

# FEDERALISM AND NATIONAL REBIRTH FOR SUSTAINABLE INTEGRATION IN THE 21<sup>ST</sup> CENTURY

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## **Abstract**

Federalism gives taste to legalistic processes, sociological well 'being and operator's operating mechanism - all has to do with true Federalism. This article defined constitution and reviews some of the Federalism principles, theories, traces struggles of patriotism (nationalism concept of national integration and advocates essential ingredients of Nigeria's Federal Constitution to keep the nation's inherent diversities as a form of national rebirth.

## **Introduction**

The Nigerian polyglot ethnic background called for Federalism as a single factor limiting the colonialists to adopt direct rule government. While the amalgamation of Nigeria regions in 1914 by Sir Lord Lugard remains the most significant step towards adoption of Federalism in history. By and by Federalism as a political organisational system is popular in our time - Schmitt, (1996) estimated world's population currently living within federal political system near 40% (Kunle, 1997).

In a strict sense, Federalism is formed by unification of two or more independent contiguous politics. The entities could agree willingly to come together as the case of United States of America, or were forced to come together into one as the case of Nigeria. The diasaggregative Federal processes in Nigeria has continuously involved breaking the nations into small units as we have today a political system of thirty six states. (Kunle, Ajayi, Ibid).

## **Concept of Constitution**

"A constitution sets the parameters of behaviour within a political system. It is an attitudinal regulatory mechanism on the government and the governed. A constitution is the bedrock of legality of a polity. It defines the boundaries of the political entity, the powers and limitations of its political leaders as well as the right and obligations of its citizenry (Dipo Kolawole 1997:85).

Constitution can be interpreted therefore as an embodiment of defined rules, limit and arbitrariness of to condition the complexity of human behaviour and guarantee an orderly society.

## **Constitution Making**

Constitution could be evolutionary - development, sort of gradual fashioning, Britain is a good example of this model. It can be constitutional making by assembly of the people, America provides an example (Kousoulas, 1975: 46 - 47).

The Nigeria experience in the latter model has to do with form of fear elated by Kousoulas that assembly may be nothing more than a cover used by these who already hold power and who merely want a mantle of legitimacy, military leaders in Nigeria provide good instances.

Finally constitution making processes may be fiat of governing elite imposes a constitution on the people. Whereas constitution is to be organic expression of the people's will according to the Section 2 (2) of the 1999 constitution. Without mincing words, Federal constitution is the basic legal document, the grundnorm, on which the state and society are organized, reflects the wishes and addresses the fear of all constituent parts of the federation to guarantee equality and justice and inspire a feeling and sense of belonging.

## **Principle Of Federalism**

This is referred to as 'workability adherence principles' according to K. C. Wheare (Dare, 1997: 22 & 28).

The principles are:

(i) Written constitution, that Federal constitution should be found in a single document.

Wheare's postulation established the structural or institutional framework of the system. The jurisdictional responsibilities of the central and component authorities by clearly deigning various

legislative list enumerating from the respective areas of influence of the two tiers of government into the exclusive, concurrent and residual lists.

- (ii) Bicameral Parliament: This has to do with representation based on population. The two houses: upper House of legislature - called the Senate in Nigeria; and the Lower House of legislature called House of representative membered from component states. The House of Senate serves as an expression of equality of the states in a Federal arrangement.
- (iii) Supremacy of the Judiciary vested by the constitution to arbitrate and pronounce judgement which are binding on all parties concerned.
- (iv) Principle of Balance: The need arises as a way of preventing any member of the units to possess an undue advantage over the rest of the units in the Federation.
- (v) Indivisible, Clause: A federal State is indivisible, and no party to the deal can arbitrarily conveniently decide to secede from the union.

### **Theories of Federalism**

Wheare's Theory: K.C. Wheare, the foremost theorist of the classical concept of Federalism, in his seminar work titled, *Federal Government* (1963 : 10) conceptualized Federalism as:

by the Federal principle, I mean the method of dividing powers so that general and regional government are each within a sphere, coordinate and independent".

Government powers are divided substantially according to the principles that there is a single independent authority for the whole country in respect of some matters, and independent regional authorities being co-ordinated with and not subordinate to the other" (Yakubu 1997: 220). To this effect constitutional allocation of power of each level of government is categorized into three separate lists: the exclusive legislative list for the central government; the concurrent legislative list for both the Federal and the component state governments; and, the residual legislative list which belongs to the component authorities.

Independent Judiciary and impartial interpretation of the laws and arbitration between the constituent units and the central government which are regarded by him as equal and co-ordinate in status.

That general and regional government are equal and co-ordinated cannot be true all the time. On objective view of their relationship shows an unequal status for the two levels of government. The mere fact that the central government has the power over all subjects which concern the collectivity of the polity such as defence currency and foreign policy shows that it is the principal partner in the arrangement.

Abandonment of sociological factors: Catalysts are the embraced different languages, ethnic and religious in the federal polity. As a matter of necessity peoples of the system therefore deserve more emphasis than ordinarily adherence physical structure.

### **Livingston Theory:**

This theory was spirited from the pitfalls of Wheare's thesis. His theory is based on sociological factors of Federal qualities of the society as an argument of Livingston (Kunle, 1997).

Fie submits that:

The essential nature of Federalism is to be sought for not in the shading of legal and constitutional terminology but in the forces economic, social, political, cultural that have made the outward forms of federalism necessary. The essence of Federalism lies not in the constitutional or institutional structure but in the society itself. Federal government is a device by which the federal qualities of the society are articulated and protected. Livingston advocates that attitude found in particular places be grouped making or a society that is Federal.

### **Criticism:**

Livingston's sociological factor has discontinuing boundary, thus meaning that every government organization is Federal and capable of being Federal.

Livingston down-plays legalistic aspect of federalism assuming the relationship between various component will be smooth, -however this is unhelpful because certainly adjustment of conflicts through legalistics process imperative to the success of federal system. He places too much trust on the political actors. (Livingston: 1952, Kunle Ajayi; 1997).

### **Elazar Theory**

Daniel Elazar advocates considerable tolerance of diversity and willingness through conciliation, even when the power to act unilaterally is available. His concern is the operating mechanism to give way for continuous existence of the union. And hence democracy is very essential for the survival and success of Federalism.

### **Elzior's Theory**

Elzior is a staunch advocate on the power sharing amongst the component states majority to avert power monopolizing on the consumption of public resources.

One point of convergence to the five examined works all is the acknowledgement that Federalism is a product of societal diversity which is reflected in the political, economic, social and the culture environments from which the system has to exist.

### **Nationalism**

As for a better address of national rebirth it is relevant to have a cursory look at nationalism.

Nationalism in Nigeria could be traced as far back as the valiant struggle of notable kings who resisted the British encroachment on their sovereignty. The event of March, 1920 when the National Congress of British West Africa (NCBWA) was formed on the initiative of a Gold Coast (Ghana) Lawyer named Joseph Casely Hayford and a Nigeria Physician Dr. Akinwande Savage. In view of this struggle at their inaugural conference of the NCBWA, - it had delegates from Nigeria, Sierra - Leone, Gambia and Gold Coast (Ghana). At the conference they made five demands on the Secretary of State for the colonies which include half of the legislative council in West African territory should be Africans; appointment and removal of Chiefs should be by their people, racial discrimination free of civil service, judiciary independent of colonial administration and University to be established (Oyejeye Oyediran et al, (1989: 54).

In actual fact this spurred so many development within Nigeria's polity to the treatable efforts of a reknown cross-section of Nigeria nationalists such as late Dr. Azikwe, Late Alhaji Ahamodu Bello, Chief Awolowo, Enahoro and host of others to gain independence in October, 1960 was the era of oneness and existed till 1966 with true federalism.

### **National Integration**

James Colemann and Carl Rosbery (1964) see integration as reduction in tension in a pluralistic society in order to bring about unity and homogeneity (Femi Omotosho, 1997: 145).

Another author Weiner (1971) identifies integration to mean processes of Creating a sense of territorial nationality which overshadows or eliminates - subordinate parochial loyalties". Almond and Powell (1966:36) argue that, national integration is the process whereby people transfer commitment and loyalty from smaller tribes; villages, or petty principalities to the larger central political system.

However, the central theme of the concept of national integration has to do with overlooking the identified geo-cultural, religion, ethnic, language parities and hold to the sense of belongingness and in a given nation. However, it has to do with the process but categorically it is too sensitive to be observed. Federalism as a concept of operating mechanism will make integration as one of its supra ingredient to continually co-ordinate the perceived equal central government and the consisting states component. Femi Omotosho (1997:148) concludes that national integration involves acceptable and fashionable mechanism of uniting or loving together diversified society into a common fold out of the cleavages that might have been rooted in history.

Let take one of the programmes aiming at integration in Nigeria - e. g. National Youth Service Corps. The prior aim is to acculturate the nations' youth to the diverse Nigeria ethnic background. President Obasanjo is the initiator of the programme when he was a Military head of state over two decades ago. However, what happened to the programme in the year 2000 nearly eroded its fundamental aims and objectives on the issue of Shariah adoption into Nigeria legal code by few states up north. It was antagonized by some Southern states disassociating themselves from posting their children to the Shariah practicing States for the service year, as an idea conceived by the State up North with malice aforethought. On the other hand one may not see the practice of

Sharish as over-shooting one's boundaries being the Federal constitution grants autonomy of individual component the right of religious but the missing antidote is tolerance.

Nonetheless, in the spirit of oneness in this country what should be our lookout often is to drop vicious practices for appropriate and acceptable issues at this present time the world is becoming a global village breaking away from the war era for a peaceful time on appeasement. Also advocated by Elazar 'Federal Constitution theory' - "tolerance of diversity and willingness through conciliation".

It worth noting by way of summary if enough interest is not placed on national rebirth for sustainable integration in Nigeria's polity of the 21<sup>st</sup> Century.

Therefore as a way-out of the quagmire Nigeria Federal constitution review is imperative for national reconciliation. Although in all pursuit for constitutional goals, K. C. Wheare observes that the "law of a constitution is one thing; the practice is another (Kunle Ajayi 1997).

The national issues as to the constitutional reform is to entail all loopholes. Ruben Abati in National Guardian Newspaper May 13<sup>th</sup> 2001, in one of his articles on the constitution addressed some of the flaws of the 1999 constitution. He mentioned that section 3 (6), 5; 315 (2) and 315 (4) and 162 (5-7) that the spirit of federalism is bluntly eroded; and 1999 constitution also does not make room for residual list and it limits the power of state house of assembly to legislate on matter under the concurrent list. While section 126 on revenue allocation remains controversial. If going by what Livingston theory prescribed as sociological factor is taken into consideration section 55 dealing with language of aggression in the National Assembly, it does not recognise minority language other than English, Hausa, Ibo and Yoruba, how equal and coordinate are the ethnics on the principle of balance? Hence the call is therefore on renewal and opportunity for reconciliation of the major differences tht affect us as a country.

The suggestions now are that derivations formula from Company Income Tax and Value Added Tax should be debated participatorily between concerned parties for a better benefits.

Issues on the constitution regards resource control and revenue, human right provisions, the judiciary, corruption are contentiously linked to restructuring and should be thrashed out at the Sovereign national conference. Our leadership has inherited a huge sense of centralization entrenched during those years of military rule there is urgent need to demilitarise our constitution.

In conclusion, Nigerians now appreciate the enormity of the damage done to the country and are clamouring for change. It is therefore pertinent for the nation to get off recalcitrance on Nigeria's true sovereign federal constitution and settle finally to its constitutional those accentuate nationalism. Hence national rebirth is imperative in the present nascent democracy for a sustainable integration in the 21<sup>st</sup> Century as a matter of urgency not to flounder.

## **References**

Dare, L. O. (1977); Perspective on Federation in Akinyemi A. B. et al, (ed) *Readings on Federation*, Lagos, N11 A.

Dapo, Kolawole (1997); Constitution Readings in political science (ed) Dipo Kolawole.

Elazar, O. . (1977) The Ends of Federalism; Notes Towards a Theory of Federal Political arrangement in a M Frankel (ed) (1977) *Partnership in Federalism*, Bern Peter Lang.

Femi Omotosho (1998); State Creation and National Integration *Issues in Nigerian Government and Politics* (ed) Dipo Kolawole.

Federal Government of Nigeria (1999). *The Constitution of Federal Republic of Nigeria*. Lagos; Guardian Newspaper Nigeria Ltd.

Kousoulas, George (1975); *On Government and Politics*: Balmont, Cal; WadsWorth Publishing Co Inc.

Kunle, Ajayi (1997); Federalism and Unitarism *Readings in Political Science*, (ed), Dipo Kolawole.

Oyeleye Oyediran et al (1989); *Government*, Longman Press Ltd.

Ruben Abati (2001); Constitution. *Guardian Newspaper Nig., Ltd.*

Wheare, K. C. (1980), *Federal Government*, West Port, Conn. Greenwood Press.

Yakubu, M. G. "Structure of Government and Devolution of power" in Fredrick Ebert *Foundation; Constitutions and Federalism*, Lagos Fredrick Ebert Foundation.