

## **A SICK FEDERATION: POLITICS OF DOMINATION IN INTER- GOVERNMENTAL RELATIONS IN NIGERIA UNDER OBASANJO CIVILIAN ADMINISTRATION (1999-2007)**

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### **ABSTRACT**

The hopes of many Nigerians in having true federalism resulting from the return of the country to democracy in 1999 were dashed due persistent usurpation of Obasanjo administration into the jurisdictional powers of the constituent units as intergovernmental fiscal relations reflected absence of cooperation and competition essential for true federalism. The administration demonstrated high incapability in adequately responding to the yearnings of various groups, attracting episodes of violent agitations that almost jeopardized the peaceful co-existence of its diverse people. However the modus operandi of this study is to construct the relevance of strong democratic culture in promoting cooperative and consultative intergovernmental relations and true federalism through which every state can develop at its own pace and be self-reliant. In achieving the foregoing objective, we shall conceptualise federalism and intergovernmental relations and chart the relationship between them. Thereafter, we shall examine the evolution of federalism and dual intergovernmental relations in Nigeria since 1954 when federalism was adopted in the country. Finally, we shall investigate the nature of intergovernmental relations under Obasanjo to see if the new civilian administration was also preying on the states like the military.

### **Introduction**

Undoubtedly, Nigeria comprises of three major ethnic configurations (Hausa, Igbo and Yoruba), and other ethnic groups numbering over two hundred and fifty. And one of the implications of this immense ethnic pluralism is its tendency to generate “unique problems which often tend to defy known and existing strategies” (Muhammad, 2007: 187). Nigeria as a federation only exists by the name but in practice the intergovernmental relations absolutely negate the principle of true federalism with overwhelming concentration of political powers at the centre (see Afolabi,

2006). This has resulted to pathology of overdependence and underdevelopment among other constituent units (states and local government councils) of Nigeria.

Surely, the intrusion by the military in Nigerian politics has remained the major factor responsible for the contradictions that characterize the federal structures of the country, rapped with underlying crisis of legitimacy. The peculiar attribute of unified command and centralized authority of the military is antithetical to federal principle, as state governments under the military were only acting as ‘errand boys’ to the supreme military command that was controlling the centre, which was contingent to lack or inadequate competence of the military to political governance (Osaghae, 1992).

The genesis of the mounting inconsistency associated with Nigerian federalism is traceable to the 1966 military take-over when unitary system was introduced, which was criticized by some segments of Nigerian society. The wide condemnation of unitary system by the people necessitated the reversal to federal arrangement by the then new military authorities after violently overthrowing the regime of General Aguiyi Ironsi (an Igbo officer from the old south-eastern Nigeria) by some dissident military officers most of whom were of Hausa-Fulani extraction of the old northern region of the country. General Ironsi and Brigadier General Adekunle Fajuyi (both of whom were southerners) were killed in that coup. The coup was staged to revenge the killing of some northern leaders including Sir Ahmadu Bello (Sardauna of Sokoto and Premier of the old northern Nigeria, and Alhaji Tafawa Balewa, the Prime Minister) in an earlier coup led by Major Nzeogwu Kaduna (an Igbo officer) alongside several other officers from southern Nigeria. The coup was perceived as a conspiracy against the north, precipitating a structural suspicion among major ethnic groups (Hausa, Igbo and Yoruba), which did not leave out various minority groups in the country.

With a view to promote unity, the Supreme Military Government under General Gowon readopted federalism within the confines of dual intergovernmental relation, which was later considered as ineffective in forging the desired unity among various nationalities because of the so-called too much power enjoyed by regional governments. The autonomy enjoyed by the

regions at that time, which was alien to the military command structure led to the underplaying of the relevance of true federalism in promoting peaceful coexistence among diverse people of Nigeria by the military, as Gowon stressed, thus:

*Under the old Constitution, the regions were so large and powerful as to consider themselves self-sufficient and almost entirely independent. The Federal Government which ought to give lead to the whole country was relegated to the background* (General Yakubu Gowon's Broadcast on 26 May 1968; Federal Republic of Nigeria, 1970: 108).

Perhaps, it was felt that there was a need to baptize the centre with unequal political powers by the military regime of Yakubu Gowon, which reenacted the politics of domination in intergovernmental relations in Nigeria with a view to promote national cohesion and unity, which have truly remained elusive till date. The truth is that the military lacks the culture of cooperation in governance that requires adequate skills of collective bargaining and 'political' diplomacy that are obviously missing in the structure of military command. Thus, this has been a major cause of poor federalist credentials of Nigerian state (Onwudiwe and Suberu, 2005).

Meanwhile, the new position being advanced by Gowon regarding relations between the central and regional governments never went through without resistance by some segments of the country, coupled with other factors like increasing the component units of the country from four regions to 12 states, violence in the north against Igbo residents of that region, politics of oil control, as well as personality clash between Gowon and Odimegwu Ojukwu who was ruling the eastern Nigeria at that time, culminating into the secessionist agenda of the old eastern region (Biafra) that machinated the 1967 civil war.

Consequent on the termination of the Civil war in 1970, Gowon regime saw the need to promote genuine reconciliation to heal the "...agonies, pains and destruction of life and property resulting from the civil war with the *Igbos* having a lion share...in post war Nigeria" (Kasali, 2009: 72). Since then, successive military governments have carried out a number of reforms to provide some workable solutions to a myriad of the crises bedeviling the federation without

disconnecting from the usual concentration of power at the centre. Certainly, from January 1966 through 1979 and 1983 when civilian rule was in place, to May 1999 when there was another political transition from military to civilian ushered in by General Abdul-Salam Abubakar, that produced Chief Olusegun Obasanjo as the first President under the ongoing fourth republic, there was hardly any significant change in the intergovernmental relations. In fact, the state and local governments were absolutely subordinate to the government at the centre. However, the new wind of democratic change in 1999 raised the hopes of majority of Nigerians on the possibility to have more cordial and cooperative relation between the federal and state governments for the unity and development of the nation.

The thrust of this paper is to delineate the importance of good democratic values to strongly cooperative and competitive intergovernmental relations which are the hallmarks of true federalism. In fulfilling the objective of this study, we shall draw a conceptual overview of federalism and intergovernmental relation in mapping the relationship between the two concepts. We shall also beam our searchlight on the evolution of federalism in Nigeria, and see to what extent the new democratic experience under Obasanjo has helped in improving intergovernmental relations and encouraging decentralization in Nigeria's federal polity.

### **Federalism and Intergovernmental Relations: A Conceptual Clarification**

Intergovernmental relations can be basically summarized as a network of interactions that exists in the relationship among national, state, and local governments. In unitary system, the power is concentrated at the centre and power only devolves to the constituent units based on the consent of the central government as such power can be withdrawn by her without prior notice to the constituent units. On the other hand, intergovernmental relations in a federal system involves “a shared-rule for some purposes and regional self-rule for others within a single political system to that neither is subordinate the other” (Watts, 1999: 1).

The origin of the modern concept of federalism can be traced to the United States (see Finer, 1932: 244). The old federal systems may also include Switzerland (1848), Canada (1867), Australia (1901), Austria (1920), to mention a few. The term federalism has its conceptual origin

from the Latin word, *foedus*, meaning faith. It suggests a trust in the political communion between the political entities at the invocation of federalist copulation. There is no doubt that the concept possesses some "positive connotations" (Smith, 2004: 12). It suggests that there is a cosmopolitan value in communities joining together for some purposes while at the same time retaining their autonomy.

According to Sagay (2008: 11), federalism can be described as:

*an arrangement whereby powers within a multi-national country are shared between a federal government and component units in such a way that each unit, including the central authority exists as a government separately and independently from others, operating directly on persons and properties with its territorial area and with a will of its own apparatus for the conduct of affairs and with an authority in some matters exclusive of others.*

Drawing from the foregoing, federalism involves a political deal between the central and constituent units that can provide "... (an) opportunity for the myriad diversities within a political system to find legitimate expression" (Alkali, 2004). The possibility of federal system to achieve its purposes lies largely on the extent that democratic and cosmopolitan ethos exist among the diverse people of a federation. This is corroborated by Ramphal (1979: xix), contending that:

*For a federation to be able to resist failure, the leaders and their followers must feel federal – they must be moved to think of themselves as one people with one common, self-interest – capable, where necessary, over-riding most other considerations of small interests... 'the good' for any must be consciously subordinated to or compatible with 'the good for all'. This then is tantamount to an ideological commitment not to federation only as a means... but... as an end, as good form its own sake, for the sake of answering the summons of history.*

Conventionally, federal states can be classified into two, namely dual and cooperative systems (Braun, 2000: 4). In dual federalism, powers are clearly divided between the federal and state governments in the constitution, as they can also be mandated to jointly exercise power on some specific subjects as Nigerian constitution provides for in the concurrent list. And each of these levels of government is autonomous and can only operate within its jurisdictional limits as prescribed in the constitution. On the other hand, the cooperative federalism involves no clear-cut demarcation in the powers between the federal and state governments while powers are “shared between levels (e.g. one level can hold the legislative powers in a certain matter while the other level implements the decisions), which makes that strong intergovernmental cooperation is built into the system” (Happaerts et al., 2011: 5-6). Swenden (2006: 49) however argued that it is very difficult to see a federal system that operates only on dual or cooperative type of intergovernmental relations. Of course, the two forms are often explored by most federations in the world including Nigeria. The overlapping nature of intergovernmental powers has made it difficult to have all the level of government working absolutely independently of one another as it is natural to make certain concessions without undermining their respective autonomy. Therefore, it is important to have cooperation and collaboration among various levels of government in order to carry-out their businesses optimally, and this largely depends on the quality of their (intergovernmental) relations.

### **Evolution of Nigerian Federalism**

The origin of federalism in Nigeria can be traced to 1950s with the emergence of the Lyttleton constitution. Nigeria is one of the most diverse countries in the world (Human Rights Watch, 2006: 5). The diverse socio-cultural backgrounds of Nigerian people compelled the introduction of decentralized unitary system of government by the colonizers for their convenience to foster unity among diverse people of the country (Jega, 1998). Suffice to say, it is unfortunate that despite the adoption of federalism since colonial period in Nigeria, the country is still filthed with incessant incidence of inter-ethnic, religious and regional violence, culminating in the upsurge of the 1967 civil war, endless ethno-religious violence, inter-communal crises occasioned majorly by boundary adjustments associated with state creations or absence of social justice. There is no doubt that these episodes of violence often portend a danger to state building,

political stability and above all corporate existence of Nigeria as a federation (see Imobighe, 1987).

Nigeria became a federation exactly in 1954 at the time she was under colonial rule. In order to address some of the structural political challenges that were mortifying the corporate existence of the country under colonial administration that forced the colonizers to introduce the Richard Constitution in 1946. Not long after the introduction of the 1946 constitution that its deficiencies in addressing the structural political problems became palpable, necessitating the need to fashion-out a more long lasting constitutional document that could forge the unity of the local people, which led to the introduction of MacPherson Constitution of 1951, which was also found to be ineffective due to the centralizing nature of colonial polity as the people were clamouring for more popular participation in government and increased autonomy to the regions. Consequently, the persistent demand for autonomous regions brought about the enactment of the Lyttleton Constitution in 1954.

The dual intergovernmental system (where the central and regional governments never preyed on each other) was becoming entrenched into governance in the country. The trend of growing autonomy in the regions was still visible from that period through independence to January, 1966 (not without some constitutional reforms like Independence Constitution of 1960 and Republican Constitution of 1963) when the first military coup took place. Indeed, from 1966 to 1999, there was over-concentration of power at the centre, which had affected in no small measure the fiscal federalism and jurisdictional powers between the central and state governments.

According to Osaghae and Suberu (2005), federal arrangement in Nigeria since the end of civil war is being undermined by a number of factors including:

- i) The economic over-centralization of the federation, which has explosively focused partisan, sectional and factional political and economic competition in the country on the control of the central government, with devastating consequences for national integration and stability.*

- ii) The centralized funding of sub-federal authorities that continues to stimulated ethnic and sub-ethnic pressures for the formation of new sub national units as an avenue for easy access to national oil revenues*
- iii) The proliferation of sub-federal administrative boundaries and identities, in a context defined historically by discrimination against settlers and no indigenes, which has led to a sharp contraction of the geo-political space in which a Nigerian can claim indigene status within a particular state and enjoy full citizenship rights.*
- iv) Nigeria's distributive multi-state federalism, which is based essentially on the massive redistribution of resources from the oil-rich Niger Delta to the rest of the federation, has engendered violent struggles for local or regional 'resource control' in the oil-rich region.*

In fact, none of the various constitutional and political reforms since 1966 has given enough autonomous status to the states like the Republican Constitution of 1963 where powers were distributed to the component units of the federation based on their areas of competence. The issue of usurping into the jurisdictional powers of the regions was not existent or very minimal. The jurisdictional powers of the central and regional government were clearly spelt in the constitution. However, all items on the exclusive list fall within the jurisdiction of only federal government, and these items included the Military, Police, Nipost, Railway, Seaports, Mining, Customs & Exercise, Immigration, Bank & Banking, Foreign Borrowing, External Affairs, to mention a few. On the concurrent list which was shared between the federal and state government had items like Universities, Drugs and Poisons, Public Order, Labour Matters, Prisons, among others. On the residual list which only falls under the jurisdiction of the state governments had subjects like Hospitals, Agriculture, Local Government, Forestry, Schools, to mention a few. Certainly, the beauty of the federal arrangement at that time is that each level of government was operating within its constitutional jurisdiction without usurping into the affairs of another level of government. In preventing any incidence of public disorder in the intergovernmental relations, a section of the constitution admitted the superiority of the federal government over the regions if there is any conflict of law, and which can addressed by the court of competent jurisdiction.



The military sojourn in Nigerian politics has really undermined the potency of federalism in promoting unity and development through competition and cooperation among the component units due to concentration of power at the centre. Many attempts were made by the military to provide some palliative measures to forge unity in the country, which may include introduction of the National Youth Service Corps (NYSC) scheme that mandates Nigerian graduates within an age limit of 30 years or below, to embark on compulsory one year national service in other parts of the country other than their states of origin. The aim of the scheme was to foster unity and mutual appreciation of the diversity in the cultural lives of its people. Today, the scheme is in a shadow of itself with regular reports of killing or maiming of the corps members by their hosts, exposing the deficiency of the scheme in promoting peace.

In addition, with the aim of promoting unity and uniform development across all ethno-linguistic groupings in the country, the military initiated state creation, which none of the civilian regimes since the end of the first republic has been able to achieve till date. In 1967, General Gowon created 12 states from the previous 4 regions. In 1976, Murtala-Mobashayi regime created additional 7 states, making the states to become 19. Before the end of Babangida regime, the states had reached 30 in August, 1993. In 1996, General Abacha also added 6 more states, totaling 36 excluding the Federal Capital Territory, Abuja. The truth of the matter is that all the 36 states are “starving states” trapped within web of struggling “over diminishing resources” (Ake, 1997: 306).

The military government under General Obasanjo (1976-1979) crafted a quota system into the Nigeria’s federal system with a view to respond to demands of the people on equal representation at the centre for national integration and cohesion. He, therefore, introduced Federal Character Principle into the 1979 Constitution, which has been the hallmark of equal representation of all ethnic groups in terms political appointments at the centre, admission of students into federal universities, among others. In spite of the introduction of Federal Character created by Nigerian authorities to address some of the inherent structural inadequacies bedeviling the unity of the federation, yet Nigeria appears to be phlegmatic in adapting to change emanating

resulting from mammoth and persistent yearnings of its diverse population (see Onyeoziri, 2001). Till date, many ethnic groups especially the minorities still cry of marginalization and inadequate representation and little access to the 'national cake'. For instance, the people of south-eastern Nigeria are still expressing discontent on the present 36 state arrangement where states are not evenly distributed among the existing six geo-political zones. While four zones of south-south, south-west, north-central, north-east have 6 states each, and 7 states for south-west, leaving south-east with the remaining 5 states.

The implication of the foregoing is that the north controls more states than the south. This has been a source of agitation not only by south-east but the entire south crying of marginalization, owing to the facts that all additional states since 1966 were created by northerners in power with exception of Obasanjo military regime. Thus, this has continued to be the wish of every ethnic group to control the centre, generating growing tension in inter-ethnic relations in the country. A good example was the recent contest between main rivals, President Goodluck Jonathan of the ruling (People's Democratic Party) who is an Ijaw man from south-south and a former military Head of State, Gen. Muhammad Buhari of Congress for Progressive Change (CPC) who is a Hausa-Fulani man from north-west, both of whom battled for the control of the presidency in the 2011 presidential election, in which Jonathan was declared winner. The announcement of the results sparked up spontaneous political violence in some states (particularly Kaduna and Bauchi) in the north where many southerners residing in the affected states were either killed or maimed (see Daily Trust, Friday, 22 April 2011). Indeed, it shows that there is absence of strong democratic culture among the people despite the existence of diplomatic means of seeking for justice to correct any electoral wrongdoing.

The military also embarked on the reform of local government as third tier of government, increasing its number from 300 council areas that existed in 1976 to the present 774 local councils in Nigeria. With a view to put in place a strong centre that necessitated the introduction of Presidential System into the 1979 Constitution by the military, which is still retained in the 1999 Constitution, which some segments of Nigerian society are comfortable with because of its tendency to make the president too powerful as evident under Obasanjo civilian administration.

And there is clamour to revert to the old parliamentary system as we had under the 1963 constitution.

Undoubtedly, a study on the evolution of federalism and intergovernmental relations in Nigeria cannot be complete without looking at the fiscal relations between the federal and state governments. In reality, fiscal relations between the federal and state governments largely determine the success or failure of any federal system because “in most if not all federal countries, one of the most constant sources of intergovernmental wrangles centres on the problem of securing adequate financial resources on the part of the lower levels of government to discharge essential political and constitutional responsibilities” (Olalokun, 1979: 109). Certainly, the main idea behind fiscal federalism is to create opportunity in “understanding which functions and instruments are best centralized and which are best placed in the sphere of decentralized levels of government” (Oates, 1999:1120).

Since 1966, the revenue allocation formula has only been favourable to the government at the centre, reducing the states to shadows of their old selves. The functions of the states increase at geometric rate while funds allocated to them marginally increase at progressive rate, which shows titanic domination of the states by the federal government. The sporadic reactions that have often greeted the subject of revenue allocation formed the bases for the setting-up of a number of commissions with a view to recommend workable revenue sharing formula for the federation, and these may include Phillipson Commission (1946), Hicks-Phillipson Commission (1951), Chicks Commission (1953), Raismann Commission (1957), all which considered foremost the derivative principle, fiscal autonomy, and developmental needs as bases for revenue allocation. But from Binns and Dina Commissions, the fiscal autonomy and derivative principle being enjoyed by the federating units that promoted competition and development were beginning to be eroded. In subsequent commissions, there fiscal autonomy of the states was reduced to nothing. In Aboyade Commission (Federal Govt.-57%, State Govt.- 30%, Local Govt.- 10%, Special Funds- 3%), Okigbo Commission (Federal Govt.- 53%, State Govt.- 30%, Local Govt.- 10%, Special Funds- 7%), Revenue Allocation Act of 1981 (Federal Govt.- 55%, State Govt.- 30.5, Local Govt.- 10.5, Special Funds-4.5) (see Arowolo, 2011:9-21).

Since the introduction of monolithic oil economy in Nigeria, the formula for derivative principles has often been discriminatorily adjusted by successive governments in the country. The worrisome trend was encapsulated in Ofeimun (2005):

*From 100 percent in 1946, the Philipson commission recommended 50 percent for derivation in 1951; Hicks- Philipson recommended 50 percent, 100 percent was actually disbursed in 1953 when the Western Region pushed for it; in 1958, however, the Raisman Commission Set derivation at 50 percent; in 1960, it was 50 percent; by 1970, the regime of General Yakubu Gowon...reduced derivation share to 45 percent...In 1975, derivation fell to 20 percent. The Obasanjo/Yar' Adua administration fixed it at 25 percent...Shehu Shagari reduced it to 5 percent in 1981. Under Buhari, it crashed to 1.5 percent. General Ibrahim Babangida raised it to 3 percent...it took the rise of Sara Wiwa phenomenon for consideration to be given to a 13 percent rise on the principle of derivation as proposed in the 1995 and now the 1999 constitution.*

The abrupt reduction in the derivative earnings to states because of oil since the 1970s has attracted ideological struggle for resource control by the people of Niger Delta, as the agitation has become phenomenal since the government's killing of Saro Wiwa, who led the Ogoni People's struggle against continued environmental degradation and pollution occasioned by Shell's oil exploration in the community, under General Abacha regime in 1995. The people of the region feel cheated through the prevailing fiscal formula, and they often call for self-determination to manage the affairs of the region (Okwu–Okafor, 1994: 89).

Paradoxically, the intergovernmental fiscal relations and jurisdictional powers between the federal and state governments show lack of strong democratic culture. First, it is an aberration for the federal government to determine uniformly the revenue of each state not minding their cultural and material differences. This has been responsible for the poor economic positions of many states. Many agrarian states have abandoned agriculture because of the *jumbo* proceeds

accruing to them from the federal allocation: ‘robbing peter to pay paul’, thereby building a culture of dependency and underdevelopment. The dwindling prices of crude oil in international market have continued to undermine the capacities of government at all levels to provide essential services to their teeming masses, breeding mounting unemployment among youth and insecurity. Certainly, states were created on the basis of political patronage rather than on potentials for development and self-sustenance. The use of soldiers for policing was very prominent during the military eras in the country, a situation that cannot be sustained in a democratic dispensation because it is an aberration to modern day policing. The foregoing problems were some of the challenges that confronted Obasanjo civilian administration.

### **Politics of Domination in Intergovernmental Relations under Obasanjo (1999-2007)**

*The tragedy of failed federations is the tragedy of the failure of peaceful, democratic coexistence.*

- **Jennifer Smith** (2004: 12).

*To become a governor in Nigeria, the first pre-requisite, it seems, is that you must be stupid, daft beyond comprehension.*

- **Steve Nwosu** (2006).

The above captions reflect that the constitutional claim of Nigeria as a federation is adorned with seismic incongruity to values of federalism especially if we consider the prevailing conjuncture of growing centralization of authority embedded in its general ‘federalist’ practice. Though, this problem of ‘centralized federalism’ has been undermining the unity of Nigerian state but it is not peculiar to Nigeria. Generally speaking, there are two dilemmas that often confront federalism, and these include the problem of the central government overriding the other constituent units of the federation while the second one involves any uncooperative and predatory attitude on the part of the constituent units to undermine the federal arrangement. Thus, these dilemmas are the yardstick through which we evaluate every federal system (de Figueiredo & Weingast, 2005).

Considering the foregoing, one will not but concur that federalism as a theory is projected towards decentralising political power by sharing the same between the central and regional or

state governments that make up a federation. The importance of federalism to forge unity in multi-ethnic societies like Nigeria cannot be exhausted in a single paper as opportunities embedded in it are abound, which has made it a very attractive policy option to address structural political dilemma confronting a number of multi-ethnic countries including the United States, Canada, Switzerland, Australia, Nigeria, to mention a few. Indeed, many of these federal systems are with success stories while some others are considered as failed federations including Sudan, Congo, Tanzania, Ethiopia, Ghana, Yugoslavia, among others (Olowu, 1990, Smith, 2004). It is not an exaggeration to contend that federalist ideas are missing in the general intergovernmental practice in Nigeria.

Dissecting the nature of intergovernmental relations in Nigeria under the civilian administration of Obasanjo (OBJ), one cannot but sadly agree that there is no difference between the military and civilian regimes in the country. The values of true federalism were massively eroded under this regime. Intergovernmental relations were shrouded with mobilization of naked force by the federal government and over-accumulation of power at centre, and a master-servant relation was mounted by the OBJ government against the principles of true federalism. One of the contradictions of the administration was the habitual political recklessness and rascality of Obasanjo administration (1999-2007) in providing both overt and covert execution of the removal of chief executive officers of a number of states including the unconstitutional removal of former Governor Rasheed Ladoja (Oyo State), Joseph Dariye (Plateau State), Peter Obi (Anambra), Ayodele Fayose (Ekiti), among many other public officers, (see Nwosu, 2006; Ekpe, 2006; *et seq*). The first three were restored to their position through judicial decisions over the illegality of the processes of their impeachment.

Without doubt, the illegal impeachment of Dariye was the most interesting where 8 members out of 24 members of the House of Assembly as against 2/3<sup>rd</sup> required by the 1999 constitution, carried out the nihilist plot on November 13, 2006. There is no doubt that the persistent and flagrant abuse of the rule of law is antithetical to the spirit of true federalism. The relevance of states in the contemporary federal arrangement in Nigeria may experience systemic erosion due to drastic reduction of the power of the states and the emerging predatory posture of the central

government (see Osaghae, 1992). The use of police as well as Economic and Financial Crimes Commission (EFCC) was very noticeable where flimsy allegations of corruption would be leveled against members of any state house of assembly with a view to compel them to facilitate illegal impeachment of any sitting governor perceived as enemy by Obasanjo.

The governors are regarded as chief security officers of their respective states. It is paradoxical that the commissioners of police in the state commands are not answerable to the governors, and when there is public disorder, the governors are always at the receiving ends. For instance, in the wake of inter-ethnic turbulence that greeted Jos (Plateau state), Obasanjo declared a State of Emergency in Plateau state on May 18, 2004 for the inability of Governor Dariye to manage the public disorder in his domain when 1999 Constitution places all the security agencies in the exclusive list. From Obasanjo administration till date, there is growing clamour for decentralization of Nigeria Police and the need for enactment of state police. In fact, it was reported that the spate of violence and insecurity that gripped on various states of the federation as well as the F.C.T. has been blamed by Governor Akpabio of Akwa Ibom, on over concentration of power at the centre especially the centralization of police. He therefore called constitutional reform to allow for creation of state police and true federalism. According to him:

*“But in the present system that we operate, a Nigerian governor who is the chief security officer of a state is like a General without troop. Can that General be effective? When the cases of kidnapping were raging, who controls the apparatus of checking kidnapping? Is it not the Federal Government? The Commissioner of Police they posted to states cannot be controlled by the governor. In some cases, they bring the most inefficient ones to you and then you are helpless” (Akpabio quoted in the Saturday Nigerian Tribune, 2<sup>nd</sup> July, 2011, available on (<http://www.tribune.com.ng/sat/index.php/news/4566-akpabio-advocates-return-of-state-police.html>)).*

The foregoing corroborates the ugly incident in Anambra where an Assistant Inspector-General of Police (Zone 9), Mr. Raphael Ige, was paid by one of the cronies of President Obasanjo to abduct

Governor Chris Ngige in July, 2003 with the aim of removing him from power for refusing to lodge chunk of state revenue to Chris Uba's purse for buying the mandate for Ngige (see [http://www.kwenu.com/publications/aluko/ngige\\_coup.htm](http://www.kwenu.com/publications/aluko/ngige_coup.htm)). That incident has demonstrated a high level of undemocratic attitude among the ruling elites in Nigeria. Sadly, throughout the administration of Obasanjo, the culprits of that shameful act were not brought to justice, as Chris Uba boasted of successfully removing Ngige from office through the election tribunal and Court of Appeal by testifying how he rigged the election in Ngige's favour, which led to the pronouncement of Peter Obi as winner. The laws prescribed punishments for election offenders but federal government never enforced it. Undoubtedly, the attitude of police chiefs not to take directives from state governors have forced some governors to contract some vigilante groups in the maintenance of public order especially when the police has been found to be incompetent and non-cooperative in enforcing law and order (see This Day Newspaper, 18 August, 2000, pg. 13).

Another issue of intergovernmental malady under Obasanjo was the May 2000 fixing of minimum wage of N7, 500 monthly for federal workers and N5, 500 monthly for state workers (Vanguard Newspaper, 4 May 2000, p. 2), outside the dictates of the 1999 Constitution, and even without considering economic peculiarities of the states. That unilateral decision of Obasanjo infuriated many governors who criticized him of running the affairs of Nigeria as if the country was under a military rule. Though, decision on minimum wage lies in the exclusive list of federal government. The constitution mandates the issue to be debated and passed by the National Assembly before any wage adjustment can be announced by the president. That decision plunged all the states into labour crises due to their inability to pay the new wage increase, which were later resolved through the decision of the Nigerian Labour Congress to negotiate with state governments based on the financial strength of individual state. Here, the attitude exhibited by Obasanjo displayed lack of cooperative and consultative skills that are very essential to true federalism.

In addition, despite that fact that primary education falls under the states' residual list as contained in the 1999 Constitution, Obasanjo usurped by announcing the Universal Basic Education (UBE) programme with a mandate of counterpart funding by the state governments.



That was also an undemocratic attitude. He was able to coerce the state governments into the programme because most the state governors especially in the PDP controlled states believed that by not complying they might be denied return ticket for second term by the party. In south-western Nigeria, ethnicity played a major role in supporting several anti-democratic decisions of Obasanjo. For instance, in 2002 when a notice of impeachment was served to Obasanjo for flagrant contravention of the constitution and abuse of office, many *Yorubas* of south western Nigeria frowned at it and even threatened secession should he be removed as president (see <http://irinnews.org/report.aspx?reportid=34179>). There is no doubt that such support given to Obasanjo by Yorubas because he is their kinsman negated the democratic principles of separation of power and rule of law. By 2007, Obasanjo became very unpopular among his kinsmen because of his executive recklessness, which affected his party, PDP losing 4 out of the 5 states it controlled in the south-western Nigeria through the court pronouncements as a result large scale of electoral malpractices that pervaded his transition programme in 2007.

Moreover, if there is any conflict of interests between the federal and state governments, it therefore becomes the prerogative of the courts to adjudicate on such issues. Indeed, this shows the power of the court in resolving intergovernmental dispute through interpretation of the constitution, especially when the parties fail to resolve the disputes themselves. This brings us to the issue of rule of law. Under Obasanjo administration, several decisions of the court(s) were brushed aside by the presidency. One of such cases was the one between Lagos state and Federal Government on the withholding of the local government funds of former by the latter for creating additional local government council areas without the consent of the President. In April, 2004, Bola Ahmed Tinubu, the then Governor of Lagos State set the government machinery in motion by approaching the Supreme Court for judicial determination of the matter. In December, 2004, the Court gave its verdict. The Chief Justice of the Federation who was the head of jury that entertained the matter declared that:

*I, having read all the provisions of the Constitution aforementioned, am satisfied that the House of Assembly of Lagos State has the right to pass the*

*creation of Local Government Areas Law No.5 of 2002 and to amend it by passing the creation of Local Government Areas (Amendment) Law, 2004.*

The judgment read further:

*Our attention has not been drawn to any other provision of the constitution which empowers the President to exercise the power of withholding or suspending any payment of allocations from the Federation Account to Local Government Councils or to state governments on behalf of the local government councils as provided by Section 162 subsections 93 and (5) of the Constitution ([http://www.nigerianmuse.com/important\\_documents/?u=Supreme Court on LG funds.htm](http://www.nigerianmuse.com/important_documents/?u=Supreme_Court_on_LG_funds.htm)).*

Unfortunately, in spite of the judgement of the Supreme Court, Obasanjo bluntly refused the release the funds till he left office in May, 2007. The issue here was not the issue of interference in affairs of the state by the federal government but a decision of an individual holding a public office as president having a personality clash with the governor may be because he saw him as a threat to the his (president's) political hegemony in the region (south-western Nigeria).

The intergovernmental fiscal relations under Obasanjo administration was marred with a series of violations of due process and constitutionalism, which are essential elements of true federalism. The component units were getting more responsibilities with little financial resources to work with. Obasanjo was accused of unilaterally fixing the revenue allocation formula in a method identical to the way of doing things under the military regime. As at May, 2002 through invocation of an Executive Order, 56% was allocated to the federal government, 24% to the state governments while local governments received 20%. Resulting from the swift reactions from other levels of government, Obasanjo marginally reduced the allocation to the federal government to 54.68%. The revenue allocation has again been reviewed as follow: federal (52.68%), states (26.72), 774 local government councils (20.60), and derivation revenue for oil producing states (13%). It is also unfortunate that in spite of the meager resources allocated to

the local government councils, Obasanjo administration still deemed it fit to withdraw from source some money belonging to the councils to buy operational jeeps for Nigeria Police knowing fully well that police falls under its exclusive list as provided by the 1999 Constitution of Nigerian federation. Meanwhile, it was not only the federal government that was culpable of tampering with the monies belonging to the local government councils. For instance in Sokoto state in 1999, 15 local government councils took the state government over accusation of unconstitutionally deducting 3% of their statutory allocation in funding the Sokoto Emirate Council (see Vanguard, 23 August 1999, pp. 1- 2). It is very important to state here that the revenue allocation formula under this democratic dispensation has not reflected any significant difference from what was obtained when the country was under military rule. There is an increase in official corruption as the centre has become too much attractive because of the culture of sharing money especially in the National Assembly where the legislators earn salaries and allowances that are much higher than their counterparts in the US or elsewhere when the majority of Nigerians live on less US\$2 per day.

## **Conclusion**

The crisis of legitimacy that adorns Nigerian state is not a subject of diversity replicated in its plurality in terms of ethnic configurations, religious connections, cultures and traditions but it is usually as a result recruitment of ethnic and religious sentiments and manipulation of politics by exploring ethnic loyalty (Osaghae and Suberu, 2005; Kasali, 2009). The problem is largely hinged on absence of genuine democratic culture in the country because a number of federations like Switzerland, United States, Tanzania, to mention a few, have been enjoying relative peace and political stability resulting from their real democratic philosophies. The inability of Nigeria to respond effectively to the cacophonous call for true federalism has been responsible for the inherent turmoil often experienced in its polity as the nation manages various secessionist agenda by many ethnic groups in the country (Osaghae, 2005). This view is also corroborated by Asobie (1985) stressing the importance of citizens in promoting federalist culture through cooperation and consultation.

More importantly, there should be drastic reduction in the revenue allocated to the centre and more funds should be provided to state and local governments because these two levels of government are closer to the people than the government at the centre. The derivation revenue to oil producing states should be increased to at least 40% for the sake of justice. There should be mutual cooperation and understanding among various levels of government by ensuring consultation before enacting law or policy that may affect any of them. The states should be repositioned and increase their capacity for effective internal revenue drive. The states and local government councils must also channel their energies in developing non-oil sectors of the economy especially agriculture. For instance, if the northern states have not abandoned productive agriculture, the problem of youth violence in form ethnic or religious bigotry would have been prevented because they would have been productively engaged. Above all, there is need to promote strong democratic culture, which can rapidly reduce the relevance ethnicity in the nation's politics. Definitely, through this, good governance, healthy intergovernmental relations and true federalism can be advanced for national development and unity.

## REFERENCES

- Afolabi, M.A. (2006). Inter-Group relations in the 20<sup>th</sup> century Nigeria: A historical survey. In O. Akinwumi, O. O. Okpeh (jr.) and J. D. Gwamna (eds.) *Inter-Group relations in Nigeria during the 19<sup>th</sup> and 20<sup>th</sup> centuries*. Ibadan: Aboki Publishers. Pp. 140-168.
- Alkali, A. (2004). Federalism and democratic governance. In H. A. Saliu (ed.). *Nigeria under democratic rule (1999-2003)*. Ibadan: University Press. Vol. 1. Pp. 45-57.
- Arowolo, D. (2011). Fiscal federalism in Nigeria: Theory and dimensions. *Afro Asian Journal of Social Sciences*, 2 (2): 1-21.

Braun, D. (2000). Territorial division of power and public policy-making: An overview. In D. Braun (ed.). *Public Policy and Federalism*. Aldershot, Burlington, Singapore & Sydney: Ashgate.

Chazan, N., Lewis, P., Mortimer, R.A., Rothchild, D., and Stedman, S.J. (1999). *Politics and society in contemporary Africa*, 3rd Edition. Boulder: Lynne Rienner Publishers.

Daily Trust (2011). Post president election violence. Available on [http://dailytrust.dailytrust.com/index.php?option=com\\_content&view=article&id=17641:post-presidential-election-violence&catid=17:editorial&Itemid=9](http://dailytrust.dailytrust.com/index.php?option=com_content&view=article&id=17641:post-presidential-election-violence&catid=17:editorial&Itemid=9). Retrieved on 2 July, 2011.

de Figueiredo, R.J.P. Jr., and B.R. Weingast (2005). Self-enforcing federalism.” *Journal of Law, Economics, and Organizations* (April) 21: 103-35.

Ekpe, J. (2006). This is executive lawlessness. Nov. 1. Available on <http://punchontheweb.com/Articl.aspx?theartic=Art200611016341256>. Retrieved on 3 July, 2011.

Federal Republic of Nigeria (1970). *Faith in Unity*. Lagos: Federal Ministry of Information.

Happaerts, S., Schunz, S., and Bruyninckx, H. (2011). Federalism and intergovernmental relations: The multi-level politics of climate change policy in Belgium. Working Paper No. 58, January. Leuven Centre for Global Governance Studies.

Human Rights Watch (2006), They do not own this place: Government discrimination against non indigenes in Nigeria. Human Rights Watch Report 18(3A), April. Also Available online at [www.hrw.org](http://www.hrw.org).

Horowitz, D. (1985). *Ethnic groups in conflict*. Berkeley, CA: University of California Press

Imobighe, T.A. (1987). *Nigeria Defence and Security: Issues and Options for Policy*. Kuru: National Institute for Policy and Strategy.

Jega, A. M. (1998). The Nigerian federalism system: Problems and prospects. Paper Presentation at the Conference on Federalism and Centralization in Africa: The Multi-Culture Challenge, Organized by the University of Fribourg, Switzerland.

Kasali, M.A. (2009). *PCR 261: Culture, Values and Conflicts in War*. Lagos: National Open University of Nigeria.

Muhammad, A.A. (2007). Federalism and political stability in Nigeria: Current peril and future hopes. *Journal of Sustainable Development in Africa* 9 (4): 187-210.

Nwosu, S. (2006). Time to speak up. Available on <http://64.182.81.172/webpages/columnists/franktalk/franktalk-oct-11-2006.htm>. Retrieved on 30 June, 2011.

Oates, W.E. (1999). An essay on fiscal federalism. *America: Journal of Economic Literature*, 37(3): 1120-49.

Okwu-Okafor, C. Obiora (1994) “Self Determination and the Struggle for Ethno-Cultural autonomy in Nigeria: the Zangon-Kataf and Ogoni Problems” *ASICL Proc.* 6 89 – 118.

Olalokun, A. (1979). Nigerian federal finances: Issues and choices. In Akinyemi, A. B. (ed). *Readings in federalism*. Lagos: Institute of International Affairs.

Olowu, Dele (1990). The failure of current decentralization programs in Africa. In James Wunsch and Dele Olowu (eds.). *The failure of the centralized state: Institutions and self governance in Africa*. Boulder, CO: Westview Press.

Onwudiwe, E. and Suberu, R. T. (eds.) *Nigeria federalism in Crisis, a critical Perspective and Political Options*, PEFS; University of Ibadan.

Onyeoziri, F. (2002), *Alternative policy options for managing the National Question in Nigeria*. Ibadan: John Archers (Publishers) Limited for PEFS.

Osaghae, E.E. (1992). The status of state governments in Nigeria's federalism. *Publius*, 22 (3): 181-200.

Osaghae, E.E. (2005). Violence in Africa: State, ethnic and regional dimensions□, in O.I. Albert (ed.). *Perspectives on peace and conflict in Africa*. Ibadan: Peace and Conflict Studies Programme Institute of African Studies, University of Ibadan.

Osaghae, E. E. and Suberu, R.T. (2005). *A history of identities, violence and stability in Nigeria*, Centre for Research on Inequality, Human Security and Ethnicity (CRISE). CRISE Working Paper. University of Oxford. N.6.

Saturday Nigerian Tribune (2<sup>nd</sup> July, 2011). Akpabio advocates return of state police. Available on (<http://www.tribune.com.ng/sat/index.php/news/4566-akpabio-advocates-return-of-state-police.html>). Retrieved on 4 July, 2011.

Smith, J. (2004). *Federalism*. Vancouver: University of British Columbia Press.

Swenden, W. (2006). *Federalism and regionalism in Western Europe: A comparative and thematic analysis*. Houndmills & New York: Palgrave Macmillan

This Day Newspaper, Lagos (2000). Anambra State established a vigilante group, called “Bakassi Boys,” to help combat crimes. 18 August.

Vanguard (Lagos), 4 May 2000.

Vanguard, Lagos (1999). 23 August.

Watts R. 2001. Model of federal power sharing. *International Social Science Journal*, 167: 23-32.

<http://irinnews.org/report.aspx?reportid=34179>. Retrieved on 1 July, 2011.

[http://www.nigerianmuse.com/important\\_documents/?u=SupremeCourt\\_on\\_LG\\_funds.htm](http://www.nigerianmuse.com/important_documents/?u=SupremeCourt_on_LG_funds.htm). Retrieved on 2 July, 2011.

[http://www.kwenu.com/publications/aluko/ngige\\_coup.htm](http://www.kwenu.com/publications/aluko/ngige_coup.htm). Retrieved on 2 July, 2011.