



Nigeria's federal system threatened by revolts

An international agency gives a grim evaluation with suggestions for success.

Adapted from the report "Nigeria's Faltering Federal Experiment," by the *International Crisis Group*, October 2006

On April 19, 2006, a car bomb in a military barracks rocked the southern oil city of Port Harcourt, Rivers State, Nigeria, killing two people and seriously wounding six. The Movement for the Emancipation of the Niger Delta (MEND), an armed group demanding local control of the region's petroleum resources, claimed responsibility. Although they expressed regret for "death among the civilian population," the militants vowed to continue attacks against "those attempting to sell the birthright of the Niger Delta peoples for a bowl of porridge."

From 2001 to 2004, there had been inter-communal clashes between "indigenes" and "settlers" that killed thousands in Plateau State. In March 2006, in an attempt to stop the 2006 census, militants from the separatist Movement for Actualisation of the Sovereign State of Biafra (MASSOB) attacked a police station in Nnewi, Anambra State. They proclaimed that the Igbos, one of Nigeria's three major ethnic groups living mostly in the south east, should not be included in the count because they are Biafrans, not Nigerians. Six MASSOB members died.

Escalating violence in the oil-rich Niger Delta is a serious threat to security in Nigeria; but any sweeping concessions towards meeting the demands of the militants in the region could raise the spectre of attempted coups by those who feel their privileges are being endangered.

In the 46 years since Nigeria gained independence from Britain, successive governments have attempted, with varying degrees of sincerity and commitment, to fashion federal institutions that can accommodate the country's ethnic, cultural, and religious diversity. However, the leaders of these governments, at all levels, have failed to live up to their obligations to offer good governance based on equitable political arrangements, transparent administrative practices, and accountable public conduct. Communities throughout the country increasingly feel marginalized by and alienated from the Nigerian state.

The lack of federalism and democracy

A civil society leader noted, "The commitment to federalism and democracy holds Nigeria together, and the lack of federalism and democracy threatens to tear Nigeria apart."

The International Crisis Group is an independent, non-profit, non-governmental organisation, with nearly 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.



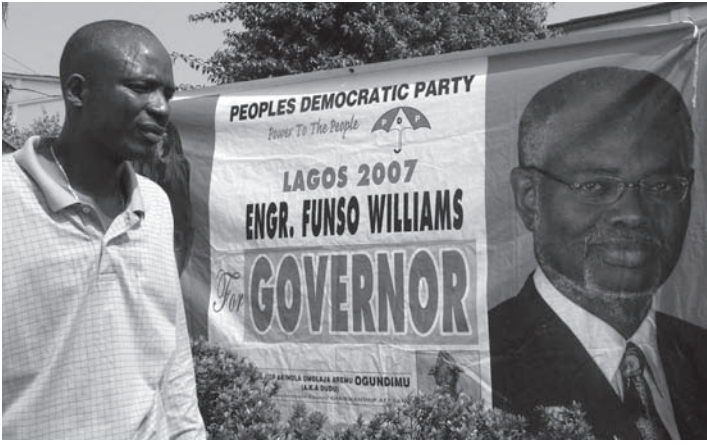
Photo: REUTERS/George Asiri

Hostages from the Philippines are held by gunmen from MEND in the Niger delta.

In March 2005, an independent panel of experts on Sub-Saharan Africa convened by the U.S. government's National Intelligence Council highlighted the "outright collapse of Nigeria" as a potential destabilizing development in the West Africa sub-region within the next 15 years. President Olusegun Obasanjo, who has repeatedly rejected suggestions that Nigeria is teetering on the edge of disaster, dismissed the report, calling its authors "prophets of doom." Nigeria may avoid the tragedy of state collapse, but its size and resources ensure that further escalation of its internal conflicts could indeed destabilize the already fragile security situation in the West African sub-region and beyond. "This isn't a doomsday scenario," an experienced international observer has warned. "This is a real scenario."

Nigeria's Constitution enshrines a "federal character" principle, a type of quota which seeks to balance the apportionment of political positions, jobs and other government benefits evenly among Nigeria's many peoples. But it is distorted by a second principle, that of indigeneity, which makes the right to such benefits dependent upon where an individual's parents and grandparents were born. The result is widespread discrimination against non-indigenes in the 36 states, and sharp inter-communal conflict.

In Plateau State, for example, recurrent clashes since 2001 between indigene and settler communities competing over political appointments and government services have left thousands dead and many more thousands displaced. The deep sense of alienation felt by diverse groups throughout the country has fuelled the rise in ethnic-identity politics, ethnic militias, and, in twelve northern states, disputes over the application of Islamic law (Sharia). The militias demand ethnic rather than national loyalty. Some, such as MASSOB,



A supporter passes the election poster of slain governor candidate Funso Williams in Lagos. Williams was killed in July 2006 in what was believed to be a political assassination.

seek secession from Nigeria. Others, like the O'odua Peoples' Congress (OPC) and the Bakassi Boys, operate as security outfits, including for state governments, and are responsible for human rights abuses that have left hundreds dead.

Law-and-order problems or real threats?

The federal government has characterized many of these developments as no more than a law-and-order problem and has responded accordingly with force. It has dismissed the demands of Niger Delta militants, for example, as simple thuggery and assumed that federal security forces can always quell the violence there and in Plateau State, while decreeing sweeping bans on the ethnic militias and putting a number of their leaders on trial for treason.

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How to save Nigerian federalism and democracy

The International Crisis Group recently presented these recommendations to the Nigerian Government:

To encourage equitable distribution of national wealth

1. Work toward a new division of the country's natural resource wealth by: (a) as an interim measure increasing to 25 per cent the oil revenue allocated to producing states (the derivation principle); (b) passing uniform resource control legislation that i) vests 50 per cent ownership of natural resources in the states and 50 per cent in the federal government, and then divides a percentage of the federal share among the states and local government areas (LGAs) through the Federation Account; and ii) requires that states devolve two thirds of the revenue accrued from state ownership directly to local incorporated development trusts, splitting the remainder between the state government and LGAs; and (c) abolishing the derivation principle entirely once this new framework is in place.
2. Encourage non-oil-producing states to develop new revenue-generating capacity in agriculture, tourism, and solid minerals.
3. Conduct a review of laws that have deprived communities of their lands and birthrights, leading to reform of the 1978 Land Use Act and repeal of the 1946 Minerals Act and the 1969 Petroleum Decree.

To ensure fair implementation of the federal character principle

4. Remove all references to indigeneity from the Constitution.
5. Establish constitutionally or by federal law that an individual is a resident of a state if born there or living there for at least five years.
6. [Allow residents of a state, not only those indigenous to the state, to serve in the capacity of federal ministers from that state] Replace indigeneity with residency as the

criterion for appointment of at least one minister from each state by revising Section 147 (3) of the Constitution, and revise Section 318 to define "from a...State" in the federal character provision of Section 14 (3) as referring to a person who is a resident in the state.

7. Introduce a gender component into the federal character principle, alongside ethnic, state and sectional tests, by amending Section 14 (3) of the Constitution.
8. [Turn the Federal Character Commission into an equal opportunity commission by giving individuals the right to challenge discrimination under the federal character principle, and by removing references to ethnic groups in the commission's charter] Give the Federal Character Commission more of the responsibility and authority of an equal opportunity commission by deleting all references to the concept of indigeneity from its charter and by amending that charter so that: (a) individuals or organisations and agencies acting on behalf of individuals can file complaints to the Commission regarding misapplication of the federal character principle; and (b) the Commission can investigate charges of misapplication of the principle and either mediate disputes or bring discrimination suits in federal court.

To ensure broad-based participation in restructuring of constitutional power-sharing arrangements

9. Inaugurate a democratic constitutional reform process in which an elected assembly debates and drafts a constitution that is put to a popular referendum.
10. Place issues relevant to the protection of marginalized groups such as women, children, and the disabled on the Constitution's concurrent legislative list so that the federal government can set uniform minimum standards while still allowing states to legislate in these areas, provided they do not deviate from basic federal law.

Dakar/Brussels, 25 October 2006

By 1997, the federal share of city revenues had dropped to five per cent. Most of this decline occurred in the 1980s when the federal government under President Ronald Reagan eliminated the General Revenue Sharing program. Started under President Richard Nixon in the early 1970s, the program provided state and local governments with federal funding, with few strings attached. The program was viewed skeptically by many federal officials and was subsequently phased out, with initial cuts beginning in the late 1970s, followed by the complete elimination of the program by 1986.



Graphic: Department of Homeland Security

Orange alert, red alert: the different levels of terrorism alerts from the U.S. Department of Homeland Security. The federal government required states to take action when alert levels were raised.

rights to people of colour and women. It is worth remembering that the federal government's toolbox consists essentially of two sets of tools — "carrots" (funding and incentives) and "sticks" (mandates, pre-emptions and other regulations). If the carrots are not working, it is reasonable to assume that federal officials will use sticks, whether state and local officials like it or not.

Looking at these three trends, it should not be surprising that a common assessment of the federal role with respect to local and state governments is: "less money, more regulations." Or, as I have referred to it here: fend-for-yourself federalism.

As federal governments have moved out of the business of funding local and state governments, and increasingly into the business of regulating and pre-empting their activities, local and state officials increasingly prefer to go it alone. Relying on federal largesse is viewed as a recipe for failure, or as one local official noted when asked about federal grants: "We should all look that gift horse in the mouth and think hard about saying 'no, thanks.' "

Not all unfunded mandates are bad

Of course, not all unfunded mandates are bad and the rise of federal regulatory activities, at least with respect to the government sector, has coincided with the longer-term expansion of the U.S. economy, the development of the welfare state, and the provision of social and civic programs previously unseen in the nation's history. Most of the federal government's civil rights-era mandates, for example, were used to change the behaviour of state and local governments that were lagging behind in providing equal

However, in examining trends in federal funding, pre-emptions and unfunded mandates, it seems quite obvious that a more reasoned balance between funding and regulations is needed. But with the federal government running budget deficits in the hundreds of billions of dollars, and neither the Democrats or Republicans at the national level willing to show much fiscal restraint, it is clear to local and state officials that more funding is not on the way, at least not anytime soon. As a result, they resort to their "leave us alone" refrain, pleading for less interference and preferring a go-it-alone, fend-for-yourself approach to U.S. federalism.

It is worth remembering that, at the city level, one hears similar views expressed in regard to state governments. City governments in the U.S. are corporations of state governments, and their powers and authorities are determined by their state governments, much to the chagrin of many city officials. This point is raised to illustrate that the nature of the relationships among orders of government are fraught with tension, finger-pointing and plenty of blame to go around. In the end, perhaps the real problem for cities is that there is no order of government below them on the federalism food chain to which they can pass the buck — or the mandate. (6)

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After the civil war from 1967 to 1970, in which the Eastern Region attempted to secede as the "Republic of Biafra," the military regimes that ruled Nigeria maintained a federal façade but implemented policies that fostered Nigeria's transformation into a unitary state. They continuously gave more power to the central government while systematically weakening the constituent states. Armed with constitutional decrees such as those of 1966 and 1975, they took for themselves the unrestricted and unchecked power to pursue far-reaching structural reforms.

As power gravitated towards the centre, the military rulers broke down the former regions into an ever increasing number of states: from the initial 12 in 1967, to 19 in 1976, 21 in 1987, 30 in 1991 and 36 in 1996. This

subdividing was rationalized as a process to give more autonomy to ethnic and sub-ethnic nationalities and to bring government nearer to the people. In reality, however, it was a design to dilute regional power and so quash any remaining secessionist rumblings. The proliferation of states was accompanied by cuts in the revenue allocated by the central government to each one. The result was smaller and weaker federal units, some of which were not economically viable. Nevertheless, the military's objective of weakening the unity of the larger ethnic groups, and thus their ability to challenge the central government and destabilize the federation, has not been achieved. For example, the Ijaws in the Niger Delta, who are arguably the fourth largest ethnic group and are divided among five coastal states, have maintained a loose ethno-nationalist agenda that enables them to join forces across state lines. (6)