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Appraising Nigeria's Inchoate Federalism

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Abstract

The nascent federalism in Nigeria is examined in this paper. To the extent that the constitutional powers of the government are centralized makes Nigeria's federalism inchoate. The majority of the governmental powers are found in the exclusive lists and are exercised by the federal government. This makes the government system unitary. The federating units, which are the states, have powers over the few concurrent lists' items. For years, the Nigerian state has been plagued by issues such as conflicts between many ethnic groups, the establishment of new states, resource management, revenue distribution, calls for a state police force, and a host of others due to the monopolization of governmental authority. The paper concludes that if additional constitutional powers from the exclusive lists is given to the states, Nigeria's inchoate federalism may become history.

Keywords: Inchoate Federalism, Federating Units, powers, devolution, Nigeria.

1. INTRODUCTION

Lord Lugard was successful in uniting the protectorates in the south and north that are now known as Nigeria. Some of the factors that led to the amalgamation were the desire to give the south the administrative features that were lacking but that the north had so thoroughly mastered. The British colonial commanders opposed Clifford's attempts to integrate the country by dispelling the notion of separate growth in the north and south. Following a fresh leadership transition in 1943, Sir Arthur Richard assumed control of Nigeria as Governor General and organized the nation into three regions, though he avoided using the term "federation." The Richards Constitution from 1946 and the Macpherson Constitution from 1951 each contributed to Nigeria's diverse federalist framework. It is obvious that the Lyttleton Constitution of 1954 created a truly federalist system that took effect on October 1 of that year. There were shared powers between the federal and regional governments, and the Constitution also included lists of exclusive matters on which only the federal government could pass laws, concurrent matters on which both the federal and regional governments could pass laws, and residual matters on which the regional government had the sole authority to pass laws without interference from the federal government. The Independence Constitution of 1960, which granted Nigeria independence status and which included the federal system previously created by the Lyttleton Constitution of 1954, came next. Following the creation of the mid-western area in 1963, Nigeria now had four regions.. In order to do this, Nigeria enacted a federal constitution between 1946 and 1960, taking the helm from the colonial masters and continuing the north-south conflict over distinct development and control of resources in the centre. Due to the ongoing political conflict between the north and south, which has not yet been settled, the nation currently suffers from political instability.

Samuel notes that the argument over the source of authority for how Nigeria came to have a different vision of the constitution and of federation. He claims that Nigeria's development as a federal system of government began after independence [1]. According to his analysis, the separated protectorates, such as Lagos, the defunct southern and northern protectorates, and independent polities that were formed as a result of that agreement to have a general government for a specific, circumscribed purpose from which justifications for succession, interpositions, and state rights could be inferred. Samuel claims that the men who came up with the initial ideas for American federalism were influenced by the national conception [1]. The nationalism of America is a precondition of their federalism. One person had the deciding vote (the nation). The notion that a country would operate through representation to continue to govern and direct its citizenry's impact in political life in addition to acting as its constituent power. This has remained essential to the development of the federal system[1].

However, in Nigeria, after the military took power on January 15, 1966, federalism had a temporary setback. The government of Auigi Ironsi adopted a unitary system in 1966, and this abrupt turnabout in the federal trip was made real by Decree 34 of May 24 1966. Nigeria's status was changed by this decree from a federation to a republic. The federal system underwent some adjustments under the Gowon regime. This is due to the fact that the civil war began and finished during his rule. The junta took action to repair the disjointed federal system. The country's regional organization was replaced by a state structure, which resulted in the formation of 12 states. This was done in an effort to lessen secessionist movements and the three ethnic groups' dominance over the minorities. In Nigeria, state-creation exercises took place under military rule in 1967, 1976, 1987, 1991, and 1996. In Nigeria, requests for the establishment of new states are almost invariably made by the political class under the pretense of promoting national unity [2]. Exercises to create new states are intended to accommodate minorities and give previously under-resourced populations access to resources.

In light of the aforementioned, this paper examines the numerous definitions of federalism put out by scholars in order to debate federalism. It looks at the contributing elements to Nigeria's inchoate federalism and comes to the conclusion that the solution to the plethora of issues brought on by this inchoate federalism is the devolution of federal government authority to the federating states.

2. CONCEPT OF FEDERALISM

According to Livingston, the society, not the institutional or constitutional structure, contains the core of federalism [3]. The legal/constitutional point of view, on the other hand, views federalism as a type of political structure and an institutionalized system of power sharing that offers a framework for cooperation among governments. Additionally, it defends minorities' and citizens' rights [3]. On the other hand, according to Watts, "Federal systems are a function of not only constitutions but also of governments and fundamentally of society" [4]. Federalism is the term for a mixed or compound form of governance that combines a central or "federal" administration with smaller regional governments into a single political system. Its defining characteristic is the establishment of a parity between the two levels of government, which is represented in the founding example of modern federalism in the United States of America under the Constitution of 1789. As a result, it can be described as a type of government in which powers are divided between two levels of equal standing government. The Latin words "*foedus*" and "*fides*" which are translated into English as "agreement, contract, compact, covenant," and "trust," respectively, are the origin of the terms "federal" and "federalism" [5]. It is most frequently used to refer to an organizational principle of a political system that emphasizes power-sharing among various levels of government, including the centre/federal, regions/states, or even local governments as the case may be, while also integrating various territorial and socio-economic units, cultural, and ethnic groups into one polity. Thus, it is frequently believed that federal political systems combine diversity with unity [6]. He further examined federalism as a political principle that has to do with the constitutional distribution of power so that the constituent parts of a federal arrangement are entitled to participate in the processes of common policy-making and administration while the actions of the common government are carried out in a manner that preserves their individual integrity [6]. According to Wheare's definition of the federal principle, "I mean that techniques of separating powers so that general and regional governments are each within a sphere coordinate and independent" [7]. Wheare continues, "I

have unflinchingly advanced a standard of federal government." The clearly defined and coordinated division of governmental duties, and I have hinted that no system of government can legitimately claim to be federal to the extent that it does not meet this standard [7]. Numerous critiques were leveled at Wheare's definition and his dogmatic approach to the idea of federalism. His concept has been criticized for being legalistic, rigid, and idealistic as well as for excluding some social, cultural, and political aspects or influences that affect federal societies. Friedrich regards federalism as a process as opposed to a design, in contrast to Wheare's legalistic viewpoint. In other words, federalism is a general principle of social organization that operates in the direction of integration and differentiation. The pattern of direction of these depends primarily on sociological criteria, which include the current attitude, values, preferences, propensities, and interests of the various actors at the relevant time [8]. As a result, he rejects Wheare's suggestion that social criteria should govern federalism rather than legal ones [8]. Friedrich's process approach has drawn criticism for being too open-ended, yet despite this, it makes us more aware of how the federal balance is constantly altering. As a result, Livingstone emphasizes sociological aspects or federal characteristics of a community and asserts that "The core of federalism lies not in the institutional or constitutional structure but in the society itself. The federal government is a tool for articulating and defending the federal qualities of society [9]. He stressed how important economic, social, political, and cultural issues were in the development of federalism [9]. In his formulation, Livingstone placed special emphasis on the elements that render both unity and the division of power embodied in the constitution as inevitable. As Ezeani noted, "Constitutionalism is a critical factor that cannot be undervalued in the functioning of federalism, at the same time, it ought to be recognized that a number of factors may, individually or in combinations, determine the complexity, as well as facilitate the dynamism of a federalism [10]. On his part, Elazar emphasizes the importance of power in the integration of systems. In other words, a federal system of government is a way to guarantee fair power distribution among various social groups and to account for the reality that interstate collaboration frequently obviates the formal constitutional separation of powers"[11]. In a similar vein, Apparodai defined federalism as a system based on the idea that the government must be organized around the existence of many levels of government, each of which executes some of the governmental legislative powers granted to them by the country's ultimate constitution[12]. Thus, it is important to view the formal separation of power amongst levels of government, which is typically cited as the core of federalism, as an effort to stop one group defined in terms of race, class, or language from dominating the others and controlling access to public goods.

Nwabueze defines federalism as a system in which a single, all-encompassing government and several regionalized governments share authority inside a country. Each of these governments has direct control over the people and property located inside its territorial boundaries, as well as its own will and means of conducting business [13]. Additionally, each of these governments has exclusive jurisdiction over a number of matters. Federalism is a "means or process of bringing people together through practical arrangements meant to suit both common and diverse preferences of individuals," according to Watts, and not "an abstract ideological model to which political society is to be brought into conformance" [14]. This largely supports Friedrich's claim that "federalism is a process rather than a design."

It is "principally the federalization of a political community" [8]. That is, "the process by which a number of different political communities enter into agreements for formulating answers, adopting shared policies, and making shared decisions on shared problems, and conversely also the process by which a unitary political community becomes differentiated into a federally involved whole [8]." Federalism is thus typically viewed as a strategy, mechanism, or workable approach to dealing with real-world issues. This explains why there isn't a perfect federal government model or form.

Jinadu points out in an instructive way that federalism is typically seen as a type of institutional and administrative framework consciously created by political "architects" to deal with the twofold but challenging challenge of upholding unity while simultaneously preserving diversity [15]. According to Adefulu, a federation can be thought of as a way to bring together disparate groups to form a political union or as a type of governmental arrangement. As a result of the aforementioned, the Nigerian federation, which may have begun with the division of the nation into three regions under the supervision of the Richards constitution in 1946, aimed to prevent

the concentration of political power in one type of governmental structure, namely the central government [16].

3. CONTRIBUTING FACTORS AGAINST NIGERIA'S INCHOATE FEDERALISM

Contrarily, it can be argued or stated that Nigeria's adoption of federalism lacks a nationalist consensus as a result of colonialist infiltration, and as a result, the Nigerian state has been characterized as a fragmented state resulting from a fragmented society that led to fragmented institutions [17]. The main drivers behind the creation of federalism in Nigeria were the country's cultural diversity, the threat of minority dominance, geographic considerations, economic considerations, effective administration, and the desire to bring the government closer to the people. Federalism has brought political unrest, backwardness, and conflicts rather than the peace, growth, and administrative convenience that were desired. There is ongoing opposition to federalism in modern-day Nigeria due to a number of different problems, which has led to the call for restructuring to address these issues as soon as possible. These elements consist of:

a. Military Incursion

Some scholars believe that the Nigerian military significantly harmed or weakened the Nigerian state. The longevity of the military in Nigerian politics, whose actions, files, ranks, and administration are in opposition to political notions of civilian governance like democracy, federalism, etc., is the rationale for this. The Nigerian state, particularly her efforts to enshrine federalism, suffered a serious hit as a result of Decree No.33, which was invoked by the first military administration. The fundamental principles of federalism as envisioned by classical federalist scholars, including the norms of devolution and intergovernmental interactions, were overturned by a system or decree that included the centralization of all political institutions and the military permutation [18].

State administrations of the second Republic refused to grant local governments any level of autonomy, in part because they were themselves fighting for autonomy. Local governments were significantly strengthened with the resumption of military control during the transition to the Third Republic [19]. Evidently, the nature and effects of military control on the Nigerian state have throughout time continued to raise fundamental questions about the necessity of the military's participation in the country's government. But as things stand, there appears to be a general understanding in Nigeria that the military interference in the government of the nation January 15, 1966, represented serious inconsistencies and a diversion from the process of building the nation, particularly the development of federalism [19].

It is a well-known truth that military rule is opposed to both federalism and democracy due to the character and command structure of the military organization [19]. The idea that many years of military administration constantly changed Federal-State relations in favour of the former to the point that Nigeria ultimately became more of a unitary state than a federal one is supported by an enormous weight of scholarly evidence. Even worse, succeeding civilian governments have failed to gather the required political will to solidify the nation's federalism [20].

(b) Constitution Challenge

Nigeria has struggled to draft a constitution that enjoys the support of the vast majority of its citizens. Over the years, Nigerian federalism has met significant opposition from those who favour a unitary form of governance and those who favour a confederal system. Numerous indicators of excessive concentration of authority are widespread, undermining federalism and escalating the need for reform. Adebayo questioned the justification for the federal government's 68 exclusive legislative rights and 24 concurrent powers over the things included in the concurrent lists. Why does the federal government have the authority to enact laws ensuring peace, order, and sound governance in any part of the federation? [21] The police force, courts, education system, and electoral body, among others, are all federally administered yet have authority over affairs in the federating units. These and other issues are also brought up, such as the lopsided allocation of money in favour of the central government. Unfortunately, the present framework and guiding principles that have guided Nigeria's constitution over time, especially since the democratization of government, do not in any way reflect true federalism in

the sense that the term is used in practice. Nigeria currently has a strong centre and weak constituent parts.

(c) Federal Character and its Application

The debate about federal character and its use in Nigerian federalism is another significant cause of conflict. The notion of federal character was officially recognized by the 1999 Constitution. The phrase "distinctive desire of the people" alludes to the federal character's aim rather than its actual content. The constitution contains a contentious and backwards-looking provision like this [22]. The conflict between distinct ethnic groups does not appear to be addressed by the federal character idea. In reality, the federal character is meant to be a unifying force that fosters national unity, but because there are no clear-cut accepted rules, it has a very polarizing effect on state and ethnic politics [23].

Federalism was introduced in Nigeria for a number of reasons, one of which was to address the issue of pluralism by creating a union between many states or state-like agencies. The country's increasing polarization along ethnic and religious lines poses a persistent danger to the stability of the Nigerian federation. It is clear that Nigeria's federal system has served to legitimize and exacerbate the country's existing divisions, despite the fact that this separation directly threatens the nation [24]. This has effectively undermined the fundamental goal of the federal character principle, which was to avoid tribal or regional domination of any government or its agencies. Normally, federal character protects minorities, but Nigeria's misuse of it has resulted in inequity, tribal dominance, the promotion of mediocrity, a lack of openness, and corruption. In a political system where the component units are structurally balanced, it may be said that federalism works well. The North, West, and East were the three political regions on which the Nigerian federation was founded. In terms of area and population, one of the regions, the north, was larger than the other two together. The regional tripod was severely skewed, making up almost three-fourths of the country's land area and around 54% of the people [25]. The imbalance in Nigeria's organizational structure contradicts the federal presumption that no component entity should be so huge as to overwhelm the rest of the union. No state should be so strong in comparison to the others that it could match the combined strength of several others, according to Mill [26].

According to Wheare, a federation's structural imbalance carries a risk since the relatively larger unit may be able to override the smaller ones and bend the federal government's will to its own interests [7]. According to him, doing so will result in the concentration of political power, the seizure of privileges, and the subjection of one group by the other [7]. Mazrui notes that the north had become a nearly absolute deciding factor in joint discussions [27]. The North became the centre of attention for other areas, in violation of the federation's founding ideal of state equality. The institutionalization of ethnocentrism in Nigeria was based on the adoption of this structurally faulty system. As a result, there have been protests and occasionally vehement calls for the component units to be reorganized in order to produce a healthy system of government. The Wilink Commission was established in 1957 to address the concerns of the minority because of this. As a result, the Midwestern area was established in 1963, and the post-independence leadership started the process of adding states to balance the federal system. In order to reconstruct the federation so that no state or group of states could endanger the corporate life of the country or hold the nation to ransom, Baker claims that the federal military administration made twelve states out of the four existing regions [28]. Due to the new states' equal starting position, the establishment was intended to promote justice and fairness. Later, Gowon's decision opened the door for additional state restructuring in Nigeria. For instance, two more states were added in 1987, bringing the total to twenty-one, while seven additional states were added in 1976, bringing the total to nineteen. Thirty-six states and 774 local governments were totaled after the creation of nine further states in 1991 and six more in 1996 [28]. The aforementioned measures have sadly failed to quell ethnic tendencies and sour ethnic divisions, which has resulted in intolerance, a feeling of insecurity, and mistrust between different ethnic groups. The continued northern structural supremacy is to blame for this. The North has 19 states in the present 36-state system, compared to 17 in the South. The North has 417 LGAs, whereas the South has 397 LGAs out of the total 774 LGAs. This may help to explain why Oladeji highlighted that one of the most fundamentally disruptive features of Nigeria's cake-sharing

experience is the formation and ongoing agitation for new states and local government councils [29].

(d) Plural Multi-Ethnic Groups

Nigeria's federation is constrained by the fact that it is based on an unsteady, resentful multi-ethnic accommodation that thrives on unrelenting uncertainty and anxious expectation. The pretentious and flawed federal structure is the source of the Nigerian state's predicament. According to Suberu, the creation of a highly dysfunctional centralized ethno-distributive federalism structure lies at the root of Nigeria's situation [24]. The term "Federal Republic of Nigeria" only exists on paper even after the Gowon administration abrogated Decree 34, returning the nation to a federal state, as nearly all subsequent military regimes ran Nigeria as if it were a unitary state [23].

In Nigeria, a more or less unitary system of government was created as a result of Sir Lord Lugard's 1914 amalgamation, according to Amuwo *et al.* [30]. Although Nigeria's first attempt at a unitary constitution didn't take place until 1946, when the Richards constitution went into effect, the Clifford Constitution of 1923 set the precedent for elective representation in the nation. Some issues of enduring magnitude were brought about by the federal structure's creation in Nigeria. With the South split in half, Nigeria became an asymmetric territorial association, with one part being equal to the sum of the other two. This circumstance supported Mill's law of federal instability, which states that a federation cannot be stable when one of its constituent parts constitutes a permanent majority in joint deliberations [22].

(e) Leadership Problem

According to Cooper, the fact that Nigeria's leadership is run as a business investment in which the wealthy Godfathers invest through the sponsorship of campaigns and election rigging, getting a candidate to the exalted seat of government, and then pressuring the candidate to yield his returns through the theft of taxpayer funds, is not a new revelation. The vicious cycle continues when the same candidate completes his term, enriches the Godfather, and then ascends to the position of Godfather himself [31]. He then invests in a new candidate in order to reap the same benefits.

In a similar spirit, Roy has claimed that Nigeria's greatest obstacle to reaching her full potential as an African powerhouse has been poor leadership. According to his judgment, everything will start to go well as soon as the right people are elected to leadership posts. Once we have the correct leadership in place, it won't matter who is in the centre [32]. By doing this, we must downplay the importance of mediocrity, nepotism, money politics, and race. Instead, we must start challenging the personalities who represent us, holding them accountable, and standing with those whose backgrounds reflect integrity, competence, aptitude, and a history of selflessness. The decisions we will make as a country regarding the leadership of this country and the vision for our political, economic, and religious future will be greatly influenced by the type of change that we pursue, the type of change that we need, and the type of change that we receive [33].

(f) Political Dominance

The federalism of Nigeria has also been put in danger by the problem of political hegemony. Nigeria's federalism now has this as a permanent component due of the strong elite power struggle that has marked Nigerian politics since independence, particularly along ethnic lines. It makes sense why this is the case since, according to Ake, state power in Nigeria remained substantially the same after independence, being enormous, arbitrary, frequently violent, and always menacing [34]. The political implication of this is that the political elite started to view power as everything, and the management of state power evolved into the main concern. As a result, the fight for power grew to be so all-consuming that everything else including development was sacrificed on the altar of the political struggle for dominance. Power politics were not only considered as the fastest path to money, but also as a means to security and a sure bet for everyone's happiness. Even today, this situation has persisted uninterrupted [34]. At the expense of the other regions, the north has dominated and monopolized political power in the political sphere.

(g) Inter-Ethnic Rivalry

Inter ethnic conflict is one of the forces working against Nigerian federalism. We all know that there are many different ethnic groups in Nigeria, and the competition between the Hausa/Fulani, Yoruba, and Igbo has grown over time to be a significant problem.

Dode claims in his contribution that the constitution left by the colonial administration stoked ethnic and tribal tensions; as a result, the various governments that ruled the nation, whether civilian or military, not only had to deal with this issue but also unintentionally made it worse through their efforts to resolve it [35]. For instance, the British used divide and conquer political and administrative strategies to mobilize and influence the ethnic consciousness that subsequently developed from the violence of the colonial state. Similarly, Nnoli asserted that the British tactic of divide and rule initially used ethnicity and sectionalism to combat nationalists and to uphold colonial authority and power in the British enclave. Additionally, the British colonialists tried everything they could to further splinter the Nigerian people. They propagated the myth that Nigerians lacked a distinctive political independence that was shared by all of them [36].

Nigeria has seen more than 60 years of strife, violence, and significant bloodshed as a result of Britain's founding of the country in 1914. In actuality, war, disputes, and brutal inter ethnic violence have torn the Nigerian federation apart since political independence in 1960. The longest and most well-known of these conflicts lasted 36 months (1967–1970) and was brought on by the three Eastern States' failed effort to secede from Nigeria. The civil war was actually the result of the large North's dominance and the Eastern Igbos' discontent [13].

(h) Unequal Sharing of Constitutional Powers Between the Federating Units and the Centre

It must be noted that the federal institutions were an invention of the British administration for their own purposes and have never existed in Nigerian society. The federal military administration imposed its centralized governance system upon the states and has always regarded itself as superior to them [35]. Military federalism, which made the federal government the "master in relation to the dependent" state governments, had been more prevalent than civilian federalism. Dode claims that at the time of independence, the mainly autonomous districts controlled the remaining federation authorities and ran virtually entirely on their own. The basic and secondary education in the regions was covered by the residual list, while the university education was covered by the concurrent list. The regions also had autonomous tax bases, separate constitutions, and foreign missions. Under military authority, all these were altered [35].

The second schedule of the 1999 Constitution of the Federal Republic of Nigeria outlines each level of government's responsibilities and powers in detail (as amended). There are two lists of laws, the Exclusive Legislative List and the Concurrent Legislative List. The former covers issues over which only the Federal Government has the authority to enact and enforce laws, whereas the latter covers issues that are the topic of joint legislative authority between the Federal and State Governments. The exclusive list has sixty-six (66) subjects, while the concurrent list contains twenty-eight (28) subjects. Regarding the residual list, the constitution is silent. The majority of federations, however, operate under the premise that the State will exercise the remaining powers. The responsibilities of local government are also outlined in the Fourth Schedule of the Constitution. Although the assumption of the status of a third tier of government is clearly attested by the power derived from the constitution, the local government is still constrained by the clause stating that its powers include any additional duties that may be granted to a Local government council by a State's House of Assembly.

The 1999 Constitution's division of legislative authority between the Federal and State governments does not align with the idea that a federal state is one in which there is a central authority that speaks for the entire country and takes action on its behalf in matters of foreign policy and internal matters of common concern. Awa made clear that the component parts of the federation must be given the ability to manage certain of their issues independently and using their own resources. Nigeria's federal government must cede some of its authority to the federating units in order for the country to maintain its sociopolitical stability; otherwise, it will be doing millions of minorities in Nigeria, particularly those in the Niger Delta, injustice [37].

Power distribution is a delicate subject that, if not handled carefully, could result in a number of crises that are inescapably going to arise. However, Dode points out that Nigeria has not been frank in following this principle to the letter, and as a result, there has been an increase in ethnic conflict, distrust between ethnic groups, issues with minorities, and calls for a resolution to the national question. According to him, inequitable function and resource distribution is what leads to racial tension and minority difficulties in Nigeria [35]. This is due to the fact that those who currently feel excluded from society regard it as necessary to rely on their ethnic groupings, giving them a solid foundation on which to compete with others for resources and resist exploitation by the dominant ethnic groups. This could turn into a direct altercation between the parties, which has frequently occurred in Nigeria [38]. Leaders of federating units, particularly those from the southern part of Nigeria, have increased their calls for restructuring as a result of this, which has had a considerable impact.

4. FEDERALISM IN THE UNITED STATES

The goal of the so-called "new federalism" was to redistribute governmental authority to the states and communities, where, according to the argument, they should be under the terms of our constitution [39]. Devolutionary federalism holds that: (1) all governmental powers and functions should be exercised and controlled at the smallest and most local level possible, and (2) most governmental powers and functions are best exercised and controlled at the level of the states and localities, whether as a matter of endogenous constitutional principle. The modern devolutionary approach, which has roots in the Articles of Confederation and the Anti-Federalists and resembles dual federalism and states' rights, is a product of the late 20th and early 21st centuries [40]. Devolutionary federalism is a tenet-driven response adapted to the setting of current American federalism, as explored in both public and elite contexts, most notably in the Rehnquist and Roberts courts' jurisprudence [41].

Thus, devolutionary federalism puts into practice two linked ideas. On the one hand, decentralizing policy and giving states and localities more authority and responsibility would essentially deregulate the market for policies, allowing for more experimentation and innovation in the creation and provision of public goods and services. On the other hand, a sufficiently devolutionary system promotes competition among market participants and avoids the monopolization of policymaking. Devolutionary federalism is often thought to ensure better individual liberty through efficient self-governance because of the closeness of the government. This association is based on the idea that, other factors being equal (such as electoral processes and the powers granted to the government), voice is more effective in small than large political units because it is simpler for one individual or small group to organize a potentially successful political coalition in a localized community than in a large and complex polity [42]. It has been stated that a citizen's proximity to their government affects both their happiness and freedom [43]. This viewpoint is typically supported by the argument that, even if state and local laws restrict some aspects of liberty (such as the use of private property), overall, people who live in local government settings are more free because local laws are more likely to reflect local preferences and conditions than laws passed by a distant national government [44]. Devolutionists frequently treat this assumption as axiomatic rather than producing actual proof of such convergence between state policy and local preferences. However, even if there is a psychological component that reinforces the closeness of government, there may be an empirical gap between personal preferences and state and local policies. The likelihood that the populace will absorb and connect with a government's policies increases with how close to them it is.[44]. Devolutionists also frequently hold the view that proximity improves liberty by increasing government accountability to or control by the governed. Advocates of the modern era contend that devolution keeps the government close to the populace, where it can be seen more carefully and is more likely to have accurate information about what the public wants in terms of good policy [45]. In theory, devolved government gives residents more opportunities to engage in public affairs, make political decisions, and collectively decide how to define their local community [46].

5. CONCLUSION

Nigerian federalism is still inchoate. It lists the contributing factors that led to this. It concludes that Nigeria's inchoate federalism can be resolved by devolving some of the federal government's powers contained in the exclusive lists to the federating states.

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