

Nigeria: In Need of Good Governance

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Nigeria came into existence in 1900, in the form of the British Protectorates of Northern and Southern Nigeria and the Colony of Lagos. These units were amalgamated under a single British administration in 1914, and from then until 1954 Nigeria was governed as a unitary state. This is a story familiar to students of European imperialism: a new state—Nigeria—created not by the voluntary union of previously existing, closely related, and freely contracting political units, but imposed by an imperial power on an artificially demarcated territory containing a heterogeneous population of people who up to then had been essentially strangers to each other. In the context of the emergence of the Nigerian federation, the absence of an enabling environment for a credible negotiation of federal-state relations in part accounts for several of Nigeria's current constitutional challenges, including distribution of powers, revenue-sharing, a unitary judiciary, and "indigene" rights.

Although formally governed as a unitary state for forty years, Nigeria was composed of three very distinct administrative regions: the Western Region, dominated by the Yorubas; the Eastern Region, dominated by the Igbos; and the vast Northern Region, dominated by the Hausa-Fulani ruling class of the famous Sokoto Caliphate of the 19th century. When Nigeria was converted into a federation under the so-called Lyttleton Constitution of 1954, these three regions were the federating units. Britain's final constitutional enactment respecting Nigeria—the Independence Constitution of 1960—preserved this same federal structure. But since independence the country has been subdivided five times into a total of 36 states and the Federal Capital Territory of Abuja.

Nigeria's post-independence history has been marked by two long periods of military rule—from 1966 to 1979 and again from 1984 to 1999. The country's two principal post-independence constitutions—the 1979 Constitution and the 1999 Constitution—were fathered on the country by military rulers before returning the reins of power to civilians.

The 1979 Constitution made major changes in the way Nigeria was governed. It replaced the cabinet-style of government inherited from the British with a US-style presidential system; instituted local governments as the third order of government; and promoted a robust federal structure in order to reduce ethnic tensions by affirming the differences among Nigeria's ethnic groups. The current constitution, which went into effect on 29 May 1999, was the outcome of a transition process led by the military government of General Abdusalami Abubakar. Except for minor adjustments, the 1999 Constitution is the same as the 1979 Constitution. **Surpassing all its postcolonial predecessors, the 1999 Constitution has now been in force for more than five years and has survived its first major test—countrywide general elections conducted in 2003, which resulted in large turnovers in federal and state legislatures and regime changes in many state and local governments.**

Notwithstanding the efforts of the constitution-drafters to entrench federalist structures, the balance of power in Nigeria still favours the central government. Two main factors account for this: long periods of rule by a unified military chain of command, and control by the Centre of

the country's main economic resource—oil. The strength of the central government has evoked deep resentment from those who believe that the states are too weak. Many believe that this concentration of power at the Centre is responsible for the large-scale corruption and mismanagement of resources that is now evident in governance. Consequently, there have been calls for further devolution of powers to the constituent units in the federation.

The sharing of the federation's revenue has become a contentious issue. Recently the federal government had to seek constitutional interpretation from the Supreme Court as to the extent the 'littoral' states, or states bordering the Gulf of Guinea, could benefit from the offshore oil resources of the country on the principle of derivation. The friction occasioned by the agitation for the control of resources, coupled with the lack of understanding of the flexible mechanism for sharing national resources between the federal government and the other tiers of government, have exacerbated the problem.

Furthermore, the distortion of some established federal principles by the command structure of the military and the need to insulate the judiciary from political interference has led to the evolution of a centralised or unitary judiciary in a federal state. This arrangement, although antithetical to federalism, is largely believed to be the panacea for insulating the judiciary from the monetary pressures and pervasive influence that may have otherwise been exerted on it by state governments.

It is also pertinent to stress that Nigerians have abused the "indigeneship" provisions in the Constitution to the detriment of the enjoyment of citizenship rights in the country. The word "indigene", a Nigerian coinage, is used to define natives of a particular place in relation to more recent citizens of that locality. The adverse effect of the deliberate policy of promoting indigenes, as opposed to "settlers," has been detrimental to efforts to build a strong and united country.

Nigeria's democracy is still fragile and to a large extent crisis ridden. These crises are largely attributable to the poor use of the various consensus building and conflict resolution mechanisms in the Constitution. There is cause for hope that, in spite of the absence of a freely negotiated federal system, the various and disparate ethnic groups in Nigeria have traditionally exhibited harmonizing tendencies among themselves. Even the current political quarrels largely revolve around sharing national resources, using ethnicity and religion as smokescreens.

Nigeria is in dire need of good governance and responsive leadership as successive United Nations' Human Development Index reports have scored Nigeria very low, especially concerning poverty eradication and improvement in the standard of living of the people. The major goal of government should be the evolution of policies and strategies towards reversing this worrisome trend otherwise constitutional governance on any model of federalism, and no matter how ingeniously devised, will be jeopardized.