

## Nigerian Federalism at the Crossroads

Ebere Osieke

Nigeria attained political independence in 1960, but like many other countries in Africa, and even Latin America and Asia, it has not enjoyed uninterrupted democratic governance since that time. The military has intervened so many times that out of the 45 years of sovereignty, a democratic system of government has operated for only 15 years. Significantly, the first major action of the military regimes once they had seized power was to abolish the legislative and executive arms of the government by suspending the parts of the Constitution that relate to them. **Thus, when reference is made to legislative and executive governance in Nigeria, it is to a very short period of time, but one filled with both turbulence and legal and constitutional growth.**

Nigeria's Constitution from independence introduced a parliamentary system of government – popularly known as the “Westminster Model” – which lasted until January 1966 when the military took over power. When the military left in 1979, Nigeria changed to a presidential system of government borrowing from the model of the United States of America, but it practised the system for only four years before the military again seized power, accusing the civilian government of mismanagement, incompetence, and corruption. A new democratic government took office in Nigeria on May 29, 1999, with Chief Olusegun Obasanjo (a retired army general and, at one time, Nigeria's military head of state) as the president of the country. The question of a parliamentary versus presidential system is still at issue today.

The Nigerian Federation is now composed of 36 states and a federal capital city, Abuja. There is an elected national legislature, made up of the Senate and the House of Representatives, as well as a federal judiciary. All the states are headed by a governor, who is the chief executive and who exercises the same functions and responsibilities for the state as the president does for the Nigerian Federation. Each state has a unicameral legislature and a judiciary.

No serious constitutional problems have arisen within the states with respect to legislative and executive governance, with the exception of two or three cases of impeachment of deputy governors and one case involving a governor in the state of Anambra. There have been a number of controversies relating to the exercise of legislative and executive powers at the federal level.

In the year 2000, the president, in the exercise of his constitutional powers, modified an existing law to bring it into conformity with the provisions of the 1999 Constitution, but the legislators claimed that he had performed a legislative function and had usurped their powers. Also, in May 2004, the president proclaimed a state of emergency in Plateau State in north-central Nigeria, and suspended both the governor and the state legislature for a period of six months. Many commentators asserted that his actions were unconstitutional.

The legislature has also been accused of exceeding its powers on a number of occasions. In 2002, some state governors challenged the Electoral Act of 2001 adopted by the federal Legislature on the grounds that it was unconstitutional because it, among other things, extended the tenure of local government chairs to four years from the three years specified in the Constitution. The Supreme Court upheld the objection and declared the relevant parts of the act inoperative.

The lessons that Nigerians have learned from legislative and executive governance in the six years of democratic rule since 1999 is that the president wields enormous powers and that there is over-concentration of powers at the centre. This situation has made the post of president and membership of the federal Legislature very attractive. People from different parts of the

country now vie to produce the president—sometimes quite fervidly. Up to now, the federal structure which the British colonialists bequeathed to Nigeria, whereby the North alone is bigger than the East and the West combined, had not made it possible for every part of the country to produce the President. This was because the North traditionally voted as a block in a presidential election to produce the automatic majority required to elect the president.

In recent years, however, as a result of the general dissatisfaction expressed by various parts of the federation against Nigeria's existing federal structure, a consensus has emerged to divide the country into six geo-political zones: namely, North Central, North East, North West, South East, South South, and South West. The main advantage of the zones is to create a distinct identity for the minorities in the North, who would be in the North Central zone, and those in the East and West, who would be in the South South zone. Another advantage of the proposal is that the post of president would rotate among the zones so that every part of Nigeria would have the opportunity to produce the president, which is viewed as a post that will improve the lives and welfare of the people of the zone from where the president is elected.

Many people, however, would prefer the division of the country to be into regions. They believe that the six geo-political zones could be turned into regions with prime ministers, regional parliaments, and regional ministers, and that the six regions would then constitute the federating units, while the present states would become administrative units. The new regions would have autonomy to manage their affairs and natural resources, and to maintain their security. The powers of the central government would be reduced and passed to the regions.

There are also proposals arguing that the president should have only a single tenure of six years, while state governors should have one term of only five years, instead of the present two terms of four years each for both offices. If these measures are accepted and implemented, the powers of the president and the state governors would be considerably reduced and the positions would become less attractive.

There is a division of opinion on the question of whether Nigeria should continue with the presidential system, go back to the parliamentary system, or adopt a mixture of the two. Some people feel that the parliamentary system is best for Nigeria because it is cheaper to run, enhances democratic development and accountability, and promotes legislative and executive cooperation. Those supporting the presidential system maintain, however, that the parliamentary system was tried for six years from independence, but failed, while the presidential system has been surviving for over 10 years, and should be continued.

There is no doubt that federalism in Nigeria is at a crossroads at the moment. The search for a true and acceptable structure continues, while the country copes as best it can.