FEDERALISM IN NIGERIA: PROSPECTS AND LEGAL IMPEDIMENTS*

Abstract

The Nigerian founding fathers upon independence opted for a federal system of government with central and regional governments, because of the pluralistic nature of the Nigerian society. From independence, through military era, to the present republic, it's still doubtful to say that Nigeria is indeed a federal state in a true sense of it, given her numerous legal impediments and deficiencies. This paper reviewed the legal concept of federalism in Nigeria, with a view to finding out some of the inherent legal problems which now constitute a clog to the successful enthronement of true federalism in Nigeria. The doctrinal method of legal research was employed and materials were collated from primary, secondary and internet sources to offer us a descriptive approach to the concept. The Researcher found that the contemporary impediments, limitations and contradictions inherent with the Nigerian federation have been heavily and directly molded by her colonial antecedents and further reinforced by her successive exposure to the negative impact of military dictatorship, as manifested in power sharing formula between the federal and state governments. This work recommends among others, for an amendment of the 1999 Constitution of Nigeria to give room for a constitutional restructuring of federalism in Nigeria to reflect the features of true federalism. We are also proposing constitutional amendment to allow states control of natural resources. That way, ethno-religious conflicts in Nigeria will be minimized and the fear of the minority allayed permanently.

Keywords: Federalism, Federation, Impediments, Constitution, Prospects, Military Incursion

1. Introduction

It is well known fact that the contemporary limitations and contradictions inherent with the Nigerian federation have been heavily and directly molded by her colonial antecedents and further reinforced by her successive exposure to the negative impact of military dictatorship. The negative impact of colonialism was comparable to military autocracy.[1] It is therefore, logical to conclude that Nigerian federalism was created and nurtured under the influence of dictatorship and autocratic governments. These therefore, perfectly explain the stunted and regressive nature of her federal cultures and practices. Federalism was introduced in Nigeria to forcibly unite the diverse ethnicities and nationalities that were previously arbitrarily amalgamated into a unitary colony and protectorates of the British Empire. Unfortunately, federalism has not been able to address our multifaceted and multidimensional problems. This inability is attributed to a number of impediments analyzed in this article. It is against this backdrop that this paper examined federalism in Nigeria, its impediments and prospects.

2. Conceptual Analysis

Meaning of Federation

A federation may be defined as a political system in which at least two territorial levels of government share sovereign constitutional authority over their respective division and joint share of law-making powers; differently put, neither the federal government nor the relevant federative entities may unilaterally alter one another's powers without a process of constitutional amendment in which both levels of government participate.[2] A confederation in which the member-states can strip confederal institutions of their delegated powers without their consent is therefore not a federation. Likewise, a unitary state in which the central government may lawfully destroy the delegated rights or reconstitute the forms of local or regional governments without their express consent is not a federation. Joint participation in sovereign authority by both the federal government and the federative entities is the hallmark of a federation.[3] Within federations, sovereignty is constitutionally divided and shared between a federal government (which normally has federation-wide authority over certain functions) and what are variously known as regions, provinces, states, länder, cantons, republics, or entities. In a federation, the federal government and the regions respectively have exclusive responsibility for certain functions, though some powers may be shared. The division and sharing of power are entrenched in a constitution, which requires the consent of the regions for amendments, though not always their unanimous consent. For example, a constitutional amendment may require the support of a qualified majority of the federative entities.[4]

***By Chidiebere Collins NWEZE, LLB (HONS), BL, LLM, PhD,** Lecturer and Head of Department, Jurisprudence and International Law, Faculty of Law, Alex Ekwueme Federal University, Ndufu-Alike, Ebonyi State, Nigeria. Email: nwezechidiebereccollins125@gmail.com. Phone: +2348063544405.

[1] B Dudley, *Instability and Political Order: Political Crises in Nigeria*, (Ibadan: Ibadan University Press, 1973) 25.

[2] S Rath 'Federalism: A Conceptual Analysis' available at: https://www.jstor.org (accessed September 5, 2026).

[3] Ibid.

[4] Ibid.

Meaning of Federalism

The term federalism originated from a Latin expression '*faedus*' which refers to a covenant.[5] Federalism as a concept is traceable to the ancient twelve tribes of Israel and the league of Greek city states[6]. Federalism is a system of governmental organization whereby two or more independent states agreed to form a common government while retaining their distinctive autonomy. It is a concept that attempts to give meaning to a form of government in which, rather than being concentrated in one body, is decentralized between the central authority and the component units that come together out of one or more significant reasons, and to which there exist a constitutional stipulation of the nature and period of exercising the specific power to avoid clashes and a provision for a means of compromise when clashes are inevitable.[7] A federalism or federal principles, denote the division of law-making authorities in a federal set up between the central authority of the federation and the authority of the components or units of government and the vesting of autonomy to each of these different governmental authority in such a way that none can interfere with the legislative authority of the other.[8]

Features of Federalism

Written Constitution: The federal relationship must be established or confirmed through a perpetual covenant of union, usually embodied in a written constitution that outlines the terms by which power is divided or shared and the constitution can be altered only by extraordinary procedures. These constitutions are distinctive in being not simply compacts between rulers and ruled but involving the people, the general government, and the states constituting the federal union. The constituent states, moreover, often retain constitution or law-making rights of their own.[9]

Non-centralization: The political system itself must reflect the constitution by actually diffusing power among a number of substantially self-sustaining centers. Such a diffusion of power may be termed non-centralization. Non-centralization is a way of ensuring in practice that the authority to participate in exercising political power cannot be taken away from the general or the state governments without common consent.[10]

Areal division of power: Another element of any federal system is what has been called in the United States as territorial democracy. This has two faces: the use of areal divisions to ensure neutrality and equality in the representation of the various groups and interests in the polity and the use of such divisions to secure local autonomy and representation for diverse groups within the same civil society.[11]

Elements maintaining union: Modern federal systems generally provide direct lines of communication between the citizenry and all the governments that serve them. The people may and usually do elect representatives to all the governments, and all of them may and usually do administer programs that directly serve the individual citizenry.[12]

Elements maintaining non-centralization: The constituent polities in a federal system must be fairly equal in population and wealth or else balanced geographically or numerically in their inequalities. A major reason for the failure of federal systems has often been a lack of balance among the constituent polities. Successful federal systems have also been characterized by the permanence of their internal boundaries.[13] Non-centralization is also strengthened by giving the constituent polities guaranteed representation in the national legislature and often by giving them a guaranteed role in the national political process through non-centralized parties.

Federal principle: Several devices found in federal systems serve to maintain the federal principle itself. Two of these are of particular importance. The maintenance of federalism requires that the central government and the constituent polities each, have substantially complete governing institutions of their own, with the right to modify those institutions unilaterally within limits set by the compact. Both separate legislative and separate administrative institutions are necessary. The contractual sharing of public responsibilities by all governments in the system appears to be a fundamental characteristic of federalism. Sharing, broadly conceived, includes common involvement in policy making, financing, and administration. Sharing may be formal or informal; in federal systems, it is usually contractual. The contract is used as a legal device to enable governments to engage in joint action while remaining independent entities.[14]

3. Evolution of Federalism and Effects of Military Incursion in Nigeria

The British colonial legacy in Nigeria is said to be that of promotion of statehood and yet that of nation-destroying.[15] The British policy of divide-and-rule system introduced in Nigeria operated to inflame division, suspicion, chaos and

[5]R L Watts, Federalism, Federal Political Systems, and Federations, *Annual Review of Political Science* 1 (1998) 117-37.
[6] D J Elazar, *Federalism and the Way to Peace* (Kingston, Ontario: Queen's University Press, 1994).
[7]C Chukwujekwu, *Historical Origin and Evolution of Nigerian Federalism in Anthony et al. (eds) (2004)* Federalism and National Integration in Nigeria (Onitsha Book Point Ltd, 2004) 19.
[8] Ibid.
[9] S A Paleker 'Federalism: A Conceptual Analysis' available at: https://www.jstor.org (accessed September 5, 2026).
[10] Ibid.
[11] Ibid.
[12] Ibid.
[13] Ibid.
[14] Ibid.
[15]Larry Diamond, *Class, Ethnicity and Democracy in Nigeria: The Failure of the First Republic* (London Macmillan Press, 1988) 26.

recrimination among the diverse ethnic nationalities that were flagrantly assembled into an unsuitably and superficial single, artifice called Nigerian federation. It is of wide knowledge that the British colonial government through its system of divide and rule orchestrated by her indirect rule policy promoted and encouraged ethnic loyalty and consciousness. Regionalism as introduced by the colonial government heightens tribal sentiment, exacerbated minorities exploitation and domination and nurtured mutual suspicion and unhealthy battle and fight over federal power on ethnic, tribal and religious basis.[16]

The 1954 Littleton Constitution[17], constitutionalized regionalism by establishing for Nigeria a three-region federation. This capricious creation was in total disregard of the multi ethnic nature of the country. The three regional structures further institutionalized the political hegemony and demographic preeminence of the North over the two southern regions combined with total disregard of the minorities situated in these regions. Amidst serious and furious protest of these minorities, the British colonial government adamantly resisted all calls for a further subdivision of the country so as to carter for the minority ethnic groups. This is in disregard of the loud warning that a federal system in which one region had a population majority could be a potential cause of instability.[18]

As a result of these flawed and disjointed federal structure the federation could not endure long as immediately the British government left the political scene and relinquished control of the federation to the nationalists, the federation could not withstand the tensions and quakes that culminated into the demise of the first republic and the eventual military takeover of government. The aftermath was the genocidal civil war of 1966 to 1970.[19] The intervention of the Nigerian military though applauded at the inception, rather escalated overtime the existing inter-regional tensions into large-scale inter-ethnic violence and civil war and the following in balance associated with the federation.[20] While state creation as a system of assuaging the demands of the minorities ethnic nations was a welcome development, the resultant effect of state creation in Nigeria has produced negative consequences, as it has benefited the majority ethnic groups more than the minorities and therefore could not assuage the demands of the minorities scattered all over the federation. The corrosive and ruinous impact of military dictatorship to the seemingly federal Nigeria was markedly between the military coups that ended the second republic in 1983 to the end of Late General Abacha's dictatorial regime.

The first phase of military rule between 1966 and 1979 is said to have been largely one of hegemonic exchange.[21] Thus, during this period the ruling military class acquired some degree of consent from the Nigeria populace, as military rule was seen as a necessary intervention to right the wrongs of the supposedly irresponsible political class. At this period in which the central military government gave free hand to the military administrations-in the states to exercise most of these functions constitutionally apportioned to the regional governments as well as appointed credible and influential civilian political elites on ethnic and religious considerations into various ministerial positions, and initiated and implemented a fairly successful programs of re-democratization which culminated in the inauguration of the second republic in October 1979.[22]

In contrast to the first phase of military rule, the second phase of military rule featured excessive abuse of power, personalization and concentration of machinery of government in the military head of state; an increasing domination and repression of ethnic minorities and promotion of northern hegemony; total and flagrant disregard of re-democratization movements, and the manipulative and repulsive concentration of government at the center with no regard to federal ideal, principles and practices.[23] There was therefore total collapse of federal structure and governance as fiscal federalism was a pariah doctrine. Some prominent examples of such over centralization include: the complete subordination of constituent state governments to the unified military command system via the center's appointment' and frequent redeployment of relatively junior officers as state governors or administrators; the direct action of the Army in destabilizing local government councils, by means of their incessant acts of re-organization of the local government administration; the continued overwhelming, indeed near-total dependence of the states and localities on central funding; the systematic manipulation of statutory intergovernmental revenue-sharing arrangements in a manner that reinforced the financial dependencies of the constituents states of the federation; the complete castration of the autonomy of the judiciary by means of ouster clauses which aberration prevented this arm

[16] Ibid.
[17] B O Nwabueze, *Constitutional History of Nigeria*, (Spectrum Books Ltd 1995) 11.
[18] Ibid.
[19]P P Ekeh 'Nigerian Political History and the Foundation of Nigerian Federalism' available at: https://www.ssan.com.ng (accessed September 6, 2026).
[20]V O Anyika 'The Legacy of Military Rule in Nigeria' available at: https://journals.glotanjournals.com (accessed September 7, 2026).
[21]Donald Rotchild, *State-Ethnic Relations in Middle Africa*, in Gwendolen and Patrick (1985), eds. African Independence: the First Twenty-Five Years. (Bloomington, in Indianan University Press, 1985) 71-96.
[22] Ibid.
[23] I J Ukpanah 'Impact of Military Rule in Nigeria' available at: https://shsu-ir.tdl.org (accessed September 7, 2026).

of government from playing its normal federalist role in arbitrating intergovernmental constitutional disputes; and the proliferation of new units of centrally-funded states and local governments as part of a strategy to consolidate the center's domination and promote the continuity and legitimacy of military rule.[24]

Military incursion in Nigeria unarguably left Nigerian federalism traumatized, violated and stunted. Federal institutions, structures and framework suitable for a multi ethnic pluralist polity like Nigeria were weakened if not entirely destroyed. Opposition which is part of the pillar of good governance in the civilized world was silenced. Rather than promote local autonomy and diversity, military rule sought to weaken dissent in the belief that only in so doing can the state be strengthened. It is these weak institutions that the present state of Nigeria inherited.

4. Legal Impediments Militating Against the Practice of True Federalism in Nigeria

The federal arrangement in Nigeria under the constitution is premised on a distinctive division of powers of the federation between the central (federal) and the states' governments. This involves the sharing of powers between the federal government and the state governments to foster easy administrations, cooperation and promote the principles of separation of power. It therefore appears that the basic goal of federalism in Nigeria is to promote the unity of the country while creating space for political autonomy of the different sections of Nigeria. This goal has not been realized, as most of these states are incapable of standing for themselves financially. We will now highlight major challenges associated with Nigeria's federal Constitution and practices.

Constitutional Clauses and the Amendment Process

Federal constitutions are usually rigid in nature. In another sense its amendment requires a special procedure enshrined into it. The reason is to prevent any level of government from abusing the provision of the constitution. This special procedure is couched in the nature of 'entrenched clauses' and the constitution can only be altered or changed using the prescribed procedure.[25] The Nigerian Constitution contains a special procedure for its amendment as contained in section 9. Thus, to amend any provision of the Nigerian Constitution, it is not only that votes of at least two-thirds majority of members of the House of Representatives and the Senate (National Assembly)[26] must support such proposal, the amendment must be approved by resolution of not less than twenty-four (24) State Houses of Assembly out of the present thirty-six (36) states of the federation. Where the amendment touches on section 9 (dealing with amendments procedure) or section 8 (touching on creation of states) or chapter 4 (dealing with fundamental human rights), stricter condition of four- fifths majority of the State Houses of Assembly nationwide is required.[27]

While rigidity in an amendment process could check arbitrariness and ensure minority right protection, undue rigidity may as well be a means of shutting out opposition and fostering majority domination in a pluralistic federal society. An amendment procedure such as in the case of state or additional local government creation, which requires input from the affected states or local government councils as the case may be will surely deny legitimate demand from a group for additional states or local government councils. This fact is demonstrated by the absolute difficulty that has followed every attempt to create additional local government councils or states in Nigeria under a democratic government.

In the recent past, following the provisions of the constitution on local government council creation, some states' houses of assembly purported to create additional local government councils, these moves were frustrated by the federal government taking advantage of the special procedure enshrined in the constitution for such amendment. Further, referendum should be incorporated to form part of the constitutional amendment process. The absence of provision for referendum in the constitutional amendment has deprived Nigerians of the opportunity of effecting constitutional changes by popular votes as is the case in modern democracies all over the world.[28]

Division of Powers under the Nigerian Federal Constitution

The constitutional sharing or division of the governmental powers between different levels of government and amongst component units, markedly differentiates federalism from other forms of governmental organizations. The existence of different levels of government therefore, demands that power is shared among them, to prevent one level from encroaching on the powers of the others thereby checking undue rivalry.[29] Some scholar's favours reposing predominant powers and functions on the central governments, while others advocate granting equal powers and

[2424] Ibid.

[25] B O Igwenyi , *Modern Constitutional Law in Nigeria* (Abakaliki: Nwamazi Printing and Publication Company Ltd, 2006) 21.

[26] The National Assembly is made up of 360 members of House of Representatives and 109 Senators totaling 469 as provided under section 49 and 48 respectively CFRN.

[27] Section 8, Constitution of the Federal Republic of Nigeria, 1999.

[28]E I Amah, 'Nigeria: the Search for Autochthonous Constitution', *Beijing Law Review 2017*, available at https://doi.org/10.4236/blr.2017.81008 (accessed 31/7/2026)

[29] D J Elazar, cited in Amah (2016) , 'A Critical Appraisal of the Federal Features of the Nigerian Constitution', *Ebonyi State University Law Journal* Vol. 7, No 2, 2016, 122.

functions to all the member components of the federal union.[30] Constitutional division of powers and functions is aimed at preventing abuse of governmental powers. The rationale behind the idea of division of powers in a federal state, is that matters of common interest and concern to the country as a whole, should be allocated to the central government, while matters that are local in nature should be allocated to component states government.[31] The constitution in this manner is to make provision for some degree of autonomy among the different components members of the federation, without though ignoring the need for interdependence, coordination and harmonious existence.

Under the 1999 Constitution, powers are classified as exclusive and concurrent legislative powers.[32] The exclusive legislative list has 68 items; such as aviation, banks, bills of exchange, census, citizenship, copyrights, currency, custom and excise, defence, diplomatic relations, foreign affairs, immigration and emigration, incorporation of business associations, insurance, labour, shipping, armed forces, communication, prisons, railways, taxation, trade and commerce, weight and measures, wireless broadcasting and so forth. The concurrent legislative list has 12 items. The authority to legislate on the exclusive legislative list is exclusively vested in the federal government and the states may legislate on the items specified in the list only to the extent expressly authorized by a federal law. It is however to be observed that the exclusive legislative list is unnecessarily numerous and contained matters which ordinarily should be placed under the jurisdiction of the federating units, for example: Drugs and poison, fishing and fisheries, labour and minimum wage, mines and minerals including oil fields, oil mining, geological survey and natural gas. Trade and registration of business names, police, post, telegraph and telephones, prisons, taxation, marriages, education etc. these items could conveniently be managed by the states being matters of local concern.

The federal government and states governments both have powers to legislate on matters specified in the concurrent list, however, if any law made by the House of Assembly of a state is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail and that other law (made by the state) shall be void to the extent of its inconsistency with the federal law.[33]. Thus, under concurrent legislative list also, the federal government still possesses an overriding power over the state governments by virtue of the overriding clause. The effect is that the states are deprived of the viable portions of the federation resources thereby making them dependent on the federal government at the center.

It is further to be noted, that the fourth Schedule to the 1999 Constitution provides the list of functions of the local government councils in Nigeria, that is, the third tier of government in Nigerian federal arrangement. However, it did not expressly or by implication conferred any legislative functions on the Local Government Councils.[34] The councils are therefore an appendage of the state governments and it is within the powers of the state house of assemblies to make law regulating these councils. It is this basic feature that deprives the local government councils of its autonomy as the constitution vested its creation and finance on the state governments.

Unnecessary States Creation

The balkanization of the federation into several states' units has created excessive dependence on the central government, thereby derogating from the very tenet of federalism. While creation of states could be a means of securing self-determination of the minority ethnic groups in Nigeria, in practice the majority ethnic groups have benefited much more from state creation to the disadvantage of the minority groups. As a result, agitations for creation of states have not abated as many ethnic groups have continued to demand for their own states. Creation of states has not solved the problems of Nigerian federation as it has rather created more problems owing to none viability of these states in terms of resources.

Unhealthy Democracy

Democracy is a system of government under which the people exercise their governing power either directly or indirectly, through representatives periodically elected by them. Democracy as a concept is a set of ideals, institutions and process of governance that allow the broad mass of the people to choose their leaders and that guarantees them a broad range of civic rights. It has been defined as the government of the people, by the people and for the people. Federalism thrives on democracy and can hardly survive independent of democracy. Thus, federalism is inherently democratic.[34] Democracy and federalism are of importance to the social and political phenomena in a given country

[30] M O Adediran, 'Critical Examination of the Constitutional Provision on the Legislative Power of the Federal and States' being a chapter in Proceeding of the Conference on the 1995 Nigerian Constitution edited by J O Ojo at 11, Nwabueze, *Nigeria Under the Presidential Constitution* (UK: C. Hurst & Co. 1973) 182.

[31] Elaigwu, Longams, & Galadima, *Federalism and Nation Building* (publ: National council of interp 2008) 66, cited in E. I. Amah, 'Federalism, Democracy and Constitutionalism', Op. cit, 6.

[32] B O Nwabueze, *Federalism in Nigeria,* (London: Sweet and Maxwell, 1983) 41.

[33] Section 4(5) CFRN 1999.

[34]U R Hicks cited in K K Oriaku, 'Federalism, Nigeria and Democracy', in *Federalism and National Integration in Nigeria,* E I Obi et al., (eds.) (Onitsha: BookPoint Ltd., 2004) 29.

that practice it. While federalism ensures that the democratic powers are shared between levels of government in a given polity, democracy aims at ensuring that the will of the majority (the electorates) is carried out in that polity while recognizing minority interests. Federalism facilitates the practice of democracy, so also does democracy to the practice of federalism. Federalism cannot thrive in the absence of democracy. Democracy as a concept involves such variables as an enabling constitutional order, political parties, and institutions like the electoral commission, tribunals etc. Other variables include the electorates, political actors, voting behavior, political culture and political leadership. A good democracy must provide an enabling environment in which these variables must thrive and subsist.

Democracy in practice has not thrived well in Nigeria. Elections have been consistently marred by violence, thuggery, ethnic sentiment rigging and ballot snatching. Elections officials are bribed, while law enforcement agents take sides with the ruling party. Politicians have constantly turned to the election tribunals to ventilate their grievances and many elections results have been cancelled by the courts and tribunals. Election rigging undermines the cardinal principle of democracy, namely the will of the people. On the other hand, ethnic politics tend to produce political actors whose motivation had sectional rather than national calculations. The resultant effect is the growth of subgroups sentiment, which tends to becloud national interest.

Unhealthy Judiciary under the Nigerian Federation

Judicial power is nowhere defined in the constitution, but the Supreme Court of Nigeria in the case of *Senator Abraham Adesanya v President of the Federal Republic of Nigeria*[35], defined judicial power thus: The words 'judicial powers' as used in the Constitution, means the power which every sovereign authority must of necessity have to decide controversies between its subjects, or between itself and its subjects. The scope of this power given to the Nigerian Courts is so wide that it covers judicial review of the acts of the other arms of government. The exercise of such powers can be seen in the line of cases such as *Attorney-General of Lagos State v Attorney-General of the Federation*[36]*; Attorney-General of Abia State v Attorney-General of the Federation*[37]*; Attorney General of Ondo State v Attorney- General of the Federation*[38]*; Attorney-General of Bendel State v Attorney-General of the Federation*[39] etc. Unfortunately, the courts are not doing enough in protecting federalism and federalist principles in Nigeria. Corruption, demerit, mediocrity and injustice are found manifest by the reluctance of members of the bench to give any judgment against the government of the day, adjudicate fearlessly and hand down innovative decisions.

Fiscal Federalism/Financial Dependence of States on the Centre

Federalism leans in favour of financial autonomy, which include the autonomy of the component units to have sufficient measure of control over resources accruing to and derivable from area of their individual territory.[40] There is every need for financial independence or autonomy of each of the constituent units of government in a federal order and their unrestrained liberty to pursue their respective development without depending on the other(s) constituent units for aid.[41] The structural imbalance in resource distribution in the inter-state relations in Nigeria is a sore area. In Nigeria federalism, the central government has been by far the most powerful, the strongest and the most financially solvent. The 1999 Constitution have therefore provided for certain federal features, the principle of financial autonomy was not adequately provided, therefore at the ending of every month, each state government in Nigeria has to wait for its own share of the federal allocation from the federation account. In recent times, the Accountant General of the Federation has had cause to withhold the allocation accruable to some states of the federation on the instruction of the federal government.[42]

Ethnicity, Diversities & Rivalries

Ethnic groups are social formations distinguished by the communal character of their boundaries, the relevant communal factors being language and culture.[43] Ethnicity has played a rather dominant role in the public life of Nigerian federation. So much has been tied to it in the national consciousness, including the availability of public offices, benefits, patronage etc, that, the moment somebody gets into public office (whether elected or appointed), it is perceived as the much-needed opportunity for members of his or her ethnic group to have access to the nation's resources, or what has been termed in local everyday parlance, 'the national cake'. There is the intense struggle by the diverse ethnic or cultural groups dominantly the major ethnic groups such as the Hausa/Fulani; Igbo and Yoruba

[35] (1981) 5 S.C. 112; (1981) 2 NCLR 358.
[36] (2003) 12 N.W.L.R. (Pt. 833) 1.
[37] (2002) 6 N.W.L.R. (Pt. 763) 264.
[38] (2002) 9. N.W.L.R. (Pt.772) 222.
[39] (1981) 10 S.C, 1.
[40] E I Amah, A Critical Appraisal of the Federal features of the Nigerian Constitution, Op. cit. at 124.
[41]Report of the Technical Committee on Revenue Allocation (The Aboyade Committee) 1977, vol.1, p.81 cited by Mohammed Bello, A Nigerian Essay in Jurisprudence in T O Elias et al. (eds.) (Lagos: MIJ Professional Publishers Ltd, 1993) 125.
[42]E I Amah, Federalism and the Issue of Resource Ownership and Management: An Appraisal, *Confluence Journal of Jurisprudence of International Law* Vol. 6 No. 2 2013, 50.
[43] O Nnoli , *Ethnic Politics in Nigeria* (Enugu: Fourth Dimension Publishers, 1980) 5.

that make up the federation of Nigeria to control power at the federal level and to use such power for their ethnic benefits, rather than for all members of the federation. Taking control of governance at the center is therefore publicly viewed as a necessity, in order to correct dislocations in the economy. Opposition to successive governments has often been propelled by ethnic sentiments, or at any rate, has been fueled by the machinery of ethnic violence, sometimes leading to insecurity and instability in the polity and their attendant consequences.

Religious Crisis and Intolerance

Religious tension, conflict and violence in Nigeria have always been caused by the deliberate manipulation by some influential leaders such as the introduction of sharia law and sharia courts and the purported membership of the Organization of Islamic Conference by Nigeria (December 1985/January 1986) under the then head of state, General Badamosi Babangida. Religious sentiments and activities have played an important role in obstructing the progress of federalism in Nigeria. In 2023, there was a public outcry on the combination of same faith as President and Vice President of Nigeria, as has been the case since independence to assure on the safety of the multi-ethnic and plural Nigeria.[44] The state of insecurity created by insurgency of Boko-Haram, Fulani herds-men, Muslim/Christian crises, IPOB etc are clear breaches of the fundamental rights enshrined under the federal Constitution such as: right to freedom of religion and worship[45]; right to life[46]; and right to private and family life.[47] And such religious crises by fanatics have resulted in loss of lives, displacements of people and destruction of properties worth billions of Naira. The frightening aspects of these religious crises are that the federal government lacks the urgency, sincerity and resources (security prowess) to deal with it, these have not only affected the citizens of Nigeria but also foreign investors to shun and withdraw from investing in the economic sector provided by the various governmental fiscal and legal instruments.[48]

Inefficiency of the Federal Character Principle and Its Implementation

The principle of federal character was formulated by the Constitution Drafting Committee (CDC) which drafted the 1979 Constitution of the Federal Republic of Nigeria and put into use by the government to address and hopefully mitigate the problem of acrimonious existence among the diverse groups and interests in the federation of Nigeria, which is endemic in the nation's body-politic and militates against the political stability of the country since independence leading to mutual distrust and inter-community conflict.

Thus, to resolve these issues and to ensure structural balance of claims and gains by the various groups and interests in Nigeria, the federal character's principle's application became imperative as a directive principle of state policy under section 14 (3) and (4) of the 1979 Constitution which is in *pari materia* with section 14 (3) and (4) of the 1999 Constitution (as amended). This though, being non-justiciable provides some frameworks by which citizen are to live, requiring the governments and its machineries to refrain from doing things in a certain way.

To ensure the smooth application and operation of the federal character principle, create a sense of belonging and hope in all Nigerians and strengthen the nation's unity and stability, the 1999 draft Constitution went further to provide for a Federal Character Commission. This Commission is established by section 153(1) (c) of the 1999 Constitution and is further provided in the third schedule, part I to the 1999 Constitution (as amended). The Commission is empowered to work out an equitable formula for the distribution of all cadres of posts; to monitor, promote and enforce compliance with the principles of proportional sharing of posts at all levels of government; and to take measures to prosecute heads of any government ministry, body or agency who fail to comply with the formula.

The inefficiency of the Federal Character Commission to implement the provisions of the federal character principle is obvious, going by the inequalities or imbalance and marginalization witnessed in the political, cultural and socio-economic sectors of the country. Under these circumstances, there is bound to be acrimony and socio-economic conflict between the haves (represented by the ruling elite class) and they have not (represented by the masses).[49] Unless the interests of the masses are taken care of, by the application of the federal character principle, in such a

[44]For example, the Obasanjo administration was a combination of a Christian President and a Muslim Vice President, the late Yar'adua administration maintained a Muslim President with a Christian Vice President while the Jonathan administration had a Christian President with a Muslim Vice President, the Buhari administration had a Muslim President with a Christian vice President, presently we have a muslim president and vice-president.

[45] Section 38, the Constitution of the Federal Republic of Nigeria, 1999.

[46] Section 33, ibid.

[47] Section 37, ibid.

[48]See Darah 'The Niger Delta Manifesto', Paper presented for the Delta Peoples Academy Abraka Delta State, at the 3rd All Nigeria Socialist Conference, Benin City, February 20-22, 2003; Anam-Ndu, 'Fiscal Federalism, Resource Control and Violence in the Niger Delta', being text of paper presented at Center for Minority and Development Studies, Uyo, at the National Association of Seadogs' Town hall meeting held at Eden Hotel, Eket on Saturday May 5, 2007.

[49]D Alameyeseigha 'Oil Exploration and Youth Restiveness, the example of Balyelsa State', reported in Tell Magazine No. 16 April 18, 2005, 13. A George, 'Nigerian Fiscal Federalism seen from a Comparative Perspective', being an address to Governors Forum, Abuja, Nigeria, 28th October, 2007, 3.

way, that they have access to the basic necessities of life, the formula is bound to have little or no relevance to the integration of Nigeria.

Unfortunately, also, this principle while stressing the imperative of ethnic-balancing, invariably enthrones ethnicity and de-emphasizes the nation-hood.[50] As a result, the federal character principle has deepened the problem it was devised to tackle.[51]

Materialistic nature of political actors

The placing of money as the ultimate achievement to be fulfilled by the elected leaders and citizenry has resulted in the excessive pursuit of material wealth at any cost including compromising the federal principles. For instance, several probe reports and policy executions have shown that the ultimate goal in executing many federal and state projects is to make personal profits by some officials of the federal and state governments. This has been clearly shown by the recent exposure and recoveries of huge sums of money and confiscation of properties of past leaders, both at the federal, state and even local levels. Public servants and officials in governmental institutions such as ministries, agencies, departments and corporations are not free either from the menace of corrupt practices that undermine the common goals of a federal state.

Poverty, Lack and Hunger

It must be noted that in any political community where the barest essentials of life are absent, where food, health, and shelter are available below subsistence level, that citizens will be so pre-occupied with how to get these essentials that they may not bother about who governs or whether or not political actors play the game according to the rules. Political life will tend to be more individualistic than collectivistic. On the other hand, in a federal state like Nigeria, where these essentials are to be available in a lope sided manner, the units that are relatively in abject want will tend to be apolitical, apathetic and negative in their supportive responses and this is part of the problem with federalism in Nigeria.

5. Conclusion and Recommendations

Federalism holds the key to a stable and stronger Nigeria. True federalism has not been practiced in Nigeria and this explains her onerous challenges till date. It seems obvious that much of the agitation for the dissolution or con-federalization of Nigeria is often inspired not by a lack of faith in a virile federal state of Nigeria per se, but because of the dissatisfaction or frustration with the inequities and abnormalities that characterized the current practices of federalism in Nigeria. While it is agreed that colonialism was an aberration, it however do not follow the view that our differences are irreconcilable, such that we cannot live under one federal system. However, how we live and what we do as federating units, is what determines the strength of our federal practice. Federalism as a form of government is best suited for a pluralistic and multicultural society like Nigeria. Its purpose is to enable each group free from interference or control by the others, to govern itself in matters of local concern, leaving matters of common interest to be managed centrally, and those which are of both local and national concern to be administered concurrently. By this, the differing interests and circumstances of the component groups are accommodated, while at the same time securing the peace and stability of the country and its survival against the forces of division and conflict inherent in the heterogeneous nature of the society.

Whilst federalism has brought several nations within the Nigerian polity together, actual federal practice has hardly been able to keep them together happily. This paper therefore recommends as follows:

Constitutional restructuring of Nigeria: In a federal polity like Nigeria, restructuring is needed to properly give focus and locus to attempts at collective identity and distributive polities. The aim is to correct perceived structural defects and institutional deformities. Second, restructuring is intended to lay an institutional foundation for a more just and a more equitable sharing of the political space by multinational groups cohabiting in a federal polity, this strategic objective seems to be the solidifying or perhaps merely engendering of a sense of national community.

Viability should be the determinant factor for state and local government creation: This way the existence or creation of a state shall be determined by a minimum amount or percentage of revenue each can produce. Component states that cannot produce enough should be subsumed into a more viable one.

True Fiscal but peculiar federalism: we are proposing constitutional amendment to allow states control of natural resources; redefining duties of local government; revenue allocation; state constitutions; intergovernmental relations and other inherent challenges.

[50]C C Agbodike, 'Federal Character Principle and National Integration', being a chapter in Amuwo et al. (eds.), *Federalism and Political Restructuring in Nigeria*, (Ibadan: Spectrum Books Limited, 1998) 183.

[51]B U Yusufu, 'National Cohesion, National Planning and the Construction', in Suleiman et al. (1977) (ed.), Issues in Nigeria Draft Constitution (Zaria: Baraka Press Ltd, 1977) 47.