

## NIGERIA'S GOVERNANCE STRUCTURE CONUNDRUM: THE PERSPECTIVE OF FEDERALISM ANCHORED ON PARLIAMENTARY DEMOCRACY

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### ABSTRACT

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Since the military intruded into the political governance of Nigeria in 1966, it has being a gradual accretion of powers of the regions/states to the federal government. This is through Decrees and other military policies that have centralisation of powers as its primary ideology. Since then, it has been a tale of woes, a situation of no love lost relationship among the ethnic nationalities. The consequences of concentration of powers in the centre are being harvested in the form of separation agitations, distrust, violence and other centrifugal forces. This paper examined the culture of power dominance by the central government in a supposed federal polity and its effects on the unity of the country. Using primary and secondary sources of information, the study found that for Nigeria to achieve her full potentials, the structural edifice on which her governance is fastened requires a reconfiguration. The paper finally advocated for a return to parliamentary democracy which is more cost effective than the profligate presidential system.

**Keywords:** Governance, Structure, Conundrum, Perspective, Federalism, Parliamentary, Democracy

### INTRODUCTION

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At independence in 1960, Nigeria's political journey started with parliamentary democracy with a carefully constructed federal system based on three regions (later four in 1963) that had considerable autonomy. This workable structure of governance was overthrown in 1966 by the military political adventurists and imposed on the country presidential/federal system skewed along the line of military structural hierarchy at their exit in 1979. This concentrated both political and fiscal powers in the hands of the federal government. The former was what our past heroes negotiated for after painstaking debates at various constitutional conferences and

analysis guided by the experience of other countries with multi-ethnic background similar to that of Nigeria. Indeed, the adoption of the parliamentary system in 1960 was not surprising as it has proved to be a viable political option for the British colonialists hence; it is regarded as part of the British legacies to Nigeria. Apart from this, parliamentary cabinet system is acknowledged as far cheaper for a developing country than presidential system which encourages bureaucratic indulgence.

Since the intervention of the military, Nigeria, a natural federation, has become more unitary in practice with the thirty- six states not only as beggarly appendages of the all-powerful and behemoth centre (Babalola Afe; 2020), but also as mere administrative centres. The centralised federal structure used to govern the country during the oil boom epoch has become a big burden which the country can no longer carry. The corollary is that the Nigerian specie of federalism generates poverty in the midst of plenty. It produces dissonance rather than consensus. It spawns violence, corruption, inequality, nepotism and criminality. In fact, it is an albatross rather than being a source of blessing to the people. Federalism in Nigeria has become a harbinger of misery, despair and anguish. The powers concentrated in the centre after the adoption of presidential system in 1979 are so huge and those of the states so hamstringing. This again encourages a patronage system from the centre which alienates those kept outside the power matrix. For instance, it is surprising to many why certain realities like security of lives and properties in the entire country have to be dependent on federal government alone. There are also more questions than answers as to why the federal government should be involved in something as little as driver's licences, marriage certificates and fire fighting services etc. Indeed, the presence of myriad of veteran voices calling for the restructuring of the country is a realisation of the fact that the litany of the nation's structural ills can be palliated by restructuring. A notable figure who commented along this trajectory is former President Olusegun Obasanjo who with cautious optimism said,

*my personal conviction is that, with the experience we have had operating the current constitution where we have seen some important aspects of the constitution being breached willfully and wantonly, and with the centre seemingly being overwhelmed by the issue of security, with crying need from different quarters for reform of the basic structure of Nigeria's federating units, there is need for the repositioning of our country for the purpose of unity, equity, competence, good governance, and justice.... (Ibid).*

Agitations over the myriads of socio-political contradictions listed above are veritable militating factors against corporate Nigeria and exposed the fundamental deficiencies of Lord Lugard's 1914 experiment. However, there had been efforts towards addressing the problems starting with pre-independence constitutional conferences to that of 2014 National Conference. Yet, the problem of forcing unity in diversity has remained elusive, Instead of satisfying the highly disenchanting polity, the attempts have been laden with mistrust and suspicion. There is no doubt that the present skewed and deformed political structure foisted by the military is holding Nigeria down and serves as an antithesis to the two lines of our first national anthem that says "Though tribes and tongues may differ. It is a grand deceit that "in brotherhood we stand". That we have remained one country for over sixty years is a miracle which should not delude us into believing that we are united and we will always stand in brotherhood if the status quo remains.

The foregoing introductory part serves as part one. The theoretical frame work is discussed in part two. The imperative of re-inventing Nigeria along the trajectory of a new constitution anchored on true federal structure is discussed in the third part. The fourth part analysed the comparative advantages of parliamentary system over that of the presidential system. The propriety of centralised/unified security architecture in the entire federation is interrogated in the fifth part, while part six contained various suggestions and recommendations that can, in our humble estimation; re-direct the country to the path of strong sub-national units, reminiscence of the status of the three and later four regions in the first and second republic respectively.

### **Theoretical Framework**

The theoretical framework on which this piece is anchored is K.C Wheare's legal institutional theory of federalism. A serious discussion of contemporary federalism usually starts with Wheare's postulation on the concept. The major assumption of this theory is that a federal government is an "association of states which has been formed for certain common purposes but in which the member states retain large measure of their original independence (Wheare K.C; 1953.10). Wheare K. C. says federalism is the method of dividing political powers within a country so that general and regional government are each within a sphere co-ordinate and independent (Idowu; 2017, 35). The concept preaches the relative autonomy of the constituent units. On federalism, Benjamin Nwabueze contends that;

*a nation is divided between a central government and a number of*

*regionalised government in such a way that each exists as an entity separately and independently of the other and operates directly on the persons and properties within its territory, possessing a will of its own and the apparatus for conducting its affairs sometimes on matters exclusive to it (Nwabueze, 1973).*

On the imperative of federalism for a multi-ethnic society, Wheare, quoting him ipisma verba said;

*It would seem that federal government is appropriate for a group of state or communities if, at one and the same time, they desire to be united under a single independent general government for some purpose and to be organised under independent regional government for others. Or to put it shortly, they must desire to be united but not unitary. (Wheare, 1953, 10).*

The summary of the various definitions of federalism by scholars is to the effect that the federal government is a coordinating and not a controlling government but has exclusive responsibility for the common national services. In other words, federalism combines shared rule with self-rule. (Ebieziem & Onyemere, 2018). It attempts to satisfy the need for cooperation in some things coupled with the right to separate actions in others. Only federalism fulfills the desire for unity where it co-exists with a determination not to smoulder local identity and local power (Elaigwu, 2007).

### **Terminological Conceptualization**

For the purpose of better understanding, the following concepts are clarified within the context of this discourse.

#### **A. Structure:**

Structure is used with reference to the political configuration of Nigeria. It refers to the institutions or groups and their relations to each other. It also refers to the way in which a government is run. (Wikipedia. Online Dictionary). It is a system of organisation made up of interrelated parts functioning as a whole. In other words, structure is the way in which the different parts of something link or work together (Encarta Dictionary). Closely related to this is restructuring which forms an important aspect of this discourse. According to Oxford Advanced Learner's Dictionary, "it is to organise something in such a new and different way. It entails alteration and re-organisation of an existing system in a way different from how it used to be". In

the words of the learned authors of Merriam Webster Dictionary (Webster Dictionary), to restructure is “to change the make-up of an organisation or pattern of” something, meaning that restructuring involves some fundamental alteration of the existing structure. In other words, to restructure is to change an existing status quo in order to make it more functional. (Okonkwo O. 2013). From these assertions, restructuring is a purpose driven activity that hinges on replacement of an existing nature of a system with a new one that will be suitable to achieve better the purpose of the system (Nwafor, 2018).

### **B. Conundrum**

The Encarta and Oxford dictionaries define a conundrum as something confusing and puzzling. Online Wikipedia defines it as a paradox, a dilemma, and a difficult problem. In other words, a governance structure remains a conundrum when its structure has been puzzling, confusing and paradoxical especially after a long period of time and that governance structure defiles an acceptable and workable structure that can engender a sustainable national development.

### **C. Parliamentary Democracy**

Parliamentary democracy is a system in which citizens elect representatives to a legislative parliament to make the necessary laws and decisions for a country. This parliament directly represents the people. It is a system of democratic governance of a state or subordinate entity where the executive derives its democratic legitimacy from its ability to command the confidence of the legislature. A parliamentary democracy has bi-cephalous political executives (Anyebe, 2016). The Head of state is a person distinct from the Head of government. This is unlike the presidential system where the Head of state is also the Head of government. The executive does not derive its democratic legitimacy from the legislature in a presidential system (Wikipedia. Online Dictionary). The relationship between the executives and the legislature in a parliamentary system is always almost cordial as members of parliament in most cases are also part of the executive arm of government. Also, the principle of separation of power especially between the executive and the legislature is not always obvious. (Appadorai, 2004).

## **A UNITARY CONSTITUTION IN A FEDERAL POLITY**

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When Nigerian past heroes waged and won the battle to liberate our peoples from the shackles of colonialism, the decision as to the political structure for Nigeria was a loose federal arrangement (Enahoro, 2006). In other words, at independence in 1960, Nigeria practiced a federal system with all the benchmarks of federalism. The

outstanding features of this structure were that the regions were to a large extent financially autonomous, operating their own constitutions and able to develop within the confines of their available resources (Idowu, 2017). The regions donated reasonable percentage of their revenue to fund the federal government while political powers were not concentrated in the centre as it is today (Ibid). The federal government was limited to less and specific exclusive legislative powers. Chief Afe Babalola recalled with pride that “It was during this period that Nigeria witnessed her greatest and fastest economic, political, social and educational development” This was because, according to him, “each of the regions was largely autonomous especially in fiscal respect” (Babalola Afe) The federal option was also adopted to guard against internal colonialism, ethnic or sectional domination having recognised that Nigeria is a heterogeneous society. The legendary Chief Obafemi Awolowo is more specific on why federalism is suitable for Nigeria. He said;

*If members of a state, though belonging to one nation, have for a long period of time, lived as geographically separate and autonomous, each group will insist on retaining a large measure of autonomy like the case of Nigeria. In that manner, only a federal constitution will be suitable (Awolowo O, 1958).*

Chief Awolowo is also of the view that the aims of federalism will be better archived if, according to him,

*... each group however small, is entitled to same treatment as any other group however large... Opportunity must be afforded to each to evolve its own peculiar political institution. Each group must be autonomous in regard to its internal affairs (Idowu, 2017).*

With the overwhelming success of this political structure in the first and second republic, the partisans of classical federalism nostalgically referred to this period as the glorious era of federalism in Nigeria.

However, the advent of the military in 1966 changed the narrative and Nigeria was redirected from federal to unitary system through the Aguiyi Irosi’s Unification Decree No. 34 of 1966. This ultimately wiped out, the monumental gains of the dispensation of regional autonomy in Nigeria. The military suspended certain sections and modified other sections of the 1963 constitution and rule by Decrees in a military command structure. They imposed a unitary system of government which laid the groundwork for the unsolicited presidential system and dealt a fatal blow to the erstwhile federal structure which puts the monumental achievement of that period in the realm of fantasy. The once powerful regions were replaced by randomly contrived unviable states whose autonomy depended on what the centre allowed them. On the gratuitous and unitary nature of the 1999 constitution of the federal republic of Nigeria (hereinafter referred to as 1999 CFRN), the former Senate

President David Mark said;

*The 1999 Constitution...is neither the product of plebcite, referendum nor a National Conference. It was bequeathed to us in 1999 by the departing military, and promulgated into law by military fiat. The result has been a litany of contradictions, omissions, and inconsistencies (Adamolekun, 2020).*

After a cumulative period of twenty-nine years, the military reluctantly handed over power to civilians. They started with 1979 constitution which was consolidated in the 1999 CFRN. None of these constitutions reflects the ideals which informed the making of the 1960 and 1963 constitutions. This has provoked distrust, violence and other centrifugal forces. The pertinent question that arises now is whether Nigeria as presently structured is a true federal state; where all the core matrixes of federalism co-exist? From the theoretical framework earlier discussed, the answer is certainly in the negative. Firstly, the legitimacy of a constitution lies in the participation of the people in its formulation. This was clearly glaring in the making of 1954, 1960 and 1963 constitutions. In the case of 1999 CFRN, a selected few members of military apologists were assembled by the military leadership to review the 1979 constitution. This was without the participation of the critical stakeholders of ethnic nationalities. The resultant 1999 CFRN was hastily imposed on the citizens as a schedule to Decree No 24 of 1999 at the twilight of the military regime. The autonomy of the constituent units as amply emphasised in the theoretical framework is also a mirage in Nigeria's federation. The coordinate status of both central government and the constituent units is a mockery and fallacy as the structure is such that the federal government exercises hegemony over the other tiers of government. Michael Denila, a perceptive commentator on political affairs is of the view that,

*The present federal structure is more of a master-servant relationship. According to him; It is like a lion chasing an antelope and squeezing life out it (the lion resents the federal government while the antelope resents the state government). The federal structure of today is a gross anomaly. The present structure has positioned the federal government as an octopus firmly gripping the federating units with its poisonous clutch and constantly dictating its destiny. (Denila, 2019).*

Federalism also requires that no unit should be more powerful politically than the other units. In other words, there should be no regional imbalance. The Nigerian situation is diametrically opposing as a region is in a position to rule the whole federation if it could muster the votes of all the electorates in the region. In support of the above core principle, John Stuart Mill has observed that,

“there should not be any one unit so much more powerful than the rest as to be capable of vying in strength with many of them

combined. If there be any such one and only one, it will insist on being master of the joint deliberations; if there be two, they will be irresistible when they agree; and whenever they differ everything will be decided by a struggle for ascendancy between the rivals” (Alkali A; 2009, 2).

Perhaps financial insubordination is more important than any other matrixes of federalism for a legitimate federal structure. In other words, financial autonomy of constituent units is a sine qua non. In this regard, the dominance of the federal government in Nigerian federation is overwhelming. The federal government takes 52.68 percent from the Federation Account leaving the state and the local governments with paltry 26.72 and 20,60percent respectively. As a result, the fiscal status of the states is so precarious that after servicing their pay roll, they could hardly implement meaningful people oriented projects (Nwabueze, 1973) even though the state governments are closer to the people than the federal government. The Reports of the 2014 National Conference recognises this when it said that “huge attraction to the centre has exacerbated the problems of unconscionable socio-economic and political manipulation and corruption. It is argued that financial sub-ordination marks the end of federalism no matter how carefully the legal forms may be preserved. (Abah & Nwokwu, 2017). In other words, an enduring federal polity does not permit over-concentration of fiscal powers and resources in the hands of either the central government or any of the component unit as to make it more powerful to lord its will over the others. (Ibid). This is exactly the true narrative of the 1999 CFRN where the federal government looms large over the states and sees itself as a generous benefactor. Without any disguise, the 1999 CFRN ensures that the central government controls the revenue and nearly all of the country’s resources especially oil and gas revenues accrue in the Federation Account where it is allocated monthly to the states and local Government by the Federation Account Allocation Committee. Thus, the Nigerian situation is a complete antithesis of this extant matrix of federalism. In other to underlying this, the 1999 CFRN gives most responsibilities of the government to the centre with 68 items in the Exclusive Legislative List while the states exercise legislative power over twelve items with federal legislative supremacy. This has resulted in over-bloating government at the centre with about fifty-four (54) ministries, departments and agencies having powers to control almost every aspect of national policy and development. This has reduced the states to administrative centres instead of development centres that they ought to be. It is not surprising therefore when Chief Afe Babalola lamented that;

*what the military did was to, by that constitution, weaken the component states, destroy or impair their powers to develop and sustain themselves. It is therefore correct to state that the military and their civilian apologists either by design or accident have planted in the constitution the seed of national disintegration and disharmony*



*(Babalola, 2020).*

The inevitable consequence of this is allegations of domination, marginalization and manifestation of other separatist forces which epitomise the harvest of a military constitution with skewed fiscal powers in favour of the centre (Adesina, 1998). There is no doubt that centralisation of political and fiscal powers in Nigeria's federation encourage lack of accountability and indolence among the leaders and aloofness among their pauperised citizenry. The constitution may be legally valid by virtue of the Constitution Promulgation Decree No. 24 of May 5, 1999; it is nevertheless a document in travesty as it did not derive its authority from the people.

Many have seen the dangers inherent in the 1999 CFRN and have been calling for a new autochthonous constitution that reflects the ideals of ethnic nationalities in Nigeria as encapsulated in the 1960 and 1963 constitutions. Other segments of Nigerians are playing the ostrich, believing that the present structure can be sustained till eternity. It appears that those who are satisfied with the present status quo are seemingly deriving temporary political advantage. However, it is a truism that nobody wants to stop eating good food, especially when those who are eating it are doing so with relish and evident satisfaction. However, it is necessary to remind all that the present structure is a constitutional matter which is not immutable. It can be amended or totally abrogated. It is therefore submitted without equivocation that it is an illusion of epic proportion that the present structure as embodied in 1999 CFRN can be sustained for eternity. If it is sustained at all, it is just like escaping the responsibility of tomorrow by evading it today. The routine piece-meal amendments embarked upon by the successive National Assembly is not broad enough to have any meaningful effect. It is only palliative and serves as an admission that the 1999 CFRN has failed to serve the aspirations of ethnic nationalities in Nigeria. The truth is that with over 250 ethnic nationalities, diverse cultures, multiple faiths, and irreconcilable historical experiences, federalism, with all its matrixes co-existing, is the only suitable form of government for the country.

### **CENTRALISED SECURITY ARCHITECTURE**

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The place of security in the development aspirations and agenda of any country is quite pivotal. Without Security, other socio-economic goals are unattainable. Unfortunately, one aspect of Nigeria's governance structure which contradicts an important benchmark of federalism is the provision of single security architecture for the entire federation. There is no doubt that government certainly originated with the need among other things, to protect lives and properties. (Taiwo & Orifowomo; 2019). Along this trajectory, section 14(2) (b) 1999 CFRN provides that "the security and welfare of the people shall be the primary purpose of government" The priority

of security in governance is illustrated in the Police Establishment Act 2020 wherein it is stated that the police shall be “employed for the prevention and detection of crime...the protection of life and property. It is undoubtedly clear that the Nigerian state, pursuant to the above provisions is created for the people of Nigeria. That the focus of the entity called Nigeria is the people and that the target of power and existence of the federation is for the people. From these provisions, it is also clear that the primary purpose of the existence of government is for the security and welfare of the people since sovereignty belongs to the people. This is recognised and consecrated by the 1999 CFRN. The same 1999 CFRN provides in section 214(1) the legal framework for the establishment of a single federal police for the whole federation when it provides that

*There shall be a Police Force for Nigeria, which shall be known as Nigeria Police Force, and subject to the provisions of this section no other Police Force shall be established for the federation or any part thereof.*

This provision of the 1999 CFRN differs from the 1963 constitution which in its section 105(7) authorised local police forces to be established on provincial basis. This had made it possible for the Northern and Western Regional governments under that constitution to retain and expand the local police forces established and maintained by some of their native authorities under the Native Authority Ordinance of 1943. (Ijalaye, 2001). Section 3 of the recently amended Police Establishment Act 2020 reinforces the 1999 constitutional provision by providing that “there shall be established for Nigeria a Police Force to be known as the Nigerian Police Force.” From these provisions, it is clear that Nigeria, a supposed federal polity operates a single and centralised police establishment and forbids the other two tiers of government from providing for the maintenance of law and order in their respective jurisdictions. To many scholars, (Angela & Emmanuel, 2015). this is an antithesis of federalism which requires that each component unit has its own security outfits. Prominent among the reasons for abolishing multiple policing systems was the unprecedented abuse to which the local government police were subjected to prior to 1966. Thus, the aversion for state police cannot be divorced from the unpleasant experience witnessed during the period it lasted. Between 1960 and 1966 the local police forces became a symbol of absolute power used recklessly for selfish gains. They were turned into local army of the parties in power (Nwabueze, 1992). However, since 1999 when the country adopted a federal constitutional democracy, those reasons that necessitated the centralisation of security functions are no longer tenable no matter how cogent and compelling. Since security of lives and properties are parts of the inalienable rights of the citizens and the primary purpose of government by

virtue of sections 14(2) and 33(1) of the 1999 CFRN, it is expected that each constituent unit has its own security institution (state police) to enforce those laws enacted by its House of Assembly for the peace, order and good government of the state.

The clamour for state police operating side by side of the centralised Nigerian police dates back considerably in time. It even pre-dated the time Nigerian became independent. It was among the constitutional issue that the nationalist leaders debated before the 1958 Constitutional Conference in London. (Adekanye, 2011). It re-surfaced in the 1980s when centralised police powers were abused by the federal authorities under former President Shehu Shagari civilian Presidency. (Ibid). The independence or autonomy of the states or units as the defining principle of the bedrock of true federalism was emphasized in the case of Att. Gen (Ogun State) v. Att. Gen (Federation) (1982 NCLR Vol.3,156). The duo of Angela and Emmanuel rightly adumbrated the importance of security and the autonomy of constituent units in a federation as follows:

*The absence of State Police under Nigerian federation is a contradiction in terms and detracts from true practice of federalism as operational in other notable federal states. As agreed in some quarters, the Nigerian federalism is very dysfunctional with concentration of powers and resources at the centre and requires urgent restructuring. The creation of state police is one of the fundamental requirements for the operation of true federalism in Nigeria (Angela & Emmanuel 2015, 82).*

They further said;

*Also, in line with the dictates of federalism, the establishment of state police will enhance the proper functioning of the state justice system. For without any power of control over law enforcement, the states in Nigeria cannot be said to have a complete and effective system as the case at the federal level (ibid).*

From the benchmarks of federalism earlier discussed, it is very rare for police powers to be made an exclusive responsibility of the federal government. Thus, the existence of a monolithic national police is not in conformity with the letters, substance and spirit of a federalist constitution (Egunjobi, n.d). Prominent individuals including the legendary Chief Obafemi Awolowo protested against centralised police in Nigeria when the British imposed a single police force in 1958 by virtue of Police Act Cap 154 Laws of the federation 1958. With the benefit of hindsight he said;

*... it is wrong in principle and practice for a regional government vested with power and authority to maintain law and order to be without the means of discharging its responsibility. (Onyeozili, 2005, 40).*

A similar sentiment was expressed by Chief Dapo Sarumi, a former Minister of Information at a press conference in 1999 in the following words “in a country like ours that is multi-ethnic, multilingual and multi-religious, it is only in this place that we have central police force” (Opera Anthony, 1999, 15). Thus, the large size of Nigeria, its heterogeneous character, and the monolithic nature of its security forces account for the current season of anomie being witnessed across the country. Indeed, security of lives and properties in Nigeria has been a thing of utter concern for too long. For about twelve years now, the country is at the mercy of Islamic jihadists. People from many parts of Nigeria have been victims of banditry, kidnapers, killers, some of whom have been identified as foreigners from the neighboring countries. Several Nigerians including farmers have lost their lives at the hands of herdsmen and Boko Haram terrorists, while others have lost their business to marauders for fear of being kidnapped or killed. Attacks of innocent citizens by bandits and kidnapers have been so pronounced that several development partners have warned their citizens not to travel to many parts of Nigeria. Pipeline vandalism in Niger-Delta is not an exception. The unconscionable humongous wealth of the politically exposed persons has become an attraction to the socially deprived. In fact, insecurity in Nigeria has become a harbinger of misery, poverty and anguish to the people (Taiwo & Orifowomo, 2019). The federal police cannot effectively carry out the core mandates of securing lives and properties. Its contingent in each state is regarded as a force of occupation which does not enjoy the confidence of the local community (ibid). As a result, the criminals have become more emboldened because of lack of consequences for their previous heinous activities. However, the absurdity of section 214 of the 1999 CFRN and section 3 of the recently amended Police Establishment Act, 2020 in a federal set up is more glaring when it is juxtaposed with the provisions of section 4(7) of the same constitution. The latter section provides that

*the state House of Assembly shall have power to make laws for the peace, order and good government of the state or any part thereof in respect of the matters listed there under.*

Commenting on this avoidable absurdity, a social commentator said;

*A state governor as the chief security officer of his state in an ideal*

*setting ought to have the control of the police stationed in his state. The current trend where police commissioner in a state will have to take order from Abuja concerning security issue in a state is to say the least quite pathetic and unfortunate (Angela & Emmanuel, 2015, 82).*

It is humbly submitted that section 4(7) of the 1999 CFRN runs against logic and wisdom. The reason is simple; to confer power on the states to make laws without the corresponding powers to establish an institution to enforce the laws is a contradiction in terms. As if this is not outrageous enough, the constitution further invests the state governors with the nomenclature of chief executive officers of the state without the power of law enforcement. Again, this is incongruous with conventional wisdom. To designate the governor of a constituent unit in a federation the chief executive and ipso facto the chief security officer of that state without the operational controls of the security apparatus in that state is a gross insensitivity to the coordinate nature of power sharing in a federation and a grim testimony of the inappropriateness of an overbearing federal government for a multicultural nation. This is more so since the roles allotted the governors in terms of giving lawful directions to commissioners of police in his state in section 215(4) 1999 CFRN is demeaning and unenviable. This is because it is conditional and subject to the directives of the President or the Minister authorised to act on his behalf. These effectively make the governors subordinate to the President or his appointee and turn them to ceremonial chief executives and titular chief security officers which are no more than toothless bulldogs akin to an Army General without troops. Indeed, the Supreme Court has long put a judicial stamp on the status of Governors as the chief security officers of their respective states in the case of *Att. Gen (Anambra state) v. Att. Gen. (Fed). 2005, 5 SCNJ. 38*), where the court re-affirmed the provisions of section 176(2) of the 1999 CFRN that the Governors have the power to give orders to commissioners of Police on security matters. (Adekanye. 2020; 49).. From the foregoing, it is submitted with humility that with the plethora of security breaches in Nigeria, the idea of central policing system has failed woefully as local factors are not taking into cognizance in recruitment, posting, funding and administration. The proviso to section 215 1999 CFRN has also rendered the governors of the constituent states prostrate in their efforts to fulfill their part in the social contract with their constituents as theorised by Jean Jacques Rousseau. It is from the preceding discussion that it is submitted that until we move from the present anti-federalist status quo and wake up to the reality that the present unified policing system is an albatross to the existential threat which insecurity epitomises in Nigeria, so long shall we continue to be at the mercy of the outlaws whose pastime is terrorism, kidnapping and banditry. The effective therapy to the security challenges facing

Nigerians in our view is better resolved through the perspective of the constituent units rather than from the national prism reminiscent of Aguiyi Ironsi's Unification Decree No 34 of 1966 which created unitary federalism in Nigeria. To achieve this, the federal government needs to purge itself of its attitudinal obsession or proclivity to centralise power especially security in a multi ethnic society.

### **PARLIAMENTARY SYSTEM**

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In a constitutional democracy, the importance of the legislature cannot be over-emphasized. It epitomises the very idea of democracy and a strong legislature is indicative of healthy democracy and good governance system. The legislature is an indicator that the country operates a democratic system. In any military regime, the institution does not exist. The function of law-making is performed by a body of military men which also performs executive functions (Maman & Dahiru; 2019; 11). The legislature and the executive are meant to work harmoniously. They are meant to be partner in progress. In fact, the 1999 CFRN expects them to work in synergy. Section 13 of the 1999 CFRN directs them to conform to and observe the provisions of chapter two dealing with Fundamental Objectives and Directive Principles of State Policy. (Ibid). The Legislature performs three main functions. These are

- (1) Representing the electorates
- (2) Law-making which includes budget-making; and
- (3) Oversight of the executive branch of government i.e. checks and balances.

However, the two universally acclaimed systems of organizing government of countries are the parliamentary and the presidential systems. A country may adopt either of the two, modifies it to suit peculiarities or adopt the combination of the two to make a hybrid. (Anyebe A.A. 2016, 2). The Presidential system is distinguished from the parliamentary system in the sense that the executive authority and leadership of the country are vested in a single individual; the President, who is the Chief executive, (unicephalous). He is elected directly by the people and he is independent of the Legislature. He appoints his ministers who are directly responsible to him while he takes responsibilities for the political and economic direction of the country. He and his ministers are not members of the legislative organ. (Ibid). It is characterized by a bicameral legislature. Both the Legislature and the executive arms of government are replicated across the federating units. The unity of executive powers may have been informed by the need to prevent clash of interest and personality which sometimes characterises the operation of parliamentary system. Other features of the presidential system are clear separation of legislative, executive and judicial powers of government and the concept of checks

and balances. One of the reasons cited for the adoption of presidentialism in Nigeria is that the country needed a strong President who could serve as a symbol of national unity and a “custodian of national interest.” (Fasan Olu; 2020). The American constitution represents a veritable example of how and where Presidential system works.

Parliamentary system on the other hand, is the political system in which the effective aspect of governance rests on the Prime Minister. The executive power of the government is shared between two personalities in which a distinction is made between dignified and effective aspects of government, (bicephalous). The dignified leader as the Head of state may be a titular President or a Monarch whose duties are to receive foreign dignitaries, bestowing honours and opening parliamentary sessions. In parliamentary system, the right of the Prime Minister to rule depends on the majority support he and his cabinet enjoys in the Parliament (Suzainne S; 2020), hence, the phrase of parliamentary government. Countries like Britain, Canada and India are good examples of where parliamentary system operates presently.

### **Merits of Parliamentary System**

The parliamentary system has enormous benefits that meet Nigeria’s most pressing needs as a developing country. We are fortified in this belief because in a fractious society where the elites have elevated tokenism to government policy and the impoverished masses are political pawns in the hands of corrupt politicians, the country might crumble under any system. (Egbujio, 2020) especially presidential system where all executive powers are concentrated in one single individual christened a king without a crown (Anyebe, 2016). As one of the consequences of being a former British colony, Nigeria started out with parliamentary system at independence in 1960 with regional partitions. In 1979, the military crafted a constitution with presidential template modelled after that of the United States. This was solidified by the military superintended 1999 CFRN at the twilight of their departure from governance without understanding its complexity (Egbujio, 2020).

One of the comparative advantages of the parliamentary system over presidential system is cost effectiveness. With the country’s weak economic structure, coupled with low income stream as a result of monolithic crude oil economy, the cost of sustaining the presidential system with its bicameral legislature is enormous. Although, a bicameral Legislature makes it possible for better law to be made in the country since Bills are somewhat properly debated, a bicameral Legislature encourages duplication of functions. It also wastes a lot of public fund since the government will try to maintain the two Chambers and the paraphernalia that go with it. It is an unpardonable profligacy that the little we earn as foreign exchange is

used to maintain a bloated government. Apart from greed, graft and folly, the presidential system is responsible for our over-sized government and unsustainable overheads. At a recent Zoom Conference, former Governor of central bank of Nigeria Sanusi Lamido was of the view that “the structure of governance in the country is tailored towards bankruptcy. One cannot also but agree with the Vice-President Professor Yemi Osinbajo when he said that;

*there is no question that we are dealing with a large and expensive government but as you know given the current constitutional structure, those who would have to vote to reduce the size of government are the very legislators themselves. So you can imagine that we may not get very much traction if they are asked to vote themselves, as it were, out of their current relatively descent circumstances.*

The cost to the politicians in going through the primaries of various levels and through the actual elections is also tremendously expensive. This by no imagination cannot be regarded as supportive of true democracy. Apart from bicameralism, the presidential system of government has given too much power to the centre thereby making it a monster. What our politics needs in our view, are less expensive electioneering and reduction of impact of money and violence in electoral outcomes and the democratisation of prosperity and sense of belonging. It is our respectful view that if we do not cut the size of our government through a switch over to parliamentary system and free up money for capital expenditure, citizens are bound to become angry which may result to instability. The parliamentary system will reduce drastically the amount of money we use to maintain the executive, especially when the executive powers are domiciled in the legislature. Except a strategic intervention occurs in this respect, the country may be heading to bankruptcy, the consequences of which is better illustrated than experienced. Presidential system may not be major cause of our problems, it has certainly added to our crises. It is conceded that parliamentary system may also not be the magic wands for spending money during elections; it will certainly wipe away the need for billions of naira to win presidential and governorship elections as electioneering will be limited to the federal/state constituency of the candidates.

Another reason why parliamentary system has enormous benefits that meets our peculiar setting in Africa is diffusion of powers between the executive and the legislature. In other words, power is not concentrated in one person as it is under presidential system. The Practice of presidentialism in Nigeria has been largely hampered by an unchecked and imbalance power relation that has thrown up a very



powerful executive branch of government that the Legislature and the Judiciary kowtow to. Also, power is trapped in the person and office of the President, thus, making the occupant of the office just too powerful. (Adeyemi, 2021). As a result, near absolute power is handed to the President and the Governors which enable them to relegate political parties to the background. Presidentialism is often described as one-man dictatorship where Party's manifestoes mean nothing, whereas under parliamentary system actual party politics would come to the fore. Even, where parties have no ideology and manifestoes, where the Prime-Minister is only a *primus inters peres* would mean more of caucusing and more of a collegiate leadership than a one-man show. Also, under parliamentary system, it is a collective cabinet decision. In fact, it must be stated here that historical and socio-political context predispose African countries to parliamentary system. The tendency to concentrate power in the chief executive, while tenable in advanced countries with all the institutionalized means of checking dictatorship makes the system vulnerable in an African setting. Thus, any system that reinforces concentration of power in one person will provide fertile ground for breeding dictatorship.

One of "the perils" of presidentialism is political gridlock resulting from competing claims for legitimacy by the President and the Legislature which inevitably slows down governance process. This serves as another factor that supports a re-consideration of presidential system in Nigeria. No doubt, the separation of power provided in the constitution is to curb the tendency of tyranny and to reduce the work load of one-arm of government. The expectations of the constitution makers are for cooperation between the three arms of government. However, the expectation turns to be a mirage when the relationship between the executive and the legislature is frosty. This can make or mar democracy (Maman & Dahiru, 2019). The relationship between the two arms of government has impacts on democracy as a system of governance. It can facilitate and deepen democracy from which the nation can benefit immensely. A frosty relationship on the other hand, can lead to slow and even at times bad governance. (Ibid). The struggle between the 8th National Assembly and the executive arm almost degenerated to superiority contest. With regards to cordial relationship between legislature and the executive, the parliamentary system has this enduring attribute. This is because of the fusion of both. As a result, it will not be difficult for the legislators to explain clearly government policies because the interface between the executive and the legislature will make them to be on the same page. Thus, the switch to the parliamentary system will not only trim the government but also cure the ills of dissipation of energy by the executive and the legislature on mundane issues.

In spite of the alluring attributes of the parliamentary system, one cannot dismiss is

fundamental weaknesses. One of such defects is that the government is not as strong as expected. The government can be brought down within days through a vote of no confidence in the parliament which is regarded as the crown jewel of parliamentary democracy. It is believed that such flexibility will not augur well in a polity with no strong sense of nationhood like Nigeria. On the contrary, others argue that such impermanence makes it imperative for government to listen and seek collaboration which could banish demons of subjugation and marginalization that powers concentrated in one man can engender. There is also the argument that parliamentary system could eliminate the checks and balances between the executive and the legislature and make the government more corrupt. Theoretically, this is worrisome, but a careful look at the present 9th National Assembly and most state Houses of Assembly show that the legislatures are effectively rubber stamps of the executive. What is more, the governors have swallowed the state legislature, yet they are being paid exorbitantly for the theoretical separation of powers. A real checks and balances in our respected view may emerge if the executive power is whittled down and diffused into the parliament. By so doing, the parliamentary system could rid the political terrain of god fathers who are regarded as leeches, and kings without crowns. It is also equally true that without a sovereign to gird it; without an institution that will connect the past to the future and embodies public morality and values to underpin it, and without a shared sense of nationhood, government under parliamentary system could crumble easily. Thus, it is an added stabilizing factor to introduce a titular President who would in theory, be the Commander-in-Chief of the armed forces. Although the choice of a candidate can be abused by the ruling party, we must not allow cynicism blind us to the fact that a conscientious man as President could be a stabilizing apolitical factor in the parliamentary arrangement.

However, it is indeed sad that twenty-one years of uninterrupted presidential democratic governance, the enhanced national unity has not manifested. Also, the anticipated strong nationally elected president remains a mirage. The truth is that no President has ever been a bridge - builder, nor really being a symbol of national unity. Instead of bringing people together happily, what we have are totalitarian leaders who use force to suppress ethnic agitations in order to decree unity, (Olu Fasan 2020) leaders who use our cultural pluralism, ethnicity, region and religion as veritable instrument of dividing the citizenry. The relevant questions that we must ask at this juncture are: haven't we honestly realised by now that a powerful centre cannot bring the desired unity? Can we with any confidence say the nation has fared better under the present bogus presidential system? In other words, can we in all honesty say that the country has recorded giant economic strides and monumental

development comparable to that of Sir Ahmadu Bello, Chief Obafemi Awolowo and Chief Michael Opera's premierships in the first and second republic? The answer is certainly in the negative. It is therefore humbly submitted that the present 'federal' arrangement is an expensive flop, a charade, and a sham that does not serve the interest of anyone but that of the parasitic elites. In addition, it is abundantly clear that presidentialism breeds discontent and feelings of marginalization at the fringes. Unity, we must realise cannot be legislated, forced or preached into existence while the underlying causes of disunity are completely ignored. Also "Unity without verity" said John Trapp an English philosopher "is no better than conspiracy" (John Trapp 1601-1669). We therefore further contend that the current presidential system as embodied in 1999 CFRN is authoritarian and dictatorial. It is an elite conspiracy against the poor teeming masses of Nigeria. Unity would only endure if the collectivity works for everyone. Let us assume without conceding the fact that parliamentary system will breed ethnocentric parties as theorized and if the ethnic parties imbibe ethnic passion and banish poverty, corruption, despair, and brings development to their regions, wouldn't we be better off? Often when unity is assumed, the aggrieved is not heard, if ethnic or sectional parties emerge and devote themselves to the development of their areas, they will negotiate unity, and by so doing, inclusiveness rather than presumptuousness would become the political culture. It is therefore respectfully asserted that the anxiety of the military which foisted presidential system on the country to enhance national unity is totally unfounded. If anything at all, parliamentary system provides opportunity for power sharing, it also allows smaller parties in governance to the extent of their electoral performance which in the end enhances national unity.

Apart from political stagnation, the legacy of presidential system so far in Nigeria is to incite mad rush for the centralised power in the centre and exacerbate the feelings of marginalization among those who feel left out of the power equation. It is indeed our honest belief that one thing that is constant in life is change. The current holders of political power should note that if they stick to old method of doing things in spite of new realities, there can be no real change, for it is written that if we do not learn from history, we shall relive it. And if we do not change the future, we shall be compelled to endure it. (Toffler, 1928-2016). Another germane question now is; should we continue to endure poverty, anguish, despair and general insecurity engendered by the profligate presidentialism and skewed federalism? certainly not. However, nothing indeed, can be more paradoxical than the Nigerian situation where the Hobbesian state of nature is being vigorously re-enacted with impunity in spite of natural endowment and abundant opportunities.

## **CONCLUSION AND RECOMMENDATIONS**

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It is indeed a cause for concern that since Nigeria was created by the fiat of the Europeans at the Berlin Conference and after over sixty-years of independence, the country is still searching for a nation. There is no gainsaying that Nigeria is currently at political, economic and developmental cross-roads. (Olawuyi; 2019). Religious and ethnic intolerance are surging, criminality, insecurity, terrorism, kidnappings are at alarming levels. The future of the country has never been this precarious and uncertain (Ibid). History however reminds us that the political structure has never been like this when our heroes past assiduously negotiated our exit from the yoke of colonial bondage. Prior to the creation of the present state of affairs in 1967 when Nigeria was Balkanized into twelve states, it had four regions which prospered without federal allocation of revenue from oil. The endowment of each region in export crops served as the regions' main sources of revenue for milestone developments. True federal structure limited the power of the central government. The parliamentary system also provided a cost-effective form of governance. Since 1966, the ideas of Nigerian nationhood have been eroded while feelings of nationalism and patriotism are at the lowest ebb. The demand for an alternative structural platform of governance is therefore borne largely out of frustration by the citizenry. What is required at this crucial period is a strong desire and political will to lay the foundation for a truly federal structure through the implementation of the following respectful recommendations.

### **A New Aughtonous Constitution**

As stated earlier, the 1999 CFRN tells lie about itself in the preambles by allegedly involving "We the people of the federal Republic of Nigeria", whereas, it should have read "We the soldiers of the federal Republic of Nigeria.". This makes it fundamentally flawed and directly undermines its legitimacy and reverence. The constitution was cobbled together by the military as it retreated from the civil space in 1999 without the benefit of a plebiscite, referendum or constituent Assembly. Its acceptance is therefore regarded as provisional, a kind of modus Vivendi to ease out the military and pave the way for a national rebirth, democracy and reconstruction. The routine review exercises of the 1999 CFRN by the successive National Assembly is a testimony that the constitution is not serving the best interests of the ethnic nationalities. The law-makers may mean well but because of their integrity deficit in the court of public opinion, the review is considered as self-serving and a predictable waste of scarce resources. What is required is a new constitution aimed at making Nigeria a perfect union. The foundation for the present constitution is faulty and according to Lord Alfred Denning M.R "you cannot put something on nothing and expect to stand" (Macfoy V. U.A.C. 162 A.C, 150 at 160). In order to achieve the objective of a perfect union, there are low-hanging fruits that can be easily harvested from extant volume of ideas and recommendations of previous Constitutional Conferences especially the Reports of 2014 National Conference and Reports of Hon. Justice Uwais Committee on Electoral Reforms.

### **Decentralisation of Security Apparatus**

Serious and effective policing by a single organisation is extremely difficult in Nigeria because of its size and heterogeneity. The chain of control in the present centralised structure is too long and remote from the centre of operations. In a federal state, there is no hiding from the state police. It is a symbol of authority of both the federal government and the constituent units. The federal police system has failed to work; the National Assembly should therefore amend section 214 CFRN and section 3 of the amended Police Establishment Act 2020 with a view to accommodating state police and with a provision for supremacy of federal legislation on security.

### **Resource Control**

The current arrangement in which the federal government controls the resources from the states and shares it out like a generous benefactor (Santos Clouse) is unjust Handout (Bailout) from the federal government has made states laid back. It is time to change the narrative to set free the Nigerian spirit of initiative, enterprise and creativity. The recent alleged sale of a gold bar by the Zamfara state government to Central Bank of Nigeria to the tunes of billions of naira is tandem with resource control which other states can follow. It is therefore recommended that item 39 of the Exclusive Legislative List of the 1999 CFRN should be reviewed and the Nigerian Minerals and Mining Act, No 20, 2007 be repealed to allow each state to control its naturally endowed resources.

### **Revenue Allocation**

In the likely event of discountenancing the recommendation under resource control, the Federation Account should be shared between the central government and the states in the ratio of thirty-five percent to sixty-five percent. This is because the state governments are closer to the people. The federal government cannot hold on to more than fifty-percent of the federally collected revenue and expects miracles to happen in thirty-six states and the Federal Capital Territory.

### **Creation and Control of Local Government**

Local governments are never parties to the creation of federation and ipso facto are not constitutional tiers of government in standard federal countries. Local government became relevant because Nigeria's federation evolved by devolution of power to states from a unitary structure. In the context of the anticipated new federal structure, there should only be two tiers of government like any other federation in the world. Sections 3(6), 7(1-6) and parts I and II of the First Schedule of the 1999 CFRN should therefore be expunged to allow states governments create, operate and control the system of local government that best suits its circumstances, culture and diversity. Section 162(3) of the 1999 CFRN should also be amended to exclude local governments as allocation of revenue from the federation account to them will no longer be necessary.

### **Devolution of Powers**

To accomplish the characteristics of a true federal structure earlier discussed, a revamping of the Legislative Lists of 1999 CFRN is inevitable. The assignment of

functions that would be consistent with devolved federal system would follow closely the arrangement in the 1954, 1960 and 1963 constitutions. The Exclusive Legislative List in the 1999 CFRN contains sixty-eight items with a paltry twelve items on the Concurrent Legislative List. In the envisaged new constitution, about sixty-percent of the items on the Exclusive Legislative List should be devolved to the states.

### Parliamentary System

Apart from the fact that presidential system is expensive for a developing country like Nigeria, it is also vulnerable in African countries as powers are concentrated de facto in the President. This reinforces the tendency for the election of a temporal dictator. However, historical and socio-political context predispose African countries to parliamentary system.

### Bi-cameral Legislature

The House of representative should be the main legislative body for the federal government. Elections to the House should reflect extant Electoral Act Incorporating Justice Uwais Panel Reports. The salary and emoluments of members should not be higher than that of the most senior public servant in the employment of the federal government. The Senate can be retained as a stabilizer of some sort. However, membership should be pruned to the barest minimum. Members should serve on part-time basis and receive sitting allowance which should be determined solely by the Revenue Mobilization and Fiscal Commission.

Finally, it is our humble submission that after over sixty-years of independence, we should have come to the reality that the amalgamation of 1914 is not a mistake but a blessing. Providence has ordained the corporate existence of the various nationalities in the country. The pains, misery and anguish of the people were inflicted by the military through their insatiable obsession for centralism. However, under and by virtue of section 14 (2) (a) CFRN "sovereignty belongs to the people of Nigeria from whom government derives its powers and authorities". Therefore, the sovereignty attached to the federal republic of Nigeria resides in the people. The admonition here is that our leaders should realise that they hold power in trust for the people of Nigeria and they cannot go on as if it is the other way around. There should be no President, Governor, Legislative House or those in the temple of Justice that should rule over and above the people and be lording policies and decisions over them. The fact that those elected into various offices turn around and appropriate power cannot be an excuse for obduracy on this issue of national importance. Nigeria's federation is at cross-roads and unless those who wield temporary political power summon the courage to reconfigure the political structure of Nigeria, the image of a man-child will continue to haunt the nation. The sustenance of the status quo in our view, offers only the prospect of endless conflict that may eventually end in economic stagnation and mutual destruction. It is only an altruistic political restructuring based on the classical theory of federalism, justice, equity and fair play that can guide our leaders aright. It will also not only help our youth the truth to

know, in love and honesty to grow, it will also help to build a nation where peace and justice shall reign.

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