

The Problematic of Nigeria's Federalism and the Restructuring Option



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ABSTRACT. In the context of preventing the increasingly widespread Covid-19 which has claimed many lives, the Indonesian government has made various efforts to overcome this and the most recent effort is giving Covid-19 vaccinations to the public. In practice, various conflicts emerge and one of them is the conflict between Law Number 6 of 2018 concerning Health Quarantine which states that vaccines are an obligation and Law Number 36 of 2009 concerning Health which states that vaccines are a right. This type of research is juridical normative using a statutory and conceptual approach. The results of this study indicate that Covid-19 is an emergency so that the principle of *non-habet legem necessity* applies, which means that in a state of legal emergency it does not apply, so that regulatory conflicts regarding Covid-19 vaccination do not become a problem, because the current government's efforts are the safety of the people. the highest law in an emergency, this is also in line with the *salus populi suprema et lex principle*. To ensure the safety of the people, the government is obliged to make efforts to vaccinate Covid-19 to restore the situation to its original state, this is in line with the principle of *restitutio in integrum*. In its enforcement, sanctions are needed to make the community obey. However, several regulations have different norms regarding sanctions for those who do not comply and until now there have been no specific regulations from the center regarding the provision of the Covid-19 vaccine. As a conclusion, currently giving the Covid-19 vaccine is mandatory because it is an emergency, but the government also needs to make special regulations from the center regarding vaccine administration regulations so that there are no disparities between each of the regulations from the vaccine-giving regions.

KEYWORDS. Problematic, Federalism, Restructuring, Option, Dependency - Mentality, Marginalization and Nigeria

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Introduction

Globally, federalism has come to represent a political arrangement that does not only seek to reconcile national unity and at the same time maintain the rights of its member states; it also encourages the existence of both the national and sub-national governments as well as the enhancement of their capacity to perform the social and economic functions needed for satisfying the yearnings and aspirations of their people. The constitutional or legal as well as sociological or process perspectives epitomized by Wheare (1967) and Livingstone (1952) respectively have also underscored the seemingly variant, but significantly complementary views that focuses on the inter-dependent reality of the independent, yet coordinate power relation of the cooperative federating units in a federal system of government.

Federalism has also served to promote development at the dual levels of government by encouraging the cooperating units to possess adequate independent sources of financial resources so as to avoid financial dependence in the performance of their constitutionally allocated functions (Jinadu, 2015). This explains why the allocation of fiscal power to the different levels of government is supposed to reflect the capability of each level to execute the activities over which they have policy determining voices. In fact, an acid test and key indicator of federalism is the autonomous financial strength of the levels of government, especially as a federal union presupposes a feeling of national affinity and sentiments and represents joint efforts aimed at achieving a fair match between revenue generating power

and expenditure responsibilities among the levels of government. Central to the actualization and workability of federal arrangements are true sense of affinity and union, historical ties, adequate fiscal capacity, sound political leadership, comparative advantage and interdependence (Ajibade, 2019).

In Nigeria, the federal arrangement that was established without genuine desire for a union has been in existence for several decades (Ogunnoiki, 2017). However, the union has been under stress and tension despite the fact that it is still surviving. Sharp ethnic and religious concerns are still commonplace in Nigeria and there appears to be weak sense of national feelings, sentiments and affinity in a way and manner that Nigeria's federal union seems to be under severe threats. The contention of this study is that the functioning and workability of the federal union is being constrained and hindered by sundry factors including poor generating capacity and dependency, nature and character of the age-long north-south tendencies and the politics of marginalization, socio-economic development and participatory empowerment.

Therefore, the Statement of Problem of this research stated that federalism has come to represent a political arrangement that seeks to achieve national unity in the face of diversity and to engender enhanced development through inter-dependence and collaboration. Despite this reality, federalism in Nigeria seems not to be working and performing maximally due largely to various factors like poor generating capacity and dependency, nature and character of the age-long north-south tendencies and the politics of marginalization, socio-economic development and participatory empowerment. This study therefore investigates the problematic of Nigeria's Federalism and the restructuring option.

The general objective of the study is to examine the problematic of Nigeria's Federalism and the restructuring option, while the specific objectives are to:

1. Assess the impact of poor generating capacity and dependency mentality on federalism in Nigeria.
2. Investigate the impact of the nature and character of the age-long north-south tendencies on federalism in Nigeria.
3. Examine the impact of the politics of marginalization, socio-economic development and participation/empowerment on federalism in Nigeria.

The following null hypotheses were formulated for testing at the 0.05 level of significance:

THE PROBLEMATIC OF NIGERIA'S FEDERALISM

State Law, Law and Democracy

1. There is no significant relationship between poor generating capacity and dependency mentality and federalism in Nigeria.
2. There is no significant relationship between the nature and character of the age-long north-south tendencies and federalism in Nigeria.
3. There is no significant relationship between the politics of marginalization, socio-economic development and participation empowerment and federalism in Nigeria.

Conceptualizing Federalism, marginalization, and Restructuring

1. Federalism

Any constitutional machinery meant for sharing power between the federal/ central government and the component units is regarded as federalism. Federalism allows the component units or the states to enjoy some certain level of autonomy in the area of resources generated and the usage; thereby making them co-ordinate and not subordinate to the federal/ central government.

2. Marginalization

Marginalization could be viewed either from the local or the international level. At the local level, it refers to the intentional and or deliberate exclusion of an individual or group from the common good of the society. A typical example could be found during the French colonial policy of Assimilation, where Africans were forced to learn and speak French before they can be treated as citizens. Another example is the usage of the oil revenue derived from the region of the Niger Delta in Nigeria to develop other regions to the detriment of the Niger Delta region. This has led to the cry for restructuring. While at the international level, it refers to intentional and or deliberate exclusion of a nation from receiving or enjoying global good or benefit ((Dwivedi, Khator and Nef, 2007).

3. Restructuring

Restructuring has become the most important word in the vocabulary of political and non-political state actors in Nigeria. It means different things to different people. To some, it means the re-organization of the Nigerian polity to favour the minority, while to others; it is to change the structure to make Nigeria better (Abutudu (2010). In the last general election, the People

Democratic Party (PDP) adopted it as a campaign strategy to enable them defeat the All Progressive Congress (APC). Restructuring involves re-organization, re-arrangement and re-positioning of a system from an earlier state to make it function better. According to Avbuere (2019), it refers to the reduction and or enlargement of a system and the redefinition of their inter-relationship for their effective and efficient performance.

4. Quantitative and qualitative researches on Federalism

Ideobodo, Okolo & Eze (2018) assessed restructuring Nigeria politically: The need, difficulties and the potential things that may come to pass in the future. The study noted that restructuring has long being an issue Nigerian and that it has been raised over and over for decades and it has become an issue passed on from one generation to another in Nigeria. The findings of the study prove that ensuring the peaceful coexistence of Nigerian multi-ethnic nationalities as one peaceful entity called Nigeria and effecting of rapid and competitive development of the different regions of the country among other factors requires political restructuring in Nigeria. The study recommended the restart of a federation, reorientation, giving strength to our institutions, and the representation of the different ethnic groups amongst others as a panacea to the issue of restructuring Nigeria again.

Ali & Sani (2018) looked at the quest for Nigeria to be restructured and the control of the Nigerian resources in a federal system, perspectives and solution. It adopted the content analysis in the investigation of the key issues in the restructuring of Nigeria, issues worthy of note and constitutional interpretation of restructuring. It revealed that the quest for restructuring in Nigeria is around how the resources are controlled, re-examination of the sharing formula, non-centralization of political power, re-establishment of regionalism that is founded on the six geopolitical arrangement, re-introduction of parliamentary system, expunging the immunity clause from our national law, establishment of state police and the functions of the traditional rulers, among others. The paper also revealed that Nigerians as individuals and in groups, across the different divides (both regions and ethnic) have advocated the restructuring the federal system in Nigeria. It then recommended restructuring so as to encourage the unity of Nigerians, ability to live together in peace, the stability of our political system and an equal national development. Beyond restructuring, the research also torched on the poor governance system as a result of bad leadership, poor management and embezzlement of our resources.

THE PROBLEMATIC OF NIGERIA'S FEDERALISM

State Law, Law and Democracy

Ozy (2018) examined the challenges and pathologies of Nigeria federalism. Theoretically, the study emphasized, federalism as a system of government or power arrangement is crafted deliberately to deal with a sociological complex polity as presented in Nigeria's multi-ethnically segmented society. The study contends that federalism in Nigeria rather than improving the quality of governance and practice, it is characterized by unending challenges attributable to the past colonial legacies and present leadership malady.

Abdul-Majeed (2017) equally investigated federalism and the creation of sub-national states in Nigeria under the Babangida administration. The study examined the state-creation exercises during the above-mentioned administration in order to explain the centrifugal and centripetal forces in Nigeria's federal arrangement. The finding of the study revealed that the unrelenting demands for the creation of additional subnational units in Nigeria is a function of the competition amongst federating ethnic groups in the country for the allocation of distributive federal resources and further recommended true federalism instead the quasi variant that currently exist. In a similar vein, Dele (2016) examined Nigeria's federalism, state reorganization and restructuring and stressed that the creation of additional states and adoption of the federal character principle in sharing national resources among the tripartite levels of government has the potentiality of engendering national unity and integration. The findings of the study showed that the 36-state structure has not solved the problem of ethnic and primordial considerations and recommended home-grown indigenous federal arrangement.

Tsuwa & Jev (2013) examined the federalism, the act or process of making whole or entire (integration) and the process of consolidating democracy in Nigeria. The study's plan was the descriptive analytical tool of analysis. The study indicated that the problem of plurality or heterogeneity is not peculiar with Nigeria and that despite presumed or genuine efforts at national integration, true federalism appears to be an illusion. The studies recommended that Nigeria needs to secure an enduring solution to the country's vexatious fiscal federalism issues. In like manner, Adetola (2011) investigated the contending issues in Nigeria's federal practice and asserted that the application of federalism to the country's political entity has not significantly solved its numerous ethnic, religious and developmental problems. Hence, the inability of federalism to arrest the descent into political instability, economic underdevelopment and socio-cultural disharmony. The

study finally recommended the exigency of concerted efforts by sundry stakeholders for an appropriate and a workable federal arrangement.

Method

The study adopted correlational research design. The use of correlational design was predicated on the fact that it lends the researcher to investigate the relationship between two variables as well as the direction and magnitude of the relationship which is known to exist between the two variables. The design also enables the researcher to measure different variables, apart from making prediction for further investigation (Egbule & Okobia, 2008).

The population of the study comprises of all public universities in the six geopolitical zones of Nigeria. Six universities were selected one from each geopolitical zone using maximum variation sampling technique. These universities are Federal University, Otuoke (South South), Lagos State University (South West), University of Nigeria, Nsukka (South East), University of Maiduguri (North East), University of Ilorin (North Central) and Ahmadu Bello University, Zaria (North West). Four hundred academic staff were drawn from the Department of Public Administration, Department of Economics, Department of Political Science, Department of Sociology and Department of History and International Studies using purposive sampling technique. The choice of maximum variation sampling technique is to capture a wide range of perspectives relating to the variable as well as having an in-depth knowledge of the variables under study by looking at it from all angles, while the choice of purposive sampling technique was predicated on the fact that the selected departments and academic staff have a prerequisite knowledge of the variables under study and they were easily accessible to the researcher.

The instrument that was used for data collection is federalism and restructuring option questionnaire. The questionnaire was group into two sections and it contains twelve (12) items which enabled the researcher to spread the questions/items across the independent variables. Items 1-4 sought information on poor generating capacity and dependency mentality; items 5-8 sought information on nature and character of the age-long North-South tendencies, while items 9-12 sought information on politics of

THE PROBLEMATIC OF NIGERIA'S FEDERALISM

State Law, Law and Democracy

marginalization, socio-economic development and participatory/empowerment on federalism in Nigeria.

The face and content validity of the questionnaire was carried out by three experts in the Department of Political Science and Public Administration. The members of the panel were given the instrument, the topic under investigation and the research hypotheses needed for the validation which enabled them to make corrections, recommendations and suggestions as appropriate. On the receipt of comments, corrections were made as recommended by the panel. All the questionnaires were collected on the spot from the respondents immediately after 15 minutes to avoid instrument mortality and all the research hypotheses were tested for significant difference at 0.05 level of significance using Chi-Square with the help of SPSS statistical package.

Presentation of Results

The results of the analysis are presented in the tables with the interpretation of the results following immediately after the tables. The results of the data analysis are presented in accordance with the hypotheses that were tested at 0.05 level of significance.

Hypothesis 1 (H₀₁)

There is no significant relationship between poor generating capacity and dependency mentality and federalism in Nigeria

Table 1: Chi-square analysis of questionnaire for the relationship between poor generating capacity and dependency mentality and federalism in Nigeria

Items	SA/A	SD/D	Total	Df	X ² - Cal	X ² - Cri	Decision
1	55	45	400	3	35.28	7.82	H ₀₁ is Rejected
2	59	41	400				
3	66	34	400				
4	61	39	400				

Source: Field Work, 2020

P>0.05

In table 1 above, with alpha level of 0.05, the degree of freedom (DF) of 3, the critical value is 7.82, while the calculated value is 35.28. Since the

calculated value is more than the critical value, the null hypothesis is therefore rejected. This shows that there is a significant relationship between poor generating capacity and dependency mentality and federalism in Nigeria.

Hypothesis 2 (Ho₂)

There is no significant relationship between the nature and character of the age-long North-South tendencies and federalism in Nigeria

Table 2: Chi-square analysis of questionnaire for the relationship between the nature and character of the age-long North-South tendencies and federalism in Nigeria

Items	SA/A	SD/D	Total	Df	X ² -Cal	X ² -Cri	Decision
1	65	35	400	3	5.63	7.82	Ho ₂ is Retain
2	50	50	400				
3	64	36	400				
4	64	39	400				

Source: Field Work, 2020

P>0.05

Table 2 above shows the alpha level of 0.05, degree of freedom (DF) of 3 and the critical value is 7.82, while the calculated value is 5.64. Since the calculated value is less than the critical value 7.82, the null hypothesis is therefore retained. This shows that there is no significant relationship between the nature and character of the age-long North-South tendencies and federalism in Nigeria.

Hypothesis 3 (Ho₃)

There is no significant relationship between politics of marginalization, socio-economic development and participatory/empowerment on federalism in Nigeria

Table 3: Chi-square analysis of questionnaire for the relationship between politics of marginalization, socio-economic development and participatory/empowerment and federalism in Nigeria

Items	SA/A	SD/D	Total	Df	X ² -Cal	X ² -Cri	Decision
1	56	44	400	3	49.29	7.82	Ho ₃ is Rejected
2	58	42	400				
3	56	44	400				
4	59	41	400				

THE PROBLEMATIC OF NIGERIA'S FEDERALISM

State Law, Law and Democracy

Source: Field Work, 2020

$P > 0.05$

In table 4 above, with alpha level of 0.05, the degree of freedom (DF) of 3, the critical value is 7.82, while calculated value is 49.29. Since the calculated value is greater than the critical value, the null hypothesis is therefore rejected. This implies that there is a significant relationship between politics of marginalization, socio-economic development and participatory/empowerment and federalism in Nigeria.

Discussion of Findings

The study showed that there is a significant relationship between poor generating capacity and dependency mentality and federalism in Nigeria. This study agrees with Abdul-Majeed (2017) who articulated that the unrelenting pressure for the creation of additional subnational units in Nigeria is a function of the competition amongst the federating ethnic groups in the country for favourable allocation of distributive federal resources. He added that the insatiable distributive appetite of state proposers explains why in spite of the creation of the 36 states federal structure in 1996, have not abated in Nigeria. The above finding is also in agreement with Ali and Sani (2018) who opined that in Nigeria, the quest for Nigeria to be restructured is around the control of Nigeria's resource, a re-examination of the sharing formula, non-centralization of power, re-introduction of regionalism based on six geopolitical arrangements, re-introduction of parliamentary system, expunging immunity clause from our constitution, establishment of state police, and what traditional rulers should do within the system.

The study revealed that there is no significant relationship between the nature and character of the age-long North-South tendencies and federalism in Nigeria. This finding is opposed to Dele (2016) who asserted that in spite of the fact that Nigeria has assumed a 36 state structure, from a 3-region structure in 1960 at independence, further agitations and demands for creation of more states have not been suppressed because of ethnic attachment, primordial sentiments, and cultural groups articulated with tongue in the nation which is also evident in the different ethno-religious conflicts that pervade the nation. The findings of the study proves that ensuring the peaceful coexistence of Nigeria's multi-ethnic nationalities as one peaceful entity called Nigeria and effecting of rapid and competitive development of the different regions of the country among other factors do not constitute the need for restructuring; while a great attention and concern

of the elite, phobia for ethnic dominion, political peculiarity among others explain the difficulties faced by political restructuring in Nigeria (Ideobodo, Okolo & Eze, 2018)).

The study equally showed that there is a significant relationship between politics of marginalization, socio-economic development and participatory/empowerment on federalism in Nigeria. One plausible explanation to this finding is that the quest for Nigeria to be restructured is around the control of our resource, a re-examination of the sharing formula, non-centralization of power, return to regionalism based on six geopolitical zones as well as creation of state (Ali and Sani, 2018). Ideobodo, Okolo & Eze (2018) who investigated the need, challenges and prospects of political restructuring in Nigeria and discovered that to ensure the peaceful coexistence of Nigeria's multi-ethnic nationalities as one peaceful entity called Nigeria, there is the exigency for restructuring and the review of revenue sharing formula.

Conclusion

We arrived at the following conclusion from our findings. Firstly, since there is a significant relationship between poor generating capacity and dependency mentality and federalism in Nigeria, it can be deduced that the inability of the Nigerian state to adopt the restructuring option as a panacea to the unending political and ethnicity crises in the nation, is as a result of poor generating capacity and dependency mentality of the federating units.

Secondly, since there is no significant relationship between the nature and character of the age-long North-South tendencies and federalism in Nigeria, it can be concluded that the near absence of peaceful coexistence of Nigeria's multi-ethnic nationalities, do not have any relationship with creation of additional states, take a second look at the way revenues are shared and the nature and character of the age-long North-South tendencies. In like manner, since there is a significant relationship between politics of marginalization, socio-economic development and participatory/empowerment on federalism in Nigeria, the contention of the study is resource control, devolution of power, return to regionalization based on the six geopolitical arrangements, turn to the parliamentary system and the removal of immunity should be implemented.

THE PROBLEMATIC OF NIGERIA'S FEDERALISM

State Law, Law and Democracy

Recommendations

In the light of the findings and conclusion of the study, the study recommended that to ensure peaceful coexistence of Nigeria's multi-ethnic nationalities, the Nigerian government at different levels, different stakeholders and concerned bodies should re-strategize and consider the creation of additional states and review the formula for sharing our generated revenue based largely on genuine need, derivation and population.

The study also recommended that for the federalism option to succeed in Nigeria, there is need for re-construction, re-formulation, genuine acceptance and practicability of an appropriate federal arrangement that emphasizes self and national development as well as an equitable fiscal system that accommodates the true power relations and the expenditure and revenue realities of the respective component units in the Nigerian federation.

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