960, Nigeria was already a federation of three regions and a central government the arrangement that started with the 1954 Lyttleton Constitution.

However, major issues in the 1950 National Conference, at which occasion the practice of fiscal federalism was particularly emphasized, reflected in other conferences in 1953, 1954, 1957 and 1959. It can thus be argued that the period of 1950 to 1959 (9-years), was a period of negotiations between the political elites in the Nigeria.

Under the 1960 and 1963 Constitutions, the federal system was made up of strong regions and a central government with limited powers. Both the 1960 (Independence) and the 1963 (Republican) Constitutions were almost 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 terminated with the Supreme Court (1963) rather than the Judicial Committee of the British Privy Council (1960). In other words, the 1960 constitution articulated federal principles for Nigeria by creating autonomous regions and a centre with each having its own well defined powers.

However, one of the most notable effects of the pre-independent constitutions, especially from that of 1951, was that political parties became ethnic based.

### **The 1979 Presidential Constitution**

In July 1975, General Murtala Muhammed assumed power as Nigerian Head of State, and on getting to power, he promised to hand over power to the civilians in 1979. Sadly, he could not see this through as he was assassinated, just six months in office. His successor, General Olusegun Obasanjo continued to implement the political programme as outlined by General Murtala Mohammed. The programme was to end by ushering in democracy in 1979. A 49 member constitutional drafting committee headed by Chief F. R. A Williams was appointed to prepare a draft constitution. After they were done, a constituent assembly headed by Justice Udo Udoma (1995) made final adjustments to the constitution. And a new constitution was promulgated which came into force on 1st, October 1979. The 1979 constitution was fashioned after the American Presidential Constitution, unlike the 1960 and 1963 constitutions that were fashioned after the British Parliamentary System.

### **The 1999 Constitution**

The 1999 constitution is a product of the Military, like that of 1979. Unlike the 1979 constitution, however, the 1999

constitution was an imposition on Nigeria by the military, because it was never debated by Nigerians before it was instituted.

However, the constitution contains some elements of Unitary System For instance, PART 11 Section 1 (1&2), renders state Houses of Assembly inferior because in Part 11 Section 11(4), the constitution empowers the National Assembly to handle the functions of Houses of Assembly when they are unfit to perform their function. The control of the Nigerian police force is also within the exclusive list of the federal government. The implication of all these is that the constitution has theoretically subjugated the federating units to the central government.

### **CHALLENGES OF NIGERIAN FEDERALISM**

Between 1951 and 1999, a period of 48 years, six major constitutions were crafted, all aiming at making Nigeria a federation. However, no sooner would each constitution be operated for about six months than Nigerians would condemn it, as being unsuitable for the country, as a result of disagreements on the size and population of each region and also on the fears of domination among the regions and within the regions. It is therefore not a surprise that within a year of the 1999 constitution in operation, Nigerians started calling for constitutional review. And today, the clamour has gone beyond constitutional review but what Nigerians now call restructuring. In other words, 98 years (1922) after the first constitution was made for Nigeria and 69 years (1951) after federal constitutions were prepared for Nigeria, the citizens (Nigerians) are still clamouring for constitutional review and the restructuring of the Nigerian federal system.

What then are the issues, and why is it difficult to frame a federal constitution that will be accepted by Nigerians? There are, indeed, four perspectives by which the fundamental challenges of Nigerian federalism can be explained and these are, (1) the political economy of constitution making, (2) the nature of the Nigerian state, (3) the absence of hegemony and (4) the military factor.

#### **Political economy of constitution making**

Political economy according to Weingast and Wittman (2006) is the methodology of economics, applied to the analysis of political behaviour and institutions in the study of politics, which is why political economy influences historical processes (Weingast and Wittman, 2006). Again, Nikitin (1983) says that political economy is about the basis of the development of society. In other words, it is about economic relationship between people, in terms of the position of the various classes and groups and their interrelationship. Thus, from the aforementioned,

political economy is historical science precisely because it is partisan which deals with the aspects of the economic interrelations between people while at the sometime touching on their vital interests (Nikitin, 1983).

It is against this background that political economy can be used to explain the problem with constitutional engineering in Nigeria from 1951. And that is because a constitution is basically the document that embodies the dialectics of the interrelationship of people within a given geographical compass. In other words, political economy will enable us to understand how economic considerations by the different peoples of Nigeria have been influencing the views of Nigerian political elites and by consequent, the problems and difficulties of framing an acceptable and working federal constitution for the country since 1951.

Thus, from the aforementioned, personal/ethnic interests had been the primary considerations in the process of preparing a federal constitution for Nigeria since 1951. It should be noted that, the peoples of the present day Nigeria were brought together, by the Europeans (the British), largely for economic reasons. Thus, it is clear that from all the different narratives of Nigerian history, there is no doubt that the country, as it is currently constituted may never have existed but for the economic interests of the Europeans (Agbaje, 1992, 1997; Adebaniwi, 2010). And that is because what brought Europeans to Africa, in the first place, was economic (trade and commerce).

Consequently, economic prosperity became the primary consideration for European incursion into Nigeria (Africa). And all political arrangements, in terms of political offices and appointments, to ensure European domination were in favour of the Europeans. In other words all organs of the colonial state were dominated by Europeans. Thus, Nigerians were socialized into believing and accepting the fact that the new social organisation (colonial state) must control political power because that is the power that stands as the tool of cornering resources (Agbaje, 1992, 1997; Adebaniwi, 2010). And till today, the political elites strongly belief in the dictum that says politics is "who gets what, when and how" and this is the guiding philosophy of Nigerian leaders with regards to their choice a federal constitution.

It has been argued that during colonial era and even immediately after independence the volume of trade and the nature of exportable cash crops determined the economic prosperity of the regions, which influenced the distribution of amenities (Agbaje, 1992, 1997; Adebaniwi, 2010). As a result, therefore, the Southern Nigeria realised early, the advantages of this development. Consequently, the distributional and spatial pattern of economic development that characterised the uneven development between the North and the South became a subject for debate at each constitutional making event.

Thus, from 1951, each section of the country had stood

by some peculiar interests which must be reflected in the constitution. For example, the Western Region had always wanted a strong and autonomous region with a weak centre. And that was because the region believed that, it had the resources, material and human to run a successful region (Falola and Dauda, 2017).

The Eastern region on the other hand had always stood for and also, wanted a unitary system, because that would be the system that will guarantee and protect the economic interests of the Igbos, precisely because the Igbos are an ethnic group that is scattered all over the country, engaged in economic activities with enormous investments (Falola and Dauda, 2017).

However, the North, having realised that in terms of material and human resources the region was far behind the South, and therefore always wanted to have political power, by using population as the dominant factor for political and policy decisions and in the distribution of amenities. And that was because all census figures, since the time of colonial rule had shown the North as having more population than the South. Thus such ideas, like quota system, federal character, revenue allocation formula, population, as determinant of sharing amenities were invented to take care of northern interests in order to prevent southern domination of the North, which was securely done by the emphasise on numerical superiority of the North over the South. That is precisely why merit as a determinant factor in political decision for placement and policy options is never applied in Nigeria.

Thus, in Nigeria, "the politics of resources, and the resources of politics" has always been the groundnum in preparing a federal constitution for the country, which is why it is difficult to have a consensus on a federal constitution for Nigeria.

### **The nature of the Nigerian state**

The modern state, a creation of capitalism, came into being when the capitalists needed an institution to protect capital and capitalists' interests. And that was because the coming of industry and of complicated commercial arrangements with large scale economic operations required a different method of managing the evolving social organisation. Thus, with capitalism, the capitalists needed to control workers because of the tension caused by exploitation, oppression and domination by the capitalists (Fadakinte, 2020). Consequently, the state came into being as an institution, an instrument of power in the hands of the capitalists, which became the power house of society. In other words, the development of capitalism with its basic elements, creating a different superstructure for the capitalist Europe, led to the emergence of the modern state which was planted in Nigeria, first as colonial state.

Thus, the colonial state was used by the metropolitan bourgeoisie to restructure the pre-capitalist economy, and

that was because the various Nigerian indigenous societies at that time were at different stages of slavery and feudalism. The consequence was that the societies were without the institutions and structure or the ideology of capitalism to create the needed social classes, with a dominant class that will create a state to manage capitalism.

Also, because there were no capitalist social classes as a result of the absence of large scale manufacturing, productive capitalist industries or of complex commercial activities, there was no dominant economic class. Those who constituted the dominant social class were the few educated elites and the traditional chiefs. Therefore, in terms of capitalism and the modern state, what was in Nigeria before independence was the colonial state which was the colonial administration and government, that created the institutions of state with a new administrative bureaucracy (Fadakinte, 2013). Thus, colonial rule created the colonial state in order to protect European capitalist interest, and that was how the state crept into Nigeria. Today therefore, the Nigerian state, in whatever form it is after flag independence, in whatever condition it is, and whatever may be its nature, is a product of capitalism. In other words, the colonial state represented the interests of the capitalist class in Europe and also performed the function of maintaining European capitalist dominance on colonial Nigeria (Fadakinte, 2013; disagreement on the size and population of each region and also on the fears of domination among the regions and within the regions).

What all this means, according to Ake (1985) is that the development of the state in Nigeria, and its nature till today, all remain at a low level of the primitive accumulation with massive intervention of force. Consequently, because of the low level of the development of the state, it is unable to mediate the struggle between classes and the struggle within the dominant class. This explains why it is difficult to have a consensus regarding the framing of a constitution that will be accepted by all, precisely because there is no united dominant class that stands for the state and whose values will be the dominant values for the society. In other words, the nature and character of the emergent Nigerian state is so insipient that it lacks the strength and capacity to institute a dominant culture that will hold the society together so as to make it possible for the dominant class to frame a workable federal constitution for Nigeria.

### **The absence of hegemony**

Hegemony, according to Gramsci (1976) is about how a class deploys political and ideological instruments to dominate other classes. In other words, hegemony is a form of control that is exercised by a dominant class. It is about the ability and capacity, indeed, the success of a

class in persuading the others in society to accept its own moral, political and its cultural values.

Now, how is the aforementioned definitions and meanings of hegemony relevant to constitution making in Nigeria? The relevance lies in the *modus operandi* of capitalism as a mode of production, which divides society into classes and which makes the dominant capitalist class to dominate society in culture and in ideas. Therefore, capitalism, as a mode of production must necessarily produce a capitalist class, that is, the property class, which becomes the dominant class in society and the dominant class must recognize the need to have a power that will protect its class interests.

Thus, the ideology of hegemony are rooted in the development of capitalism, that is, the modern state is a product of economic activities and hegemony is used by the dominant class in exercising the domination of the other social classes, with their consent, which has come into being, with the rise of class contradictions (Johari, 2012). Therefore, capitalism deploys hegemony which embodies domination at the superstructures of society and the domination is carried out within the economic and political structures of society by using institutions such as the family, religion, political parties, and the mass media, all that control the shaping and influencing human thoughts, including ideas, values and culture (Swingewood, 1979). Consequently, hegemony signifies political leadership by consent and also how it is achieved by the diffusion of the dominant ideology through social institutions in society (Youngman, 2000).

However, in Nigeria, colonialism instituted and imposed capitalism when Nigerians were at the stage of slavery and feudalism and at the time of independence, Nigeria had not evolved the institutions and the capitalist social classes to engage in and manage capitalist production. Consequently, in Nigeria, there is no ruling class, a class that is most powerful economically, for being in control of the economy and politics and also, there is no dominant class hegemony which embodies leadership, discipline, intellectualism and domination.

In a sense therefore, just before and immediately after independence there was no capitalist class to manage capitalism, no capitalist social classes for capitalist production and social relations, no capitalist institutions to form the basic superstructures of society, no local dominating class with the hegemony to construct hegemonic process for nationhood and no indigenous state to protect indigenous capital (Fadakinte, 2020). However, a dominant class exists in Nigeria but not as a unified and cohesive class with a common ideology that will unite them to make them develop a common culture and ideas and subsequently develop the hegemony to construct an acceptable procedure for political actions, including the drawing up of an acceptable constitution for the country. In other words, the dominant class in Nigeria is preoccupied with the struggle for resources, leading to in-fighting, because while they may be dominant in the

political sphere, they lack the needed dominance in the economic sphere.

Consequently, because of in-fighting, by factions of the dominant class, they could not develop the ability to speak with one voice as a strong and united class, so as to be able to evolve a virile state and possess the needed hegemony for formalizing power. Consequently, because the dominant class was not united, it could not, as a class, provide the required hegemonic order for an emergent society. So, there has been, since independence, an apparent lack of nationally recognized and collective leadership. Indeed, there is no national dominant class which is made up of individuals that own and control the apex positions in the economy, politics and society. Thus, the dominant class, as a result of their weak conditions, cannot evolve and install an enduring hegemony since independence, because they lack cohesion, discipline, intellectualism and foresighted leadership which now make it difficult to have a set of strong, stable and powerful state institutions. Therefore, because there is no dominant culture, the different ethnic factions of the dominant class occupy the political space with cacophony of voices, making it difficult to have a consensus on a truly federal constitution.

### **The military factor**

Military incursion into governance in 1966, created a very big dilemma to Nigeria's federalism, precisely because military intervention in politics derailed the principles of federalism. Up till 1966, the country practiced "agreed" federation, based on relative autonomy of the federating regions, which started as three, as designed by Nigeria's first generation political leaders. However, Military Government cannot function properly in a highly decentralized society; thus, they ruled Nigeria by centralizing authority so as to have firm control of all the federating units. Also, Military ascendancy to power led to the creation of more states in order to allay the fears of domination expressed by regional/ethnic groups. However, the creation of the initial 12 states in 1967 marked the beginning of the death of the existing autonomy of the federating units. As a result, more powers were given to the federal government thereby depriving the federating units the expected autonomy, in a federation, in terms of the right to control and manage their resources.

The Nigerian civil war of 1967 to 1970 created a problem for Nigeria's federalism. The military onslaught on Nigerian federalism was reinforced by the civil war because the threat to the unity and national security of Nigeria needed a strong central government to stop the dissolution of the federation. The war situation therefore, called for a strong central government so as to be able to prosecute the war and stop Nigeria from disintegration. Directly and indirectly therefore, the period gave more

dents to the derailment of the philosophy and practice of federalism in Nigeria. Thus, today, Nigeria that started with three regions at independence in 1960 is now with 36 states, with a Federal Capital that has the status of a state. Consequently, the military has fragmented the country into multiple states that majority of the states are not self-sustaining but all depend on federal monthly financial allocation, given to them on a sharing formulae that was designed by the military. Thus, the multiplicity of the states has so much weakened the states that they all depend on the federal government for financial interventions. And that is because; as more states are created in Nigeria so the increases the power at the center. Today, the federal government controls everything in the country, from primary schools to tertiary institutions and from primary health centers to teaching hospitals. Indeed, the federal government now funds all the 774 local governments.

Again, the 1999 constitution, even as amended, gave federal government the power to control all the subjects in both the exclusive and concurrent lists, while there is no residual list in the constitution. However, it is the residual list of a federal constitution that defines the autonomy of the units of a federation, because the residual list contains those subjects that are exclusive to the federating units. What is important to note here is that with all the federating states depending on the federal government for survival, and with the federal government controlling the economy, Nigeria is just a federation by name but a unitary system in practice. Thus, with 36 states, majority of them not viable, and the enormous power at the center, federalism was destroyed in Nigeria. However, be that as it may, the problem is how the situation can be redressed in order to have a federation in the true name of it, a federation with autonomous federating units. This is how the military became a problem, with the way they created crisis for federalism in the country and also compounded the problem of crafting a suitable federal constitution for the country.

## Conclusion

There are two main issues in this paper, which are as follows:

- (1) Nigeria and her long, tortuous and continuous journey (69 years) into federalism.
- (2) Nigeria and the challenges of federalism.

These two issues can be summarily stated and explained as follows:

### *Long journey into federalism*

At the time, the British established effective control in the various societies that make up today Nigeria, there

existed separate social organizations with their peculiar systems of rule, mode of governance, based on their culture, traditions and values.

However, with the 1951 constitution, Nigeria began to experiment with a federal structure, which continued to be defined and redefined by subsequent constitutions from that of 1954, to the 1999 constitutions. Even though a federal constitution was used to usher in independence in 1960, but by 1966, the military ceased political power, which marked the beginning of the collapse of federal structure in Nigeria. Indeed, since 1966, it has been difficult to have a constitution that will really and truly be federal.

## Challenges of federalism

Finally, this paper also reveals that the major problem with drawing up an acceptable federal constitution for Nigeria is the absence of cohesion among the dominant class in Nigeria, the dominant class that operates along ethnic lines. And because there is no cohesive dominant class to establish a dominant culture, there is no class hegemony and there is no strong ruling class, a class that will possess the same ideology and be able to control the economy and politics. Thus, there are no strong socio-political and economic institutions that will make it possible for a united and strong state to emerge and establish dominant culture for a united society (Nigeria). Consequently, each ethnic group continues to fight to protect its own interests. So, till date, a viable state has not emerged in Nigeria to construct a hegemonic process for governance, which will include consensus among the dominant class on policy matters, political actions and indeed with regard to the crafting of a truly federal constitution for the country.

The aforementioned factors, therefore, provide the reasons why socio-political and economic problems continue to characterize Nigeria, precisely because the country continues to run a strong centre (unity system) established by the military and enshrined in the 1999 constitution, making it difficult for Nigeria to run a truly federal system that will be acceptable to all the nationalities.

## CONFLICT OF INTERESTS

The authors have not declared any conflict of interests.

## REFERENCES

- Adebanwi W (2010). "Contesting Exclusion: the Dilemmas of Citizenship in Nigeria". *The African Anthropologist* 12(1):67-75.
- Agbaje A (1992). *The Nigerian Perss, Hegemony and the Social Construction of Legitimacy*, Lewiston, N. Y. Edwin Mellen Press.
- Agbaje A (1997). "Mobilising for a New Political Culture", In: Diamond, L. Kirk-Green and Oyediran, O. (eds): *Transition Without End*:



- Nigerian Politics and Civil Society Under Babangida. Ibadan, Vantage Publishers.
- Ake C (1985). Political Economy of Nigeria, Lagos: Longman.
- Awolowo O (1947). Path to Nigerian Freedom: London. Faser and Faber.
- Duchacek I (1970), Bicomunal societies and politics. *Polities. Publius Journal of Federalism. Special issue 18(21)*.
- Elaiwu JI (2005). The Politics of Federalism in Nigeria Jos, Nigeria: Ayaotu Publishers.
- Fadakinte MM (2013). The Nature and Character of the Nigerian State, Explaining Election Crisis in a Peripheral State. *British Journal of Arts and Social Sciences 12(11):275-267*.
- Fadakinte MM (2020). The Struggle for Power in Post-Colonial Africa: Politics without Hegemony and the State. *Advances in Social Sciences Research Journal 7(2):133-146*.
- Falola T, Dauda B (2017). Decolonising Nigeria, 1945 – 1960 Politics, Power and Personalities.
- Gramsci A (1976). Prison Notebooks, New York: Oxford University Press.
- Ikime O (1980). Groundwork of Nigeria History. Ibadan: Heinemann Educational Books (Nig.)
- Jinadu LA (1979). Notes on the Theory of Federalism, In: Akinyemi A. B. P.D Cole, and W. Ofonagoro (eds) (1979), Readings on Federalism, Lagos: Nigerian Institute of International Affairs pp. 15-25.
- Johari JC (2012). Principles of Modern Political Science, Sterling Publishers Private Ltd., New Delhi.
- Livingstone W (1956). Federalism and Constitutional Change, Oxford: Clarendon Press.
- Mazrui AA (1971). "On the Concept of 'We Are All Africans'" *American Political Science review 57(1):89-97*.
- Nikitin PI (1983). The Fundamentals of Political Economy. Moscow, Progress, Publication.
- Ojo EO (2009). Mechanisms of National Integration in a Multi-Ethnic Federal State. Ibadan: John Archers.
- Ramphal SS (1979). Keynote Addresses. In: A. B. Akinyemi et al, (Eds.), Readings on Federalism, Lagos: Nigerian Instituted of International Affairs pp. 13-25.
- Swingewood A (1979). Marx and Modern Social Theory. London: The Macmillan Press.
- Udoma U (1995). History and the Law of the Constitution of Nigeria, Lagos: malthouse Press Nigeria Limited.
- Watts RL (1970). The Survival and Disintegration of Federation, In Simeon R. (Ed.), Must Canada Fail?, Montreal: McGill-Queens University Press pp. 42-62.
- Wheare KC (1963). Federal Government. New York, oxford University Press.
- Youngman F (2000). The Political Economy of Adult Education and Development. London: Zed Books.