



STATES' AUTONOMY IN NIGERIAN FEDERALISM: DELIGHT OR AN ABERRATION?

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Abstract

Nigeria operates a federal system of government wherein powers are shared between the Federal and State governments. The federal structure, enshrined in the Nigerian Constitution and which has become a hallmark of successive Nigerian constitutions since 1951, allocates specific powers to the federal government while granting residual authority to the states. This division aims to foster decentralization, accommodate regional diversity, and promote effective governance. However, there exists challenges in the equitable distribution of powers between both levels of government leading to a continued clamour for more devolution of powers to the State governments. Using the doctrinal research method, this research delves into various factors influencing the degree of autonomy enjoyed by states, including political, fiscal, and socio-cultural dynamics. It analyzes the implications of state autonomy on governance, democracy, and national cohesion. The paper finds that more devolution of powers to the States is required to achieve a more balanced and effective federal system in Nigeria which can only be achieved through constitutional amendments and policy variations. It is thus recommended that more constitutional reforms further devolving powers to the states more particularly in the areas of security and fiscal autonomy would greatly help in facilitating a more balanced federal system.

Keywords: Federalism, State Autonomy, the Constitution, Governance, Fiscal Federalism, Democracy

I. The Concept of Federalism

Federalism, as a concept, has been studied and debated by scholars for centuries. The concept of Federalism is fraught with challenges, as there exist numerous views and opinions attempting to elucidate this elusive term. KC Wheare,¹ in his seminal work defines federalism as a system of government characterized by the division of powers between central and regional authorities. He emphasized on the importance of autonomy for sub-national units while maintaining a unified national identity.² Wheare's main argument posits that federalism emerges when individuals within constitutional units express a dual desire: to be governed under a unified independent authority for certain purposes, while concurrently aiming to maintain or establish autonomous regional governance on certain matters.³ Livingstone expands on this notion, highlighting federalism's role in managing diversity and accommodating distinct cultural, linguistic, and regional identities within a nation. He contended that *'The essential nature of federalism is to be sought for, not in the shadings of legal and constitutional terminology, but in the forces economic, social, political, cultural that have made the outward forms of federalism necessary.'*⁴

Riker while discussing federalism explored the functional aspects of federal systems, focusing on the distribution of powers and the mechanisms of intergovernmental relations. He emphasizes the dynamic nature of federalism, shaped by political processes, institutional arrangements, and economic factors.⁵ Friedrich on the other hand considered the philosophical foundations of federalism, emphasized its role in safeguarding individual liberties, promoting democratic governance, and fostering socio-political stability. He posits that federalism is a mechanism for balancing state authority with national unity, thus preventing the concentration of power and mitigating the risks of tyranny.⁶

WE Oates, as a classical theorists, offered insights into the economic dimensions of federalism. He examined fiscal federalism, exploring the allocation of resources, revenue-sharing mechanisms, and the role of sub-national governments in

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¹ Kenneth C. Wheare, *Federal Government* (Oxford University Press, London, 1964)

² Ibid

³ Ibid

⁴ William S. Livingston, "A Note on the Nature of Federalism," *Political Science Quarterly* (1952) 67(1) 81;

⁵ William H. Riker, *Federalism: Origin, Operation, Significance* (Little, Brown and Company; First Edition, 1964)

⁶ Carl J. Friedrich, *Federalism: National and International in Theory and Practice* (Friedrich A Pager Publisher, New York, 1963)

economic policy-making. Oates underscored the importance of fiscal decentralization in promoting efficiency, accountability, and local autonomy.⁷

Through the lenses of classical and modern theorists, we can appreciate for the complexity and adaptability of federalism as a governance model. Federalism can be surmised as being a governmental system in which the constituent units of a political entity engage in cooperative sharing of powers and functions.

Autonomy on the other hand refers to the ability or right of individuals, groups, or entities to govern themselves, make independent decisions, and control their own affairs without external interference or domination. State autonomy refers to the extent of independence and authority granted to individual states or regions within a country's political framework. According to Wheare's definition of federalism,

constitutional provisions safeguard the autonomy of distinct regional tiers of governance. Consequently, neither the central nor regional governments are subordinate to each other; instead, they exist as coordinate and independent entities.⁸

Despite evolving socio-political dynamics and challenges, federalism endures as a resilient mechanism for managing diversity, promoting democracy, and fostering socio-economic development.

II. Federalism in the Nigeria Context

Since 1960 when Nigeria gained independence from the British, the country has grappled with the challenge of managing its pluralistic society while striving for national unity and development.⁹ Central to this endeavor is the structure of governance, particularly the devolution of powers and responsibilities between the Federal and State governments.¹⁰ The Federal system of Government was adopted in Nigeria as a constitutional arrangement to accommodate the country's diverse socio-cultural landscape and to provide a framework for peaceful coexistence among its numerous ethnic groups.¹¹ The federal system was intended to devolve

⁷ Wallace E. Oates, *Fiscal Federalism*(Harcourt Brace Jovanovich Inc, New York, 1972)

⁸ Kenneth C. Wheare, *Federal Government* (Oxford University Press, London, 1964)

⁹ Uche Eme Uche, Chigozie Okonkwo and Aniefok Sunday Peter, 'Nigeria and the Challenges of National Unity' *IJAEDU – International E-Journal of Advances in Education* (2020) 6(16) 54

¹⁰ Nicholas Aroney, 'Constituent Power and the Constituent States: Towards a Theory of the Amendment of Federal Constitutions' *Jus Politicum Revue de droit politique*, ,(2017) 17 5

¹¹ Moses M. Adagbabiri and Ugo Chuks Okolie, 'Federalism and Political Restructuring in Nigeria: The Panacea for Mutual Coexistence and Management of Nation's Resources' *The Journal of International Social Research*. (2018) 11(59) 304 <https://www.sosyalarastirmalar.com/articles/federalism-and-political-restructuring-in-nigeria-the-panacea-for-mutual-coexistence-and-management-of-nations-resources.pdf> accessed on 8 February 2024. Nigeria has been described by Chief Obafemi Awolowo as follows: "Nigeria is not a nation. It is a mere geographical expression. There are no 'Nigerians' in the

power to subnational units while maintaining a strong central authority to oversee national interests and ensure unity.¹² This approach was seen as a means to balance the need for unity with the recognition of local autonomy and diversity.¹³ It is important to note that the ideas of autonomy and diversity are themselves concepts which are subjective in conceptualization.

However, the practical and imbalanced implementation of federalism in Nigeria has been characterized by challenges and controversies including issues such as resource control, fiscal federalism, and intergovernmental relations have often sparked discontent between the federal government and the states. Additionally, concerns over equitable distribution of resources and opportunities have raised questions about the extent of state autonomy within the federal structure.¹⁴ The issue of federalism in Nigeria has indeed transcended from being a knotty grievance of the states to a grievance of a national concern. It has been argued that “the greatest problem of federalism in Nigeria today is the general problems of the true nature of the federal relationship as manifested in the intense rivalry and confrontation between the Federal and State Governments.”¹⁵ Arguably, the issue of restructuring of the Nigerian state especially in relation to federalism as practiced in Nigeria is the most contentious.

Federalism and state autonomy are pivotal aspects of governance in Nigeria, a country known for its diverse ethnic, cultural, and religious landscape. The relationship between the federal and state government is crucial in shaping the nation's political dynamics, policy implementation, and socio-economic development.¹⁶ Against this backdrop, understanding the dynamics of federalism and state autonomy in Nigeria is essential for analyzing the country's governance framework and its implications for national development. This paper seeks to provide an in-depth exploration of these issues, examining the historical evolution of federalism, the constitutional framework governing federal-state relations, and the practical implications for governance and development at the state level. By shedding light on the complexities and challenges of Nigeria's federal system, this paper aims to contribute to the ongoing discourse on governance reform and national cohesion in the country. This paper aims to provide a comprehensive analysis of federalism and state autonomy within the Nigerian context.

same sense as there are ‘English’, ‘Welsh’, or ‘French.’ The word ‘Nigeria’ is a mere distinctive appellation to distinguish those who live within the boundaries of Nigeria and those who do not.”

¹² Daniel J. Elazar, *Exploring Federalism* (University of Alabama Press, 1987)

¹³ Ebenezer Oni and Olumuyiwa Faluyi, ‘Federalism, Military Legacies and the Restructuring Debate in Contemporary Nigeria’ *African Journal of Governance and Development*. (2018) 7(2) 5

¹⁴ Ejeh Adoyi Williams and Ogbole F.E Orokpo, ‘Fiscal Federalism in Nigeria: An Analysis of Issues and Challenges’ *International Journal of Peace and Conflict Studies*. (2014) 2(1) 37

¹⁵ Emmanuel Ibiam Amah, ‘Federalism, Nigerian Federal Constitution and the Practice of Federalism: An Appraisal’, *Beijing Law Review* (2017) 8(3) 287

¹⁶ Elem Emmanuel Obona, ‘Effective Implementation of Public Policies in Nigeria: Issues And Challenges.’ *African Journal of Politics and Administrative Studies* (2016) 9(1) 122

II. The Historical Evolution of Federalism in Nigeria

The historical evolution of federalism in Nigeria is deeply intertwined with its colonial past and its journey to independence. Nigeria's experience with federalism can be traced back to the early 20th century during its colonization by the British.¹⁷ During the colonial era, Nigeria was administered as a British colony with powers resting majorly in the hands of colonial overlord.¹⁸ However, recognizing the cultural, ethnic and religious diversity of the region, the British adopted a policy of indirect rule in certain areas, allowing the traditional rulers to govern their people under British oversight.¹⁹ This early form of decentralization laid some groundwork for the future federal structure.²⁰

The concept of federalism gained traction in Nigeria in the mid-20th century as nationalist movements emerged, advocating for self-governance and autonomy.²¹ The 1947 Richards Constitution has been argued to introduce regionalism, dividing Nigeria into three distinct regions: Northern, Western, and Eastern regions, each with its own legislative and executive bodies.²² This marked the first significant step towards a federal arrangement, albeit within the framework of colonial governance and has been argued to be a “turning point in the history of Nigerian legislature’s unity in diversity towards interaction with one another.”²³

Sequel to the fight for independence and freedom, which birthed a series of constitutional reforms and negotiations, Nigeria gained independence from British rule on October 1, 1960. The newly independent nation adopted a federal system of government reflecting the aspirations of its diverse populace. This federal system of government was enshrined in the 1960 and subsequently the 1963 constitutions, which established a framework for devolution of powers between the Federal and Regional governments (later states).²⁴ The first republic (1963-1966) saw Nigeria operating under a federal system, with significant autonomy granted to the regional

¹⁷Adiele E. Afigbo, ‘Background to Nigerian Federalism: Federal Features in the Colonial State’ *Publius*. (1991) 21 (4) 13 <<<http://www.jstor.org/stable/3330308>> accessed 8 February 2024

¹⁸ Peter Oluyede, *Peter Oluyede’s Constitutional Law in Nigeria* (Evans Brothers (Nigeria Publishers) Limited, 2001)

¹⁹David Olayinka Ajayi, ‘**British Colonial Policies and the Challenge of National Unity in Nigeria, 1914-2014**’ *Southern Journal for Contemporary History* (2022) 47 (1) 27

²⁰ Peter Oluyede, *Ibid*

²¹Emmanuel Ibiam Amah, ‘Federalism, Nigerian Federal Constitution and the Practice of Federalism: An Appraisal’ *Beijing Law Review* (2017) 8 287 <<<https://www.scirp.org/journal/paperinformation?paperid=78734>> accessed on 8 February 2024

²² Uwem Jonah Akpan, ‘Constitutional Development and the Evolution of the Nigerian State Since 1914’ *The International Journal Of Humanities & Social Studies* (2019) 7(2) 1

²³ Charas Madu Tella, Ahmed Wali Doho and Aliyu Bapeto, The Evolution, Development and Practice of Federalism in Nigeria *Public Policy and Administration Review* ,(2014) 2(4) 51

²⁴Ladipo Adamolekun, “Introduction: Federalism in Nigeria.” *Publius*. (1991) 21(4) 1 <http://www.jstor.org/stable/3330307> accessed 8 Feb. 2024.

governments.²⁵ However, this period was marked by political instability and ethnic tensions arising from the imbalance of powers between the governments, culminating in a series of coups and ultimately the Nigerian Civil War (1967-1970). Sequel to the civil war, efforts were made to consolidate the federal structure and promote national reconciliation.²⁶ The 1979 Constitution and later the 1999 Constitution (as amended) reaffirmed Nigeria's commitment to federalism, albeit with modifications to accommodate changing political and social dynamics.²⁷

Throughout its history, federalism as practiced in Nigeria has evolved in response to internal and external pressures. These includes economic challenges, ethno-religious conflicts, and demands for greater political participation and autonomy.²⁸ While the concept of federalism remains a cornerstone of Nigeria's governance, its implementation has been subject to an ongoing debate and reform efforts aimed at addressing issues of equity, inclusivity, and effective governance.

B. Constitutional Developments post-Independence

Upon gaining independence from British rule in 1960, Nigeria embarked on a journey of constitutional development aimed at establishing a framework for governance that reflects its federal character. The post-independence period witnessed several constitutional developments shaping the federal structure of Nigeria.

1. 1960 Constitution:

Nigeria's first constitution as an independent nation in 1960 established a federal system dividing powers between the Federal and State governments. The constitution granted significant autonomy to the regions, which were later restructured into states, allowing them to manage their internal affairs, including education, healthcare, and infrastructure development. However, the 1960 Constitution also vested considerable powers in the central government, particularly in matters of defense, foreign affairs, and economic planning.²⁹

2. The 1963 Constitution:

²⁵ Isah Shehu Mohammed, Muhammed Fuad bn Othman, and Nazariah Binti Osman, 'Nigeria's First Republic and Post 1966 Federalism: A Comparative Study' *Journal of Business and Social Review in Emerging Economies*, (2020) 6(4) 1469 <<https://publishing.globalcsrc.org/ojs/index.php/jbsee/article/view/1436>> accessed 8 February 2024

²⁶ Rotimi Suberu, 'Federalism in Africa: The Nigerian Experience in Comparative Perspective' *Ethnopolitics*, (2009) 8(1) 67

²⁷ Sani Yusuf, 'Federalism and Nation Building in Nigeria: The Challenges and the Way Forward' *Journal of Administrative Science* (2022) 19(2) 267 https://jas.uitm.edu.my/images/2022_DEC/14.pdf accessed 8 February 2024

²⁸ Aderonke Majekodunmi, 'Federalism In Nigeria: The Past, Current Peril And Future Hopes' *Journal of Policy and Development Studies* (2015) 9(2) 107 <https://www.arabianjbm.com/pdfs/JPDS_VOL_9_2/10.pdf> accessed on 8 February 2024

²⁹ Uwem Jonah Akpan, 'Constitutional Development and the Evolution of the Nigerian State Since 1914' *The International Journal Of Humanities & Social Studies* (2019) 7(2) 1

The adoption of the Republican Constitution in 1963 further solidified Nigeria's federal structure. The 1963 Constitution replaced the office of the Governor-General with a ceremonial presidency.³⁰ The Constitution maintained the federal system of government, with provisions for revenue allocation between the federal and state government. Additionally, the 1963 Constitution introduced the concept of concurrent legislative powers, allowing both the federal and regional governments to legislate on certain matters concurrently.³¹

3. The 1979 Constitution:

Amidst political instability and the aftermath of the Nigerian Civil War, Nigeria passed a new constitution in 1979 commencing its Second Republic. The 1979 Constitution reaffirmed Nigeria's commitment to federalism, albeit with modifications aimed at addressing some of the challenges faced during the First Republic.³² It maintained the federal structure of government, with provisions for revenue allocation, concurrent legislative powers, and autonomy for the states. However, the 1979 Constitution also centralized certain powers in the federal government, particularly in matters of security and economic management.³³

4. The 1999 Constitution (as amended):

Nigeria's current constitution, was promulgated following the transition to civilian rule in 1999. The constitution reaffirms Nigeria's commitment to practicing a federal system of government, enshrining the principles of federalism, decentralization, and autonomy for the states. It contains provisions for revenue allocation,³⁴ concurrent legislative powers,³⁵ and mechanisms for intergovernmental relations. The 1999 Constitution also includes provisions for addressing challenges such as fiscal federalism, resource control, and the protection of minority rights within the federal structure.³⁶

The constitutional developments in post-independence Nigeria reflect the country's ongoing efforts to achieve a federal system of government that balances national unity with the recognition of regional diversity and autonomy. Despite challenges and amendments over the years, federalism remains a cornerstone of Nigeria's

³⁰ J Isawa Elaigwu, *The Politics of Federalism in Nigeria* (Adonis & Abbey Publishers, 2007)

³¹ *ibid*

³² Isah Shehu Mohammed, Muhammed Fuad bn Othman, and Nazariah Binti Osman, 'Nigeria's First Republic and Post 1966 Federalism: A Comparative Study' *Journal of Business and Social Review in Emerging Economies*, (2020) 6(4) 1469 <<https://publishing.globalcsrc.org/ojs/index.php/jbsee/article/view/1436>> accessed 8 February 2024

³³ James S. Read, "The New Constitution of Nigeria, 1979: 'The Washington Model'?" *Journal of African Law*(1979) 23 (2) 131

³⁴ Section 313, Constitution of the Federal Republic of Nigeria 1999 (as amended)

³⁵ Second Schedule, Part II, CFRN 1999 (as amended)

³⁶ Philip T. Vande, 'FISCAL FEDERALISM AND THE POLITICS OF REVENUE ALLOCATION IN NIGERIA' *Zamfara Journal of Politics and Development* (2021) 2(1) 19

governance framework, shaping the powers, resources, and responsibilities of the Federal and State governments.³⁷

III. Constitutional Framework of Federalism in Nigeria

The constitutional framework for federalism in Nigeria delineates the distribution of powers, responsibilities, and resources between the levels of governments. Enshrined in the Constitution of the Federal Republic of Nigeria, 1999 (as amended), is the framework that provides the legal basis for governance and intergovernmental relations in the country.

1) Distribution of Powers:

The CFRN 1999 (as amended) divides powers between the levels of governments, through three lists:

- a. Exclusive Legislative List³⁸: This legislative list contains the subject matters within the exclusive preserve of the federal government, such as defense, foreign affairs, currency, and immigration. These items can only be legislated upon by the National Assembly, representing the Federal Government.
- b. Concurrent Legislative List³⁹: This list comprises of matters on which both the federal and state governments can legislate. This includes items such as education, health, agriculture, and transportation.
- c. Residual Legislative List: This list impliedly covers matters not specified in either the exclusive or concurrent lists, thereby falling within the legislative competence of the states.

2) Responsibilities and Functions:

The Constitution outlines the functions and responsibilities of both the federal and state governments, specifying their respective areas of jurisdiction and authority.⁴⁰ For instance, while the federal government is empowered to superintend over issues of defense, foreign affairs, and monetary policy, state governments have authority over areas such as education, healthcare, and infrastructure development within their respective jurisdictions.

3) Intergovernmental Relations:

The Constitution establishes mechanisms for cooperation and coordination between the federal and state governments, as well as between the states themselves. This includes the National Economic Council (NEC),⁴¹ which serves as a forum for

³⁷ Olu Awofeso, Nelson Goldpin Obah-Akpowoghaha, 'The Challenge of Federalism and its Implications for the Nigerian State' *International Journal of Politics and Good Governance* (2017) 8(8)<https://onlineresearchjournals.com/ijopagg/art/251.pdf> accessed on 8 February 2024

³⁸ Second Schedule, Part I, CFRN 1999 (as amended)

³⁹ Second Schedule, Part II, CFRN 1999 (as amended)

⁴⁰ Section 4, 5, CFRN 1999 (as amended)

⁴¹ Section 153(1) (h), CFRN 1999 (as amended); Paragraph 18, 3rd Schedule, Part I, CFRN 1999 (as amended)

collaboration on economic and development issues among the different levels of governments.

Additionally, the Constitution provides for the establishment of federal agencies and institutions to facilitate intergovernmental cooperation in areas such as revenue allocation, security, and regional development.⁴²

4) Fiscal Federalism:

Fiscal federalism is a key aspect of the constitutional framework, governing the allocation and distribution of financial resources between the Federal and State governments. The constitution delineates revenue sources, including taxes, tariffs, and royalties, and specifies revenue-sharing formulas to ensure equitable distribution among the tiers of government.

The Constitution also establishes bodies such as the Revenue Mobilization, Allocation, and Fiscal Commission (RMAFC) to oversee revenue allocation and monitor compliance with fiscal federalism principles.⁴³

5) Judicial Framework:

The Judiciary's role lies in interpreting and upholding the principles of federalism enshrined in the constitution. The Nigerian Judiciary, including the Supreme Court, adjudicates disputes between the federal and state governments, as well as conflicts arising from the interpretation or implementation of the Constitution or any other Statute.⁴⁴

The Constitution in establishing federalism in Nigeria creates a system that seeks a balance between the need for national unity and the recognition of regional diversity and autonomy.

IV. Analysis of State Autonomy within the Federal Structure

State autonomy in Nigeria refers to the degree of self-governing authority and independence possessed by the constituent states within the federal system of governance.⁴⁵ In line with the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), Nigeria operates a federal system of government with each level being endowed with certain powers and responsibilities.

A. Key aspects of state autonomy in Nigeria include:

1. Legislative Authority: States have the power to make laws on matters within their jurisdiction as specified in the constitution, including areas such as education, health, agriculture, and transportation. This legislative autonomy allows

⁴² Third Schedule, Part I, CFRN 1999 (as amended)

⁴³ Section 153 (1) CFRN 1999 (as amended)

⁴⁴ Section 6 CFRN 1999 (as amended)

⁴⁵ Eghosa E. Osaghae, *The State and Ethnic Autonomy in Nigeria Regional and Federal Studies* (2003) 13(2) 84

states to enact policies and regulations tailored to their specific needs and priorities.⁴⁶

2. **Executive Functions:** State governors and executive councils are responsible for the implementation of laws and policies within their respective states. They have authority over executive functions such as budget execution, public administration, and law enforcement, enabling them to exercise a significant degree of autonomy in governance.⁴⁷

3. **Fiscal Management:** While states rely on federal allocations for a significant portion of their revenue, they also have some fiscal autonomy. States generate revenue through sources such as internally generated revenue (IGR), taxes, and levies.

4. **Intergovernmental Relations:** Cooperation and coordination between the federal and state governments, and also among the states, are essential for effective governance and policy implementation. Mechanisms such as the National Economic Council (NEC) provide platforms for intergovernmental dialogue and collaboration on issues of mutual interest, while also influencing the exercise of state autonomy through policy coordination and resource allocation.⁴⁸

B. Implications of States' Autonomy in Nigeria

The practical implications of state autonomy in Nigeria encompass a range of effects and outcomes that directly impact governance, administration, and socio-economic development within the country. Understanding these implications is crucial for assessing the effectiveness of Nigeria's federal system and its ability to promote equitable development and democratic governance. Key practical implications include:

1. **Policy Variation and Experimentation:** State autonomy allows for policy diversity and experimentation as states have the authority to enact laws and implement policies tailored to their unique needs and circumstances. This can lead to innovation and creativity in addressing local challenges and fostering socio-economic development.

2. **Decentralized Service Delivery:** State autonomy enables states to take charge of service delivery in areas such as healthcare, education, and infrastructure development. States can design and implement programs that are responsive to local priorities, leading to more efficient and effective delivery of public services to citizens.

3. **Accountability and Responsiveness:** With autonomy comes increased accountability to the electorate. State governments are directly responsible for their performance and are more likely to be held accountable for their actions and decisions by citizens. This fosters a culture of responsiveness and accountability in governance, as elected officials are incentivized to deliver results.

⁴⁶ The States can make laws on the matters listed in the Concurrent Lists and any other matter not contained in the Exclusive Legislative Lists.

⁴⁷ Section 4 CFRN 1999 (as amended)

⁴⁸ Section 153(1), CFRN 1999 (as amended); Paragraphs 18 & 19, Part 1, Third Schedule, CFRN 1999

4. **Fiscal Responsibility and Innovation:** State autonomy in fiscal matters encourages states to adopt sound financial management practices and explore innovative revenue-generation strategies. States may implement policies to boost internally generated revenue (IGR), attract investments, and stimulate economic growth, thereby reducing dependence on federal allocations and enhancing fiscal sustainability.

5. **Regional Development Disparities:** Despite the potential benefits of state autonomy, disparities in resource endowment, administrative capacity, and governance quality can lead to unequal development outcomes among states. Some states may struggle to effectively utilize their autonomy due to limited resources, weak institutional capacity, or governance challenges, resulting in disparities in socio-economic development across regions.

6. **Inter-State Cooperation and Competition:** State autonomy fosters competition and cooperation among states as they vie for investment, development projects, and human capital. Healthy competition can drive states to improve governance, attract investment, and enhance service delivery to citizens. Additionally, inter-state cooperation initiatives can facilitate the sharing of ideas, resources, and expertise for mutual benefit.

7. **Constitutional Disputes and Legal Challenges:** State autonomy can sometimes lead to conflicts and disputes between the federal government and state governments, or among the States themselves, particularly regarding matters of jurisdiction, resource control, and constitutional interpretation. Legal challenges and disputes may arise, necessitating judicial intervention to resolve conflicts and clarify the boundaries of state autonomy within the federal framework.

While State autonomy empowers states to govern and develop according to their own priorities, it also requires effective governance, and accountability mechanisms to ensure equitable development and national cohesion. Balancing state autonomy with the imperatives of national unity, equity, and development is pertinent to assuring a more balanced federal system for Nigeria.

VI. Clamour for more State Autonomy in Nigeria

The myriad of problems being faced by the country, including insecurity, religious intolerance, cultural differences, economic imbalance, and socio-economic developments, drive the repeated clamor for State autonomy and devolution of powers to the States.⁴⁹ Regional disparities across Nigeria spurs on the feeling of being marginalized and disadvantaged in terms of socio-economic development compared to others. Calls for more state autonomy often arise from a desire to empower states to address local needs and priorities, thereby reducing regional disparities and promoting a more equitable development across the country.⁵⁰ The issue of insecurity and the need for State policing have also featured greatly in the

⁴⁹ Eghosa E. Osaghae, 'The State and Ethnic Autonomy in Nigeria' *Regional and Federal Studies* (2003) 13(2) 84

⁵⁰ Dorcas Akhere Odigwe and Stanley Aibiyei, 'Fiscal Federalism and Development in Nigeria' *Public Policy and Administration Research* (2015) 5 (7) 36

call for more devolution of powers to the States.⁵¹ It is argued that Nigeria is too complex to be effectively governed solely from the centre. Also, some states, particularly those with significant natural resources, seek greater control over their resources and a larger share of revenue generated within their territories. The oil producing states have repeatedly voiced calls for more resource control throughout the years. Calls for more state autonomy in fiscal matters aim to enhance states' fiscal capacity, reduce dependence on federal allocations, and promote resource ownership and management at the local level. While more allocation has been given to oil producing states, their demand in this regard is still unsatisfied.

Proponents of more state autonomy argue that decentralizing power and decision-making can enhance governance effectiveness and accountability. They believe that empowering states to govern and manage their affairs more independently can make governance more responsive, efficient, and transparent, thereby leading to better service delivery and improved quality of life for citizens.⁵² The consistent clamor for more state autonomy in Nigeria reflects a desire to address historical grievances, promote equitable development, strengthen effective governance, and deepen federalism and national unity. Several calls for more state autonomy in Nigeria over the years have yielded fruits. President Muhammadu Buhari signed Executive Order No.10 of 2020 into law, marking a significant victory in this direction. This Executive Order gave more powers to the States, especially in the aspect of Financial Autonomy. The details signal the implementation of Financial Autonomy for the State Legislature and Judiciary Order of 2020. Unfortunately, by a failure of due process in its passage, the Supreme Court on 11th February, 2022 declared the said Executive Order to be inconsistent with the 1999 Constitution and therefore unconstitutional, illegal, null and void and of no effect whatsoever.⁵³

More activities in the light of relinquishing more powers to the States can be seen in the Constitutional Amendments where more items were moved from the Exclusive to Concurrent Legislative Lists. Former President Muhammadu Buhari, before leaving office give his approval to 19 Bills in accordance with Section 58 (4) of the Constitution of the Federal Republic of Nigeria. Of these bills, 16 pertain to Constitutional Alterations of the 1999 Constitution of the Federal Republic of Nigeria, as amended. These includes the Bill to delete the item “prisons” in the Exclusive Legislative List and re-designate it as “Correctional Services” in the

⁵¹ Ahmed Olawale Moliki, Joseph Okwesili Nkwede and Kazeem Oluwaseun Dauda, ‘Federalism, National Security and State Policing System in Nigeria’ s Fourth Republic’ *Islamic University Multidisciplinary Journal* (2020) 7(2) 95

⁵² Jean-Paul Faguet, ‘Decentralization and Governance’ *World Development* (2013) 53 2 < <https://doi.org/10.1016/j.worlddev.2013.01.002>> accessed on 8 February 2024

⁵³ A. Enumah, ‘Nigeria: Supreme Court Annuls Buhari’s Order 10 on Financial Autonomy for States’ Judiciary and Legislature’ *Arise News* (Abuja, 12 February 2022) < <https://www.arise.tv/nigeria-supreme-court-annuls-buharis-order-10-on-financial-autonomy-for-states-judiciary-and-legislature/>> accessed on 8 February 2024

Concurrent Legislative List,⁵⁴ the Bill to move the item “railways” from the Exclusive Legislative List to the Concurrent Legislative List,⁵⁵ Bill to provide for the financial independence of State Houses of Assembly and State Judiciary and The bill to alter the Constitution of the Federal Republic of Nigeria, 1999 to allow states generate, transmit and distribute electricity in areas covered by the national grid; and for related matters.⁵⁶ The effect of these amendments is that each State, along with the federal government, would be able to exercise legislative powers over the listed items.

Nigeria is currently undergoing restructuring and the promotion of state autonomy. In recent years, the discourse surrounding restructuring and state autonomy in Nigeria has gained momentum, fueled by various socio-political and economic factors. This discussion revolves around the reorganization of the country's governance structure to address issues of decentralization, resource control, and regional development. Restructuring, in the Nigerian context, entails a fundamental overhaul of the existing political, economic, and administrative frameworks. It seeks to address historical imbalances, promote equity, and enhance efficiency in governance. Advocates of restructuring propose a shift towards devolution of powers, fiscal federalism, and the creation of stronger regional entities to empower states and foster grassroots development. Proponents of restructuring and state autonomy are now finding more acceptance and recognition in Nigeria.

Addressing the complexities surrounding restructuring and state autonomy requires a multi-faceted approach. Political will, public engagement, and institutional reforms are crucial components of any meaningful restructuring agenda. Dialogue among stakeholders, including political leaders, civil society, and ethnic groups, is essential to build consensus and bridge divergent interests. Additionally, constitutional amendments may be necessary to accommodate changes in the governance structure while ensuring equity and stability. This is a welcome development in the desire for State Autonomy and a more functional federal system. While the debate over the extent of state autonomy continues, finding a balance between decentralization and centralization is crucial for promoting sustainable development and fostering unity in Nigeria.

⁵⁴ Constitution of the Federal Republic of Nigeria (Fifth Alteration) (Act No.15) Act to alter the Constitution of the Federal Republic of Nigeria, 1999 to delete the item “prisons” in the Exclusive Legislative List and redesignate it as “Correctional Services” in the Concurrent Legislative List; and for related matters

⁵⁵ This amendment deletes item 55 “Railways” in the Exclusive list and inserts a new paragraph 20A in the Concurrent List titled “Railways.”

⁵⁶ This provision amends paragraph 14 (b), Part II of the Second Schedule dealing with Electric Power by deleting the wordings in this section that restricts State Assemblies to make laws on generation, transmission and distribution of electricity in areas not covered by a national grid system within their State. By so doing, it expands their legislative powers to make laws on the generation, transmission and distribution of electricity to include areas within their State “covered” by the national grid. Sequel to this amendment, the Electricity Act was passed in 2023.

VII. Conclusion

The policy implications of state autonomy in federalism encompass a wide range of measures aimed at enhancing governance effectiveness, promoting accountability, fostering equitable development, and ensuring stability and cohesion within the federation. By adopting these policy measures, governments can leverage the benefits of decentralization while mitigating its challenges, thereby promoting sustainable development and inclusive governance.

Based on the comprehensive analysis presented in the paper, these recommendations aim to address key challenges, leverage opportunities, and enhance the effectiveness of Nigeria's federal system. They include:

1. **Strengthening Fiscal Federalism:** Enhance fiscal autonomy for states by revising revenue allocation formulas, granting states greater control over their revenue generation, and promoting fiscal responsibility and transparency. This will help reduce dependence on federal allocations and empower states to pursue independent development agendas.
2. **Enhancing Capacity Building:** Invest in capacity-building initiatives to strengthen state governments administrative, institutional, and human resource capacity. Providing technical assistance, training programs, and knowledge-sharing platforms will also empower states to govern more effectively and efficiently.
3. **Addressing Regional Disparities:** Adopt targeted interventions and affirmative action measures to address disparities in resource allocation, infrastructure, and service delivery across regions. Promote inclusive development strategies that prioritize the needs of marginalized and underserved communities and regions.
4. **Reviewing Constitutional Provisions:** Consider constitutional reforms to clarify the division of powers, strengthen state autonomy, and address legal ambiguities and governance challenges within the federal system. Ensure that constitutional provisions uphold the principles of federalism, democracy, and the rule of law.
5. **Promoting Conflict Prevention and Resolution:** Establish mechanisms for dialogue, negotiation, and conflict resolution to address grievances and tensions arising from the exercise of state autonomy. Foster consensus-building and reconciliation efforts to mitigate conflicts and promote stability and national cohesion.

It is important to note that implementing these recommendations can contribute to enhancing the effectiveness, responsiveness, and inclusivity of Nigeria's federal system. While the path to reform is fraught with challenges, the pursuit of a more decentralized and equitable system remains imperative for the country's socio-economic progress.