

Clamour for Restructuring of Nigeria and Its Implications on Inter-Governmental Relations

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ABSTRACT

This study examined the Clamour for Restructuring of Nigeria and its Implications on Inter-governmental Relations. The objectives of the study include to: examine the relationship between Local government autonomy as aspect of restructuring and Intergovernmental relations in Nigeria, evaluate how devolution of power as a fraction of restructure promote intergovernmental relations in Nigeria, and examine the impacts of Fiscal federalism as part of restructuring on intergovernmental relations in Nigeria. The theory of Necessity by Henry de Bracton in 1967 was adopted. Qualitative design was adopted, data were gathered from textbooks, newspapers, journal, articles and internet sources. Findings show; that there are relationship between local government autonomy and inter governmental relations in Nigeria, devolution of power has effects on Inter governmental relations in Nigeria and there is correlation between fiscal federalism and inter governmental relations in Nigeria. Based on the findings, it was recommended that: restructuring should be seen as a matter of great importance by government since it would neutralize the centrifugal forces, mute the cries of marginalization and make every Nigerian happy and proud, enhance intergovernmental relations among the three levels of governments; the kind of structure needed should be the one that contributes to building state capacity, improving its efficiency and generally rendering it to the democratic accountability of the people.

KEYWORDS: Restructuring Intergovernmental Relation Federalism

Date of Submission: 16-10-2021

Date of Acceptance: 31-10-2021

I. INTRODUCTION

One significant issue that currently hold sway across Nigeria today is the clamour for restructuring but certainly has different notion. With groups advocating permanent territorial separation, as done by Biafran agitators and more recently in the Niger Delta and others. The echo of restructuring has been heard far and wide. For several others, it is 'resource control, self-determination and fiscal federalism (Adaeze, 2016).

The demand is to make the Nigerian entity and its integral parts, more efficient, more acceptable, more productive, more functional and above all, more equitable (Obaze, 2018). But the crux of the problem is that citizen alienation is rife nationwide; to the extent that every ethnic jigsaw component of Nigeria feels sufficiently aggrieved, marginalized and therefore, seeks equity via restructuring (Obaze, 2018). As noted by Sawa, (2017) the current structure and the practices has encouraged and become a major impediment to the economic and political development of Nigeria as a country.

Historically, Nigeria has experienced one form of reconstitution or the other even before independence (Dubawa, 2018). In 1938, there was restructuring of the South into the two regions of West and East followed by the creation of 12 states by the Go won administration in 1967 to quell the civil war. A further 19 state structure was created in 1976 by the Murtala administration; then 21 and 30 states in 1987 and 1991 by the Babangida regime. Furthermore the agitations for a restructuring of the federation had made the Babangida regime carry out a decentralization policy between 1987 and 1991. Having declared the aim at increasing autonomy, democratization, improving the finances and strengthening the political and administrative capacities of local governments, he increased the number of local governments from 301 to 449, 1989 to 589 and 1991. In 1996, General Abacha created 6 state to make a total of 36 states and further increased number of local Governments to 774. The persistent call for restructuring resulted into the National conference of 2014 and again the same echo continued presently in the country today (Azinge,

2017).

The fears of the domination of one group over the others, and concerns with managing our diversity and differences have resulted in agitations for restructuring. This had initially made politicians settle for a federal structure of government, but the successive state creation exercises of the military resolved into Federal Government becoming overly strengthened and centralised at the expense of the state and local tiers of government. This resulted to incompetent inter governmental relations among the three levels of government as the subordinating units depended heavily on the central government for their financial needs (Dubawa, 2018).

Furthermore, increased pressure on the Nigerian state to restructure draws from the history of how the federal system inherited at independence had operated, with regions allowed the autonomy of raising and retaining their revenues while paying taxes to the centre. This made them to develop at their own paces and engaging in unhealthy rivalries among themselves. The erosion of this autonomy and the numerous state creations, witnessed the evolution of tension among numerous groups. This came in tandem with the attendant contest among the groups for exclusive access to power and the resources of state, and took on ethno-regional and religious hues, exacerbated by the absence of mechanisms for peaceful negotiations and compromise. While decades of military rule have spawned imbalances that make government in Nigeria very top heavy, there have also been different levels of clawing at the structure, informing certain forms of restructuring in the country, with some occurring rather inversely. For instance, governors have been using the instrument of law to reduce the constitutional three tier structure of government into two (Dubawa,2018). In this, they can appoint local council chairmen as and when it suits them, while also commanding the allocations of the councils from the federal purse. Equally, state governments now generally control physical planning, land use, the collection of hotel and hospitality taxes etc

Thus this current arrangement of the political structure of the Nigerian State have made some non viable States to depend on the proceeds of the resources of other regions for survival in the form of federal allocations. At the same time there is no clear autonomy among the various levels of government especially between the State Government and the Local Government as State Local Government Joint Account continues to exist. This has given rise to poor intergovernmental relations among the various levels of government. One significant area of this current restructuring agitation is the autonomy of the various levels of the government so as to promote economic viability and development. Hence, this necessitated the need to look at the issue of structure Nigeria with a view to highlighting its implications on Intergovernmental relations in Nigeria.

Statement of Problem

Since Independence to date, there is no doubt that there have been persistent deficiencies and problems with the structure the Nigerian federation. The level of infrastructural decay and poverty across the country is unprecedented. Corruption, as it were, has virtually wrecked the nation's public sector. Nigeria has continuously been ranked as among the worst corrupt countries in the world (Transparency International, 2017). Human Development Index (HDI) has been poor in the Country (UNDP, 2017). There are security breaches and threats everywhere and they are often hinged on bad governance. These years of mindless enthronement of systemic incongruities in the polity have given rise to a fractured and sick country called Nigeria. The nation has been stifled by roguish rulers operating as military despots or democratic demagogues, entrenched widespread corruption, favouritism, nepotism, tribalism and religious extremism as well as abject poverty across the polity.

In the roles of the various levels of government, the arrangement whereby huge sources of revenue are controlled by the central government while giving parts of the proceeds as allocation to the other levels has made some states to be dependent states. Even at the State level, the local government autonomy are further dealt with by the overacting power of the State in budgetary and operation of the State -Local Government Joint Account (SJLGA). This has made the Local Government to be dysfunctional hence cannot cater for even the smallest needs of the local people. This constitutes a major constraint to inter-governmental relations in the country, hence the call for restructuring. Hence the following research questions were formulated to guide the study.

- (1) What is the relationship between Local Government Autonomy as an aspect of restructuring and Inter governmental relations in Nigeria?
- (2) How does devolution of power as part of restructuring promote intergovernmental relations in Nigeria?

Theoretical Framework

This study is anchored on the theory of Necessity. The maxim on which the doctrine is based originated in the writings of the medieval jurist Henry de Bracton (1967), and similar justifications for this kind of extra-legal action have been advanced by more recent legal authorities, including William Blackstone (1723-1780). The doctrine of necessity is the basis on which extra-legal actions by state actors, which are designed to restore order, are found to be constitutional. The Theory of Necessity lies in the fact that the relation between cause and effect is both the relation of existence and that of necessity.

This theory relates to the current situation in Nigeria that have necessitated calls for restructuring. From one part of the country to the other, there are several issues plaguing the nations. In the North East, there is Boko Haram menace, in south West, there is kidnapping and ritual killings. In the South- South, there is militancy and kidnapping. In the south East, there have been secession attempts. All the country, the Fulani Herdsmen are destroying farmlands and killing villagers.

The states and local government are not viable and hence cannot meet the developmental challenges that besiege them. Even some of the funds meant for development are often diverted into private pocket. All these have been hinged upon by the reconstructionist proponents in the country. They argue that these conditions necessitates a change in status quo for a better Nigeria. To them the way out is to reorganize Nigeria in a way that would make the states or better still regions to be economically viable. This relationship informs the choice of this theory.

II. Methodology

The researcher adopted qualitative design in this study. Qualitative research involves an interpretive and naturalistic approach. This means that qualitative research study things in their natural settings, attempting to make sense of, or to interpret, phenomena in terms of the meanings people bring to them (Denzin and Lincoln, 2000).

Data Presentation Based on Research Question One

What is the Relationship between Local Government Autonomy as an Aspect of Restructuring and Inter-Governmental Relations in Nigeria/?

One major area that has attracted the interest of the proponents of restructuring in Nigeria is Local Government Autonomy in their relations with other levels of government. Intergovernmental relations in Nigeria has over the years especially since inauguration of the Richard constitution of 1946 and subsequent structuring of the country into a federation of three regional governments and a central (federal) government, remained quite contentious. The level of these relationships between and within the nation federating units (now consisting of federal, state and local government) particularly as it relate to revenue sharing has continually remained issues in the front burner of the nation's polity. The encroachment of local finance by the state government has negatively affected the performance of local government in terms of its constitutional responsibilities. The setting up of state and local government joint account committee, local government service commission, ministry of local government and chieftaincy affairs and other allied agencies at the state level have made local government autonomy a mirage in Nigeria.

Nwabueze in Adeyemo (2005) seems to agree with this notion when he defined the autonomy under a federal system to mean that "each government enjoys a separate existence and independence from the control of the other governments" It is an autonomy which requires not just the legal and physical existence of an apparatus of government like a legislative assembly, Governor, Court etc. but that each government must exist not as an appendage of another government but as autonomous entity in the sense of being able to exercise its own will in the conduct of its affairs free from direction of another government. According to Nwabueze, autonomy would only be meaningful in a situation whereby each level of government is not constitutionally bound to accept dictation or directive from another (Adeyemo, 2005). In yet another contribution, Davey (1991), opined that "Local autonomy is primarily concerned with, the question of responsibilities, resources and discretion conferred on the local authorities"! As such discretion and responsibility are at the core of local government". This presumes that local government must possess the power to take decisions independent of external control within the limits laid down by the law.

The consideration of the autonomy of local government is a question of degree. Ukertor, (2009:339) averred that local government autonomy refers to the degree accorded the 3rd tier of government with respect to legal, administrative, and financial independence within constitutional limits. He contended that, whereas intergovernmental relations should be characterized by partnership, control appears to be the dominant theme in Nigeria.

Two issues have always dominated the discussion on local government autonomy. These are "Paternalism and "Populism". Paternalism refers to the view that local governments have to be

regularly controlled, supervised, guided and occasionally punished to get to work. Populism on the other hand advocates and entails unbridled local democracy opposed to any form of central interference (Bhattacharya in Ukertor, 2009:340). In Nigeria, paternalism seems to be the norms as local government have not enjoyed the unfettered freedom expected of them giving the level of interference by higher level of governments. This is against the resolution of the 1979 Hague conference on local authorities which resolved that local communities should preserve their independent personality and existence to the extent that they wish to do so (Leemans in Ukertor, 2009: 340).

Ogunna, (1996:350) sees local government autonomy as the freedom of local government to recruit and manage its own staff, raise and manage its finances, make byelaws and policies and discharge its functions as provided by law without interference from the higher governments. He was quick however; to add that local government autonomy in theory and practice is never absolute. Like the doctrine of separation of powers which is limited by checks and balances, local government autonomy is limited by local government relations with higher levels of government.

Data Presentation Based on Research Question Two

How Does Devolution of Power as part of Restructuring promote Inter Governmental Relations in Nigeria.?

Another area of interest of the proponents of restructuring in Nigeria is devolution of power among the various levels of government in the country.

Devolution deals with power relations among levels of government. Devolution distinguishes institutions in terms of structure, power they possess, functions they perform and how they formally relate to each other. Its major concern is on scope of exercise of power by various levels of government. This is to ensure that each of government operates within the ambit of the law to avert unnecessary conflicts arising from usurpation of powers of another level of government. In his opinion, Okotie (2010:15) asserts that devolution is associated with local autonomy and with increase scope for popular participation in governmental activities. Under the devolution category, local governments are granted powers to source for their revenue control their finances as well as recruit their own personnel. Devolution indicates status and policy making power. Devolution of power is also designed to create a political environment in which power to access political, economical and social resources is distributed between the central government and lower levels of government. State authority is divided among a wide range of actors, making politics less threatening and therefore encouraging joint problem solving.

Devolution creates a fairer political ground, protects groups and individual human rights, establishes check and balances to central power and prevents political violence among rival groups.

Thus the quest for restructuring holds that states or geopolitical zones in the country should be given the privilege to develop the various natural and mineral deposits located in their areas. This would help them to put more effort at regional development instead of depending on the monthly allocations from Federal I government. It would equally give local government to be independent of the state government hence perform its statutory functions. They also hold that proper relationship between national and sub-national governments in a federal system should be a case of give-and-take between the two levels in a context of free negotiation between the two tiers. Thus, the relationship between national and sub-national units must be framed as constitutionally guaranteed interaction and transaction between coordinates, rather than between superordinate and subordinate. The two levels are not to share just functions; they are to share sovereignty including resource sovereignty. It is not the incumbent central government that should determine unilaterally which power to transfer to regions \ or states. It is both levels of government that should negotiate which powers to leave for the central government for the common good and which to leave for regions or states for effective delivery of public goods and services to citizens. These are the central issues that pertain to constructing a federal polity. For example, agreeing to just transfer a few functions from the current Exclusive list of the central government to regions or states and adding 5% to funds from the federation account to subventions to states may not solve the problem that stimulated convening of the ongoing conference (or other conferences).

III. FINDINGS:

1. The study established that there are relationship between local government autonomy and inter-governmental relations in Nigeria. It furthers the relationships between and within the nation federating units particularly as it relate to revenue sharing has continually remained issues in the front burner of the nation's polity. The encroachment of local finance by the state government has negatively affected the performance of local government in terms of its constitutional responsibilities.

2. The study also revealed that devolution of power has effects on Inter governmental relations in

Nigeria. This is because the local government has greater power and numerous areas of jurisdiction especially on revenue collection and new areas of responsibility. This is so necessary as captured in the local government reform of 1976.

3. Finding of the study also established correlation between fiscal federalism and inter governmental relations in Nigeria, This is especially so in the relationship among the three levels of government. While the Federal government allocates fund from national budget to the local government, the state also gives 10% of her Internally Generated Revenue (IGR) to the Local Government. Also, the operation of the State - Local Government Joint Account also another aspects of Fiscal intergovernmental relations among between the State and the local Government.

IV. CONCLUSION

The current reflex hostility in some sections of the country about restructuring is a sign of misplaced and misguided political aggression. Perhaps this is due to the fact that many proponents of restructuring have not been able to put their case across with patriotic altruism and without a hint of vengeful grandstanding. The argument for restructuring is not about hatred for a particular section of the country, but about love for the whole country. No section of the country can claim exemption from the tragedy that has befallen us. In a hostile environment in which ethnocide is not far away, it is only natural for people to look out for their own and to use their God-given resources and advantages to tame or negotiate the looming Leviathan while keeping others in medieval peonage. But as we have seen, this can never and will never work in a multiethnic nation with diverse cultural and political sensibility. The issue of restructuring of Nigeria should not only be a legal cum constitutional matter; it must go beyond it as important as legality and constitutionalism may be. To start with, Nigeria is not working because there are administrative practices that have become an albatross to efficiency and the development of the country. This limits the level of interactions among the three levels of government (Inter-governmental Relations). No matter how much restructuring is done in constitutional and structural terms, if the basic ingredients and values of development administration such as honesty of purpose, dedication to duty, absence of corrupt practices, discipline, decisiveness in taking and implementing acceptable options, etc. are still absent and/or are not cultivated, it is saying the obvious that one could have the best structural arrangement in a federal setting, but it is the same thing or same result that one would harvest. Better results are more likely to be achieved if the afore-mentioned positive values have been imbibed and have become ingrained in the psyche and practice of government officials. To reiterate, if what some analysts may call "true federalism" (which actually does not exist anywhere: we can have a functional federalism instead) can be structured out, corruption can still kill it, just as it is generally accepted that it is killing the quasi-or unified-federal system that is being practiced in the country at the moment.

V. RECOMMENDATIONS

Based on the findings of the study, it is recommended that:

1. Restructuring should be seen as a matter of great importance by government since it would neutralize the centrifugal forces, mute the cries of marginalization and make every Nigerian happy and proud. This would in turn enhance intergovernmental relations among the three levels of governments. It would make the federation less centralised, less suffocating and less dictatorial in the affairs of our country's constituent units and localities.
2. Also it is recommended that the kind of structure needed should be the one that contributes to building state capacity, improving its efficiency and generally rendering it to the democratic accountability of the people.
3. The central task of restructuring in contemporary Nigeria should also be to modernize the economy, through creating opportunities to bring many more Nigerians into productive ventures. The critical construction of strategic infrastructures to bolster connectivity and create a network of integrated national economy would secure the national foundation upon which a federal structure would subsist and thrive, enabling the State to acquire a measure of governance competence hence dousing off the hues and cries of many people in the country.

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Omeje, P. N (PhD), et. al “Clamour for Restructuring of Nigeria and Its Implications on Inter-Governmental Relations.” IOSR Journal of Humanities and Social Science (IOSR-JHSS), 26(10), 2021, pp. 57-63.