

# Federalism and Intergovernmental Relations: the Nigeria and Pakistan Experiences

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## Abstract

Taking into cognizance that no nation is an island, especially as the trend of globalization continues to unfold serious challenges in the area of government and politics, where nation states with multi-ethnic and cultural diversity tend to be tinkering here and there in search of stable political arrangement that can accommodate their diversity. This paper therefore attempts to comparatively analyse the workability of federalism in two of the most complex developing countries of the world. The rationale for selecting these countries was premised on the fact that they both share characteristics such as colonial heritage, military incursion and diversity in the population. The paper adopts a qualitative approach with reliance on content analysis, in which issues such as fiscal decentralization, constitutionalism, intergovernmental relation and political configuration were extensively discussed. The paper found both countries wanting in the practice of true federalism especially intergovernmental relations and fiscal federalism. However, each of the two countries manifest positive signs in some aspect of federalism which provide clues on how both countries can improve their respective federal arrangement by learning from each other to meet up with the challenges of diversity.

**Keywords:** Federalism, intergovernmental relations, fiscal decentralization, Nigeria, Pakistan

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## 1. INTRODUCTION

Federalism connote a system of government where power is governed and shared between the central government and its component units such as state/provincial and local governments (Akindele & Olaopa, 2002). It is seen as a process which is designed to achieve political reality (Frederick, 2008). The system is virtually resorted to in countries with multi-ethnic and cultural diversity. It is essentially geared toward achieving a balance of power between and among the various units, societies and groups. The practice of federalism has its root in 12 century in Switzerland. However, the system has gradually become institutionalized as a workable mechanism for power sharing in states with the diversity which is currently adopted by more than 25 countries including Pakistan, India, Malaysia, and Nigeria; as some notable examples.

Federalism is a good choice for states that have diverse ethnicities and cultural variation. They shared a single identity as a whole and also maintain their individuality as a unit. Scholars come up with a number of models federalism each of which focused specifically on certain attributes, such as institutional model, constitutional model as well a model grounded on centralization of a multi-cultural country (Lijphart, 1977; O'Flynn, 2006; Guelke, 2012). According to these writers power devolution is very paramount for successful operation of a federating entity, where in addition to fiscal sharing, some other features such as social elements and cultural factors also contribute in the process of federalism.

To this end, one of the necessary preconditions for the entrenchment and survival of federalism is the existence of a written constitution and democratic government. These two are very fundamental yardsticks upon which the practice of federalism continues to revolve and rotate, hence it is not out of place to refer to them as the pre-requisites for the federal system (Anderson, 2008, p. 4). However, federalism is more than just a governance

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strategy; it is indeed a political response to some of the most intractable problems and conflicts facing complex human societies, hence the existence of variation in practice and applied by countries across space and time. Interestingly, despite such variation scholars of government and politics have developed some important yardsticks for measuring the success or otherwise of a federal system of government (Faisal, 2010, p. 9). Some of these are the nature of power sharing between the centre and the periphery otherwise known as intergovernmental relations, the level of fiscal autonomy, the degree of institutional integrity and the operationalisation and workability of public administration departments.

Against the above backdrop, this paper intends a comparative analysis of the practice of federalism in Nigeria and Pakistan parlances with the view to identify possible areas of convergences and divergence as well as challenges and prospects, which can provide a yardstick for improvement in practices. The rationale for making such comparison is threefold; both countries are product of colonial legacy, both countries are among the vastly populated countries of the world and both countries experienced prolonged political instability and military incursion.

Therefore, the study employed content analysis together information from various sources. There as one of adapting content analysis is to term the characteristics of the document's content by examining who says what, to whom, and with what effect (Vaismoradi, Turunen & Bondas, 2013). Furthermore, It is a systematic coding and categorizing approach used for exploring large amounts of textual information unremarkably to determine inclinations and patterns of words used, frequency, relationships, structures and discourses of communication (Mayring, 2000; Pope, Ziebland & Mays, 2007; Gbrich, 2007). Hence, it's appropriate to employ this method in the study.

## **2. FEDERALISM AND INTERGOVERNMENTAL RELATION: THE PAKISTAN EXPERIENCE**

Pakistan as a federation is made up of four component units, where sovereignty is shared equally between centre and these units (Adeney, 2007, p.6). As a federation Pakistan has: a written constitution, three tiers of government (federal government, provincial government and local government), multiple languages and ethnicities, a system of policy building through negotiations, and hierarchies in institutions with certain variations in the present epoch. Pakistan as it is constituted today depict a clear-cut example of a state with a prolong history of instability in political parlance in which the country ever since independence, continue to pass through a series of evolutionary trend in which it's continuing to be tinkering from centralization to decentralization and democratic governments to military dictatorships (Bukhari & Kamran, 2013, p. 1187). These instabilities constitute some serious political challenges that inhibit the growth of a healthy political culture and national integration.

Retrospectively, the Pakistan's federal system was centralized, before the abolition of the concurrent list through 18th amendment. It is therefore imperative to note that before such amendment the country possesses an authoritarian and a pathetic democratic culture; as a result very little work is done on its federal system (Adeney, 2012, p. 1). However, quite a number of studies exist on the federal system of Pakistan both from the post and pre 18th amendment such as; Jalal (1994); Ali (1996); Ziring (1980); Shafqat (1997); Sayeed (1968, 1980); Laporte (1975); Amin (1988) who enclose the historical context of federalism in Pakistan into different aspects. While Talbot (2009); Mustafa (2011); Khan (2010); Khan (2013); Faisal (2010); Bukhari & Kamran (2013a, 2013b); Ahmed (2011); Adeney (2007; 2012); Waseem (2010); and Rizvi (2008) overviewed the post 18th amendment consequence in varied paradigms which includes; coalitional, institutional negotiation, constitutional matters between government and institutions, monetary problems, administrative transformation, regionalization, decision making, elites accommodation, political and ethnic heterogeneity and civilization. Each of the study transcribes the structural analysis of federalism in the upshot of 18th amendment. These studies comparatively found the provocative arena for the progress of institutional federalism in Pakistan.

Pakistan has no constitution at the time of independence, it adopts the interim constitution under India Act 1935. So, the ground formation of the federal system was basically a royal Indian heritage (Jalal, 1994, p. 2). Unfortunately, in the case of Pakistan stable democracy becomes elusive as a result of military incursion and dictatorial tendencies of the subsequent authoritarian regimes, which therefore relegated the country's constitution to a mere subterfuges and smoke screen within consequential significance. As a result the federal system gradually becomes inclined towards centralization; due to delay in abolishing the concurrent list ten years after it was abrogated by the 1973 constitution (Pious, 1986, p. 67; Lees, 1975, p. 49).

It is imperative to note that the federalism in Pakistan is grounded in parliamentary democracy manifested by hybrid regime spearheaded by elitist approach role in policy formulating having one solo subject list of the federal

government. The president was the centre of power; all decisions and policy formulation are done under him. However, with the adoption of 18th amendment provinces becomes independent in many concerns such as, legislation, revenue sharing and decision making. Before that, the centre was dominant in power relative to units; it's a common fact or that was present in all constitutions of Pakistan (Waseem, 2010, p. 123). So the centralization and the dominance of the centre is the major issue in traditional politics of Pakistan. In Pakistan, federalism is based on centralism that is the root cause of military rule, bureaucratic corruption and a weak opposition. However, these were ultimate obstacles in constitutional supremacy, provincial anatomy, fiscal decentralization and local government system (Ziring, 1980, p. 123).

Finally, in May 15 2006, former Prime Minister Benazir Bhutto from (PPP) and the Prime Minister from (PMLN) achieved a mutual consensus to ensure the survival of democracy and to save the country from political crisis and mockery of the constitution. Deliberately, the two main parties of Pakistan signed a charter which is called Charter of Democracy. Charter of Democracy was a written document that was a commitment between the elected leaders to join hands in saving their motherland from military interventions and protect their social political and economic rights.

The Charter of democracy has suggested some amendments as follows:

- Concurrent list was abolished and more institutional space was given to the provinces.
- The constitutional supremacy of federal government was reviewed with the decentralized governance by presenting the local structure at the lowest level.
- The centre-peripheral paradigm was created on the institutional principles.
- The Council of Mutual Interests is now legalized in the more institutional way.
- The principal of financial decentralization which was exposed under 7th NFC Award applied under 18th amendment.

Therefore, the amendment was aimed at reconstructing the system by giving all entities their power and to encourage the adoption of a well-designed democratic state which represents a true federalism.

## **2.1 Peculiarities of Pakistan's federalism**

### *2.1.1 Bicameralism*

The federal system in Pakistan, is grounded in a parliamentary democracy with bicameral legislature called Majlisi-shoora (council of advisors). It is comprising two legislative chambers namely senate and national assembly.  
Intergovernmental Relations in Pakistan

The intergovernmental relation is defined as the function that accommodates inter unit relationship within the federal system and the design of the political system in a heterogeneous state (Tella, Doho & Bapeto, 2014). Hence, the relation which exists between and among the three tiers of government and help in accommodating the variations among all entities.

The adoption of the 18th amendment describes a different perspective of centre and periphery relationship. Now the constitution allows some autonomy to provinces, though implementations are still in the process (Khan, 2013, p.5).

There are two significant developments describe here;

- a. The concurrent list has been abolished.
- b. The Council of Common Interests has been reformed and restructured.

The process of uniform implementation is in process, and remains an ongoing process till it reaches the grass root level. In this process, provincial government plays a vital role; it further devolves the powers of the local government. It is the real essence of good governance and the rule of law.

### *2.1.2 Institutional framework*

The federal structure of Pakistan has three main institutions: legislature, executive and judiciary. Their roles of these three seemed overlapping and judicial supremacy on them, their separation is seemed in its blurred notion (Adeney, 2012). Therefore, a structure of separation between institutions ought to be developed as exist in the US federal model.

### 2.1.3 Administrative transformation

When the study analyses the administrative aspect of the federal system in Pakistan it infers that, administrative reformation is very crucial in this regard. The public administration departments are still under the political influence. Though decentralization existed, but the involvement of central and provincial bureaucracy still remain there, provinces have not transfer full political, financial and administrative powers to local bodies.

Financial Autonomy.

In fiscal terms, post 18th amendment scenario has been changed; centre shared the revenue within the units. The aggregate offer of the areas and the centre of the detachable pool are adjusted at 57.5:42.5 it is a great step toward fiscal decentralization relatively as it was obtained in previously (Chaudhary, 2013). So far, within the units, decentralization in fiscal matters is under process (Khan, 2013, p.5). Hope so, in near future provinces will attain a full pledge economic decentralization within them and provide the fiscal share of local governments. This achievement will play a vibrant role in local development.

## 3. FEDERALISM AND INTERGOVERNMENTAL RELATIONS: THE NIGERIAN EXPERIENCE

The coming of the British saw the seed of Federalism in Nigeria noticeable in the 1906 when the colony of Lagos and southern protectorate were amalgamated and later with the Northern protectorate in 1914 which led to the evolution of the political entity called Nigeria (Anifowose, 1999). It is interesting to note that prior to 1914, the geographical enclaves occupied by the present Nigeria were inhabited by myriads of ethnic groups, empires/kingdoms who were traditionally governed by their respective heads in a balkanized fashioned. The relationship between and among various groups was thus epitomized by conflict, killing of twins, ritual murder and little understanding among one another (Adigwe, 1974). Therefore, the arrival of the European missionaries and merchants reduced these practices and introduce their mission with the establishment of the Royal Niger Company for the ease harnessing of raw materials in the sub region (Uhunmwuango & Ekpu, 2011).

In Nigeria, federalism evolves constitutionally with the introduction of the Richard constitution in 1946, Macpherson 1951, Lytleton 1954 and the 1960 independent constitution (Uhunmwuango & Ekpu, 2011). After independence, the country experience military intervention in government, which seriously affect the federal system with the adoption of the unitary government. The military amends the constitution till 1999 when democracy returns to the country and stay till date. The country had in the past experienced a number of civilian regimes occasions by sporadic military takeover it is therefore now in it's the fifth republic. The practice and operation of Federalism have over this period continued to experience some squabbles till where in each case the country always try to come out with modalities on how to solve them and ensure viable federalism in the state.

### 3.1 Peculiarities of Nigerian federalism

#### 3.1.1 Bicameralism

The Nigerian federalism operated bicameral legislative chambers at the central level while both the states and local government operate bicameral legislative chambers.

#### 3.1.2 Institutional framework

The Nigerian public sector is extensively organized into three separate legislative levels, i.e. the federal, the state and the local government. The circle of power and the way of connections among these three levels are defined and ensured by the constitution. For example, section 1 of the second schedule of the Nigeria constitution; provided an exclusive list with 68 articles for legislation by the federal government alone government holding administrative power to make laws for the peace, order and good governance. While, section 2 gives 30 items whereupon both the federal government and the state have concurrent authoritative forces, yet in an occasion of irregularity the government law supersedes. The state law is disregarded and all items not specified in either the exclusive or the concurrent lists are saved for state and local government to enact on (Yuguda, Usman & Yusof, 2014).

### 3.1.3 Political marginalisation

Political marginalisation is against the principle that designs a federal state and it is the practice of the past administration to date in the country. According to Uhumwuangho and Ekpu (2011) with the marginalisation of other groups in the country, Nigeria is seen as an administered state rather than a political community. They argue that an administered state neglect the existence of other tiers with centralized power and disregard for any political relationship. The federal system is defined based on the provision of the constitution and each level of government derives its power and authority from and those constitutions which explicitly negate marginalisation of any level. The 1999 constitution clearly spelt out the powers and authority of all levels of government in the federation. Awa (1976) argues that each level in the federation shall be able to control its resources and affairs by themselves. This simply indicates that constitution and constitutionalism is very crucial in a federal system and most reflect the needs and wishes of the citizens through adoption and amendment.

### 3.1.4 Intergovernmental relation

Intergovernmental relation In this context, the more heterogeneous the people within the system, the better, the federal system where language, culture, size, ethnicity, pluralism and a host of others exist in different dimensions (Salami, 2011). This shows that the federal system is set to bring all elements together without any limit between them. Therefore, a good relation between the levels of government becomes a precondition for the establishment of a federal state which recognizes the diverse elements at all levels of government. However, between the state and local government a dependency syndrome was created because of party affiliation and boundary disputes (Ayode, 1996) and when the same party maintain status quo intergovernmental relation tend to be positive (Tella, Doho & Bapeto, 2014).

### 3.1.5 Fiscal federalism

Fiscal federalism is seen as the expenditure and revenue side allotted between the different tiers of government and the implementation of effective systems of revenue sharing by the national government to regional and local government (Arowolo, 2011). Fiscal federalism according to Kesner-Skreb (2009) is characterized by competence in making decisions and the degree of freedom in making decision. The first entails decision about expenditure and revenue sharing among the levels of government. While the later, depends on the decision made by the regional and local government on their expenditure and local tax generation. Therefore, Sharma (2003) argues that fiscal federalism is the guiding principle that designs the financial relationship between and among the different tiers of government. In Nigeria, where political, social and religious differences exist there is bound to be inherent challenges. The issue of fiscal federalism is very crucial in a federal state which Nigeria in particular is faced with the revenue allocation formula disagreement between the tiers of government.

## 4. DISCUSSION AND CONCLUSION

Against the above background, the practice of federalism from both countries is far from perfect, in the sense that both Pakistan and Nigeria the public administration system has undergone transformation from traditional public administration to the new public management approach, in both countries the practice of fiscal federalism is faulty and both countries exhibit a problematic intergovernmental relation. Both countries tries to adopt unique prime and structural federalism that have institutional uniqueness and hierrarical propensity which is in-line with their culture and political model. There is a great need of balanced centre and periphery relationships, political stability and transparency in institutional bargaining and policy making. In areas where the two countries could learn from each other are power relations and problems of marginalization. Pakistan could adopt from Nigeria is the separation of power among the executive, the legislature and the judiciary. Nigeria shall also absorb from Pakistan on how to avoid the threat of secession by addressing the problems of marginalisation.

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