Structural Foundation of Nigeria's Federalism: A Revaluation

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Abstract - This is a detailed analysis of the structural configuration of Nigeria's federalism in areas of revenue allocation, religious intolerance, national integration, conflict resolution in the face of recent realities, and more importantly, equitable developmental balancing of the amalgamated component units that make up Nigeria in terms of state creation for the region(s) requiring balancing through state creation. This will, no doubt, serve as a means to putting an end to secessionist drive and regional struggle for resource control. These challenges have been identified as a huge clog in the wheel of development and peaceful coexistence of the federation. The paper therefore is a timely revaluation of the structural foundation of Nigerian federalism, with distinguishing effort to present a set of workable solution contrasted from the laid down functions and identified challenges in the structure of Nigeria's federalism.

Index Terms - Federalism, structure, revaluation, Secessionism, Integration.

INTRODUCTION

It is no gain saying that Nigeria is one of those countries that operate a federal system of government alongside the western world. Given the territorially delineated cleavages abounding in Nigeria and the historical legacy of division among ethnic groups, regions, and sections, the federal imperative was so fundamental that even the military governmentcharacteristically Unitarian, hierarchical, and centralist- attached importance to the continuation of a federal system of government. But it must be said here that, while the system benefit most western countries, the reverse is the case for Nigeria considering the high level of political instability, ethnic crisis, and ethno/religious crisis among others The reason is not far fetch; Nigeria is operating a federal system in an awkward manner and this has make frictions and clashes possible which are currently posing a threat to her political development.

Federalism is a political structure that allows states to unite under a central government to maintain a measure of independence and interdependence. Nigeria's federal structural arrangement and experience began under the tutelage of the British colonial authority, an imposition that eventually came up with a somewhat artificial geopolitical synthesis; the fundamental aim of the federation was to hold together the diverse groups that have been lumped together in the British-inspired contraption called Nigeria. Federalism as a system of governance is pragmatic, dynamic, utilitarian and evolving. It can only strive on consultation, negotiation, compromise, bargaining and agreement between the constituent governments. It grows under a system of mutuality and interdependence (Fatile and Adejuwon, 2009).

It remains obvious that Nigeria is a country of extraordinary diversity and as such, one of extraordinary complexities. These complexities are a reflection of the avalanche of ethno-cultural and religious groups co-habiting the territory and the intricacies of interaction among them. Indeed, Nigeria adventure into pluralism of religious and ethnic diversities owes its origin to colonial conquest which permitted the entire continent of Africa beginning from the early 19th century. In the case of Nigeria, the amalgamation of the Northern and Southern protectorate made Nigeria a multi- ethnic and multi lingual country.

Perhaps cognizance of the existence of latest threats to the future political stability of the emergent nationstate, the founding fathers were desirous of a system of government that would neutralize the political threats and accommodate the divergent interest of the various ethno-cultural groups. This desire eventually found expression in the federal system of government as a diversity management technique. But it must be stated here that, with the advent of the 1979 and 1999

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constitution, there has been a profound change in the practice of federalism in the country in the sense that, the system has been practiced in an awkward manner and this has called for question whether Nigeria is truly operating a true federal system.

The paper intends to look into some key functions of federalism as well as the numerous challenges facing it. It will also delve into the history of fiscal federalism and finally concludes by presenting practicable remedies to the lingering challenges militating against the structure of Nigerian federalism.

Revaluating the structure of Nigerian federalism

Right from conception, the idea of the structure of Nigeria's Federalism was not accidental; rather, it was born out of the dire need for convenience on the part of the Europeans. Although, some selfish Nigerians took part in establishing the federal system, it was entirely for the convenience of the colonial British government to create a system with so much power at the centre, leaving the other federating units weak and dependent on the centre thereby introducing a kind of master-servant relationship. The powerful centre becomes the master, while the component units serve as servants to an excessively wealthy master. The federal structure in Nigeria allows majority of the constitutional powers in the hands of the central government. These powers are listed in the Exclusive list. These include issues concerning defence, international relations, currency and so many others. There are some legislative areas that are Residual, which are strictly left to the component states. Areas such as chieftaincy, education, housing, local governments, health, religion, etc.

The constitution also located to both the central and the states powers under the Concurrent list in which the two jointly reserve the powers to execute certain functions such as those having to do with agriculture, commerce, education, health etc. In the Concurrent list, the powers of the central government is made to prevail in cases where the legislation of the central government and any of the component states clashes. The reason that the federal system allocates so much power to the centre is to ensure the supremacy of the central government over the components states in order to preserve the oneness and unity of the Federal Republic of Nigeria, which may otherwise be threatened if the components states were to be constitutionally stronger than the centre. Looking at the realities of the structural arrangement of Nigeria's federal system, it is obvious that the major reason for its establishment which was said to be the fear of domination of minority has been grossly bastardized in that, the minority ethnic groups are even more dominated by the more populous ethnic groups in terms of human and infrastructural development. Therefore, it can be said without error that, in practical terms, the system entirely deviates from the original idea of a federation. Before discussing further, it is imperative that we take a look at some of the functions of federalism in other to debunk or uphold claims of bastardization of the original idea of federalism in Nigeria.

Functions of Nigeria's federalism

There is a popular saying that "to whom much is given, much is also expected". In this case, the central government in a federal state is vested with numerous responsibilities, a situation which explains the essence of the union. There are a total of 68 items in the Exclusive Legislative list of which the following would help in adding explanatory value to the idea of Nigeria federalism as discussed herein. According the 1999 constitution as amended, those items include:

- A) Creation of states
- B) Currency, coinage and legal tender
- C) Borrowing of moneys within or outside Nigeria for the purpose of the federation or of any state
- D) Mines and minerals, including oil fields, oil mining, geological surveys and natural gas.
- E) Public service of the federation including the settlement of disputes between the federation and officers of such services
- F) Police and other government security services established by law
- G) Public service of the federation including the settlement of disputes between the federation and officers of such services.
- H) Taxation of incomes, profit and capital gains, except as otherwise prescribed by this constitution
- I) Trade and commerce
- J) Any other matter incidental or supplementary to any matter mentioned elsewhere in the exclusive legislative list.

From the above, it is clear that the federal government has as its responsibility to:

1. Protect and uphold the sovereignty and integrity of the Federal Republic of Nigeria.

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- 2. Ensure that the corporate existence is preserved by the federal system mainly through the centre.
- 3. Make law and order so as to regulate the activities of every individual within the territory of the republic and ensure peace and harmony amongst the people.
- 4. Ensure that the abundant natural resources of the component states are adequately and sustainably harnessed. And that the revenue derivable therefrom is judiciously utilized to ensure even socioeconomic development across the component states in the country.
- 5. Promote unity among these diverse elements that form the Federal Republic of Nigeria.
- 6. Protect the interest of the minority ethnic groups against domination by the stronger ethnic groups.
- 7. Enter into and regulate international relationships with other countries including international trade and commerce. i.e. diplomatic relationships.

The trust of the minority ethnic groups in Nigeria on the idea of a federal structure which was occasioned by the need for equal protection that often echoes as one of the major reasons for the establishment of Nigeria's federal system, can however be said to have been betrayed in the face of the realities on ground where numerical representation at the national assemblies is always in favour of the major ethnic groups, and more especially, the northern region. As a result, the limited number of representatives at the National Assemblies makes it extremely difficult if not almost impossible to drag meaningful projects to the area through votes. This, to a great extent, has brought about the issue of minorities struggle for resource control which constitutes one of the major problems that hinders the development of the country. There is no doubting the fact that money drives the economy of every country. And as such, in discussing the structure of the Nigeria's federalism, it will be a great disservice if proper explanation is not given to the fiscal responsibility of a federal system.

As a political concept, Federalism involves power, and how such power is shared between the centre, component states and local government. According to Arowolo, Akindele and Olaopa "Federalism is a political concept in which power to govern is shared between national and subnational governments creating what is often called a federation" (Arowolo 2011, Akindele and Olaopa, 2002). Fiscal federalism is therefore, a by-product of federalism. "It is a

political theory that is divergent in concept, varied in ecology and dynamic in practice" (Arowolo 2011, p.4). Vincent in concept, varied in ecology and dynamic in practice" (Arowolo 2011, p.4). Vincent (2001), states that 'the concept of federalism implies that each tier of government is coordinate and independent in its delimited sphere of authority and should also have appropriate taxing powers to exploit its independent sources of revenue". It is the demand of fiscal federalism that each tier of government should have adequate resources to perform its functions without appealing to the other level of government for financial assistance (Wheare, 1963): "if states authorities, for example find that the services allotted them are too expensive for them to perform, and if they call upon the federal authority for grants and subsidies to assist them, they are no longer seen as coordinate with the federal government but subordinate to it. Financial subordination makes an end of federalism. In fact, no matter how carefully the legal forms may be preserved. It follows, therefore, that both states and federal authorities in a federation must be given the power in the constitution each to have access to generate and control its own financial resources. In the case of the federal government, states can be mandated to statutorily remit some percentage of internally generated revenue (IGR) to the federal government in proportion not higher than or equal to what is retained by the states. Both federal and state governments must have the power to tax and to borrow for the financing of its own services by itself. Fiscal decentralization by means of delegating decision making to component states and local governments, and financial autonomy has to be upheld in order to sustain any federation. All the three tiers of government should be able to take decisions and allocate resources according to its own priorities in its own area of jurisdiction. On matters within the federating unit, the centre can only act, and should endeavour to act independently without interference or dependence on other levels of government. According to Arowolo, 'Fiscal federalism is a general normative framework for the assignment of functions to the different levels of government and appropriate fiscal instruments for carrying out these functions (Arowolo, 2011). In a similar position, Oates further states that 'Fiscal federalism is concerned with understanding which functions and instruments are best centralized and which are best placed in the sphere of decentralized levels of governments" (Oates, 1999). Fiscal federalism concerns the division of public sector functions and finances among different tiers of government (Oates, 2005). It is characterized by fiscal relations between the central and lower levels of government. Three main theories best explain the fiscal relationships between and among the constituents of the federation. There are; the theory of fiscal relations which concerns the functions expected to be performed by each tier of government in the fiscal allocation process; the theory of interjurisdictional cooperation which refers to areas where responsibilities are shared by the national, state and local governments, and the theory of multijurisdictional community (Tella, 1999). In this case, each jurisdiction (state, region or zone) will provide services whose benefits will accrue to people within its boundaries, and so, should use only such sources of finance as will internalize the costs.

Current State of Nigerian Federalism

It is a truism to state unequivocally that Nigeria is a country of extraordinary diversity and complexities. This complexity is a reflection of the avalanche of ethno-cultural and religious groups cohabiting the territory and the intricacies of interaction among them. Federalism was adopted in Nigeria partly as a compromise device to help the country avoid the prospects of piecemeal independence from the British. It is pertinent at this juncture to ascertain whether Nigeria has been living up to the federal arrangement designed by K.C Wheare. It is surprising that Nigeria only operates federal system on paper. The federal structures have never existed in Nigeria society. The reasons are not far fetch; First, the federal government, ever since the intervention of the military in government has always assumed superiority over the state government. Since military federalism had been more common than civilian federalism, this model made the federal government the "master in relation the dependent'' state governments. to At independence largely autonomous regions possessed the residual powers in the federation and functioned almost independently. The regions had independent revenue bases; separate constitutions, foreign missions, and the primary and secondary education were under the residual list while the university education was under the concurrent list. All these changed under military rule. Attempts by the state

governments to reassert their autonomy during the second republic were aborted by the return of military rule. Some state governments that were controlled by parties other than the NPN took the NPN-controlled federal government to court many occasions over matter of jurisdiction competence. This trend also reoccurred during the third republic when the Lagos state governor in person of Bola Ahmed Tinubu took the federal government to court over the issue of local government creation in Lagos state. This act, where the federal government sees itself as superior to the state governments does not make federalism work perfectly.

Federalism is therefore, an arrangement whereby powers within a multi-national country are shared between a central authority and a number of regionalized governments in such a way that each unit, including this central authority, exits as a government separately and independently from the others. Each government exists, not as an appendage of another government but as an autonomous entity in the sense of being able to exercise its own will on the conduct of its affairs free from direction by any government. Thus, the federal government on one hand and the state governments on the other hand are autonomous in their respective spheres. However, this autonomous entity has never been found in Nigeria's federalism and this has continued to hamper the political stability in the country.

Secondly, is the issue of financial autonomy proposed by K.C Wheare. It should be noted here that this financial autonomy has never been achieved in Nigerian federalism. The high level of intervention of the federal government through national financial policies, grants- in-aids among others, increases the power of the federal government and makes the federating units subordinate to the federal government. The reason is not farfetched- the increased revenue from oil boom has made the federal government to be more financially powerful over the state governments than before. As a result of this financial power, the federal government now embarks on some projects which were meant to be in the state residual list. The universal basic education board project is an example of this. Similarly, this increased revenue from oil boom enables the federal government to give financial support to the state governments. In this sense, any state governments that proves "stubborn" or a state not control by the party at the centre is not likely to get financial support from the federal government. In some cases, some state governments, in an attempt to get financial favour, have decided to have a good rapport with the federal government even at their own expense. In practice, this act does not make federalism work perfectly as proposed by K.C Wheare. In a federation, each government enjoys financial autonomy. This will afford each levels of government the opportunity of performing their functions without appealing or begging for financial survival as we have seen in Nigeria since the return to civil democratic rule.

Another issue to look at is the bolstering of local governments as a third tier of government. This process began with the 1976 local government reforms, which introduced a uniform local government system; gave local governments' jurisdictional competence in matters such as markets, automobile parks, and collection of local taxes; and made it statutory for both the federal and state governments to give specified percentages of their revenue to local governments. Although these reforms were embodied in the 1979 constitution and also strengthened in the new 1999 constitution, State governments have refused to allow local governments any measure of autonomy.

Again, is the issue of resource control; Nigeria has witnessed and is likely to witness more inter-ethnic group crisis if states are not granted the right to rule and control their resources, and this will continue to put Nigeria in a political state of instability. A good example is the Niger Delta region. We should recall that this discriminatory resource policy or usurpation of states resource control by the central government was initiated by Lt. Col. Gowon as an expedient measure to pursue the 1967-1970 civil war. Since then, states especially the Niger Delta states have been transformed into beggars pleading for the rightful share of their resources and this has resulted to several crises between the people of the region and the federal government. Let it be known that no amount of amnesty can solve this except the federal government completely hands off from the control of the Niger Delta resources. Similarly, it should be stressed that, the demand for resource control by the Niger Delta states does not negate the right of other states to exercise control over their respective natural resources, like groundnuts, iron, solid minerals, etc. This is a key prerequisite of federalism, and the denial of this tenet is a threat to federalism. A federating unit, and not the central government, should exercise jurisdiction over the resources in its territory. The point here is that, the current struggles by some states in Nigeria especially the Niger Delta states over their resources will continue to give more rise to different types of sects, groups and militants that will continue to disrupt the political system of Nigeria if the federal government fails to hands off from the control of state resources.

The last issue to consider is fiscal federalism. Fiscal federalism is a concept that implies a financial arrangement and relations among the tiers of government which allow significant fiscal function to be exercised at lower level of government. Basically, we can liken it to revenue allocation. To properly understand the issue of revenue allocation in Nigeria, it may be necessary to consider the revenue system in Nigeria as follows:

Vertical principle: The vertical principle is a form of revenue system in which the federal government retains some of the federally generated revenues as its independent revenue to be paid into the federation account for distribution among the tiers of government in accordance with agreeable formula.

Horizontal principle: The horizontal principle is a form of revenue system which has to do with the distribution of revenue among state and local governments. In this form of revenue system, consideration is given to issues like land mass, population, large number of local government etc.

Ideally, one major challenge facing Nigeria federalism is the issue of revenue allocation i.e. how the resources generated in the country should be shared among the three tiers of government. In an attempt to solve this problem, various principle of revenue allocation has been adopted and they are:

Principle of derivation: This principle is based on the fact that the revenue in the country should be allocated on the basis of each state's contribution to total revenue i.e. major resources derived from a particular area should be allocated to the area. This principle was attacked because it makes rich states richer since the more developed states will contribute more to the federation account, starving need states of developmental funds.

Principle of national interest: This principle is based on the need to develop states, improve progress, and sense of belonging to the federation. This is important considering the fact that many states in Nigeria are not economically viable which make them to depend solely on the monthly federal government allocation to meet their developmental needs. This principle was also attacked by politicians from oil producing states, labelling the northern states as "parasites".

Principle of independent revenue: This principle is based on the federal government discretion in allocating revenue to state and local governments. Before independence, the regional government revenue allocation was more than that of the federal government, but recent experience has shown the reverse in the sense that the federal government allocates more revenue to itself than the 36 states put together. This principle was opposed by experts that by international standard, Nigeria discretionary transfer of revenue by the federal government to states and local government is small.

The inefficiency and rejection of the fiscal policy adopted by successive regime in Nigeria has justified the fact that until a decisive and technical blue print that will be all embracing is worked out, which can encourage fiscal efficiency, fiscal equalization and fiscal autonomy; Nigeria will still remain in a fiscal state of confusion. Similarly, the political discord in the past and present is also a fundamental pointer to the fact that Nigeria must be quickly returned to a sincere and true federal arrangement, where every level of government will be given the needed level of autonomy. Until this is achieved, the issue of fiscal federalism will remain a timed bomb that will someday explode and tear apart the already shaky foundation of Nigerian federalism.

Challenges

The following are some of the challenges of the structure of Nigeria's federalism

a. *Revenue allocation imbalance*: "The Federal Government always receives larger amounts in the sharing formula but has less impact on the people" (Arowolo, 2011, p. 17). The issue of revenue allocation is a major issue confronting federalism in Nigeria. Revenue allocation refers to the sharing formula of the country's financial wealth among the different levels of government within the country. The principal aim of revenue allocation is for the enhancement of economic growth and development, reducing inter-government tensions and promoting national unity. Sadly, some selfish elites in position of authority, especially at the federal cadre have rather deviated from the objective of revenue allocation and made it a channel through which they siphon the country's for self-aggrandisement.

- b. Unreasonable revenue allocation formula: The different formula that has been used for revenue allocation has consistently increased the financial powers of the federal government against the other levels of government. The allocation of the most productive income-elastic taxes to the federal government has made the centre financially stronger than the states and local governments. The principal effect of this is the increasing fiscal dependence of the lower governments on federally collected revenue (both statutory and non-statutory), and their inability to meet the cost of functions assigned to them.
- c. *Inequitable distribution of development:* Human and infrastructural development in Nigeria is obviously lopsided where the northern part of the country develops at the deplorable expense of the south, especially the Niger-Delta region, which houses the major source of the country's income as a mono-economic state.
- d. Over-dependence on oil revenue: Overdependence on oil revenue has impacted negatively and posed serious challenges to the issue of fiscal federalism in the country. It has created the leech syndrome whereby the state have become economic appendages of the federal government and eroded the fiscal autonomy of the federating units. Thus, it has created a masterservant relationship in which the subnational governments are at the mercy of the often non responsive federal government.
- e. *Inter-ethnic rivalry*: A country of diverse groups of people with different ethnic backgrounds as Nigeria is one that should adopt all possible unbiased measures in putting a final end to ethnic rivalry by establishing a distinctive agency vested with such responsibility. Unfortunately, the rivalry among the three major ethnic groups of Hausa/Fulani, Yoruba and Igbo, is no doubt a cog in the wheel of development of the country. The bitter reality ranges from Fulani herdsmen clashing with the Igbos; to the Oba of Lagos making unguarded statements threatening to drown the Igbos in Lagos if they fail to vote his choice of Governor of Lagos State in the 2015 gubernatorial

elections. In Nigeria, we see different sets of people from different geopolitical regions agitating for power which sometimes leads to disagreements and ethnic conflicts among the parties involved. The weak cohesive power of the centre born out of sheer ethnic sentiments is the major reason for ethnic rivalry in Nigeria and therefore threatens the very essence of the federal structure.

- f. *Minority issue and the creation of states:* As a result of the nature of the multi-ethnicity of Nigeria, it has brought about the issue of minorities which has constituted one of the major challenges stagnating the development of Nigeria as a federal state.
- g. The issue of secession: The issue of secession is obviously a major factor militating against the growth and development of the country thereby affecting the very essence of federalism: It involves the struggle by independent people of Biafra (IPOB) championed by Nnamdi Kanu who is currently in detention as well as current issue of the Niger-Delta Avengers (NDA) who are using violent means in clamouring to secede from Nigeria and form their own republic. The bombings of oil pipelines and vandalizing of government properties by the NDA is a major setback in the development of the country. We are not to mention the issue of Boko Haram, an Islamic sect that has wedged several years of war with the rest of the country threatening to pull out and form an Islamic state.
- h. Religious intolerance: Nigeria is a country of a handful of religious groups out of which Christianity and Islam rank tops followed by African traditional religion. Religious intolerance is a major factor in destabilizing the country through incessant struggles with religious connotations leading to wanton killings of Nigerian citizens. Religious intolerance would not be a challenge in Nigeria if the mental state of the majority of Nigerians is duly developed through easy access to quality education.

The way out

a. Promotion of national integration and stability: The cohesive power of the federal government should be strengthened to ensure that the people are united without bias and sentiments of any kind. This will, in turn, encourage stability and peaceful coexistence resulting in rapid human and infrastructural development bearing in mind that there is no meaningful development in the face of chaos. For there to be uninterrupted development, efforts aimed at national integration of every group that makes up the federation have to be redoubled.

- b. Strengthening national security: insecurity in Nigeria has compounded the challenges of Nigerian federalism. According to Okorn and Ndum (2020) increased cross-border crimes have forced Nigeria to intensify her security network along the borders with her neighbours, posing serious migration and security threat.
- c. Fairness among ethnic groups: Government should as a matter of policy embrace fairness in order to eliminate favouritism in Nigeria. Dialogue should be encouraged in settling disputes emanating from any region as the use of violence to settle conflicts often times leads to available casualties and even more violence. There is no doubt that violence may be encouraged at some point but that should be the last option after every other option fails and the problem is seen as a major threat to the peace, unity and survival of the people of Nigeria.
- *d. Power sharing formula:* Strict adherence should be given to rotation of political power to address the challenges occasioned by power shift which has been a major issue militating against federalism in Nigeria.
- *e. Economic stability:* Federalism if properly practised will bring about economic stability in Nigeria. The idea behind federalism in Nigeria was to bring about economic development and establish an effective administration. Federalism will bring about stability in the economy and would eliminate any form of crisis which could emanate from ethnic rivalry.
- *f. Political stability*: The motive behind federalism was to promote unity and to bring the government closer to the people. Federalism was borne out of the need for peaceful coexistence among citizens where government is brought closer to the people, as well as stability and cohesion in order to promote national integration.
- *g. National integration:* The significance of national integration in the development of the economy cannot be underestimated. However, federalism promotes national integration and brings about

cohesion, peace and unity among citizens of a country. National integration would eliminate the issue of secession, ethnic rivalry and the fear of domination by minorities.

- h. Eliminate the problem of uneven distribution of government allocations: Federalism will address the problem of uneven distribution of budgetary allocation by the federal government by ensuring that allocations of revenue to different regions are not politicised.
- *i.* Implementing the report of the National Conference of 2014: Since many Nigerians complain of not being carried along in the drafting of the constitution of the federal republic of Nigeria which unfortunately binds them all regardless of whether they played a role in its drafting or not, it is therefore imperative to look into the immediate implementation of that report which is deemed to have a wider consultation and reflects the will of the people of Nigeria.
- *j.* Creation of more states in the south: This will engender fairness and equity in distribution of national wealth across the federation which in turn would breed satisfaction and cast away disaffection.
- *k. The issue of secession:* Secessionism in Nigeria will naturally take care of itself if state creation in the south is given due and considerable attention.
- *l. Religious tolerance*: Educated people seem to be more tolerant when it comes to religious maters than the uneducated or wrongly/partially educated ones. Religion would not be a challenge in Nigeria if the mental capacity of the majority of Nigerians is given a re-orientation through affordable access to quality education made available to all Nigerian regardless of class and creed.

CONCLUSION

Given this frail federalism, we cannot fail to admit that this union of sorts is bound to burst at the seams if left untendered. The signs are with us. As it now stands, Nigeria's federalism could be described as farcical or a federalism façade being manipulated for self-serving ends. For a federation to be able to resist failure, the leaders, and their followers, must 'feel federal'. They must be moved to think of themselves as a people with one common self-interest, capable, where necessary, of overriding most other considerations of small group interest. It is not enough that units of a federation have the same ideal of 'the good' but that 'the good' for any one must be consciously subordinated to or compatible with 'the good for all'. This, then, is tantamount to an ideological commitment to the success of federalism. With such spirit, federalism will not only be seen as a means to gain independence or financial stability, as is the case with Nigeria, but as an end in itself.

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