

## Addressing Nigeria's Politico-Structural Contradictions: The Need for State Constitutions and Collegiate Federal Executive

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### Abstract

*Since its emergence, the Nigerian State has grappled with challenges arising from the contradictions of its history, and issues that perpetuate these contradictions without seeming respite. This study deals with the arguments over these contradictions as manifest in the country's political arrangement. The country currently has seen resurgence in the wave of separatist torrents, leading to massive deployment of the military in most States of the country rather than stationing. These separatist torrents and State response has led to securitization of the country's politics especially in the South East. The study examines existing centripetal and centrifugal arguments for State organization, making a case for State constitutions, and a collegiate central executive. Data is gathered from documents, and analyzed using the qualitative descriptive technique. The study finds that Nigeria is in terminal political decline, and would likely not survive its contradictions. The study recommends that for a revamp, Nigeria must address its structural contradictions by continuous cession of governing power to sub-national units. Also, states of the federation or such other nomenclature that the country may adopt in its political structuring must have constitutions guiding its internal governing arrangement so as to avoid situations where state executives become more powerful relative to its citizens. Furthermore, a collegiate federal executive is necessary to address issues of balance and representation in the federal executive.*

Keywords: Contradictions; Structure; Constitution; State; Legitimacy

### Introduction

Over the years, since the emergence of the Nigerian State, the country has been struggling with the challenge of coalescing numerous ethnic nationalities in the country into one united political arrangement (Onuh et al, 2019). This challenge has historically confronted the legitimacy of state. This difficulty in managing disparate socio-political identities is seen to stem from multiple dynamics including its historicity, empirical realities and pattern of state emergence as a British colonial experimentation (Ahmed and Dantata, 2016; Akinyetun, 2020; Onuh & Ike, 2019; Onuh & Nnaji, 2019 ). The amalgamation of the Northern and Southern protectorates – a colonial fiat driven partly by the British desire for administrative convenience in its acquired colonial territories in what the area known today as Nigeria (Isiani and Obi-Ani, 2019), birthed the Nigerian State without consultation and engagement of locals and indigenous people.

This singular action brought hundreds of hitherto independent, autonomous and semi autonomous socio-formations under a new political arrangement known as Nigeria. Since then, the result has been a constant struggle for space within the Nigerian political arrangement. This struggle is manifest in the degree of inter-ethnic hostility, violence, mutual suspicion, and political instability that has bedeviled Nigeria since its emergence in 1914, through colonial

administration, and independence. In fact, ten years into its political independence in 1960, the country wobbled under simmering political tensions, leading to two military coups, ethnic pogroms, secession, and a civil war between 1967 and 1970 (Tamuno, 1991; Sollium, 1993; Alumona, Michael and Azom, 2017).

Upon independence, the country was a federation of three regions – the Northern, Eastern and Western regions (Constitution of the Federation of Nigeria, 1960). These regions had significant political powers and relative autonomy from the federal government and the rest of the country. However, since military incursion into politics, becoming its governing behemoth, it instituted and nurtured a political order and structure in which the Federal government is superior in power, depth, financial mobilization and reach, relative to the rest of the country. The military broke the regions, created new states, and decreed by fiat, constitutional structures and orders in 1979, 1989, and the current operational constitution of 1999. ‘

The structure of state as designed by the constitution, especially since military incursion into politics in 1966 has continued to generate political contradictions that undermine state legitimacy. This is in addition to already existing contradictions of the state prior to independence, and military incursion in civil politics. Moreover, simmering tensions due to the contradictions of Nigeria’s history, manifest in the wave of recurrent separatist agitations, militarization of civil spaces, gross human rights violations, and waning governmental influence continue to haunt the country. This paper addresses Nigeria’s politico-structural contradictions, its implications on state legitimacy, and making a case for state constitutions and a collegiate central executive.

## **Literature Review**

Contradictions, unlike many concepts and frameworks in the social sciences has been able to maintain a universal understanding and meaning over time. Prior (1967) defines it as the relation between statements that negate each other, and are exact opposites. In essence, contradictions are neither true together, nor false together. They exist in parallel, and oppose each other. In Marxist literature, Tse-Tong (1937) refers to contradictions as unity of opposites. It is often considered the kernel of dialectics. However, Grim (2004) argued that the notion of contradiction is not simple as thought, as there are universal instances of non contradiction, implying that both sides of a seemingly contradictory statement or idea may be true. The issue with his argument is that such manifestations are exceptions rather than the norm, and as such should not be used to dilute a heavily and self evident and historical maxim.

The meaning of contradiction – as in negation and mutual exclusivity is elusive, until a subject is attached to it. The attachment of a subject could elucidate its theoretical underpinnings, but we specifically examine its praxis in the Nigerian system of state organization. In this study, we particularly explore political contradictions of the Nigerian State, and the position of scholars over time on said issue. Drawing from an insight from history, Sklar (1965) identifies three political contradictions of the Nigerian political system at the time. First, he noted that the machinery of government was highly regionalized, but the party machinery – that of mass organization – is trans regional; second, the main opposition party relied on class consciousness to wrestle against the regionalization of power and government machinery; and third, the constitutionalization of power is inconsistent with real power distribution in society.

What Skar (1965) tried to explain is that the nature and structure of state and political organization in Nigeria as at independence ensured regionalization of state power, and as such was inconsistent with the desire to direct or enforce power collectivization and one nationhood. Moreover, asking the regional power brokers to build inter-regional class consciousness implied political suicide for the regional power class, hence is contradictory. . While Sklar made an effort to examine political contradictions in the political system of a fledging federation at the time, he did not examine the structural contradictions of governmental power distribution and its implications.

More than half a decade into Nigeria's political independence, Imhonopi, Urim, Waribo, Kasumu, and Igbadumhe (2016) highlight evolving contradictions of the Nigerian political economy based on certain identified issues including: first, that recruitment into positions of strategic influence and power has become the preserve of Nigeria's political elite; second, the Nigerian democracy has become very expensive, favouring the political elite and party apparatchiks, and tending towards difficulty in administration; third, the political party system in Nigeria does not support brilliance in ideas and excellence in action – it rather appeals to ascription rather than meritocracy; fourth, the business and political elite are in a conspiratorial union ripping off the commonwealth of the collective of the Nigerian people; fifth, political corruption is celebrated in Nigeria; and, lastly; government policy does not seem to support a vast majority of the populace, but is aimed at the perpetuation in power and privilege of a few families part of, or connected to the Nigeria comprador bourgeois elite.

For Onwubiko (2017) the contradictions of the Nigerian political establishment has become so pronounced in all ramifications of state existence that he describes the country as being at a “turbulent cross road”. At one point is the rising poverty level, and at another is the breakdown of governmental authority in almost all sections of the country (Onwubiko, 2017). The solutions to these manifestations he noted albeit slightly appears to have eluded elites of the Nigerian political establishment as most of its leadership hardly come to office prepared. In any case, Onwubiko did not diagnose or engage in a systematic study of the issue of politico-structural contradictions of the Nigerian state.

Moreover, Utomi (2021) summed up the contradictions of the Nigerian political economy in the chronic underdevelopment of state over the years. He makes brisk comparisons to Singapore, highlighting the country's elites briskness and managerial expertise in turning a relatively resource lacking island to a first world country. Utomi, points towards failure of the National budget in achieving socio-economic development for majority of the citizenry as a factor fuelling Nigeria's socio-economic and political contradictions. While Utomi is right in observing and reiterating the developmental crisis of the Nigerian State in praxis, as well as the failure of the annual national budget to galvanize development and calibrate prosperity, his study does not specifically capture the contradictions of the Nigerian political structuring and arrangement. In fact, the 1999 constitution – the grundnorm on which the Nigerian State is currently structured and administered is highly contradictory in letters and praxis.

Based on this review, it is understood that systematic interrogation of the contradictions of the Nigerian political and governance arrangement, and to provide a framework in lieu of subsisting provisions, is not elaborate. Most of these studies do not define or explain the effects of these contradictions on state legitimacy. This is notwithstanding, the significance of legitimacy in political discourse. According to Lipset (1959), (state) legitimacy involves the capacity that a political system has to engender and maintain the belief that existing institutions

are the most appropriate and best suited for a functional society. In a similar position, Gilley (2006) define legitimacy within the framework of citizen perception and evaluation of functionality and acceptability of state institutions.

States with high level of legitimacy are observed to have gained it through voluntary compliance and citizen engagement (Sil & Chen, 2004; Carter, 2011), and the reality of such legitimacy is manifest in the degree of political violence against the state. State legitimacy connotes acceptance of state authority and its mechanisms, the acquiescence to its whims within the bounds of its law, and to accept its power (at least to regulate) in principle in such matters that may be considered within the bounds of public sphere. In Nigeria, several occurrences have raised questions on the legitimacy of state, warranting appropriate inquiry into its dynamics.

Existing studies do not focus on structural issues, recurring separatism, and the constant militarization of civil spaces in response to evolving anti Nigerian state dynamics – a situation that have continued to undermine the legitimacy of state. These evolving dynamics are manifest representations of the contradictions of Nigeria’s politico-structural arrangement. This study departs from existing research on state organization in Nigeria with specific inquest into the interrogation of state contradictions and its effects on state legitimacy, and making a case for federating units to have their internal governing constitutions, and a collegiate central executive.

## **Methods**

For this study, data is collected using the documentary method of data collection. This refers to the procedure of gathering data from already existing documents such as books, book chapters, journal articles, official documents like the Constitution of the Federal Republic, Government gazettes, legislations, executive orders, etc. This method is relevant for the study given that the documentary method provides proximate access to needed information, and considering the nature of the study which deals with the interrogation of Nigerian political and governance structure and the legal frameworks establishing and empowering them.

## **State Contradictions**

The history of the Nigerian State is a history of the evolution of its internal political contradictions. From its pattern of state emergence, through colonial federal arrangement, militarization and securitization of its politics, to the proclamation and promulgation into force, a new constitution said to be made by the people but without record of the exercise of the sovereign power of the people through the enactment and promulgation for themselves a constitution. The following contradictions have bedeviled the Nigerian state throughout its history

**Pattern of state emergence:** Nigeria emerged from the amalgamation of hitherto existing British Northern and Southern protectorates in West Africa in 1914. This amalgamation was a colonial fiat driven partly by the British desire for administrative convenience in its colonies in the territories known today as Nigeria (Isiani and Obi-Ani, 2019). Hence, the new colonial state was not founded on the basis of consanguinity of the people and socio-formations making up Nigeria, implied or real historicity of union desires, shared ideology, belief systems, identity, or even the commonality of aspirations. Colonial Nigeria was founded and propped up by British imperial hegemons in an age of empire building by European powers, and marked

shift in capitalist industrialization – considering the increasing need of raw materials by European meropolis whose power at the time exceeded the productive forces of constituent socio-formations of the Nigerian State.

The contradiction of foreign creation of Nigeria, and the rationale behind it furthermore manifests in the conflict of identity and loyalty. People who knew themselves within the understanding of their ethnic societies, or even religious states, were forced into a new country in which they now had to shed and share identity, dualising loyalty – to their groups and to the country. It has since then been a bumpy ride. Moreover, the reality that the Nigerian state is a making of external forces whose major intent is the convenience to exploit resources is highly contradictory to basic understanding of state building. All through history, states created by external actors in the manner and purpose for which Nigeria was created eventually collapses under the burden of its contradictions, or has remained in perpetual limbo and effusive struggle for dominance between and amongst internally contending blocs.

This creation, bringing together people of disparate nationalities, history, interests, goals, and political systems without first asking whether these people wanted a union, and the terms for such, continues to hunt the Nigerian state and its political establishment. The state is increasingly weaker, and according to the fragile state index, Nigeria is fragile (Fund for Peace, 2021). Instability and insecurity has bedeviled the country – not as a result of external threats, but due to the contradictions of its internal mechanisms. Hence, it is easily observable that throughout Nigeria's history, much of its war has been on and amongst its peoples, rather than any real external enemy(ies).

There is an islamist insurgency in the North East, armed banditry in the North West, pastoralists and sedentary farmers conflicts in the Middle belt and Southern zones, militancy and piracy in the Niger Delta, and separatism in the East. For example, the pastoralists who are largely of the Fulani ethnic stock, and have been at odds with sedentary farming communities in the Middle belt and Southern Nigeria, claim that nomadism is their culture, and any attempt by the government to proscribe such, amounts to discrimination against them (Ify, 2021). The federal government, through the Attorney-General disagreed with the position of the Southern governors citing among other things, the rights to movement, acquire property, reside and do business anywhere in Nigeria, implying that such actions by the governors contravene these rights (Channels Television: May 20, 2021).

The Attorney General further likened the ban on open grazing to banning other businesses dominated by particular ethnic groups such as auto spare parts trading which is known to be dominated by the Igbos (Daily Trust: June 30, 2021), thus highlighting the ethnic nature of the issue. While many people and groups have rejected Malami's equation of nomadism to auto spare parts trade (Royal, 2021), it further highlights the state of Nigeria's historical contradictions based on its pattern of emergence. If agreements and negotiations were entered into, even at the barest levels by representatives of different socio-formations that make up Nigeria, issues as to the place of nomadism would have been addressed. This is similar to other issues such as inter ethnic hostility, social and political disarticulation etc.

**Military Incursion:** In January 1966, six years after Nigeria's political independence, the military gunned its way into mainstream politics, assassinating major political leaders, and essentially destroying the first republic (Soillun, 1993). Later accounts of the January 1966 coup narrated that remaining key officials of the disarticulated federal government invited the



military to form a government towards restoring law and order (Akinsanya, 1979). This notwithstanding, in July of the same year, a section of the military struck again. The military ruled the country until 1979 when it relinquished power to a civilian administration after it bequeathed a constitution fundamentally defining the mode of state organization to the country. In 1984, the military struck again, and governed till 1999. Again, the military bequeathed a constitution the Nigerian people.

In these cases, the manifest contradiction here is the assumption of all powers of state by the military to the extent of fundamentally redefining the basic structure of governance of the country, and going ahead to create for the people - with whom the sovereignty of state lies, a constitution which was never ratified by them. The fact that the Nigerian state accepted military incursion, and allowed the military to define the context of its further existence automatically erodes the sovereign authority of the people (that is the collective of the sovereign power of individual Nigerians). If the military can gun itself to power, without retribution, then conceive and handout a constitution to the people without ratification (at least by the people), then the sovereign power of the people is farcical and does not exist in praxis.

**Constitution promulgation:** As noted in foregoing paragraphs, in 1979 and 1999, the military conceived and handed down constitutions to the Nigerian people without the exercise of the sovereign power of the people to decide if they wanted to remain in Nigeria, and/or the kind of governance structure to be instituted. The military through Decree 102 of 1979 and Decree 24 of 1999 promulgated the two fully operationalized constitutions in Nigeria's history. In fact, in the preamble of the 1999 constitution, the military did not only usurp the powers of the sovereign which the same constitution attests to, but also lied against the sovereign by stating that:

We the people of the Federal Republic of Nigeria...Having firmly and solemnly resolve, to live in unity and harmony as one indivisible and indissoluble sovereign nation under God, dedicated to the promotion of inter-African solidarity, world peace, international co-operation and understanding...And to provide for a Constitution for the purpose of promoting the good government and welfare of all persons in our country, on the principles of freedom, equality and justice, and for the purpose of consolidating the unity of our people...Do hereby make, enact and give to ourselves the following Constitution

The implication of this preamble is that the federal military government lied against the Nigerian people, as there is no record of ratification of the said constitution before it was promulgated into force. The implications of lying against the sovereign are wide and varied. However, nothing of consequence has so far happened to address this malady. Hence, the Nigerian state continues to wobble under the contradictions of falsehood against its people. The argument that electoral participation is a means towards the legitimization of an illegal document pushed through by coercive apparatus does not take into reality that the very first elections conducted, ushering in the constitutional regime is illegitimate, and decisions emanating therefrom follows same pattern.

**Constitution Provisions:** Having conceived and bequeathed a constitution with an introductory falsehood to the people, it is only imperative that such constitution is fraught with contradictions in its provisions. We explore these contradictions under identified topical issues in the Constitution of the Federal Republic of Nigeria, 1999.

**Human Rights:** Human rights are inherent rights of the human person. It embraces civil, political, economic, social, cultural, group, solidarity, and developmental rights necessary for existence (Eze, 1984). These rights are inherent and imprescriptible. They are not gifts to be given or withdrawn at will or whim. Notably, the state cannot give human rights. It can only guarantee the protection of rights of humans within its jurisdiction. S. 33 to S. 44 of the 1999 Constitution guarantee a range of rights including: right to life; right to dignity of human person; right to personal liberty; right to fair hearing; right to private and family life; right to freedom of thought, conscience and religion; right to freedom of expression and the press; right to peaceful assembly and association; right to freedom of movement; right to freedom from discrimination; and, right to acquire and own immovable property.

However, S. 45 (1) further provides that Nothing in sections 37, 38, 39, 40 and 41 of the Constitution shall invalidate any law that is reasonably justifiable in a democratic society - (a) in the interest of defence, public safety, public order, public morality or public health; or - (b) for the purpose of protecting the rights and freedom of other persons. The challenge with this section is that it is a caveat that tends to undo much of the guarantee of human rights in the constitution. The logical questions that follow are: Who defines what is reasonable? Who sets the parameters of national security? While the traditional thing is to look towards the courts for the interpretation of this section, the courts have historically given credence to government violation of these rights, and without any reparations. For example, most of the violations of the rights of crude oil producing communities in the Niger Delta is said to be done in national interest. Even the Attorney-General of the Federation, Abubakar Malami, without recourse to the philosophy establishing his office as the lawyer of the people (House of Commons Constitutional Affairs Committee, 2007) (and not limited to the government – which has for a long time continued to act as a distinct agency superior to the people claimed during his screening at the Senate of the Federal Republic, that government disregard for court orders, or even violation of rights is in national interests (Akinkuotu, 2019).

Furthermore, examining the most important right upon which other rights depend is the right to life provided for in S. 33. But in a direct contradiction, S. 33 (2) provides that:

a person shall not be regarded as having been deprived of his life in contravention of this section, if he dies as a result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably necessary - (a) for the defence of any person from unlawful violence or for the defence of property; (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or (c) for the purpose of suppressing a riot, insurrection or mutiny.

The challenge here is that the Nigerian situation makes this provision susceptible to gross abuse/violations. This section appears to be a direct license to security personnel to act in crass manners violating the right to life. S 33(2) (a) places the defence of property above life. This provision implies that ‘person A’ can be justifiably killed in defense of “person B”’s property. This is similar to S 33(2) (b)(c) which allows government actors to violate the right to life under the pretext of “effecting a lawful arrest” or “putting out a riot”. Even lawful and justifiable protests are usually termed riots, and dispersed by government actors. Where does it end?

**Conduct of Elections:** Periodic elections is one of the hallmarks of democracy. The 1999 constitution provides for periodic elections every four years. S. 153 establish the Independent

National Electoral Commission (INEC). The constitution charges INEC with the conduct of elections for federal and state executive and legislative offices. The contradiction here manifests in the inconsistency of a federation like Nigeria having a federal body conduct elections to state offices. Why should a body that is overseen and funded by the federal government conduct elections into other tiers of government? There are verbal arguments within civil spaces that if state elections are left to state governments, they will continue to mismanage it. Well, at this point, these elections as conducted by INEC is highly mismanaged, and contributes to putting excess attention at the federal government without corresponding scrutiny of state governments.

Moreover, these elections are supposed to be conducted by impartial and independent bodies empowered by law, rather than the appendages they are made to be under the constitution. Also in S 197, the constitution establishes the State Independent Electoral Commission (SIEC). Each state has its own SIEC charged with the responsibility to conduct local government elections. Again, the contradictions arise in the reality of one tier of government conducting elections for another tier. In any case, at least in principle, elections are supposed to be from locals towards the center, rather than the top-down structure that exists at the moment. Moreover, while the constitution provides that the Local government is the third tier of government, it again leaves its regulation at the hands of state governments.

**Jurisdiction/Power of each tier of government:** The jurisdiction and power of the federal and state governments are provided for in the 1999 constitution. 68 items are provided to be within the exclusive jurisdiction of the federal government, and the rest are concurrent – implying that federal and state governments have the authority to legislate over the issue, but the federal authorities prevail in the event of conflict between the federal and state governments. Such other items not provided for are termed to be residual in principle (within the jurisdiction of other tiers of governments).

The contradiction here is that ordinarily, things and items that should be administered by federating units are exclusively domiciled in the federal government. As a matter of fact, why should the federal government be in-charge of roads construction and maintenance? Why should Policing be a federal responsibility when crimes are largely local? In fact, is it not ridiculous that Federal Police is used to execute and implement state law? In cases where the Federal Police refuses to implement state government directives, what happens? Any sanctions provided for by law? As at today, there is none. All of these go to show the challenges with Nigeria's federalism. For example, one of the fallouts of the EndSARS protests is the setting up of judicial panels of inquiry by many state governments in the country. Public hearings were held, and security personnel indicted. But the challenge has been how state governments will affect sanctions on a federal agency.

### **Political Contradictions and State Legitimacy**

As highlighted in foregoing paragraphs, state legitimacy connotes acceptance of state authority and its mechanisms, the acquiescence to its whims within the bounds of its law, and to accept its power (at least to regulate) in principle in such matters that may be considered within the bounds of public sphere. Legitimacy of the Nigerian state has constantly been questioned (Nyiayaana, 2021). This is partly due to the ubiquity of the contradictions of state. These contradictions as highlighted above, have weakened state institutions, sowed the seeds of doubt in state capacity among citizens – considering that state legitimacy is evaluative (Sil & Chen,



2004; Gilley, 2006), and have reproduced such legitimacy crisis threatening to dismember the country.

Much of Nigeria's political contradictions including internal security challenges – from armed banditry, crop farmers-pastoralists conflict, kidnapping, militancy, to Boko Haram Islamist insurgency (Ndubuisi-Okolo & Anigbuogu, 2019) show a diminishing state capacity and political decline. For example, Nigerians spend obscene amounts of money as kidnap ransom despite having a state security outfits and agencies maintained by public taxes. “Between June 2011 and end of March 2020, what we have found shows that between June 2011 and the end of March 2020, at least \$18.34 million has been paid to kidnap ransoms” (SBM Intelligence, 2020). These security issues and the level of organized assault on Nigerians and the Nigerian state is a heightened show of erosion in the legitimacy of state. The reality that citizens could accept to pay taxes (as ransom) to non state actors in exchange for security guarantees is evidence of accelerated state failure.

Another pointer to the crisis of legitimacy of the Nigerian state is citizen attitude towards elections. Since the early years of the fourth republic, citizens have increasingly reduced participation in voting (Ibeogu, Edeh, Abah, Onwe, & Ejem, 2019). There is heightened apathy in what Nwankwo (2012) considers as a citizen realization and feeling of powerlessness in making political input. These challenges show lack of confidence in the state as it is.

While the issue of elections is general. Security challenges and separatist politics that have bugged the country is regional. These challenges including the constant assault on human rights by state forces often times in further perpetuation of these contradictions continue to undermine state legitimacy, as one of the indicators of legitimacy is voluntary compliance. Hence, the application of undue force (as is obtainable in most situations of state-citizen engagement) in Nigeria is an attempt to force compliance – negating the core of legitimacy.

### **Constitutions for Sub-national Governments**

National constitutions are a body of established principles that define how the country is administered, as well govern the relationship between the government and the people. In federal societies, the constitution defines the power of the federal government, as well as provides that federating units are coordinate and autonomous within their jurisdictions. The 1999 constitution of Nigeria, as established in foregoing paragraphs is filled with contradictions that directly undermine the powers and autonomy of federating units. Hence, it is imperative that these powers are withdrawn from the federal government and the constitution rather silent on it, or domiciles such powers within federating units.

In principle, matters that are not exclusively reserved for the federal government, or prohibited by the constitution are left for states. Considering the clamour for the reorganization of state (political restructuring), especially pointing towards ideal or closer to ideal federalism, implying that power should be withdrawn from the federal government, left silent, or domiciled with the federating units, the need for state constitution becomes imperative. This is necessary considering that the current general prescription of gubernatorial powers throughout the country will create executive tyranny in states in the absence of state constitutions that define, check and balance out powers. State constitutions regulate the behavior of states in areas where the federal constitution is silent, or in such other places where the constitution domiciles certain

powers with the states. The items to be left for state constitution shall not be prescribed by this paper, but is left to the exclusive authority of the sovereign peoples of Nigeria.

### **Exploring the Collegiate federal executive option**

Furthermore, this paper explores the collegiate federal executive option as means towards ensuring political stability and representation. Nigeria currently faces a crisis of political stability and leadership legitimacy given the character and statute of its politico-legal dynamics. The federal collegiate executive option refers to a federal executive in which its members and officers are colleagues and relate in such manner. This is different from the subsisting mechanism in which the executive is made up of an elected Chief who in turn appoints his/her cabinet or Council. They do not relate in an equal manner. However, in the collegiate executive, members of the Council are elected and relate on an equal footing. Its presiding officer or Chairperson is usually rotated amongst members, and the Chairperson's power is significantly limited in the council.

In Nigeria, S. 130 of the 1999 constitution provides that there shall be a President who shall be the chief executive of the federation and commander in chief of the armed forces. The President in subsequent provisions is further empowered to appoint a cabinet composing of at least one person from each state of the country. Also, the constitution delegates wide ranging powers in principle and in practice, has more powers than may have been envisaged by the drafters of the constitution. This makes the present tower above all members of the federal executive, and every head of other arms of government which are supposedly independent and co-equals in a democracy. This pattern of power distribution that invests a single individual with so much power have created a tense political atmosphere, and limited the political space in the country. Apart from regional rivalries over where the president hails from, the zero sum nature of Nigeria's politics is highly problematic and unsustainable.

In fact, it may be argued that S. 147(3) of the constitution attempts to remedy the issue of representation in the federal executive by providing that:

Any appointment under subsection (2) of this section by the President shall be in conformity with the provisions of section 14(3) of this Constitution provided that in giving effect to the provisions aforesaid the President shall appoint at least one Minister from each State, who shall be an indigene of such State.

S. 14(3) of the 1999 constitution as referred to by the section cited above, provides that:

The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that Government or in any of its agencies

However, these provision shave been subject to abuse. As it is today, the federal character principle is scarcely reflected in high offices of state like in the leadership of the National Assembly, government agencies, and critical institutions of state. In fact, the provisions do not specifically say when the president should appoint a minister from each state. This loophole

allows Presidents to nominally deny a state some measure of representation in the Federal Executive Council within a particular timeframe.

The collegiate executive option is remedial mechanism intended towards ameliorating the challenge of representation in the present Nigerian federal executive arrangement. This system is popularly practiced in Uruguay and Switzerland, and has been very successful in managing diversity in these countries. Hence, it is envisaged that with a collegiate executive, each geo-political (also doubling as geo-cultural) region would produce a representative to the federal executive council or a presidium who shall be equal with other members. Each member shall also have the liberty to chair the council for the period approved by the Nigerian people within group tenure. This way, the bickering of political representation within executive offices is reduced.

### **Conclusion**

In this study, political contradictions of the Nigerian state have been highlighted, and its implications on state legitimacy are examined. Legitimacy implies voluntary compliance to state authority within the confines of its law, but the Nigerian situation is seen to be characterized by forceful extraction of compliance from citizens by state forces, often times due to the historical contradictions of state. Nigeria is in terminal political decline, and would likely not survive its contradictions. The study recommends that for a revamp, Nigeria must address its structural contradictions by continuous cession of governing power to sub-national units. Also, states of the federation or such other nomenclature that the country may adopt in its political structuring must have constitutions guiding its internal governing arrangement so as to avoid situations where state executives become more powerful relative to its citizens. Furthermore, a collegiate federal executive is necessary to address issues of balance and representation in the federal executive.

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