

CONSTITUTIONAL RESTRUCTURING: A PANACEA TO NATIONAL UNITY, COHESION AND SECURITY IN NIGERIA.

Samuel Olugbenga Ojo, Ph.D⁵

Abstract

In recent times, there have been agitations from several political, ethnic and religious groups for constitutional restructuring of Nigeria's political structure. Therefore, restructuring has become a contemporary in Nigeria. In spite of numerous conversations on the concept of restructuring, very little is intellectually understood and agreed on by different classes of people on the true meaning of restructuring and why Nigeria needs constitutional restructuring. For some restructuring is the equitable distribution of resources and power between the constituent states in a federation, while others see it as a total move at disintegration of the entity called Nigeria. Therefore, this paper interrogates constitutional restructuring in Nigeria. It specifically examines the need for constitutional restructuring in the midst of virulent calls by ethnic, self-determination groups, preying on the national security. Documentary review methodology was adopted for the paper, while it was situated on the Pluralist Theory as its theoretical framework.

This paper addresses the shortcomings in the current constitutional system as the main causes of mistrust, ethnic and religious tensions, lack of rapid development, political divisions and other social ills among the nations that make up the country. It concludes that there is a need for devolution of political and economic autonomy to federating units in the interest of peace, security and development. It recommends real financial transformation and regional resource management compared to the current state of total governance at the center.

1. Introduction

Most multicultural and ethnic countries all over the world adopt political systems that best suit their socio-political composition and structures. More importantly, political systems are unique ways of directing the affairs of states without creating upheavals especially in heterogeneous societies (Babalola, 2016).

It is in the light of above that Nigeria, as a multiethnic society is a Federation. According to Ewetan,(2012) "Federalism is a system of government in which the

⁵ Samuel Olugbenga Ojo, Ph.D, lectures at Department of Peace & Conflict Studies, Faculty of Social Sciences, Federal University Oye-Ekiti (fuoye), Oye-Ekiti. Ekiti State. Nigeria. Cellphone No; 08035884150 or 08051979283 Private Email; pastorgbengaojo@gmail.com Official Email; Olugbenga.ojo@fuoye.edu.ng

political, administrative, economic and legal activities are shared between the federal government and the provinces" . Therefore, federalism best suits Nigeria's multiethnic and socio-political structure. Unfortunately, Nigeria's political history is inundated with conflicts, ethnic agitations, sinister battles for political power, underground coalitions for political space, underdevelopment, corruption, uneven development and collapse of basic infrastructures have all inundated Nigeria's political history. With the increasing rate of ethnic agitations for self-determination, it is becoming obvious, that there is a general state of discontent among components of the union. These points to the fact that the current political arrangement is no longer working as expected.

The general state of discontent among constituents of the union, culminated in acute competition between primordial political forces for the quest for political power, share of the national cake and dangerous forms of ethnic agitations. Nigeria state as it were is enshrouded in conflicts of constituents that are all frustrated, trying to sink or unmake the nation. These political struggles and sinister battles for powers among the constituent states, create disgusting atmosphere of insecurity all of which call to question the immutability or potency of our current political structure.

The ensuing configuration of mistrusts started from the colonial era and gained traction after independence in 1960. Consequently, and as evident in the current state of affairs, Nigeria's current political structure was built on precarious political arrangement which was inherently dysfunctional and structurally defective (Omoriege, 2013). A change is imperative.

All these problems and many more in the socio political theaters in Nigeria call to question the viability of the current arrangement. To put it more differently (Agbu, 2004) notes that agitations for restructuring the federal system have manifested in various forms; quest for resource control and regional security arrangements. The argument is that most indices of development show the lopsided nature of national development to the disadvantage of certain entities. Suffice to state that indicators of under development is lopsided and more prominent in some constituents to the disadvantage of others. The desire to correct these obvious imbalances led to various calls for devolution of powers to rectify the lopsided distribution of power and national security.

To be able to interrogate appropriately the fundamental issues to be raised in this discuss, the following questions need to be addressed;

- a. What are the reasons for the persistent calls for devolution of powers in Nigeria?
- b. What are defects or deficiencies in our current political arrangement?
- c. What are the potential areas in need of restructuring in our current political arrangement?
- d. What strategies can be adopted to effectively restructure the current political structure to the satisfaction of all constituents?

2. Research Objectives

To answer the questions, the following objectives are designed to guide the study,

- a. Examine the factors responsible for the persistent calls for devolution of powers in Nigeria.
- b. Determine the defects or deficiencies in the present political arrangement.
- c. Determine the potential areas in need of restructuring in the current political arrangement.
- d. Suggest strategies that can be adopted in restructuring Nigeria.

3. Methodology

The methodology adopted for this study is documentary review. All past and current relevant literature are explored, reviewed and applied to the current study.

4. Theoretical Homework

A theory acts as a guide in explaining a phenomenon especially in social sciences. Therefore, this paper is situated on the pluralist theory as the theoretical framework. Scholars such as Nozick, Tiebou and Ashcroft are proponents of this theory. The core focus of the pluralist theory is that it promotes national cohesion by encouraging constituents to adopt devolution of powers as means of governance. It states that the main purpose of the federation is to facilitate democracy and even development in a nation. Therefore, decentralization or devolution of powers permits States to be theatres of democracy and encourages peer reviews of development indices from which others could learn. Decentralization, will allow all federating States to be participants in governance, enabling each federating unit to exercise its expertise and exploit its resources for the benefits of all.

The pluralist theory also asserts that failure to decentralize powers or devolution leads to conflicts and disputes among federating units. Conflicts and disputes affect national security and equitable development.

It is however, pertinent to observe, that while the theory encourages devolution of powers, it however suggests that in highly exigent situations, the central government should act on behalf of the federating units. Therefore, the central government should have the power to balance developmental initiatives and specialize only in strategic matters of Union's life.

Based on their above, the pluralist theory is suitable in the explanation of the operations and functioning of a federation, hence it is adopted for the study.

5. Literature Review and Conceptual Clarification

i. Political Restructuring

Political restructuring implies reshaping an existing political arrangement. It means to reshape, re-arrange, re-organize or reposition an existing arrangement. It could be a fallout of inadequacies of an existing system or a quest to improve on an existing system caused by experiences of contemporary systems. (Bello, 2017) opines, that restructuring is the process of increasing or decreasing the number of component parts that make up a system and redefining the interrelationship between them in such a way that the entire system performs more efficiently". It presupposes that devolution of powers is focused on making a system more efficient and effective towards the realization of predetermined objectives.

Therefore, restructuring is geared towards addressing obvious defects in a system aimed at improving its functionality for the benefit of the system. Politically, restructuring implies appropriately addressing the defects in an existing political system, towards a balanced coexistence devoid of resentments, acrimony and rancor (Agidi, 2007). It is therefore imperative that the fundamental flaws in an existing system that are obviously challenging must be corrected through the process of restructuring. The dimensions of restructuring involve, administrative, political, economic, educational, fiscal and social aspects of a political system.

Bringing all of the above to bear on the Nigerian state, restructuring becomes the consequence of various structural imbalances created by inappropriate and lopsided configuration of power and authority in favour of particular components to the disadvantage of others. When certain parts of the constituent units are overwhelmingly dominant in the socio-political structures of a nation; the general discontent and frustration arising from this leads to calls for restructuring, thus eliciting conversations on the national question in terms of unity and fair play.

In Nigeria, there are pressing calls for restructuring by some of the federating States because of obvious imbalances in the distribution of economic and political powers and by extension infrastructural amenities. The ray hope in all of these agitations for restructuring is that; it is focused on unity in diversity and not on disintegration as seen in some parts of the world. It is therefore necessary for Nigeria to appropriate the current calls for restructuring in the good interest of the country.

ii. True Federalism

According to Peterson,(2004), Federalism can be defined as "a mutual union or constitutional alliances, where equal constituents agree to create a common union with its own identity and integrity, without prejudice to the respective identities and integrity of the constituents". It is a political ideology, which creates a union, under a constitutional arrangement, that binds members with an administrative head at centre. (Akindele, et. al., 2002). Federalism is therefore a system of government, in which

the powers of governance are shared equally and equitably between national, regional and local governments, leading to the so-called federation (Akindele, et al 2002).

Sagay (2008) asserts that "federalism is an arrangement whereby powers within a multi-national country are shared between federal government and component units in such a way that each unit, including the central authority exist as a government separately and independently from others, operating directly on persons and properties within its territorial areas and with a will of its own apparatus for the conduct of affairs and with an authority in some matters exclusive of others "(Sagay, 2008).

Arising from the above analogy, it is implied that each constituent unit of a federation exist uniquely as an autonomous entity and not an appendage, drawing its strength from the centre. Furthermore, Asobie (1985) views about federalism are instructive, giving perspectives to two crucial characteristics of federalism that determine the nature and modalities of cooperation between the federating units. The first relates to the ability of individuals, groups or specific entities to relate with each other within the union, without losing individual respect, integrity and value under the system. The second focuses on the institutional framework of the union, which all facilitates a social phenomenon, that emphasizes and draws strength from the existence of ethno-religious, cultural groups or entities around which the polity is organized.

iii. Federalism in Nigeria

In Nigeria, the journey towards federalism began between 1922 and 1963 when various constitutions were enacted to structure the country's political and administrative future. Even if these attempts were inundated with colonial idiosyncrasies or interests, however it had an apparent coloration of a union in diversity. For instance, the 1946 Richard's constitution introduced fundamental changes that identified the principal regional components, "North, West and East".

According to Dode (2015) " while the 1946 constitution laid the foundation of federalism, the subsequent constitutions made provisions for its full implementation. Each region enjoyed full autonomy and freedom from central control. The regions developed at their pace and adopted administrative models that fitted their areas. While the regions had residual powers, regional and central government shared concurrent powers". Similarly, where (1963), notes that "By federalism, I mean a method of dividing powers so that the federal and regional government are each, within a sphere, coordinate and independent. I have implied to the extent that any system that does not conform to the criterion, has no claim to call itself federal". Based on the above, it could be said that Nigeria was on the route to true federalism, until military incursion into the political life of the nation in January 15, 1966. That in fact changed the entire political arrangement and governance structure into a unitary system, thus compromising the independence of the federating units. The concomitant was the excessive dominance of the central government, which became a major controlling power to the discountenance of the capabilities and integrity of the

federating unit. The hangover of this particular arrangement is still dominant in our national politics and indeed the root cause of most of the problems in Nigeria today.

The system as it is now practiced, not only erodes the integrity and capabilities of federating units within the union, it also creates structural imbalances that are evident in the social, economic, political and fiscal lives of constituent states. These imbalances have generated calls for restructuring for the benefit of the federating units, and more importantly in the interest of the unity of the nation, national cohesion and security.

iv. The Problems of Nigeria Federalism

Based on the various agitations for restructuring, there is a consensus that the type of federalism intended by the founding fathers of Nigeria, is yet not in place. The general state of affairs is indicative of a complete departure from the tenets of federalism as encapsulated by the progenitors of true federalism. Military incursions into politics and the long years of military rules entrenched a unitary system and the fostering centralization of political and economic power to the disadvantage of regional/ethnic autonomy.

The military by way and manner it administered Nigeria, for almost 40years virtually eroded all the potent traces of federalism in Nigeria. The military therefore administered Nigeria, in these long and tortuous years, as a unitary state in line with its centralized command and authority structure (Aderonmu, 2010). This system affected all areas life of Nigerians, including constitutional amendments and the very institutions driving development in Nigeria. The fallout is that the nation as currently structured and managed has become an impediment to administrative, economic, social or political development of constituent states.

In addition to the above, lopsidedness of the resultant political structure in favour of a particular section generated political rancour and bitterness that affected the unity of the union with all of its consequences on development and national security.

Perhaps it is important to note that the constitution as it now stands gives great powers to the center that undermines the structures of the Union. The powers of the central government are very broad and encroaching in some cases on the identity and integrity of the federating units. Based on this Adebayo, (2001) asks the reason for the list of 68 items contained in the exclusive legislative list and the 24 others in the concurrent list. The overwhelming power of the central government is overreaching and oppressive, countering the purpose of the union.

The truth in all of these, is that the federal government has overwhelming and over bearing powers, suffocating the liberty, integrity and identify of federating units. It is also apparent, that in some cases, the central government has abused such powers for selfish and ethnic reasons. These have resulted in various calls for restructuring, ethnic agitations, self-determination and most recently fiscal federalism.

Unfortunately, these have heightened activities of various ethno religious militias, insurgencies, youth restiveness among others; generating conflicting views that encroaches on the very existence of the nation. This is the bedrock, on which the calls for restructuring rests as a veritable panacea to disintegration and national security challenges.

v. Issues in the call for Restructuring

Nigerian federalism is bedeviled with enormous challenges which affect nation building, specifically national development and security. Consequently, the nation cannot wait to tow the path of violent break up like the cases of some European countries, particularly USSR and Yugoslavia. The collapse of these states were caused by too much power to the central government such as Nigeria.

At the sub regional level, Nigeria cannot afford to tow the faith of Liberia, Somalia, Zaire, Côte'd ivoire, Sudan and many others. The agitation for restructuring holds the key to a successful future of Nigeria as a state. Therefore, the key area that need restructuring based on current agitations are:

a. Fiscal Federalism

Fiscal federation and resources control have been contentious issues among federal states, including Nigeria (Ekpo and Englema, 2008). This issue has been contentious because government at all levels of the federating units demand relative financial autonomy and powers to take care of statutory responsibilities. These responsibilities are, rapid economic development, through the provision basic infrastructure and other social amenities. It is imperative that the fiscal arrangement should be able to address the onerous responsibilities of governance at all levels. Consistently, the need for financial autonomy gives impetus to the drive for adequate financial capacity through financial autonomy, balanced development and fiscal justice.

According to Okwesili, (2012),," the contentious issue of fiscal federalism will be the mismatch between revenue sources and the responsibilities of various tiers of Government". For instances, the central government has too much money and little responsibilities compared to other tiers of government in the federating units. This creates obvious imbalance in development and other social indices. This becomes more pathetic for government and people from whose soil the national revenue is derived. The imbalance in infrastructural development gave rise to the agitations for resources control. It is believed that if an appropriate revenue sharing formula is entrenched in the constitution, the recourse to agitations for resource control would not have been necessary.

b. The Problem of Political Structure

The Nigerian version of federalism is in the form of a government structure but uses an authoritative central government. It has the resemblance of a central government, 36 states and 774 local government councils. At all levels there are three spheres of

government, the executive, the judiciary and the legislature, all of which serve as checks for each other. Unfortunately, in real practice, Nigeria uses a single and authoritative system because of the great power is with the central government. The federal government wields so much powers, to the disadvantage of other tiers of government. Therefore it becomes so attractive that most politicians from contending ethnic groups aim to occupy positions at the centre for selfish and ethnocentric reasons. This lead to the calls for devolution of powers, from the centre to other tiers of government.

vi. The Advantages of Restructuring

a. Diversification of the Economy

It is believed that with appropriate restructuring, the zeal for regional self-sustenance will lead to diversification of the economy. Many people believe that there is a need to move from the current mono-economic state to a multi-economic state. The heavy reliance on crude oil revenue is becoming counterproductive. Projecting into the future, the absence of a viable alternative foreign exchange earner could be catastrophic economically for the nation.

b. Development at State Level

Restructuring, will give natural opportunities to states to develop at their natural pace. The unique inherent capabilities of states will come to the fore and become factors in their development strides. No region would want to be at the back, each region would want to be at the forefronts of development, projecting a healthy competition that will be result oriented to the advantage of all.

c. Minimization of Conflict and Mistrust

Most inter and intra ethnic conflicts take their roots from the imbalances created by the current constitutional arrangement. There is a general air of apathy among federating units, creating room for conflicts and agitations for self-determination. Restructuring that will address the inadequacies of the current constitutional arrangement, will create peace and improve national security.

d. Facilitate National Stability

The main purpose of Government is to ensure stability, national unity, growth, development, peace and security among others. This implies that a peaceful society facilitates development and unstable society with security challenges, breeds underdevelopment. For stability, peace and national security, Nigeria needs fairness, equity, justice and fair play at all levels of governance. Injustice, inequities and lack of fair play gives room to conflict and national security challenges. Most ethnic self-determination groups and agitations stem from frustration arising from apparent injustice by government. A nation, where in the leaders brazenly practice nepotism and tribalism while discharging the affairs of state, can only breed discontent and

conflict. Therefore, it is incumbent on the leaders to be just and fair in a multi ethnic society.

e. The Creation of State Police

The crux of the matter, is that the Nigerian state as at now is facing numerous security challenges. Insurgencies, kidnappings, armed robberies, banditry and many others are few of the security challenges brought to bear on the nation. All of these are too many for the current security architecture to cope with. The intensity and structure of these challenges obviously outwit the capabilities of the current security arrangement, hence the call for state police. It is believed that with the state police, there would be additional hands on deck to address these security challenges. Therefore, there is an urgent need for state police as a component of restructuring.

vii. Conclusion and Recommendations

The federal system as it is now being operated is in jeopardy and serious crises. These crises have elicited calls for restructuring by the federating units. More prominent in the call for restructuring are, call for the devolution of powers, authority and resource control. It is however important to note that despite the shortcomings in the mode of administration of federalism in Nigeria, federalism is still the best form of system for a pluralist state as Nigerian. It is the most suitable system of governance in a multi ethnic, cultural and heterogeneous society as Nigeria.

Political systems are expected to be dynamic, changing overtime and space to reflect societal variations among others. Therefore, current call for restructuring is normal and government is expected to appropriate it for the benefits and sustenance of the union. Furthermore, the opportunities provided in the constitution indicate that early political leaders envisaged the need for constitutional amendments in the process of time in consonance with present day realities.

Therefore, this paper suggests;

More power should devolve to the respective regions, to make governance more result oriented at the grass root levels.

The country should revert to 1964 regional arrangement. This will enable the respective states utilize the existing potential for the benefits of the people. It will also generate a healthy competition among states.

The existing security architecture with the concentration of national security apparatus at the centre is counterproductive and an aberration considering the various security challenges. Obviously the poor security architecture is the major cause of the country's current security challenges. It is imperative that the national security systems, internal security inclusive should be decentralized. Therefore, the call for state police should be acceded to by government.

The agitation for resource control against the backdrop of the mono economic nature of the country should create a consciousness on the need to look inwards for others sources of revenue. States should be given the authority to exploit and own its natural resources; the general revenue base of federating unit should be broadened with attendant physical developments.

Furthermore, there is a need to carry out a holistic constitutional reform that will take care of the various agitations by the federating units. This is highly essential for the sustenance of the union.

On the whole, and depending on the area of restructuring, a basic reason for restructuring is that it should be focused on national unity, peace, national cohesion, political stability and national development. The most gratifying aspect is that Nigerian constitution provides bases for the operation of organs of government viz-a-viz the conditions for relationships between the federating units. More importantly it provides procedures for amendment where and when possible if federating units accept to do so. However, not accepting to do so under the present circumstance, with all the glaring inadequacies of the current arrangement will be devastating to the sustenance and unity of this nation and more importantly national security.

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