

Reinventing the Architecture of Nigerian Federalism

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NIGERIA IS UNIQUE AMONG AFRICAN states in its relatively longstanding, if periodically troubled, experience with the adaptation of federalism as a mechanism of ethnic conflict management and political development. Whereas many multiethnic states in the developing world have associated unitary governance with political order and federation with disintegration, Nigeria has long embraced federalism as the indispensable basis for the country's unity and viability as a multiethnic political community. Thus, federalism has become "an article of faith" in this populous African state, whose approximately 130 million people are fragmented into three major ethnic nationalities (Hausa-Fulani, Yoruba, and Ibo) and over 200 smaller minority communities and are divided almost equally between Muslims and Christians.

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While it has adopted many institutional features of classical American federalism, the Nigerian federation has evolved from a different historical and political logic and has embodied different structural processes and normative principles.¹ The Nigerian federation, formed by the devolution of a previously unitary polity and not by the coming together of sovereign entities, is historically non-aggregative, unlike the American federal model, which was not designed to "hold together" distinct ethnic-territorial communities within a pre-existing state. Further, the Nigerian federation is over-centralized, democratically unconsolidated, and ethnically contentious. Yet, it is politically resilient.

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As a case study in multiethnic governance, the Nigerian federal experience is profoundly contradictory. On the one hand, since overcoming a bitter civil war from 1967 to 1970, the Nigerian federation has managed to hold together, avoiding the syndromes of state collapse or large-scale internal insurgency that have convulsed other African states. This outcome reflects the genius of Nigerian federalism in curtailing ethnic domination, dispersing sectional conflicts, redistributing economic resources, promoting inter-ethnic integration, and generally defusing the pressures inherent in the country's fragmentation.

On the other hand, post-civil war Nigeria has succumbed to multiple governance failures, including the collapse of two democratic experiments, a recession into military rule, mismanagement of the country's oil wealth, and the proliferation of communal conflicts, which have claimed at least 10,000 lives since the restoration of civilian rule in May 1999. Although Nigeria's post-civil war federalism has prevented a recurrence of large-scale warfare, it is implicated in the proliferation of smaller inter-group conflicts and the misallocation of billions of dollars in oil revenues and is a source of persistent skepticism about the country's political future.

This essay analyzes Nigeria's continuing struggles to reinvent an adequate federal model. It begins by sketching the origins of the Nigerian federation in British colonialism and the efforts by successive post-colonial administrations to restructure the colonial legacy to better assuage the country's ethno-political travails. It then illustrates the creativity and efficacy of Nigeria's current federal arrangements in defusing potentially disintegrative conflicts. At the same time, the essay highlights the profound developmental and democratic deficits in a federal system that is driven by the reallocation of centrally collected oil revenues and intensely troubled by ethno-distributive pressures. After discussing current proposals for reform, the essay concludes by highlighting the peculiarities and prospects of the Nigerian federal model.

THE EVOLUTION OF THE FEDERATION

Nigeria's present boundaries were formed through a gradual process of British colonial territorial incorporation that began in 1861 with the annexation of the coastal city of Lagos and ended in 1914 with the amalgamation of the two British protectorates of Northern and Southern Nigeria. Rising ethno-regional tension within the new colonial state led to the subdivision of southern Nigeria into the Eastern and Western regions in 1939, the creation of a full-fledged federation of three regions in 1954, and the entrenchment of the tripartite regional federal system in

the 1960 independence constitution.

Nigeria's evolution as a federation since 1960 has unfolded in five major political moments:

1. The First Nigerian Democratic Republic (1960-66) was based on the juxtaposition of parliamentary government with the colonial legacy of three (later four) territorially large and constitutionally powerful, but unequal, regions.

2. The first phase of military rule from 1966 to 1979 witnessed the fragmentation of the regions into smaller units (12 states in 1967 and 19 states in 1976) as part of a sweeping process of centralization implemented by Nigeria's politicized soldiers.

3. The Second Republic (1979-83) was based on a framework of centrist integrative institutions bequeathed by the military. These included the 19-state structure, a division of legislative powers, and an American-style presidential system with a powerful and putatively pan-ethnic federal executive, as well as a strong upper federal legislative chamber (Senate) in which states were equally represented.

4. The second phase of military rule (1984-1999) not only continued the centralization of the first era of autocracy, including an expansion in the number of states from 19 to 36, but also witnessed some of the worst pathologies of military rule. This era was especially notorious for the entrenchment of the capricious personal rule of the military head of state; the shift from the inclusive ethnic policies of the first era of military rule to ethno-religious manipulation and exclusion; the prohibition of judicial review of the government's conduct; the political and fiscal emasculation of the sub-national governments; and the degradation of the military's own democratization programs, including the abortion of a transition to the Third Republic following the annulment of civilian presidential election results in 1993.

5. Finally, the Fourth Nigerian Republic emerged in 1999 from the ruins of the aborted Third Republic (sabotaged by its military

sponsors before it was born) with an amended version of the Second Republic's 1979 constitution.

The watershed in this political odyssey was the military's 1967 transformation of the Nigerian federation from a disintegrative-centrifugal structure with a small number of constituent regions into an integrative-centripetal system with a large number of smaller sub-federal states. This transformation was necessitated by the contradictions and imbalances built into the tri-regional colonial federal legacy.

Although designed to balance Nigeria's three major ethnic groups, the system of regional federalism aggravated the country's divisions. A major divisive factor was the overwhelming size of the Muslim Hausa-Fulani-dominated Northern region, which encompassed 54 percent of the country's population and over 70 percent of its territory. This fueled allegations of northern political domination among other Nigerian groups, including the Yoruba and Ibo majority communities in the Western and Eastern regions, respectively. Another flaw in the regional federalism of the First Republic was the construction of the federation's internal boundaries around the country's ethnic fault-lines, which promoted a politics of ethnic majority chauvinism, hegemony, and separatism. Yet another defect was the denial of separate regional units for minority communities, which constituted approximately one-third of the population. This provoked violent agitations among

the larger minorities in the 60s. Finally, the small number of federal regional units enfeebled the central government, prevented the reciprocal insulation of central and regional politics, promoted polarization, and robbed the federal system of the potential flexibility from its

This military-facilitated multi-state federalism has been remarkably effective in containing or deflecting potentially disintegrative conflicts.

multiplicity of constituent ethnic groups.² These contradictions of Nigeria's regional federalism polarized the First Republic and set the stage for ethno-military infighting, the attempted secession of the Ibo Eastern region as an independent Republic of Biafra in 1967, and the subsequent 30-month civil war in which one million people died.

On the eve of the 1967 civil war, Nigeria's military rulers dissolved the federal regions into 12 smaller units. Although the new multi-state federalism could not avert civil war, it contributed critically to the defeat of the Ibo secession and to the integration of post-war Nigeria. Since the end of the civil war, the system of multi-state federalism has cauterized potentially disintegrative centrifugal conflicts.

The proliferation of sub-federal constituent units has reduced the capacity of

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local conflicts to destabilize the entire federation. Similarly, by spreading the population of the three major ethnic groups across several states, Nigeria's multi-state federalism has undercut the big-tribe chauvinism that previously undermined the stability of the federation. The multi-state federation also includes twelve mostly ethnically heterogeneous minority-based states, thereby promoting the empowerment of communities disenfranchised under regional federalism. Due to this, Nigeria's federal structure features a multiplicity of sub- and multiethnic states. One major impact of this flexible configuration is the promotion of intergovernmental relations that cut across ethnic fault-lines as states cooperate and compete around issues of states' rights, constitutionalism, fiscal federalism, and other functional interests.

The creation of the Nigerian sub-federal states broadly coincided with the expansion of oil revenues, which have grown since 1966 from one third of the value of Nigerian exports to 90 percent of export earnings and 80 percent of public revenues. By drastically changing the old regional rules for sharing federally collected revenues, which had emphasized the return of revenues to the region of derivation, the military transferred revenues from a few oil-rich states in southern Nigeria into a national pool called the "Federation Account." The Account is shared vertically between the center, states, and localities, and horizontally among the states and localities with inter-unit equality and with population as the principle of allocation. The emphasis on equal distribution of oil revenues has transformed states and localities into conduits for the dissemination of national resources to sub-national constituencies.

The centralizing and distributive functions of the state structure and the revenue allocation systems are complemented by the constitution's endowment of the central government with the power to intervene in virtually every public mat-



Courtesy of Joseph Nagle

Oil revenues funded the Nigerian central government's military machine during the civil war. Vestiges of the conflict remain ever present.

The full-fledged extension of Islamic law into the criminal justice system was unprecedented in the country's post-independence experience.

ter, the centralization of police control as well as land and natural resources, the entrenchment of a uniform local government system as the third tier (after the center and the states) of the federal administrative grid, the establishment of the executive presidential system, and the promotion of the principle of "federal character."

This principle requires that the composition and conduct of all government agencies must reflect the diverse interests at each level. It has inspired a vast repertoire of informal practices that seek to balance, distribute, and rotate political offices,

including the presidency, among diverse ethnic, religious, and regional constituencies, including the six unofficial but influential geo-political zones of the federation. To reiterate, this military-facilitated multi-state federalism has been remarkably effective in containing or deflecting potentially disintegrative conflicts while producing profound contradictions and tensions of its own.

MULTISTATE FEDERALISM AND THE SHARI'A QUESTION

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Following Nigeria's return to civilian rule in 1999, 12 northern Muslim states adopted legislation extending the scope of Islamic Shari'a law from personal and civil matters into the criminal domain. Although the Shari'a question has been prominent in Nigeria's constitutional politics since the late seventies, the full-fledged extension of Islamic law into the criminal justice system was unprecedented in the country's post-independence experience. Instigated by the populist Governor Ahmad Sani of Zamfara State, the establishment of Islamic penal law entailed the codification of several harsh sanctions, including flogging for drinking, amputation for theft, and stoning for adultery. The expanded Shari'a system, its Muslim proponents claimed, would satisfy popular pressure for comprehensive application of Shari'a in the Muslim north. It would apply strictly to Muslims and consenting non-Muslims only, promote federalist states' rights and legal pluralism, fulfill existing constitutional provisions regarding the competence of the states to establish and prescribe the jurisdictions of Islamic courts, promote the efficiency and accessibility of the criminal justice sector, redress Muslims' marginalization under the country's British-oriented legal system, provide a panacea to secular corruption and permissiveness, and ultimately contribute to national unity and democratic stability.

The mostly non-Muslim critics of the extension of Islamic law, on the other

hand, denounced the expansion as a politically motivated violation of the Nigerian constitution's prohibition of state religion and inhumane punishment, and a recipe for violent sectarian conflicts. Plans to extend Shari'a in the religiously volatile northern state of Kaduna led to bloody clashes that claimed some 2,000 lives in 2000. However, the government of Kaduna eventually crafted a benign compromise version of Islamic law implementation that eased the tensions between its Muslim and Christian communities. Rather than destroy Nigeria's nascent federal democracy, the "Shari'a bomb" was more or less defused by the multi-state, federal democratic institutional structure.

The federalist framework ensured that the issue at stake in the Shari'a controversy in Nigeria was not the imposition of Islamic law on the entire country. Rather, the Shari'a conflict has focused on the rights of some Muslim majority states to extend Shari'a implementation in response to the overwhelming demands of the Muslim electorate in those states. This is to maintain democratic legitimacy, not part of an agenda to foist an Islamic theocracy on their states or the entire federation; instead, religiously moderate political leaders who are apparently committed to Nigeria's federal democracy are implementing Shari'a in only one-third of the Nigerian states. Implementation has largely preserved the rights of non-Muslims residing in the Shari'a states and has not violated the religious neutrality of the federal government.

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Indeed, some Muslim-dominated northern states like Adamawa, Kogi, Kwara, and Nasarawa have resisted the extension of Islamic law, thereby charting a politico-religious course independent of the Shari'a-implementing northern Muslim Hausa-Fulani states. There are also no official Shari'a courts in the six Yoruba southwestern states, where Muslims, who constitute at least half of the Yoruba population, have traditionally practiced their faith with legendary moderation.

What is more, even among the Shari'a states, there have been creative innovations in the system's development. Although Zamfara's Islamic penal code has provided the model for Islamic criminal legislations in the 11 other Shari'a states, there are significant inter-state differences in the details of Islamic penal justice. Indeed, while some Shari'a states have made the use of Shari'a courts mandatory for Muslims, others have given their Muslim residents the option of using secular magistrate courts.³ By highlighting different versions of the same Islamic vision, such variations in the implementation of Shari'a have promoted the federalist roles of the Nigerian states as creative laboratories of local democracy.⁴

At the same time, centralization of Nigeria's multi-state federalism has reined in any potential excesses on the part of the Shari'a states. The current Nigerian states derive their constitutions from the federal constitution, which incorporates

the basic laws of the federal, state, and local governments in a single document. Thus, the Shari'a states have been forced to implement their new Islamic codes within the basic framework of rules set by the Nigerian constitution. These include the disallowance of a state religion, the entrenchment of basic fundamental human rights, and the subordination of state-level courts to the jurisdiction of the common-law federal Court of Appeal and Supreme Court.

In essence, the Shari'a states have sought to respect the constitutional prohibition of a state religion by preserving the structure of superior common-law courts in the states and by excluding non-Muslims from the application of Islamic law. They have been careful not to adopt aspects of Islamic law that are in conflict with the rights guaranteed by the Nigerian constitution. Lacking independent state police departments, the Shari'a states have also been constrained to rely partly on the unitary secular Nigerian police force, which has usually reined in vigilante excesses.

Most crucially, the Muslim states have subordinated their new Islamic courts to the constitutionally recognized state-level Shari'a Court of Appeal, which is subject to the appellate jurisdiction of the Federal Court of Appeals and Supreme Court. Reflecting its close regulation by the Constitution and its professionally qualified judge staff, the Shari'a Court of Appeal has overturned some of the more outrageous sentences emanating from the lower Islamic criminal courts. For instance, appellate Shari'a courts have overturned sentences of death-by-stoning that lower Shari'a courts imposed for sex-related offences.⁵

The absence of Islamist political parties, along with the constitutional guarantees of freedom of thought and expression, has curtailed sectarian polarization, thereby promoting a diversified discourse on the new Shari'a codes even within the northern Nigerian Muslim community. Consequently, a profound, yet theologically sympathetic critique of Islamic law implementation has developed among

segments of this community. This internal critique has affirmed the legitimacy of Shari'a, but inveighed against the Shari'a-implementing governments for the hurried, haphazard, and politically motivated manner in which they have instituted the Shari'a system. Their

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errors include failing to provide adequate training for Shari'a court judges, emphasizing the punitive aspects of Shari'a, instituting a penal system that has disproportionately sanctioned vulnerable groups in society while leaving corrupt elites unpunished, and generally failing to live up to the more humane and generous prin-

ciples of Islamic law, including the notions of justice, equity, compassion, and fairness.

This internal critique, along with broader domestic and international strictures against the enactment of Islamic criminal law, has effectively restrained the Shari'a-practicing states from enforcing the more controversial and stringent aspects of the Shari'a penal system. Thus, no amputations have been undertaken since the surgical removal of the right hands of three petty thieves in Zamfara and Sokoto in 2000; none of the death-by-stoning sentences imposed by Shari'a courts have been carried out; the activities of the *hisbah* enforcement groups have decreased; and there is an increasing tendency in the Muslim north to "shift focus away from the criminal law aspects of Shari'a law to its tenets of social justice and charity for the poor."⁶

Perhaps the greatest restraints on the behavior of the Shari'a states have come from the over-centralization of the political economy of Nigeria's multi-state federalism. The financial dependence of the Nigerian states on centrally collected oil revenues has been most acute in the impoverished Muslim north, where some states derive up to 99 percent of their budgets from central financial transfers. The Shari'a states, therefore, have powerful incentives for preserving the federation.⁷ Northern states in general, and the Shari'a states in particular, have been resolute in their opposition to proposals from the more developed southern states for fundamental changes to Nigeria's centralized federalism. At the same time, however, the extension of Islamic law has reinforced autonomist sentiments in southern Nigeria, where demands for "true federalism" and sub-national resource control have highlighted many of the contradictions that plague the country's centralized federalism.

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CRACKS IN MULTISTATE FEDERALISM

Nigeria's centralized federal system lacks the competitive economic decentralization associated with a system of "market-preserving" federalism.⁸ Rather, the dependence of all governments on the redistribution of centrally collected oil revenues has fed some of the worst contradictions of Nigerian federalism. These include the absence of genuine autonomy and security at the sub-national level, the intense ethno-regional premium on the control of the federal government, the extreme political contentiousness and economic inefficiencies of the revenue allocation system, the divisive pressures around the proliferation of constituent administrative boundaries, and the relentless but unfulfilled quest for "true federalism."

The relatively enormous power of the central government is perhaps the most

widely contested and lamented aspect of politics in Nigeria today. Neither the termination of hyper-centralized military rule nor the institutionalization of rules for revenue devolution and power rotation have obviated the tensions inherent in the over-concentration of powers and resources in the federal government, particularly in the presidency. Rather, the continuing hegemony of the center has been highlighted by such developments as the federal executive's suppression of proposals to transfer more than 50 percent of centrally collected revenues to the sub-federal authorities, threats to impose emergency rule in the states, orchestration of the electoral displacement of opposition parties from state governments, and intervention in such traditionally sub-national policy fields as local government reorganization, agriculture, housing, water resources, and primary education.

A major consequence of the hegemony of the center is that competition for control of the federal government is politically and ethnically explosive. Lacking insulation against coercion by the center and the capacity to generate their own resources, Nigeria's ethnic and regional groups feel they must control the national government or the presidency in order to feel secure.⁹ This is the basis for Nigerians' obsession with the sectional provenance, rather than political competence or programs, of their presidential candidates. It is also a key factor in determining national population censuses, on which the demarcation of electoral constituencies as well as the allocation of national oil revenues depend, thereby making them explosive flashpoint of ethno-regional conflict in Nigeria.

Given the domination of Nigeria's political economy by the redistribution of centrally collected revenues, it is hardly surprising that revenue sharing has remained a source of contention in the federation. The vertical inter-tier struggles between the federal, state, and local governments over their relative shares of the Federation Account are compounded by the horizontal conflicts among the states and among the localities over the intra-tier sharing formula. These conflicts have stymied the enactment of a new revenue allocation law in Nigeria's current democracy despite the submission of three different sharing proposals to the bicameral National Assembly.

Nigeria, therefore, epitomizes the vulnerability of distributive federations to conflicts between resource-endowed and resource-constrained constituent units. In addition, the Nigerian experience illustrates the perverse economic effects inherent in federal arrangements where substantial fiscal transfers have been implemented without significant revenue raising capacity or tax autonomy at the sub-national level.¹⁰ The Nigerian system of revenue sharing, in which sub-federal authorities obtain some 80 percent of their budgets from mandated central transfers, violates a cardinal condition of fiscal efficiency, namely, that the government that enjoys

the pleasure of spending money must first experience the pain of extracting the money from the tax payers.¹¹ By breaking this critical nexus between expenditure authority and revenue raising capacity, Nigeria's revenue sharing system has promoted monumental levels of financial irresponsibility at the state and local levels. Thus, sub-national administrations in Nigeria have become notorious for their mismanagement of funds.¹² The same inefficiency and profligacy afflict the federal government, since its revenues also come overwhelmingly from oil rents instead of taxation.

Another perverse effect of the centralized funding of sub-national units in Nigeria is its incitement of the proliferation of new constituent states and localities as an easy avenue to centrally collected oil revenues. This effect has been reinforced by the elevation of the principle of inter-unit equality to the most important factor in horizontal intra-tier revenue distribution, since this would ensure that areas with more states or localities would get a larger allocation of central revenues. The intense pressures for new constituent units, and the willingness of successive military administrations to exploit these pressures to generate political legitimacy as well as consolidate the hegemony of the center, were major factors behind the phenomenal increase in the number of states in Nigeria from 12 in 1967 to 19 in 1976, 21 in 1987, 30 in 1991, and 36 in 1996.

Yet, in the peculiar Nigerian context, the proliferation of states has compounded the country's crisis of internal citizenship, since such territorial fragmentation has caused the progressive contraction of the geographical space in which a Nigerian can enjoy full internal citizenship opportunities.¹³ This is because being a state indigene or citizen in Nigeria is defined not in terms of residence or birth, but on the basis of descent from "a member of a community indigenous to a state."¹⁵ In essence, Nigerians who were born or have lived for long periods in states other than their ancestors' places of origin cannot enjoy full citizenship opportunities in such states. They are regarded as non-indigenes and are systematically discriminated against in matters such as admissions to sub-national schools, bureaucratic placement, political appointment, and land ownership. In some states, such as Nassarawa, Plateau, and Taraba, deadly violence has resulted from attempts to exclude large and long-settled, but ostensibly non-indigenous, resident communities from opportunities available to indigenes.

CRAFTING A NEW FEDERATION

The economic and political liabilities that plague the current Nigerian states have fueled prodigious debates on the renovation of the cracked architecture of Nigerian

federalism. Three possible paths to federal reform have featured prominently in these debates, namely the Sovereign National Conference (SNC), constitutional review or amendment, and non-constitutional renewal.

The idea of the SNC draws its inspiration from the national conference model that became popular in Benin and other French-speaking African countries in the

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1990s as a mechanism for promoting the displacement of dictatorial regimes by diverse coalitions within civil society. Currently organized into associations like the Pro-National Conference (PRONACO) and the Ethnic Nationalities Forum (ENF), Nigerian advocates of the SNC con-

sist mainly of Yoruba, Ibo, and Niger Delta elites in the south. These elements regard Nigeria's current federalism as fundamentally flawed and envisage a convention of ethnic nationalities and other civil society groups that would craft new articles of association for the country or even amicably dissolve the federation if necessary.

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Yet the idea of a Nigerian SNC is problematic. Since it was originally designed to coordinate popular democratic opposition against dictatorial regimes, the SNC would appear inappropriate in Nigeria, where legitimate democratic institutions already exist and where a clash between the conference and the democratic regime would invariably arise. The multilayered fluidity of ethnic boundaries in Nigeria also means that proponents of the SNC have failed to develop generally acceptable guidelines for selecting delegates to the conference. Finally, suggestions that the SNC would re-examine the desirability of Nigerian unity have been unpopular in a country where a million lives were lost in the 1967-70 civil "war of national unity" and where some 75 percent of the population would not contemplate the dismemberment of the country.¹⁵

While explicitly rejecting the SNC, the Nigerian federal executive and legislature have constituted separate committees or bodies to explore the revision of the Nigerian Constitution. The biggest of these review initiatives is the 400-member National Political Reform Conference, nominated by President Obasanjo and the 36 governors in February 2005. Essentially, the Conference would advise the government on the desirability of the different proposals for constitutional change recently canvassed by various Nigerian groups.

Yet, there is hardly a national consensus behind any of these proposals, and

President Obasanjo and most of the governors have already indicated their opposition to a return to parliamentary government or regional federalism. While some suggestions for reform, such as the political insulation of oversight agencies, are desirable, other widely canvassed ideas, such as single terms of office for political executives, may not advance the cause of good democratic governance. Additionally, issues like the relationships between state and religion, or between sons-of-the-soil and settlers, are so inherently explosive that they are better managed through "constitutional silences" and mediated by constructive socio-economic development, rather than by trying to spell them out "in precise constitutional language."¹⁶ Meanwhile, any amendment to the current Nigerian Constitution requires the endorsement of a two-thirds majority of the membership of each house of the bicameral National Assembly (or a four-fifth majority of each house if the amendment relates to the clauses prescribing the internal boundaries of the federation, fundamental human rights, or the constitutional amending procedure itself), plus the supporting resolution of the unicameral legislative houses in two-thirds of the states. This appears to be a tall order, given the conflicting priorities of the country's putative constitutional reformers.

Short of a successful initiative by Nigeria's current leaders to mobilize national consensus behind critical constitutional reforms or a democratic breakdown that would lead to a new round of mega-constitutional change under the military, the country's best hopes for political reform lie in working pragmatically and imaginatively through the current political process to promote non-constitutional renewal. As it has developed in the Canadian context, the idea of non-constitutional renewal assumes that a troubled federation "has the capacity to adapt to changing needs and evolving circumstances regardless of the difficulty in implementing constitutional amendments."¹⁷

Although it has not been explicitly articulated in Nigeria, the strategy of pragmatic, piecemeal, non-constitutional renewal has been implicit in some of the political developments in the country since the restoration of civilian rule in 1999. One element of renewal and constructive political development has been the judiciary, as underscored by the role of the Shari'a Court of Appeal in overturning some of the more sensational judgments of lower Islamic courts, and the broadly decentralist jurisprudence of the Supreme Court as it has arbitrated a series of federal-state disputes over revenue allocation, local government, anti-corruption legislation, and urban planning.¹⁸ The relatively peaceful, if deeply flawed, conduct of the 2003 elections, which produced a significant turnover in the composition of the national legislature and sub-national governments, is also indicative of the role that democratic electoral competition can play in mediating the federal political

process and forging an equilibrium between the forces of centralization and decentralization. Yet, this potential is severely constrained by the defective quality of electoral administration in the federation. Most importantly, however, ongoing plans to enact a new revenue allocation law and a fiscal responsibility act could promote efficiency in the utilization of public revenues, thereby transforming Nigeria's fiscal federalism into an asset, rather than a liability, for developmental governance.

CONCLUSIONS

Nigeria's unique federalism highlights the daunting challenges, as well as immense opportunities, inherent in attempts to adapt and reinvent Euro-American governance models in less developed societies. It also demonstrates that there is no single optimal federal design, and that federalism can, and should, be remodeled to reflect the socio-economic imperatives and cultural peculiarities of a given society.¹⁹

Three of the more peculiar features of the Nigerian federal model involve the conjunction of centralized military rule with federalism, the expansion of Islamic law within a federal framework, and the reduction of the federal system into a conduit for the dissemination of centrally collected oil revenues to sub-national constituencies.

Much of the comparative politics literature has concluded that federalism is incompatible with non-democratic rule because federalist guarantees of sub-national autonomy can only be credible or effective under a liberal democratic constitutional regime.²⁰ This conclusion is confirmed by the massive centralization that the Nigerian federation witnessed during nearly 30 years of military rule. At the same time, however, the Nigerian experience suggests that it is at least "theoretically possible to create a working federal system in a polity that is not otherwise democratic," and that some benign forms of military rule can have a constructive impact on the development of federalism.²¹ Faced with a crisis of national disintegration, for instance, the first generation of soldiers who ruled Nigeria from 1966 to 1979 helped to remodel the architecture of Nigerian federalism by transforming the colonial three-region system into multiple state structure. This has helped not only to contain the centrifugal polarization and instability that led to the 1967-70 civil war, but also to better tailor federal institutions to the multi-layered ethnic underpinnings of Nigerian society. In the aggregate, however, military federalism in Nigeria was more unitary than federal, and the excesses and lawlessness that characterized the second reign of the soldiers (1984-99) have effectively shattered much of the traditional optimism about the federalist credentials of the Nigerian

military.

The idea of Shari'a law often evokes the same specter of authoritarianism as military rule. Yet, as it has unfolded in Nigeria since 1999, the implementation of Islamic law is not necessarily inconsistent with federalism, constitutionalism, and democratic pluralism. Indeed, the governments of Nigeria's Shari'a states have explicitly sought to sublimate Islamic law to the country's federal democratic institutions. To be sure, the development of Islamic criminal justice has involved obvious constitutional tensions. Yet these contradictions have been assuaged by what Human Rights Watch²² has described as "the notions of justice, compassion and fundamental rights which are integral to Shari'a." If these humane traditions of Shari'a can be harnessed by Nigeria's Muslim states, the country can become a model for the liberalization and accommodation of Islamic values within a multi-religious and multi-ethnic federal democratic framework.

The autonomy exhibited by the northern Muslim states in enacting Islamic criminal law conflicts with the dependence of these states in particular, and Nigerian states generally, on centrally collected oil revenues for virtually all their finances. As we have seen, this fiscal dependence has fueled the worst contradictions of Nigerian federalism, including the hyper-centralization of intergovernmental relations, the monumental levels of political corruption and economic inefficiency at all levels of the administrative system, the relentless conflicts over revenue sharing, and the persistent pressures towards the balkanization of the country. These pathologies are structurally rooted in the country's monolithic, oil-centric political economy, which will only be reformed by years of decentralized economic and political development. Yet, if they are honestly implemented, proposals to promote efficiency in the management of oil revenues could be effective in building the capacity of the federal system to better serve Nigeria's aspirations for stable democratic governance. Despite the cracks in its multiethnic federal edifice, Nigeria illustrates the potential for the creative adaptation of federalism in societies otherwise troubled by ethnic fragmentation, economic underdevelopment, and political instability. 

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