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# Generating fresh vision on federalism for Nigeria: The position of South-south Nigeria on economic and political restructuring

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The stability and viability of Nigeria has been threatened by lack of political will by the federal government to implement concrete policies and programmes on socio-economic and political integration of the 250 ethnic nationalities in the country. The problem is traced to the practice of a defective federal structure inherited from British colonial government since 1954; and it has resulted in several agitations led by predominantly south-south, where the effect of non-adherence to the principles of federalism is most pronounced. Thus, the study was aimed at examining the south-south position on economic and political restructuring of Nigeria. This is important as restructuring is expected to engender the desired security, peace and sustainable development (SPD of Nigeria). The study adopted the David Easton's theory of 'post-behavioural revolutions,' and applied 'participant-observation' method; and found that the present practice of federalism where the exclusive, concurrent and residual legislative lists, etc., are tilted towards the federal government have strangulated the federating units. It then recommends restructuring based on devolution of powers and the modification of the legislative lists, etc. The implication is that restructuring shall provide for the desired socio-economic and political stability, allaying fears of ethnic nationalities and promote good governance.

**Key words:** Democracy, federalism, political restructuring, South-south geo-political zone, and vision.

#### INTRODUCTION

The National Constitutional Conference in 1985 discussed several issues, including, zoning upon which the proposition of rotational presidency would be used, and

recommended creation of geo-political zones (GPZs) to General Ibrahim B. Babangida, Nigeria's 8th head of state and government (HOSG). The recommendation

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was not implemented until General Sani Abacha, Nigeria's 10th HOSG announced it (that is, the establishment of 6 GPZs) on 01 October 1996 (Nwakpa, 2010:29).

Although the zones have no expression in the federal arrangement and not constitutionally recognized federating unit, it has addressed the national leadership question and presidency. This is important because, according to Ayida (1990:19), super permanent secretary in the First Republic, and Chairman of committee of federal permanent secretaries during the military era, "Nigeria cannot survive in the long run as one nation-state if one section of the country has to provide the presidency perpetuity...." He (Ayida) concluded that "whatever political arrangements are made for the survival of the country should involve power sharing at the centre either by rotating the presidency or otherwise. That is the way to stable and lasting peace."

geo-political The South-South zone (SSGPZ) synonymous with the Niger Delta region (NGR), was among the 6 zones meant to cushion the negative consequences of the defective federalism controlled by the three majority ethnic nationalities of Hausa/Fulani (North), Igbo (East), and Yoruba (West). The zone, loosely referred to as the historical Niger Delta region, comprises Bayelsa, Rivers, Akwa Ibom, Cross River, Edo and Delta (BRACED) states. It has 122, out of, the 774 local government areas (LGAs) in the country. The zone has been the economic mainstay of Nigeria over the centuries, beginning with trans-Saharan and trans-Atlantic trades (slave and legitimate) at pre-and-colonial eras; and now, crude oil/gas at post-independence sustainable without commensurate development. According to Toby a one-time deputy governor of Rivers State (1999 - 2003):

...the region was prominent in the trans-Saharan trade in the 15<sup>th</sup> century, and by the time it dwindled, the slave trade took over in 1730. The region became one of the leading slave markets in West Africa. By 1830 when the slave trade was abolished, palm oil and kernel (PKO/PKC) became prominent. Between 1830 and 1850, the region exported 18,000 tons of palm oil to Europe and earned £800,000, out of the total of £1,500,000 earned by Africa. Palm produce remained one of the foremost foreign exchange earners in Nigeria until when the country started recording an unprecedented boom in crude oil trade. Presently, oil is fading away and gas has emerged... thus, in every century, the region remains the economic mainstay of the country....

In spite of the foregoing economic indices, the people that now predominantly constitute the zone remained "poor, backward and neglected" (Henry Willink Commission Report (HWC), 1958:178-180) (experts in constitutional development appointed at the floor of Nigeria's pre-independence Constitutional Conference at Lancaster House, London). At the time of Henry Willink

Commission (HWC) report in 1958, there were a 3-regional structure where each of the region had wide powers and was economically independent (HWC, report 1958:2). By then, Nigerian federal system was at its infancy of 4 years old; and was truncated by the military coup d'état in 1966. The military government then abolished and replaced the federal system with that of a unitary structure, vide Decree 34 of 1966. The military era continued with it for about 33 years (1966-1999) and thereafter, handed over to the Fourth Republic, a unitary constitution, instead of a federal constitution on 01 October 1999 (Ayida, 1990:7-18) and APC report, 2017:5).

The system has led the South-south zone to series of agitations and demand for economic and political restructuring that culminated to the convocation of the 2014 National Conference, and All Progressive Congress (APC) Committee's report on 'true federalism' in 2017.

#### Statement of problem

The Nigerian Federation has about 250 ethnic and linguistic groups, but the most dominant Hausa/Fulani, Ibo (Igbo) and Yoruba at the time of independence in 1960 (Ofiaja, 1979:22 - 23; Okafor, 1981:165; Dappa-Biriye, 1995:25; and Nwakpa, 2010:5). Unfortunately, the Arthur Richard's constitution of 1946 divided the country into three major regions along the ethnic lines in favour of the three dominant ethnic groups of Hausa/Fulani (north), Igbo (east) and Yoruba (west) leaving the remaining 247 ethnic groups as minorities (Etekpe, 2007a:13 - 16). The characteristics of minority groups in Nigeria fit into the definition adopted in this study. It is adopted from the United Nations Department of Economic and Social Affairs (UNDESA) (1957:56) that "minority is numerically inferior to the rest of the population (of Hausa/Fulani, Yoruba and Ibo (HFYI) of the north, west and east) of a state (country), nondominant position, whose members possess ethnic, religious, cultural or linguistic characteristics too different from those of the rest population" This has been expatiated by Wirth (1953: 4), an expert in race and ethnic relations whose definition is relevant to the study. According to Wirth:

a minority is a group of people, because of physical or cultural characteristics, are singled out from others (that is, HFYI) in the society (Nigeria) for differential and unequal treatment and who therefore, regard themselves as objects of collective discrimination

By the definitions, the prominent characteristics of minority groups in Nigeria are: numerical inferiority; threat of cultural, social and religious assimilation by HFYI; differential and unequal treatment in employment, recruitment into law enforcement agencies, and political appointments; and collective discrimination, etc. These factors and/or fears were confirmed in Chapter 9 of HWC report (1958:111-124).

The minorities, especially, south-south protested, and supported the crusade for the adoption of federalism in Nigeria in 1954, as against unitary and confederation. It was then enshrined into the 1960 Independence and 1963 Republican Constitutions.

At the constitutional conference of 1953, it was decided after long discussion that Nigeria should become a federation of 3 regions; this formed the main feature of the Lyttleton constitution of 1954 that ushered in federalism in Nigeria. The federalism Nigeria adopted in 1954 had wide powers conferred on the regions (federating units). The federation consisted of 3 regions northern, eastern and western regions with a federal territory of Lagos and the trust territory of the British Cameroun (Okafor, 1981:14). In each of the region, there was a legislature with powers defined in the constitutional instrument: bi-cameral in the northern and western regions consisting of a house of assembly and a house of chiefs. The eastern region had a uni-cameral legislature: a house of chiefs at independence.

The fears of minorities under the then federal system in the First Republic (1960 - 1966) arose from three circumstances. First, the division of Nigeria into 3 powerful regions along the lines of the 3 majority ethnic (nationalities); second, the approach independence and the removal of restraints, especially, respect for life and property that previously protected minorities; and third, that of a uni-cameral federal legislature where the house of representatives had an exclusive power of legislature over a limited but important range of subjects reserved to it by the constitution. It had powers to legislate on other subjects concurrently with the regions. The concurrent list was where federal legislation prevailed over region, and residual powers of legislation that resided in the regional legislature and in Lagos.

It should be emphasized that during this period (1960-1966) where federalism was largely practised, in each of the region, there was an executive council. In the eastern and western regions that were self-governing, the councils were 'ministered' by entirely Africans (HWC report, 1958: 202) with the governor presiding. The governors' position in the region was similar to that of the governor - general of the federation.

There was a fiscal relations policy during the First Republic where the constitution gave the "region more fiscal autonomy and ... derivation principle ...." (Etekpe, 2007b:16 - 19). Here, the regions owned and controlled their natural and mineral resources, retained 50 percent of the proceeds, and paid the remaining 50 percent as royalties in the following order: 20 percent to the centre, and 30% to the distributable pool account (DPA). From the DPA, each region still received its allocation based on the revenue sharing formula (Sklar, 2015). The section

140 (1) of the 1963 constitution even provided that the continental shelf of a region should be part of the region.

Although there are several definitions of federalism, the South-south's position was that it wanted the constitution to provide for a loose federal structure and devolution of power, fiscal federalism and revenue allocation in favour of the federating units. This, as highlighted above, was the practice until it was set aside by Decree 34 of 1966 and replaced with a unitary system of government after the military coup in 1966. The unitary system has jettisoned the practice of federalism that prevailed in the 1960 and 1963 constitutions. Thus, even though the term, federal, is still retained in the 1999 constitution, the country largely remained a unitary state (The south-south position - TSSP, 2018:3 - 4) (The South-South is synonymous with the Niger Delta region and the main proponents of restructuring in Nigeria). In the present system, the center has become unduly powerful and appropriated to itself 68 items as exclusive and 34 items as concurrent legislative lists, adopted revenue allocation instead of distribution, that has to a large extent ignored derivation principles in fiscal issues, non-adherence to the principles of federal character. The present practice has, therefore, thereby not allayed the fears of minorities over deliberate exclusion and marginalization.

In analysing the state of the federal system at premilitary era, Chukwuma Kaduna Nzeogwu, who played the leading role in the first military coup d'état that overthrew the First Republic on 15 January 1966, gave an insight that: there was widespread corruption among the public officers, and if it was not checked by chasing them out of office, it would have withered the state (country). In reminiscence of the mood at the era, he said:

... the men at the helm of affairs (that is, political executives) were running Nigeria aground with their corrupt ways. Ministers under them were living flamboyant lifestyles and looting public funds at the expense of ordinary citizens.... (Siollum, 2005:36) (Siollum was a participant-observer of the coup).

His emphasis was to "chase" the politicians (political executives) away to salvage Nigerian state from withering away.

Harold Dappa-Biriye (1995:15 - 20), founding father of Nigerian federalism, gave other insights, especially, the struggle for supremacy by the 3 majority ethnic groups and unhealthy competition that resulted in several crises. The crises threatened the Nigeria's nascent democracy. As he puts it: "the most outstanding features of the Nigerian federalism at the pre-military era was the struggle for supremacy by the 3 majority ethnic groups of Hausa/Fulani, (HF) Yoruba (Y) and Igbo (HFYI) (Dudley, 1976). Their relation was characterized by suspicion, intrigue, and unhealthy competition that led to 4 major crises that weakened the infant federalism...." They were:

Action group crises, 1960; census crisis, 1962/1963; federal election crisis, 1964; and western election crisis, 1965 (Paden, 1971).

Ikoku Mazi (1995:22 - 24), another founding father of Nigerian federalism, added the dimensions of the inability of the federal government in creating more states for minority ethnic groups; non-resolution of political crises, especially, conducting free and fair elections; and reducing corruption. As he wrote:

the key issues were thrown on us; the date of the independence; the question of minorities and what should be done for them; the defense pact and the conduct of pre-independence.... The colonial office announced the date and everybody was happy about the date. And that virtually destroyed the arguments for the creation of more states for the minorities.... And so, you must take this into account when you assess our failure, because I believe we failed, because at the end we got only legal independence. All the problems connected with nation-building (especially, nurturing federalism) ...we just swept under the carpet since independence; it is these problems that are now hurting us as a nation....

Ayida (1990:17-21), further unravel 4 key issues/factors that led to the centralization of Nigeria's federal system by the military. They were:

- 1. The unequal opportunity for all citizens, especially, minority groups, in education, employment and matters relating to law enforcement;
- 2. The regional and federal governments and their agencies did not display sufficient respect for life and property;
- 3. The unresolved minority ethnic groups' issues, especially, creation of more states or regions, i.e.; Oil rivers (for Ijaws), Ogoja-Calabar (for Efik and Ibibio) and Middle belt (for Tiv, Birom, Jukon, Angas, Tangale, etc); and
- 4. Corruption of political executives at regional and federal levels.

In reminiscence of the major issues/factors, Obasanjo (1987:18 - 19), Nigeria's 5th and 12th HOSG, supported Major Nzeogwu and Ayiba arguments of widespread level of corruption, and added ineptitude leadership that did not take decisive action. He went further to state that, notwithstanding the foregoing, the military was also impatient to 'develop discipline, disagreeableness, and idealism'. Jurist writers, like Achike (1979:137), argues that the military rule was unconstitutional, inconsistent and incompatible to the cherished philosophical foundation of the Nigerian state. Nevertheless, Nzeogwu believed that the issues/factors were weighty enough to have required the military intervention (Siollum, 2009:36). The military felt, federalism had made the centre too weak to be able to unify the country, and abolished it by a

Unification Decree 34, 1966. The rationale was to have a strong centre with dynamic leadership that would deal decisively with issues of political crisis, corruption, fundamental human rights, and equal opportunities for all ethnic groups, especially, minorities, etc, without much bureaucracy required in the federal system.

The role of dynamic leadership cannot be overemphasized and Achebe (1998:1) emphasized it when he wrote, "the trouble with Nigeria is simply and squarely a failure of leadership. There is nothing basically wrong with Nigerian land or climate...."

Notwithstanding the foregoing, the military era did not redress several of the issues/ factors it raised that led to centralization of power. Thus, the SSGPZ argues that the concentration of power in the military era for about 33 years, and the continuation thereafter through the unitary constitution (1999 constitution) inherited from the era to govern Nigeria in the 4th Republic has been largely responsible for:

- 1. Heightened spate of tension, agitation, feeling of exclusion and marginalization;
- 2. Increased insecurity and wanton destruction of lives and property;
- 3. In extreme cases, strong and violent demand for secession along ethnic/geo-political lines, especially north-east, south-east and south-south;
- 4. Infrastructural deficit; and
- 5. Steady deterioration of socio-economic conditions of the people.

The South-south traced the predicament of the zone (region) to the awkward federal structure enshrined in the 1999 constitution, and emphasized that until a drastic measure is taken to return to the model and practice of federalism in the 1960 and 1963 constitutions through the proposed restructuring process in this study, the situation shall get worse – leading to severe insecurity and demand for secession. Incidentally, the reports of the 2014 National Conference (NC) (2014:277 – 288) and APC Committee (APC) on 'true federalism' of 2017 (2017:3) were unanimous on the demand for economic and political restructuring (Table 1).

The other major high points of 2014 NC and APC report, 2017 on federalism are as follows:

- 1. Both reports adopted a federal system but differed on the model (form) of government. Whereas 2014 NC accepted modified presidential system, APC report tilted towards parliamentary system;
- 2. On resource control and management, both reports agreed that the right of ownership of natural and mineral resources be vested in communities and individuals, which should, in turn, pay appropriate royalties to the federal government;
- 3. On devolution of economic and political powers, 2014 NC retained most of the 68 items while APC report, 2017

Table 1. Major areas of similarities and differences between National Conference 2014 and APC 2017 reports on restructuring in Nigeria.

S/N	Majar Januar	Resolutions		
5/N	Major Issues	National Conference, 2014	All Progressive Congress (APC), 2017	
1	Model (form) of government	Modified presidential system (bi-cameral legislature, rotation of powers, etc)	Parliamentary democracy (unicameral legislature, rotation of powers, etc).	
2	Resource control	Upward review of percentage of revenue accruing to states producing oil (and other resources).  Ownership of resources by state and communities and they should pay appropriate tax to the federal government.	Federal government should recognize the right of ownership of land and natural resources as belonging to communities and individuals.  Forbid both state and federal governments from upturning these inalienable rights.  Ownership of all federal assets and institutions that are no longer under federal jurisdiction should be transferred to the states where they are located.	
3	Devolution of powers	Retained the 68 items, as well as, 29 items on the exclusive and concurrent legislative lists.	The federal constitution should limit the federal responsibilities (reps) to only defence, monetary policy, foreign policy, immigration, customs and such related matters. Since more reps are to be given to states, more resources of revenue be open to state governments	
		Sharing of funds accruing to the Federation Account shall be shared: Federal govt: from 52.68% to 42.5% State govts: from 26.72% to 35.0% Local govts: from 20.60% to 22.5%	Revenue sharing shall be based on derivation principles where:  Communities/individuals and not state or federal government owns natural resources, and specific taxes thereof, ranging from 20% to 40% be paid to communities/town	
4	Revenue sharing	Local governments should be stripped off their status as 3rd tier of Public administration	governments where the resources are located.	
		Sharing formula (horizontal allocation)	While 50% of custom study goes to federal government, 20% goes to the	
		Three new principles be added to existing formula-school enrolment, federal presence and unemployment.	redistributable account.	
5	Federating units	The federating units should be state and federal governments.  Local government areas (LGAs) should be stripped of their status as 3rd tier of public administration.	There should be 2 tiers of government recognized by the federal constitution. There should be federal and states' constitutions.	
6	Fiscal federalism	There should be the office of the Accountant - General (Director - General) of the Federation as distinct and separate from the office of Accountant - General of the Federal government. The functions of both offices shall be clearly outlined and demarcated.	The concept of monthly allocation is redundant and be scrapped or abolished.  Federal constitution makes provision for annual grant to states.  Federal government establish an institution for automatic redistribution of taxes generated for redistributable account.  Taxation shall be the major source of revenue for both federal and state governments 'and while federal taxes be limited' that of state government be unlimited	
7	Land tenure	The Land Use Act should remain in the constitution but be amended to take care of concerns, particularly on compensation where the land owners should determine the price, value, etc.	The federal constitution should recognize the right of ownership of land and natural resources relating to communities and individuals [s/n 2(1)(2)]	
8	Local Government Area (LGA)	Local Government administration shall cease and fund to be a tier of government. State government(s) shall create LGAs and determine its structure, etc.	Federal government should cease all matters concerning LGA to the state governments.	
9	Secular status of Nigeria	The federal constitution shall not recognize any religion as a state religion.	The federal constitution should separate religion from the state and state from religion.	
10	Restructuring	Desirable for the socio-economic and political stability and broad-based development of the country.	Most important change that Nigeria truly needs to reflect true federalism to drive productivity, inspire innovation, and stimulate sustainable development.	

Sources: Culled from the reports of National Conference, 2014 (pp. 132 - 288) and APC Memo on True Federalism, 2017 (pp. 10 - 30).

limited federal government to defense, monetary policy, foreign policy, immigration, customs, and such related matters in the legislative powers (2<sup>nd</sup> schedule) in the 1999 constitution;

4. Both reports agreed on review of revenue sharing formula but differed on the specific details of the formula (Table 1).

Oyiam, a social critic, seems to have summarized the position of the south-south when he wrote:

Our federal structure is rooted on injustice, hence instead of the component states, controlling and managing their resources; it is controlled and distributed by the federal government. This violates the cardinal tenets of federalism (Oyiam cited in Etekpe, 2007b: 4).

As Etekpe (2007b:4- 6) pointed out, these were the problems (fears and grievances) of the people of the zone that the Rivers Chiefs and Peoples Conference (RCPC) brought before the Henry Willink's Commission (HWC) in the pre-independence London Conference of 1957/1958. The Commission "felt that the problems (fears) were not in connection with the central government, but was rather in relation to the three regional governments". After 33 years (1966 - 2019) of practising a defective federalism that unduly concentrated power at the center, it is obvious that the British colonial government was wrong and the central government itself has become the predator in strangulating the component units, thereby reverberating the demand for restructuring.

Although we have discussed federalism and restructuring much deeper in literature review, it is pertinent to point out that there are 5 major misinterpretations that have generally hindered the general acceptance of restructuring in Nigeria. They are:

- 1. Restructuring shall not lead to fiscal federalism;
- 2. Restructuring is the same as resource control that shall deprive non-oil and gas producing communities/states from benefiting from oil/gas revenue (that has constituted major source of their revenue):
- 3. Restructuring is an opportunity for secession;
- 4. The proposed legislative agenda for the national assembly [part 3(2) (d)] shall not scale through as it is dominated by members from the north that is, presumed, to be opposed to it; and
- 5. There is no common understanding of the framework on the specific mode/form of government or institutions for restructuring.

The problem of clear common understanding cut across scholars and ethnic groups. Asobie (1998), for example, argued that:

Centralization of political life in Nigeria has paved way for politics of exclusion...(that has led to) primordial identities at the expense of national unity...," but did not expatiate

on the pathway to the unity.

Akpan (2003), on the other hand, suggested that the process for restructuring should be based on "dialogue, bargaining and compromise among the diverse ethnic nationalities", without equally providing the template.

Going forward, Ekekwe (2019:21 - 22) contended that the "present nature of the (Nigerian) state is unsustainable in the long run... and its collapse is inevitable...." He recommended "devising the constitutional and political processes to increase accountability (of the political executives)". Nevertheless, the contentions and recommendations did not outline the specific mechanism for realizing it. Again, Kia and Okoro (2020:58-59) constitutional scholars agreed that "Nigeria's federal structure, as it is, has failed to solve the problem of citizen's exploitation and repression" without discussing the specific remedies.

The lack of clear understanding as shown in Table 1 cuts across the ethnic nationalities, as well. The southwest, for example, clamours for regionalism; while the middle-belt pursues creation of middle-belt region, reduction of legislative powers and decentralization of security agencies, especially police; and the north is on maintaining status quo. This is where the south-south position is worth consideration because it has presented fairly specific outline on the economic and political restructuring different from other proponents (Tables 1 and 2). As Table 2 show, the south-south position is fairly specific on the following crucial components of federalism, namely:

- 1. Devolution or modification of the exclusive legislative list (ELL), concurrent legislative list (CLL), and residual legislative list (RLL) (Table 1); and
- 2. The key structures and institutions for restructuring, that is, model of government, federating units, devolution of powers, geo-political zone, fiscal federalism etc. (Table 1).

The position is strengthened by the following 4 fresh visions as shown in Table 1, namely:

- 1. Specifically identifying those items in ELL, CLL and RLL in the legislative powers (2nd schedule of 1999 constitution) for devolution, reducing ELL from 68 to 27 items, increasing CLL from 34 to 53 items and RLL from 0 to 12 items (Table 1). In Table 1 show the devolved items from ELL to CLL and RLL, as well as, CLL to RLL for clear understanding;
- 2. Extension of restructuring to state and local governments levels (trickle-down restructuring) for the realization of 'true federalism';
- 3. An outline of 4-point actionable legislative agenda for the National Assembly, with specific time frame; and
- 4. Identification of the basic instruments (2014 resolutions of the National Conference, 2017 report of the All Progressive Congress (APC) Committee on restructuring,

**Table 2.** Position of proponents of economic – political restructuring in Nigeria.

S/N	Group	Key issues	Proposed modality	Remark on position
1	South-West (Yorubas)	Decentralization of central power Federal character principles Rule of law	Regionalism Creation of state police Amendment of 1999 constitution Sovereign national conference	Not clear/ specific
2	South-East zone (Igbos)	Devolution of legislative powers  Rotational presidency Federal character principles De-centralization of security agencies	Confederation Creation of additional state Secession	Not clear/ specific
3	Middle Belt Zone	Creation of Middle Belt region  Devolution of legislative powers  Resource control  De-centralization of security agencies  Fiscal federalism	Inter-ethnic nationalities dialogue/ negotiation Revert to 1960 and 1963 constitutions National constitutional conference States to become federating units	Not clear/ specific
4	South-South Zone (Table 1 - 3)	Fiscal federalism  Devolution of legislative powers  Resource control/ management	Devolution of specific legislative powers (Table 1 - 3)  Specified key structures and institutions (Tables 1 - 3)	Fairly clear/ specific
5	Fresh vision	Ditto-	Specified items on exclusive, concurrent and residual legislative lists for devolution/modification (Table 1 - 4)  Extension of restructuring to state and local governments levels Identification of baseline instruments (Table 1 - 4), and 1960, 1963 and 1999 constitutions.  4-point legislative agenda for National Assembly	Clear/ specific
6	Scholars	De-centralization of legislative powers Inclusive government Amendment of 1999 constitution Accountability/ transparency	National constitutional conference Convocation of sovereign national conference Implementation of resolutions of 2014 national conference Dialogue, bargaining and compromise	Not clear/ specific

Sources: Authors compilation, 2019.

1960 Independence constitution, 1963 Republican constitution, and 1999 constitution) for restructuring.

The fresh vision is important as it had addressed the cardinal issues or misinterpretations on restructuring, that is, specification of the items in ELL, CLL, and RLL for devolution or modification (Table 1); expansion of the scope of restructuring to state and local governments levels as against the on-going concentration at the federal level; identification of baseline instruments (data); as well as, legislative agenda with specific time frame for the National Assembly (Table 1).

The foregoing discussion has raised several questions, namely:

- 1. What is the relationship between the present federal system of government and the demand for economic/political restructuring of Nigeria?
- 2. What are the defects in the present federal system?
- 3. Identify the key structures and institutions for restructuring;
- 4. What is the relationship between restructuring and good governance in a federal system?
- 5. What are the fresh visions for restructuring?

#### The proposition

The study adopted the proposition, that there is no strong relationship between the federal system of governance and the demand for economic /political restructuring in Nigeria. The proposition is hinged on the argument of SSGPZ's that the measures of the federal government in fine-tuning the system through creation of local and state governments, establishment of state and national assemblies, federal character and revenue derivation principles, occasional national conferences, and selective amendments of 1999 constitution independence in 1960 have not adequately addressed and allayed the fears and grievances of the minority ethnic nationalities in Nigeria (Ayida, 1990:19; Dappa-Biriye, 1995:15-17; PANDAF, 2018:3-4).

Furthermore, the other measures, especially the establishment of Niger Delta Development Board (NDDB) (1961), Oil Minerals Producing Areas Development Commission (OMPADEC) (1992), Niger Delta Development Commission (NDDC) (2000), Niger Delta Regional Development Master Plan (NDRDMP) (2004), Federal Ministry of Niger Delta Affairs (FMNDA) (2008), etc, have not brought about the desired sustainable development.

The failure of these measures is partly responsible for the continued agitation for 'true' federalism in the zone (Ibaba and Etekpe, 2013:43 - 45). This is because the zone believes that federalism shall be actualized through restructuring.

#### Aim and objectives

The main aim of the study is to 'examine fresh visions on federalism for Nigeria based on economic and political restructuring for the desired stability, viability and survival of the country'. The specific objectives include:

- 1. Examine the South-south position; evaluate the position in the light of the existing structure showing its superiority over current structuring in bringing about SPD;
- 2. Identify the defects inherent in the present federal structure:
- 3. Identify the key structures/institutions for restructuring;
- 4. Examining the relationship between restructuring, good governance and federalism; and
- 5. Recommend an actionable (implementable) legislative agenda for the National Assembly for restructuring the country.

#### **Assumptions**

The study was based on the assumption that economic and political restructuring is the panacea to the prevailing problem of SPD in Nigeria; and that the resolutions of the 2014 National Conference and recommendations of the APC Committee report on 'true federalism' of 2017, as well as, the 1960, 1963, and 199 constitutions shall become the fundamental instruments (base-line data) for the restructuring.

#### Scope

The study is about the economic and political restructuring in Nigeria, with emphasis on the position of the south-south, Nigeria.

## THEORETICAL ISSUES AND EVIDENCED - BASED ARGUMENTS

#### Theoretical framework

There are several theoretical frameworks that would have been adopted in this study. They range from 'institutionally-induced frustration-aggression' (Dollard, 1939; Lorenze, 1966), and 'systemic' (Johnson, 1966 an expert on social conflict) theories to 'structural conflict' (Galtung, 1990). Based on experience that these and similar theories would not give the desired explanations, the authors turned to the "theory of post-behavioural revolution" propounded by David (1953). The term, 'post-behavioral revolution (PBR)' is traced to the concept of the general systems theory propounded by Lugwig von Bertallanffy, a biologist, in 1951. The theory addressed two major issues in social sciences - theory building and

techniques of research (Varma, 2004:61) that were based on the following 4 tenets, namely: (i) content analysis, (ii) case analysis, (iii) interviewing and observation, and (iv) statistics. Of the four, two of them are relevant to this study, that is, content analysis, and interviewing/ observation. The method of content analysis in qualitative form propelled political scientists of the 19<sup>th</sup> century and early 20<sup>th</sup> century like Lasswell (1938) to apply it to the study of propaganda in World War I. The method of interviewing and observation, too, has made tremendous impact in the study of federal structure.

The tenets are anchored on 4 (four) stages of changing or reforming the structure of a society, like Nigeria to realize the desired stability. They are: (i) enduring hardship, (ii) intermittent agitations, (iii) constructive dialogue (limited violence), and (iv) revolution (full-blown violence). Incidentally, Nigeria has experienced the first three stages of i) endurance of hardship under regionalism (1960-1966) and military dictatorship (1983-1998), followed by (ii) intermittent agitations (1966-1967 and 2003-2009), and (iii) constructive dialogue (limited violence) at amnesty period for the Niger Delta militants. The failure of the federal government to pro-actively address the three stages shall soon lead to the final stage of revolution (full-blown violence). While the country has seemingly not reached the revolution stage, the signs of the final stage are everywhere in the country, ranging from the Boko haram mayhem and its resultant effects on humanitarian crisis in North-East, secession movement in the South-East, strategic militancy in the Niger Delta region (south-south), and national Endsars protests by Nigerian youths in October 2020.

The theory is a departure from undue dependence on other social sciences, especially, psychology and economics in explaining critical issues of national stability, integration, security, peace-building, and sustainable development (SPD).

The post-behavioural revolutionary framework (argument) propels the evolution of actionable (implementable) solutions in political science for an indepth understanding of the 'linkage' between federalism and SPD in the country. This framework is appropriate for the study as it is a radical departure from the popular pattern of merely fine-tuning the present defective federalism.

#### **REVIEW OF RELEVANT LITERATURE**

Whereas there are several definitions of federalism, that of Kenneth C. Wheare's (1950) fits into this study, and is incidentally, the position of the south-south zone. Wheare stated that:

The principles of federalism are rooted on well-defined division of powers among the federal government and the other federating units, distribution of resources on the principle of derivation, and pursuance of the rule of law in recognition of the financial autonomy of a federal state....

According to Wheare, there are about 5 basic tenets of federalism, namely:

- 1. There must be at least two levels of governments and there must be constitutional division of power among the levels of government;
- 2. Each level of government must be co-ordinate and independent of each other;
- 3. Each level of government must be financially independent;
- 4. There must be Supreme Court of the independent judiciary; and
- 5. In terms of amendment of the constitution, no level of government should have undue power over the amendment process.

Wheare emphasized that when once a country like Nigeria is able to satisfy and maintain these conditions, such country is practising federalism. Obafemi Awolowo (1960:48-49), proponent of federalism, in his book, Thoughts on Nigerian constitution, based his argument on two principles: (a) If a country is bi-lingual or multilingual (as Nigeria), the constitution must be federal and the constituent states be organized on linguistic basis; and (b) Any experiment with a unitary constitution in a bi-lingual or multi-lingual or multi-national country must fail in the long run.

He gave examples of other plural societies, such as, India. United States of America (USA), and Canada which had adopted a federal constitution as a solution to their heterogeneity. He concluded that federalism was the only system suitable for Nigeria. Nevertheless, he did not give sufficient attention to the structure the federal system should take. Here, the position of Lord Hailey (Okafor, 1981:144), a British scholar and jurist on federalism, is worth consideration. Hailey advocated "creating as many provinces as there were ethnic groups (in Nigeria) in order to constitute every ethnic group into a province (region) where each group should be autonomous in terms of its affairs....". He then suggested the creation of as many as 30 - 40 provinces (regions). It is worth stating that Hailey's prediction has come to pass in Nigeria as the country now has 36 states; and still, there is the clamoring for additional 14 states.

In contributing to the debate on federalism, Itsay Sagay (APC report, 2017:7), Nigeria's constitutional lawyer, stated that federalism "is an arrangement where powers within a multi-national country are shared between federal or central authority and a number of regionalized governments in such a way that each unit exists as a government separately and independently from the others...." According to him, in a federation, each government enjoys autonomy, a separate existence and independence of the control of any other government. Thus, the central and state governments are autonomous

in their respective spheres.

For Ademolekun (2005), the fundamental and distinguishing characteristic of a federal system is that neither the central nor the regional (state) governments are subordinate to each other, but rather, the two are coordinate and independent. This is where Suberu (2005) a constitutional lawyer and advocate of federalism call for constitutional reform is important. He argues that Nigeria basically operates federal system on 'paper' and that the federal structures have 'never existed' since the collapse of the First Republic in 1966. Instead, the country is operating what is generally considered as 'military federalism' instead of 'civilian federalism'. The military federalism is very prominent in the Fourth Republic. This, according to Paul et al (2017), is the right time to restructure and entrench federalism in Nigeria.

As the agitation for economic and political restructuring gained momentum in the Fourth Republic, Goodluck Jonathan, Nigeria's 14th HOSG, constituted the committee on Review of Outstanding Issues from Recent Constitutional Conferences under Justice Uwais (2012), and national conference (NC) under Justice Idris Kutugi on 17 March 2014. The essence of the NC was to solve the intractable security and political crisis in the country (Jonathan, 2018:141-145). In addressing the 492 conferees, Jonathan stated that, the "2014 NC is expected to lay much stronger foundation for faster development by building a more inclusive national consensus on the structure and guiding principles of state that will guarantee the emergence of a more united, progressive, just, peaceful and prosperous Nigeria" (NC report, 2014:23). As earlier stated, the main highpoints (resolutions) are in Table 1.

As Table 1 shows, the conference adopted federalism. By this, political powers are to be constitutionally shared between the central government and federal units. These powers basically represent the functions of each tier of the federation. It further agreed that there shall be two tiers and local governments, which used to be the third tier, shall cease to be a federating unit. The resolutions also addressed several other critical national issues that are summarized side-by-side with that of the APC 2017 report in Table 1.

Notwithstanding the resolution of the 2014 NC, the APC went ahead to set up another committee on 'restructuring' in 2017. Under the chairmanship of El-Rufai, governor of Kaduna state, the committee reported that:

...we federalist oriented Nigerians believe there is no other time but now to come together and demand for the most important change that Nigeria truly needs and which we believe is the restructuring of Nigeria to reflect true federalism .... (APC report, 2017:3)

The report (APC report, 2017:5), like that of 2014 NC, emphasized that the present unitary system has not only distorted the building block for growth but it has also

entrenched an entitlement culture in the populace and among the federating units. This has made them less aggressive towards self-sufficiency. The report went further to outline some basic features of federalism as follows (APC Report, 2017: 7):

- 1. The federating units (states and LGAs) maintain autonomy;
- 2. The government (tier) closest to the people is more empowered to meet up with the needs of the local people:
- 3. Powers are shared between the various tiers of government in a manner to forestall unnecessary interference:
- 4. The federal government's responsibility is usually limited to foreign affairs, monetary policy, immigration, customs, defence and related matters. All powers not expressly given to the federal government by the federal constitution is reserved for the state governments;
- 5. Governance is run in a bottom-up approach; and
- 6. There is a federal and state constitution.

Be that as it may, experience has shown that several authors have suggested these specific outlines of federalism (Onwudiwe and Rotimi, 2003; Adamolekun, 2005; Suberu, 2005; Paul et al., 2017).

The high point of the APC report (2017:10 - 13) was the presentation of a "20 fundamental principles of true federalism"; out of which, we have highlighted 10 key issues for comparative analysis with those of 2014 NC in Table 1.

JS Mill (Sabine and Thorson, 2018:635-649) went further to advocate for these basic attributes, and emphasized the need for equity amongst the component units of the federal form of government. In essence, federalism hinges on the distribution of power, resources and responsibilities between the federal and other levels of government so that the system shall combine representation and authority, unity and diversity, and freedom and obligations to enhance the welfare of citizens in the federal state.

Unfortunately, the British colonial government handed over a peculiar custom-tailored federalism to Nigerians where the features highlighted by Wheare, Mill, etc, are basically absent. Thus, according to Ofiaja (1979:60-70), "since the introduction of federalism in the Lyttleton Constitution of 1954, there has been perennial conflict that has led to series of protests, struggles and sustained demand for review (restructuring) that can no longer be ignored". He went further to recall that Alhaji Aminu Kano, the then federal commissioner for health in General Gowon's military government, delivered a lecture in London in 1974 and made five (out of which four are relevant here) important statements about Nigeria, its constitution and federalism as follows:

- 1. There has been no Nigerian Constitution so far;
- 2. The Independence Constitution of 1959 was written by

people who did not represent Nigeria. They represented themselves:

- 3. What happened on October 1, 1960 was not independence but declaration of independence; and
- 4. The first real Constitution will be the one to come after army rule because all Nigerians will have the chance to play a part in its making (Ofiaja, 1979:79).

As these problems linger, the south-south organized a summit, referred to as the Yenagoa Accord on 10 - 11 February, 2006 and another mega rally on restructuring in Yenagoa, Bayelsa State on 24 March 2018. The rally, which attracted elders, leaders of thoughts, and traditional rulers of other geo-political zones of Southern Nigeria (South-East and South-West) and Middle Belt, called on the Federal government to take immediate steps to ensure that the Presidency and the National Assembly take concrete steps, including the needed time lines for legislative agenda to ensure the implementation of restructuring.

In discussing 'restructuring, democracy development in Nigerian federalism', Ekekwe (2019:5) asserted that "the protest may be registered that after so many years of independence states like Nigeria should since have shaken off the impact of colonialism". He went further to state that "...indeed, much that postindependence leaders could have done but did not do...", the effect is obvious as the present structure of the state has been essentially sabotaged by the political will of the ruling class (political executives). "The effect", according to Ekekwe (2019:18), "has led to one of the major and effective means of political communication in our country. that is, confrontation and violence". He then called for "reconceptualizing the federal state within the same wave with that of restructuring", and concluded that "what appears necessary and urgent in the present situation is to infuse democracy into whatever structure we choose to operate". For Akpan (2003), the process to realize the desired federal structure should be based on "dialogue, bargains and compromise among the diverse ethnic nationalities" in the country.

In relating the defective fiscal federalism to the activities of local government in Nigeria, Scholastica and Ekekwe (2020:20) contended that "Nigeria's fiscal structure has negative impact on the finance and general administration of the local government", as well. This was as a result of the 'over bloated' exclusive legislative list that has suffocated the LGAs that is closest tier to the people and requires adequate finance to provide social services.

This is where the argument of Ojo (2010:8-12, 15-26) comes in. Ojo decried that the present form of Nigeria's fiscal federalism structure has unfavourable effects on the federating units, particularly, the LGAs. He emphasized that the Nigerian federalism contrasts negatively with those of other countries like Brazil, Germany, USA, and India where fiscal federal systems

are highly decentralized, with several activities in favour of the federating units. The decentralized fiscal system tenable in these countries promotes healthy competition and growth. For Scholastica and Ekekwe, "what emerges from the present situation in Nigeria is a picture of the federating units that are financially incapacitated and politically emasculated". Thus, Chigozie and Umezu (2020:15) described the nature of "federalism in Nigeria as authoritarian regime".

The minority question has over the years centred on the authoritarian regime that has led to economic, social and political deprivation; denial of access to own, control and manage its natural and mineral resources in line with the tenets of fiscal federalism; suppression of dissent; and selective discrimination, etc. They dominated the Nigerian political development (HWC, 1958:105-6; and Dappa-Biriye, 1995:40-45), and has continued to this point because, as Ayida (1990:19-20) pointed out, "there are 4 power groups in the country - Hausa/Fulani in the north, Yoruba in the west, Ibo in the east, and the minorities in each of the old regions (especially, east and north). Henry Willink Commission Report (HWCR) (1958:9, 64-101) stated that the minorities constituted about 29.13%, that is, 8.56 million, while the 3 majority groups were 70.87%, that is, 79.45 million of the total population of 38.01 million in Nigeria as at 1958. The report identified the major minority groups, especially in the east and north where the 'question is most pronounced', as Ijo (Ijaw), Efik, Ibibio, Ikwerre and Ogoni (east) and Tiv, Birom, Jukon, Angas, etc (north).

The population of minorities has grown from 29.13% (8.56 million) in 1958 to about 45% of 150 million Nigerians by 1990 (Ayida, 1990:19-20). The issue is that in a democratic process, one of the major groups needs the support of the minorities to gain power (Nnoli, 1978:66-74). This reinforces the SSGPZ's argument that they should not remain enslaved like a second-class citizen under the present defective federal system (Linden, 2004).

## Gap in the literature and expectation of the federal government

The existing literature tilt to the direction that the several analyses, reports and gazettes on federalism, including local/states creation, federal character principles, not less-than-13% derivation fund, occasional national conferences and amendments of the 1999 constitution, etc., have actually addressed the excruciating effects of the federal structure. The position of the federal government is that the measures it has put in place are working; hence, the practice of federalism is on course. There is, however, no concrete evidence that such measures, that is, NDDC, MNDA, social investment programmes, etc., have reduced the perennial threat to stability of Nigeria. Accordingly, it has created a 'security,

peace and sustainable development (SPD) gap' that should be addressed differently in this study through restructuring.

Going forward, as earlier stated, the proponents of restructuring have not presented specific institutions or key issues for restructuring, other than devolution of powers, rotational presidency, resource control, etc. they have not also presented common understanding of the process for restructuring. This study has addressed the gap by specifying items to be restructured in the legislative powers (Tables 3 to 4), trickling down restructuring to state and local governments levels, as well as , proposing a legislative process and agenda for the national assembly.

Going forward, the study is expected to acquaint the federal government of:

- 1. The position of the south-south on restructuring, showing its 'superiority' over the current structure;
- 2. The relationship between the economic/political restructuring, and federalism in Nigeria;
- 3. The institutional effects inherent in the present federal structure:

#### **METHODOLOGY**

The data were based on 'participant-observation' method from the variant point of the lead author as a critical stakeholder in the zone and national politics. The lead author is a 'politically exposed person (PEP)' as a former aide to Harold Dappa-Biriye (1997-2004) patriarch of the Niger Delta and doyen of state creation; director of administration, south-south peoples' conference (SSOPEC) (1998 - 2004); and special adviser to the government of Bayelsa State on civil society/non-governmental organizations where his activities traversed the entire zone (2002-2003).

Based on the rich experiences, he has participated, as well as, organized several campaigns, conferences and/or workshops relating to restructuring, beginning with the National Political Reform Conference (NPRC) in April 2005, and the Yenagoa Accord in Bayelsa State on 10 to 11 February 2006 where the south-south zone urged the federal government and multinational oil companies (MNOCs) to immediately address the developmental needs and aspirations of the zone through restructuring. This was followed by the National Conference (2014) report where he (lead author) was the deputy director of the South-South Secretariat at Abuja.

The position of the zone formed part of the resolutions of the conference, but as the implementation lingered, he became one of the organizers of the south-south mega rally on restructuring in Yenagoa on 24 March 2018. The rally brought together delegates from other zones, that is, south-east, south-west and middle-belt to express their solidarity. The other members of the team are equally active players in the socio-political movements of the zone.

Holdaway (1980:79-100), a scholar on research methodology, argues that "the method allows in-depth study of the whole target group". Furthermore, Grinker (1956) expert on applied social sciences contends that the "method is useful for researchers in applied social sciences exploring the impact of citizens' behaviour in changing social structure". His position is that the researcher's experience shall distil extraneous influences that would have, otherwise, adversely affected the result (outcome) of an investigation.

It (method) was complemented by document study where we:

- 1. Examined the post-independence constitutions of Nigeria 1960, 1963, 1979 and 1999;
- 2. Reviewed the most recent efforts at restructuring as contained in the reports of 2014 National Conference (2014), and APC Committee on restructuring, 2017;
- 3. Analyzed relevant international treaties/ obligations, especially the United Nations Law of the Sea (UNLOS), 1982; and
- 4. Conducted focused group discussions (FGD) with eight (8) carefully selected target populations from the south-south, Nigeria.

We had two each of the discussion in Rivers and Cross River states, and one each in the remaining four states. We chose two respondents (TRC and CIMA) from Rivers and Cross River states because they are the forbearing states in the zone, and TRC from the remaining 4 states. The rationale was that the categories of target audience are 'apolitical' and closer to the grassroots to be able to share their perspectives on the present form of federalism in the country. The target population comprised the Chairmen of the BRACED states' traditional rulers' council (TRC), and Chairmen of the states' chambers of commerce, industry, mining and agriculture (CIMA).

#### **RESULTS**

The study found three main issues on restructuring which include the following.

## Devolution of power, along with reduction of the exclusive legislative list

In Table 3, we have identified the key structures, institutions, and items for restructuring. We then proposed devolution or modification of the powers in Table 4 in such a way that some of the ELL items were moved to CLL, as well as, those in ELL/ CLL were moved to RLL to engender desired economic/political outcome. This is a fresh (new) initiative that would strengthen our federalism and where this is done, the other defects inherent in the present structure, such as resource control, derivation, revenue, etc., shall fall in line. The issue is that as the federal government presently controls 68 items, covering literally all spheres of the social, economic and political life of the citizens, it has strangulated every segment of the economy and country. The exclusive and concurrent lists have to be streamlined to give responsibilities to the federating units, especially the grassroots. This has informed our vision to increase the RLL from the present '0' to 12 items (Table 4).

#### 'Trickle'- down restructuring

The on-going debate has concentrated on restructuring at the federal level. Thus, the fresh vision is that for restructuring to be meaningful, the state and local governments have to be equally restructured. It is at these levels controlled by, what we describe as 'local bourgeoisie' the force or agitation for restructuring shall be most pronounced. This is because, 'the local

bourgeoisie' in the states and local governments have so manipulated the receipts and applications of the monthly federal allocations process that they have impoverished the citizens, and would likely sponsor 'counterinsurgency' to stop the restructuring at the levels, that is, state and LGA levels. The fresh vision shall insist on trickle-down restructuring because, it is a common experience that 'mismanagement of resources' is most pronounced at the state and LGA levels.

#### Promotion of good governance

The economic and political restructuring has a strong relationship with good governance as there shall be checks and balances, as well as, citizens' participation in monitoring adherence to the federalist constitution. The relationship shall bring about:

- (i) Citizen participation in the political processes and socio-economic development programmes thereby overcoming poverty and apathy:
- (ii) Provision of social infrastructure as the governor and governed are conscious of their rights to good welfare;
- (iii) Transparency and accountability to eliminate wastages; and
- (iv) Enforcement of the fundamental human rights of the citizens and rule of law.

In expatiating these attributes, Etekpe et al (2017b) experts in political theory and good governance at the conference stated that good governance shall stimulate: Sustainable socio-economic development; and qualitative and quantitative education for manpower planning and development.

Presented in Figure 2 in a diagrammatic form, the nexus between restructuring, good governance, and federalism to engender the desired fiscal federalism that shall, in turn, spur security, peace and development (SPD) in Nigeria. The nexus is in line with "the call by Irikefe commission for good government" (Nnoli, 1978:259). The call was predicated on restructuring in which each ethnic group reign as equal stakeholder. The issue to note in the nexus is the regular interaction and feedback (as shown by the arrows) to fine-tune its continuous relevance.

Contrary to the on-going generalization of the debate (Table 1), the following legislative agenda (programme) for the realization of restructuring proposed:

(i) The pan socio-cultural organizations shall initiate the process, develop and submit a consensus (civil society) document on restructuring to the presidency (Figure 1). The presidency should transmit the document, whose inputs were derived from resolutions of the 2014 National Conference and APC party reports of 2017 on restructuring, as well as, the 1960, 1963, and 1999

constitutions of Nigeria, as well, to the National Assembly with time frame. The legislative programme should be mutually agreed upon by both arms of government;

- (ii) The National Assembly should then conduct a referendum to elicit massive participation of the citizenry;
- (iii) The National Assembly should transmit the result of the referendum to the Committee on Constitutional amendment in both Houses of Parliament, which in turn, should call for public hearings to ensure that they reflected the results of the referendum; and
- (iv) The entire process should not exceed six months from the date of transmission of the instruments.
- (e) The restructuring of Nigerian federalism to devolve greater economic and political powers to the federating units is a solution to the problem of future sustainable development of the country. Accordingly, within the context of the fresh vision, we have clearly identified the items on the legislative powers that should be devolved (restructured), that is, reducing the exclusive legislative list (ELL) from 68 items to 27; and increasing the concurrent legislative list (CLL) from 24 items to 53, and residual legislative list (RLL) from 0 items to 12 (Table 1 to 4). It further identified the baseline instruments. The vision has proposed a 4 point legislative agenda for the national assembly with time line.

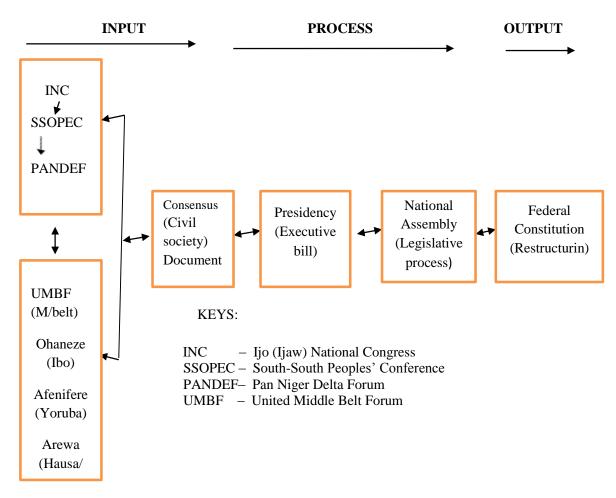
The discussions and results point to the fact that restructuring shall close the SPD gap, and produce the desired outcome in (Figure 1 to 2c). This, therefore, negates the proposition, and rather supports the position that 'there is a strong relationship between federalism and economic - political restructuring in Nigeria'.

#### DISCUSSION

## Economic and political restructuring and the position of south-south zone

The position of the zone is the reinstatement of the 1960 and 1963 constitutions which have the principle of federalism. The principles are: Division of powers amongst the federal government and the federating units, distribution of resources on the basis of derivation, enforcement of the rule of law, recognition of financial autonomy, combination of representation and authority, unity and diversity, and freedom and obligations to enhance the welfare of the citizens. These principles are presently not practiced in Nigeria. Thus, federalism has become the most contentious issue facing the country; and yet it has been treated, especially the Hausa/Fulani bloc of the north and APC party with disdain. They argue that since there are divergent concepts of restructuring, the demand is futile.

This argument of APC or part of the northern Nigeria is not evidence-based as the report of the committee of the south-south on restructuring (Fubara, 2017:3) is clear and specific on it. It states that:



**Figure 1.** The input - process - outcome of economic and political restructuring in Nigeria. **Source**: Authors' Fieldworks, 2019.

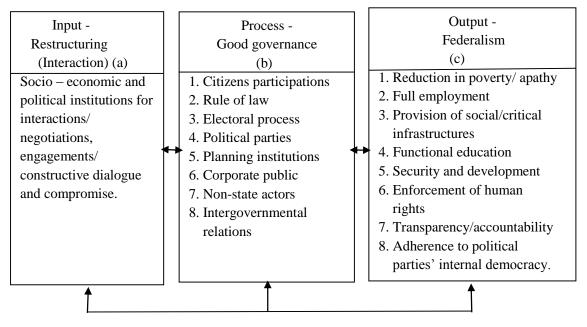


Figure 2. Restructuring - good governance - federalism nexus.

**Table 3.** SSGPZ's proposed key structures and institutions for restructuring in Nigeria.

S/N	Structure/institution	Outcome
	Madalafaayaaaat	Modify and retain presidential model
1	Model of government	Prescriptions to reduce cost of governance.
		States as federating units
2	Federating units	Local government no longer tier of the federation
		States to create/fund local governments.
3	Devolution of powers	Reduce the items on legislative powers at 2nd schedule of the 1999 constitution.
4	Geo-political zones (GPZ)	Retain existing 6 GPZs
5	Federal character principles	Retain at federal level
Ü	r odorar onaractor principles	State and local government character principles to be also created.
		Create additional 3 states – Toru-Ebe, Oil Rivers and Orashi states for Ijo (Ijaw) nation.
6	Creation of states	Create Ogoja state for Efiks in Upper Cross River state.
Ü	Organism or claims	Create additional 1 state in South-East zone
		States to create/fund local government
7	Rotation of political office	Principal offices at federal, state and local government levels are to rotate among senatorial districts or federal constituencies
		'True' fiscal federalism
8	Fiscal federalism	Natural resources at onshore/offshore be controlled by owners where it is located
		Include proceeds from gas as part of distributable revenue for allocation.
9	Secular status	Secular state
Ü	Coodial olalas	Guarantee freedom of worship
10	Derivation principles	Federating units retain royalties, revenue and profit from assets within their territory.
11	Offshore/onshore	Follow UN Law of the Seas (UNLOS), 1982
		Release annual budget to the commission
12	Niger Delta development commission	Professional/technocrats, not politicians to be appointed board members
		Reinvigorate the commission through adequate funding.
13	Legislative issues	Repeal all obnoxious Acts, Decrees, etc. on oil/gas exploration/exploitation
14	Legislature	Prone down cost of running parliament
		Parliamentarians at federal and state levels be on part time basis.

Table 3. Contd.

15 16	Judiciary States and local government	States to establish State Judiciary Council States to establish Courts of Appeal Local governments should cease to become federating units and be created and funded by state governments.
17	Security matters	Decentralization of security agencies Establish state police

Sources: Authors compilation, 2019.

**Table 4.** Proposed restructuring of legislative powers (2<sup>nd</sup> schedule), 1999 constitution (as amended).

S/N	Part I: Exclusive Legislative List (ELL) (68 to 27 items)	Part II: Concurrent Legislative List (CLL) (34 to 53 items)	Part III: Residual Legislative List (RLL) (0 to 12 items)
1	Accounts of Government of Federation Officers, courts, authorities and auditing those accounts (ELL)	Drugs and Poisons (ELL)	Collection of tax of local government council (LGC) (CLL)
2	Arms, ammunition and explosives (ELL)	Evidence (ELL)	Election to LGC (CLL)
3	Aviation (ELL)	Fingerprints, identification and criminal records (ELL)	Organization of a coordinated scheme of statistics (CLL)
4	Awards of national titles of honour (ELL)	Fishing and fisheries (ELL)	Primary and pre-primary education vocational education, etc (CLL)
5	Bankruptcy and insolvency (ELL)	Insurance (ELL)	Chieftaincy matters. (CLL)
6	Banks, banking bills of exchange, etc (ELL)	Labour (ELL)	Acquisition of tenure of land (CLL)
7	Citizenship, naturalization and aliens (ELL)	Meteorology (ELL)	Inter-intra communal conflict management/ resolution (CLL)
8	Copy right (ELL)	Mines and minerals (ELL)	Primary health care (CLL)
9	Creation of States (ELL)	Pensions, gratuities, etc (ELL)	Professional occupations (ELL)
10	Currency, coinage and legal tender (ELL)	Police and other security services, etc (ELL)	Formation, annulment and dissolution of marriages (CLL)
11	Customs and excise duties (ELL)	Ports, telegraphs and telephones (ELL)	Water from source. (ELL)
12	Defense (ELL)	Prisons (ELL)	Preservation of antiquities, monuments and archives (CLL)
16	External affairs (ELL)	Traffic control on truck roads (ELL)	
17	Extradition (ELL)	Weights and measures (ELL)	
18	Immigration into and emigration from Nigeria (ELL)	Legal proceedings between governments of states or state and federal government (ELL)	
19	Implementation into treaties (ELL)	National parks (ELL)	

Table 4. Contd.

20.	Military (ELL)	Powers of National Assembly/ immunities of members (ELL)
21	Nuclear energy (ELL)	Public relations of the Federation (ELL)
22	Passports and Visas (ELL)	Service/ execution in a state of civil/criminal processes (ELL)
23	Patents, trademarks, etc (ELL)	Trade and commerce (ELL)
24	Public debt of the federation (ELL)	Census (ELL)
25	Public service of the federation (ELL)	Any matter incidental/supplementary (ELL)
26	Stamp duties (ELL)	Division of public revenue (ELL)
27	Taxation of income/profits, etc (ELL)	Diplomatic, consular and trade representation (ELL)
28		Exchange control (ELL)
29		Provision for grants or loans (CLL)
30		Scheme of statistics for federation or any part thereof (CLL)
31		Regulate liability of persons to such tax (ELL)
32		Registration of voters/procedures (ELL)
33		Power on electricity, etc (CLL)
34		State House of Assembly powers on electricity, etc. (CLL)
35		Censorship of cinematograph (CLL)
36		Industrial, commercial or agricultural development (CLL)
37		Co-coordinate scientific and technological research (CLL)
38		Establishment of scientific and technological research institution (CLL)
39		Trigonometrically, cadastral and topographical surveys (CLL)
40		University education, technological education, professional education, post primary education, etc. (CLL)
41		Borrowing of moneys within and outside Nigeria (ELL)
42		Commercial and industrial Monopolies (ELL)
43		Construction/ maintenances of federal roads (ELL)
44		Control of capital issues (ELL)
45		Deportation of persons (ELL)
46		Designation of securities (ELL)
47		Election to federal offices and Governors (CLL)
48		Incorporation, regulation, of companies, etc. (ELL)
49		Any other matter National Assembly has power (CLL)
50		Wireless, broadcasting, television (ELL)
51		Quarantine (ELL)
52		Maritime shipping and navigation (ELL)
53		Public holidays (ELL)

Source: Culled from the 1999 Constitution of the Federal Republic of Nigeria (as amended, 2011), second schedule, pp 170-180.

Socio-economic and political restructuring is timely and urgent measures to re-configure, and remake and reorder the present political structural foundation of the country. As much as possible, to be in tandem with the spirit and letters of the dreams, visions and aspirations of the founding fathers of the country, for the purpose of enthroning equity, fairness, justice and egalitarianism. This will entail clearly specifying the number of federating units and detailing the ways and means for their creation, merger and inter-relationships through a totality of noncoerced but democratic efforts, enthronement of true federalism, which guarantees two-tier structures of sharing of powers/ governance between the federal and federating units, and consequently operating a fiscal regime which clearly provides for full resource ownership/ control of both onshore and offshore resources vested in the federating units which must pay prescribed taxes to sustain/ maintain the federal tier holding a lean set of issues under the exclusive legislative list as a well as make/ cater for the federal distributive pool.

The south-south, in particular, and the Niger Delta in general, reacts to the issue of economic/ political restructuring with great passion. This is understandable as the area and the region are not only isolated but encumbered by several ecological/environmental challenges. It is for this reason, Henry Willink Commission (HWC) reported in 1958 that:

We are impressed by the arguments indicating that the needs for those who live in the creeks and swamps of the Niger Delta are very different from those of the interior. Not only because the area involves the regions, but because it is poor and neglected.... We agree that it is not easy for a government or a legislature operating far inland to concern itself, or even fully understand the problem of a territory where communication is difficult, building so expensive and education so scanty.

God changed the destiny of the zone by depositing "an unusual quantity of 34 billion barrels of crude oil and about one trillion cubic feet of gas in the swampy lands, creeks and rivers...," beginning with Oloibiri in the present Bayelsa State on 04 June 1956. By this, the area/ region has become the 'treasure base' of the country, accounting for over 95% of the GDP since 1973 (Etekpe, 2012:74-75).

Whereas this huge amount of revenue has enabled the federal government to embark on massive infrastructural, economic and socio-political development of other parts of the country, it has neglected the development imperatives of the zone. The entire zone is sparsely developed and almost excluded from participation in the ownership or management of the industry. Of the 70 licenses for oil production (oil blocs) in the zone, the people have only 8, and the 62 oil blocs are owned by people mainly from the northern and western Nigeria

(Etekpe, 2017a:15-18).

This is where the need for economic/political restructuring comes in, to among other dynamics (issues), redress the 'neglect, frustration and abandonment of the people/zone caused by faulty federalism'. On 24 March 2018, the south-south in Yenagoa, Bayelsa State, proclaimed the zone's position on the key structures/institutions for restructuring as follows:

- 1. Model of government: The presidential model be retained at the federal level but with clear prescriptions to curtail high cost of running federal and state governments;
- 2. Federating units: The states should constitute the federating units. Here, local governments should no longer be part of the federating units. Nevertheless, the principles of federal character in the constitution be retained. Furthermore, states should adopt their constitution to cater for their peculiar needs within the concurrent list:
- 3. Devolution of powers: The 68 items on the legislative powers, 2<sup>nd</sup> schedule of the 1999 constitution be reduced substantially to make the centre weak in line with the practice of 'true federalism', without prejudice to onshore/ offshore mineral resources exploration, exploitation and management;
- 4. The geopolitical zones: The six zones should be retained to drive further intra-national and sub-national interactions, as well as, socio-economic integration and development;
- 5. Federal character principle: Be retained in the constitution. In addition, state and local governments character principle be adopted at the state and local government levels:
- 6. Creation of states: Following the recommendations of the 2014 National Conference, 3 additional states be created in the zone namely: Toru-Ebe (Bayelsa state), Oil Rivers (Rivers state), and Ogoja state (Cross River state):
- 7. Rotation of political office: Key principal offices at the federal and state levels should rotate among the senatorial districts or federal constituencies;
- 8. Fiscal federalism/ resource control: Here, the demand is for full resource control of all natural resources located onshore and offshore of the federating units. This is the practice of democracies and federations in other countries, including USA, Canada, Australia and India;
- 9. Secular status of Nigeria: Nigeria shall guarantee freedom of worship and be strictly a secular state;
- 10. Derivation, fiscal federation and resource allocation: The federating units be allowed to retain royalties, revenues and profits from the proceeds from resources and assets within their territory and territorial matters and pay prescribed tax to the federal government;
- 11. The question of offshore resources: The conclusions of the UN Law of the sea (UNLOS) in 1982 has answered the question that reaffirmed and codifies very clearly that the customary rights of littoral states to their contiguous

zone (EEZ) (12 nautical miles), Littoral Sea (12 nautical miles), EEZ (200 nautical miles) and continental shelf, which Nigeria is a signatory;

- 12. Environmental pollution/degradation issues: Resulting from the oil-induced environmental degradation, there should be the creation of special funds for the development of special infrastructures in oil-producing communities (OPCs) as remediation measures in the zone:
- 13. Special development areas for Niger delta: This should be reinvigorated through proper constitution of the NDDC board, putting technocrats and professionals as members instead of the prevailing scenario where politicians are appointed as members to compensate their loyalty and redirecting the Ministry of Niger Delta Affairs (MNDAs) to be pro-active in addressing the developmental imperatives of the region as against the on-going political patronage;
- 14. Legislative issues: That all obnoxious Acts, Decrees, etc, on oil/gas exploration and exploitation, as well as, revenue allocation be abrogated;
- 15. The legislature: The present cost of running the National Parliament and State Houses of Assembly are too high and cannot be sustained. Thus, parliamentarians should be on part-time basis; and
- 16. Judiciary: States should establish 'States Judiciary Council and States Courts of Appeal' to improve the administration of justice (Table 3).

#### The process - dialogue, bargaining and negotiation

The restructuring process has to start from constructive dialogue, negotiation and compromise among the various socio-cultural and political platforms of the 4 ethnic power blocs, using the identified baseline data (along with Table 1) of this study. This was what the Ijos (Ijaws) in the SSGPZ initiated under the auspice of Ijo (Ijaw) national congress (INC) - a pan ljo organization in 1991. The process was later taken over by the south-south people's conference (SSOPEC) in 1998, and now, driven by Pan Niger Delta Forum (PANDEF) - current umbrella organization of SSGPZ in 2014. The process then moved to other grassroot organizations - United Middle Belt Forum (UMBF), followed by Ohaneze and Afenifere organizations of Ibos and Yorubas, between 2014 and 2018. By 2019, these groups were already united to form a formidable team to engage the Arewa group in the north to develop a consensus civil society position (document).

The rationale for this approach is that the different pan socio-cultural organizations wield tremendous powers on their state and national parliamentarians. It is expected that when once they agree, having resolved the contentious issues like resource ownership and control, power rotation, fundamental rights, and revenue sharing, etc, the leadership of the organizations shall direct their

parliamentarians to start considering the process of restructuring (Sklar, 2015). Where this approach of pursuing restructuring from bottom-up (that is, grassroot) is not adopted and the matter is in any form transmitted to the national assembly (NA) for legislature, it may not receive the desired favourable consideration; especially, as parliamentarians from the north perceived to oppose it, shall 'kill' the bill.

This, as earlier pointed out, is in line with Akpan (2003) advocacy on "dialogue, bargaining and compromises to achieve restructuring" in Nigeria. The process is also similar to the method that gave birth to the negotiated and agreed constitutions of 1960 and 1963 by the then defunct three regions. If they were not able to negotiate and agree, there would not have been one united independent Nigeria (Usman, 1995:45). But, because the three regions at that time negotiated and agreed to package a constitution, that was why they agreed to go to independence together (Bobboyi, 2011). We, therefore, believe that a grassroot-based political consensus, negotiated and agreed process in Figure 1 is feasible. The process is shown in diagrammatic form in Figure 1. In Figure 2, the different socio-political fora served as input, using the baseline data. The essence is to develop a consensus (civil society) document and present it to the presidency for transmission to NA as an executive bill for legislative action. The outcome is to produce a federal constitution based on restructuring.

It should be emphasized that the responsibility of NA does not end at the enactment but continued enforcement of the federal constitution through regular interaction with the different constituents as indication by the arrows (Adelegan, 2016).

#### Conclusion

The study focused on the south-south position, evaluating the position in the light of existing structure, showing its superiority over the current structure and found that restructuring is the 'most viable framework for realizing SPD in the country'. It also found that where it is neglected beyond about 20 years from now, the federal government shall not be able to contain the secessionist movements from several zones in the country. The findings and results are relevant because the present system of federalism is like a keg of gunpowder ready to explode within the next 20 years. The signs are everywhere in the country. Thus, economic and political restructuring is a panacea to address the SPD nexus.

The actionable legislative agenda (programme) should begin by the Presidency transmitting the civil society's consensus document on restructuring to the National Assembly for legislation (Figure 1). The agenda (programme) should be accompanied with specific time lines.

Based on the discussions and results, the study

#### recommends that:

- (1) The political restructuring process in Nigeria should follow the position outlined in previously and in Table 1 to 4
- (2) The presidency transmits civil society consensus document, along with the resolutions of the 2014 National Conference, the 2017 report of APC, as well as, 1960, 1963 and 1999 constitutions, and Table 1 to 4 of this study to the National Assembly with time line and ensure that there is a national referendum to forestall members of Parliament from majority ethnic nationalities hijacking it as the case in previous exercises;
- (3) The restructuring should be carried out at state and local governments levels for it to be meaningful to the country and
- (4) The further amendment of 1999 Nigerian constitution shall not bring about the desired economic/ political restructuring; instead, the restructuring process should produce a fresh federal constitution for the country.

#### **CONFLICT OF INTERESTS**

The authors have not declared any conflict of interests.

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