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Restructuring of the Nigerian State: A Veritable Tool for National Development

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Abstract. There are a variety of different states, cultures, and religions in Nigeria, and they have suffered from political instability, economic stagnation, and social disintegration. The reason for these problems is generally associated with the current structural framework, which many scholars and policymakers think is not sufficient to meet the peculiar nuances of the Nigerian nation. For example, the research is looking at the restructuring of the Nigerian state as an achievable viable pathway to the sustainable national development goal. Inevitably, however, the present model of centralized governance can never meet these objectives; it continues to favor an unequal distribution of resources, marginalization, agitation for self-determination, and all forms of agitation by various groups. It seeks to examine the nature of restructuring-the decentralization of power, equity in resource distribution, and greater autonomy for subnational units- aimed at redressing such issues and promoting national unity, economic growth, and development. Thus, a mixed-method approach combining qualitative and quantitative data shall be used, wherein qualitative analyses of historical and legal frameworks would be used alongside surveys and economic dividends to measure the impact of any proposed restructuring models. The results imply that a restructured Nigerian state could douse socio-political grievances, increase efficiency in governance, and ensure inclusive development through empowerment of local governments and accountability mechanisms. Restructuring is thus mandatory for Nigeria's transition: it calls for constitutional reforms, active involvement of all stakeholders, and provisions for ensuring fairness and justice. By so doing, Nigeria will strengthen its weaknesses and, as summed up in the able provisions of the Constitution, duly harness its diversity as a strength to achieve its developmental aspirations.

Keywords: Restructuring, Nigerian State, Tool, Development

1. Introduction

Since Independence till date, Nigeria has been facing a lot of developmental challenges and system restructuring; which may be social, cultural, political, economic, religious, educational and environmental (Abiola, 2006). However, it appears that despite the legal frame works that were put in place for National development, there is no light at the tunnel yet (Aidonojie et al., 2024; Mukhlis et al., 2023). The reason is simple: The legal frameworks or the processes of establishing those relevant laws to build stable and prosperous nation or promote justice and human rights have never been autochthonous (Aidonojie and Egielewa, 2020). Hence, there is no way the Nigerian State will develop successfully or address her various developmental challenges without true restructuring or a restructuring that is autochthonous (Garbner, 2990).

In the course of this discussion, we shall make a case for restructuring which is truly autochthonous as a veritable tool for National Development (Imoisi and Aidonojie, 2023; Edetalehn and Aidonojie, 2023; Gunawan et al., 2023). The reason is that, any country that does not restructure her legal system through the free will and involvement of her citizens without any external influence or interest may remain underdeveloped (Aliyu, 22014). In fact (Elias, 1977), it will be very difficult for such country to build a stable and prosperous nation, ensure high quality of life for her citizens, encourage economic growth and promote social justice and human rights (Aidonojie et al., 2022; Imoisi et al., 2023; Egielewa and Aidonojie, 2021).

Clearly, the Nigerian State has been undergoing various reforms or restructuring beginning from the policies of Sir Fredrick Lugard after the amalgamation of the Northern and Southern Protectorates till date (Agekanle, 2018). In May 1967, for instance, General Yakubu Gowon restructured the regional political structures of the Nigerian States to twelve (12) States. Currently, the 1999 Constitution recognizes the existence of thirty six (36) States and the Federal Capital Territory, Abuja (Aidonojie et al., 2024; Mutawalli et al., 2024). Notwithstanding the foregoing and other adjustment made on legal frame works for socio- political and economic developments in Nigeria, the clamour for more States or return to the old regional system of government or a combination of both still persist (Agekanle, 2018). The reason once again is that what the Nigerian State needs is a restructuring that is truly autochthonous and not one coerced on th people by force or made to please certain parts of the Federating units (Aidonojie et al., 2023; Aidonojie and Francis, 2022). Restructuring must be home grown and without any external influence to be a veritable tool for National Development (Emordi, 2007). So, until the process is made home grown without any external influence the restructuring will not give the desired effects in Nigeria.

2. Definition of Terms

2.1 Restructuring

According to the Black's Law Dictionary, "Restructuring is the act of re-organizing a business or corporation, typically to reduce debt, cut cost and increase efficiency, often through downsizing refinancing or divestiture of assets or subsidiaries (Aidonojie et al., 2024; Mukhlis et al., Mukhlis et al., 2024). In bankruptcy law, restructuring refers to the process of reorganizing debtors' financial affairs to enable it to pay off debts and continue operating" Restructuring is also defined as a fundamental and sometimes drastic change that will alter the organization or structure of a company (Aliyu, 22014). In fact, it is a change that will alter the existing relationships of established structures within a defined territory or geopolitical entity (Agekanle, 2018). Restructuring amounts to increasing or decreasing the number of component parts that make up a system and re-defining the interrelationship between them in such a way that the entire system performs more efficiently (Haruna et al., 2024; Aidonojie et al., 2024; Safi et al., 2024).

2.2 Nigerian State

This presupposes the one indivisible and indissoluble sovereign state known as Federal Republic of Nigeria[2]. Section (1) (2) (2) of the 1999 Constitution provides that Nigeria shall be a Federation consisting of States and a Federal Capital Territory. It is a State of people with different ethnic and cultural backgrounds forced to live together by the colonial masters and their successors in rulership (Agekanle, 2018). Currently the Nigerian State is made up of thirty six States (36) and the Federal Capital Territory, Abuja (Garbner, 2990). In a lay man's language, a tool is an instrument or implement for work. It is also a devise used to perform some task or function (Aidonojie et al., 2024; Zaman et al., 2024; Muwaffiq). It can be a physical object, programme, method or technique used to accomplish something.

2.3 Development

Development, in the context of this discussion, is the process of improving the economic, social and political wellbeing of a person or a nation. It involves the advancement of a country's standard of living (Agekanle, 2018), quality of life and economic prosperity as well as the promotion of social justice, equality and human rights

3. Restructuring of the Nigerian State

Clearly, restructuring of the Nigerian State means different things to different people at different times and at different places. It is akin to the story of the five blind men who attempted to describe an elephant (Agekanle, 2018). So, the blind men had to describe the elephant by what they felt by touching the elephant.

The first blind man touched the leg, the second -the tail, the third -the trunk, the fourth -the ear and the fifth- the side/body. So, when asked differently how the elephant looked like, one replied: it looked like a pillar, another replied confidently that it looked like a rope, another said it looked like thick branch of a tree, and yet another said it looked like a big hand fan and the last said that it looked like a huge wall (Agekanle, 2018).

This story mirrors the concept of restructuring the Nigerian State. To the understanding of an average Nigerian "Restructuring" is about creation of more or equal number of States in Nigeria. To the politicians is all about resource control; and to the economists it is all about revenue allocation and diversification of the economy; and to the lawyers it is all about dismantling

the existing legal frame works by Constitutional means and to others, it is about rebranding and re-orientation on the national ethics and philosophy.

Restructuring of the Nigerian States for development is more than mere creation of new states. It includes a total over haul of the entire socio economic and political apparatus or machineries of the state at all levels of government. It includes a re-arrangement of the powers of the Federal Government and the States Government under the 1999 Constitution (Aidonojie et al., 2024; Budiyanto et al., 2024). Restructuring is aimed at addressing the imbalance in the Nigerian political structure or the rights and interests of the minorities particularly the oil producing states. It is geared towards economic emancipation by diversification of the Nigerian economy and total movement from a consumption State to a producing State to ensure the greatest happiness of the greatest number of citizens (Agekanle, 2018). Restructuring is about providing more equitable formular for resource control, revenue allocation, re definition of the powers of the National Assembly and the State House of Assembly under the Exclusive list and the Concurrent List. It is about the control of certain Federal or State executive bodies under the Constitution. In deed it is akin to the concept of rebranding. S.E Edeko (2009) in his book: Introduction to the study of the law of rebranding Nigeria[6]" affirmed the statement of Sunday Dare thus: "Re branding is designed to get everyone actively engaged in cause-based advocacy through entirely peaceful and constitutional means; to jettison blind support for a person or a leader or even a political party and fight for a just cause (Agekanle, 2018). A cause not linked to any particular ethnicity or class or special privileges but for the supremacy of the Constitution, our fundamental rights and rule of law..." So, whatever restructuring may mean to the people of Nigeria, I suggest at all times and places: Let there be restructuring of the socio-political, economic and legal frameworks of governance by a pragmatic approach or model (Garbner, 2990). Let the restructuring also be autochthonous.

3.1 Models for Restructuring

According to Prof. Akin Oyebode (2021), there are two basic models for restructuring the Nigeria State: The Conservative model and the Radical Model. The conservative model aims at maintaining the status quo by simply asking the federal government to shed off some of its exclusive powers as provided in Part 1 of the second schedule of the Constitution, while the radical model calls for a fundamental devolution of powers to the states as federating units and leaving the federal government with few exclusive powers over external relations, Currency and matters of National defence and Security (Edeko and Emordi, 2004).

Permit me at this juncture to respectfully add another model which is the pragmatic model. Under the pragmatic model, both conservative and radical approach are employed at the same time. Here, the balance is maintained between conservative and radical approach in order to achieve a uniform and equal development for the entire Nigerian States. Pragmatic model of restructuring is an outgrowth of functional school of law or thought which is founded on pragmatism (Edeko and Emordi, 2004). It is a restructuring tailored after the minds of the Nigerian people and as founded in the wordings of the new National Anthem 'Nigeria we hail thee.'

The Pragmatic model of restructuring is autochthonous[8]. It is home grown, practical and effective as the active participation of the Nigerian people and the Federating States are of paramount consideration (Edeko and Emordi, 2004). It entails a gradual implementation process which involves constitutional amendments, legislative reforms, and administrative changes. It also proposes the establishment of an implementation committee to oversee the process and ensure that the reforms are implemented in a manner that is consistent with the principles of true federalism.

3.2 Matters for Restructuring in the Nigerian States for National Development

Clearly, there are so many aspects of the Nigerian institutions and structures that needs restructuring. These are already articulated in some reports such as the APC Committee on True Federalism and 2014 National Conference. Autochthonous means a system of government or a process that is indigenous to the people or rooted in their native soil. It is indigenous in the sense that it is unique and peculiar system to the people and by the people. The National Conference was held from March 17 to August 21, 2014 to address the country's socio-political and economic challenges. The report is a product of deliberations and consensus reached by the 492 delegates who represented various stakeholders from across the country (Emordi, 2007).

According to the APC Committee report, a fiscal federalism that allocates more resources to states and local governments, while reducing the federal government's dominance in revenue allocation was recommended as a way to address the economic issues of resource control and revenue allocation.

The Committee also recommended that the Nigerian States should have greater control over natural resources within their territories, while the federal government plays a regulatory role. Also, a new revenue allocation formula that allocates forty two percent (42%) of federal revenue to states, thirty five percent (35%) to the federal government, and twenty three percent (23%) to local governments was equally recommended. Furthermore, the Committee made a proposal for the devolution of powers from the federal government to states and local governments in areas such as education, health, and infrastructure development (Emordi, 2007). The establishment of state police forces to enhance security and reduce the burden on the federal police was also recommended.

Before the APC Committee Report, there was a National Conference established by President Goodluck Ebele Jonathan's administration in 2014. Part of their recommendations for restructuring in the Nigerian States include devolution of power from the Federal government to states and local governments, with a view to enhancing autonomy and accountability at the States and Local Government levels of government. The report also made the same proposal like the APC Committee with respect to revenue allocation, resource control, and State Police. The 2014 CONFAB recommended for the creation of a Constitutional Court to resolve disputes between the Federal government and State government. Meanwhile, the Conference in their report recommended for the creation of 18 new states, making it 42 states in Nigeria with a view to addressing the issues of marginalization and inequality. Also, worthy of mention is the Committees recommendation for the establishment of a national infrastructure development bank to promote economic development and reduce poverty (Emordi, 2007).

Overall, the 2014 National Conference Report provides a comprehensive framework for constitutional reforms and restructuring of Nigeria, with a view to promoting greater autonomy, accountability, and economic development at the subnational level, while strengthening the federal government's role in areas such as defense, foreign affairs, and national security (Edeko and Emordi, 2004). However, for brevity sake, it is imperative to consider the contentious issues for restructuring of the Nigerian States under the following fundamental objectives as captured in Chapter 2 of the 1999 Constitution: Economic, Political, Social and Environmental objectives.

3.3 Economic Restructuring

In the time past, there are so many economic restructuring programme in Nigeria. They all appear not to be autochthonous because they were all imposed on Nigerians. For instance; the International Monitoring Funds (IMFS) restructuring programmes have been imposed and implemented in thirty (36) sub-saharan debtor countries under different names. Such names include: Structural Adjustment Programme (SAP), National Economic Survival Plan, Economic Recovery Plans etc. These programmes remained essentially the same as they were designed to stabilize the economy in the (36) sub-saharan debtor countries and restructure them (Edeko and Emordi, 2004). But, that of Nigeria was specifically on diversification of the economy away from petroleum related activities and improved private sector participation in production. The economic policy employed in Nigeria include devaluation and unification of exchange controls, curtailment of expenditure to alleviate budget deficit and effects cuts in public wages bills and social sector programmes, elimination of subsidiaries and price controls, the liberalization of labour market and privatization of public enterprise (Edeko and Emordi, 2004). Yet, none of these measures could take Nigerian State out of economic under development

Today, things are getting worse. The system has failed to address the country's economic objectives as provided in Section 16 (1) (a) - (d) and 16 (2) (a)-(d) of the 1999 Constitution and has instead perpetuated inequality, poverty, and insecurity.

Clearly, there are cases of massive corruption, economic instability, inflation and low purchasing power of the Nigerian currency against foreign currencies. In the light of this, there are repeated agitations for the diversification of the Nigerian economy or per se movement from consumption to production[13] and patronizing locally made products or goods and services. The current idea of diversification entails moving away from foreign oil dependence and promoting other local economic sectors like agriculture, manufacturing, and services to increase the level of the Nigerian's current gross domestic products.

Besides, the diversification of the Nigerian economy, it is also the expectation of the Nigerian people that the various States that make up the entity called Nigeria should be allowed to manage and exploit natural resources from that State, and a larger share of the accruing revenue retained by such State (Elias, 1977). Till date, there has been persistent dispute between the

Federal Government and the States Government over the distribution of oil revenue and the formular for sharing same between the federal government and the oil-producing states. Also, the prices of petroleum products according to Adekanle[14] have been skyrocketing unabated contrary to the economic theories of government and the major multi-national oil marketers are not interested in in local production and has refused to establish a single refinery. Some of them have even exited Nigeria while other have shut down operations in the name of divestment.

Lastly, this struggle for the control of the nation's resources based on regional "cleavages" and now entangled with political conflict will continue until the system is restructured (Elias, 1977). The provisions of the 1999 Constitution which vests ownership and control of natural resources in the federal government, while granting states some rights to natural resources within their territories needs to be altered to ensure equitable distribution and address regional inequalities and the conflicts with petroleum law.

It is sad to note that for the past 64 years, the Nigerian State is still experimenting from one system of government to another. Even though the Nigeria's current political structure was inherited from the British colonial era, with minimal adjustments since independence. This structure has been criticized for its over-centralization, which has led to political instability, ethnic tensions, and economic underdevelopment[17]. The country's federal system, established in 1963, has failed to address regional disparities and promote inclusive growth. So, Nigerians now ask for decentralization and devolution of Power. The import of this yawning is for more governmental powers to be given to the states and local governments to address regional disparities and promote grassroots development. It also entails granting Nigerian States more control over their affairs to allow even or tailored development strategies (Elias, 1977).

That said there is also need to strengthen the political institution through the judicial activities, hence, the clamour for the establishment of Constitutional Courts to be vested with the original jurisdiction[18] over disputes between the Federal government and the State government. No doubt, court decisions often shape resource control, as could be seen in cases like *Attorney-General of the Federation v. Attorney-General of Abia State (2002) 6 NWLR (pt 763) 264; 16 NWLR (pt 1005) 256 SC.* Also, Nigeria's obligations under international law, such as the African Charter on Human and Peoples' Rights, influence resource control and environmental protection.

Lastly, the electoral process is currently in a mess and will continue to undergo reforms and restructuring to ensure swift and impartial justice as well as free, fair, and credible elections (Lawrence, 2024).

3.4 Social Restructuring

Here, the overall objectives of the State is good governance and to ensure that every citizen has equal right and obligation before the law. Section 17 (c) of the 1999 Constitution is to the effect that government actions should be humane. So, the social and educational institutions of States need to be strengthened to combat corruption, and promote transparency and accountability (Lawrence, 2024). It should also be strengthened to provide adequate medical and health facilities. Above all, citizens without discrimination on any group whatsoever shall have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment (Lawrence, 2024).

Again, virtually every part of the country is confronted with one security problem or the other. The security challenges ranges from Boko Haram insurgency in the North, Youth restiveness and militarism in the Niger Delta communities, and Kidnapping in every part of the country. Recently, despite the proscription of the Indigenous People of Biafra (IPOB), they still ordered a Public Holiday in the entire Eastern States of Nigeria and the order was fully obeyed (Elias, 1977). So, the social institutions including the Nigeria Police Force needs to be restructured to cub violent reactions and demonstrations among different ethnic groups in Nigeria over one issue or the other (Prince, 2024). This will also help to promote national unity, social justice, and cultural rebirth.

3.5 Environmental Restructuring

Clearly, the relevant Legal frameworks for environmental protection are mostly inconsistent and or outdated laws. Such laws like the Petroleum Act and Minerals Act needs reforms to address contemporary challenges. This is because inadequate enforcement and conflicting laws lead to environmental degradation and disputes over resource extraction. Also, oil spillage and constant gas flaring which result in environmental degradation underplays the essence of State policy on Environmental objectives under Section 20 of the 1999 Constitution (Prince, 2024).

So, the oil-producing communities remained marginalized and lacked basic infrastructural facilities. The revenues allocated to the oil-producing states are not even commensurate with the

environmental destruction being witnessed in those areas. So, the host communities or State demand greater control and benefits from oil resources, citing environmental degradation and economic neglect. In the midst of all these, challenges persist on how to restructure the Nigerian States for National Development.

4. Challenges

Restructuring Nigeria is a complex and contentious issue, and there are several challenges and issues that need to be addressed. Some of the key challenges are:

Lack of Consensus Agreement by Stakeholders: Achieving consensus among political leaders, stakeholders, and citizens on the need and modalities of restructuring is a big problem. For instance, it will be difficult for the Federal Government to allow the State government have more share on revenue allocation and resource control.

Cumbersome nature of Constitutional Amendment: Amending the 1999 Constitution to accommodate restructuring, which requires a difficult and contentious process. For instance, Section 8 (1) of the 1999 makes the provision for the creation of New States and boundary adjustment. It is obvious from the aforesaid provisions, that the procedure for creation of new states and boundary is a herculean task and probably a costly process in terms of holding a referendum and so forth. Hence, the only created state by constitutional means in Nigeria is the Midwest region which consisted of the present-day Edo State and Delta State and small part of Kogi State. It was created by the Federal Parliament in 1961. Since that time till date, all new state creation were at the instance of the Military Government and they were without civil strife or opposition by the people.

Security Challenges: Managing the country's diverse ethnic and religious groups' interests, fears, economic disparities between regions and states have also led to so many security challenges such as kidnapping, terrorism, and banditry. These challenges, without more, threatens the national unity and stability.

Corruption: There is no gainsaying the fact that poor economic viability and sustainability of a restructured Nigeria from consumption to production economy has hindered economic development and undermines trust in government.

Addressing these challenges requires a thoughtful, inclusive, and negotiated approach that engages citizens, political leaders, and stakeholders in a constructive dialogue. Hence, my case that the only sustainable restructuring must be autochthonous. It must be people orientated process and through a representative duly elected by the people without any external control or influence.

The restructuring of the Nigerian state is a veritable tool for national development. By addressing the country's underlying structural issues, promoting decentralization and devolution of power, and encouraging economic diversification and development, restructuring has the potential to promote sustainable growth and national unity (Prince, 2024). While challenges and concerns exist, these can be addressed through careful management, inclusive decision-making, and strong political leadership. Restructuring can potentially promote economic growth and development, reduce inequality and regional disparities, strengthen social institutions and governance, enhance national unity and social cohesion an improve the overall quality of life for Nigerians

However, it's important to note that restructuring is a complex and contentious process, requiring careful consideration and inclusive dialogue among stakeholders to achieve meaningful and lasting change. The model and procedure adopted must be pragmatic and autochthonous.

5. Recommendations/Way forward

Establishing an Autochthonous National Restructuring Committee: A committee comprising of representatives from various regions, ethnic groups, and stakeholders should be established to drive the restructuring process. This committee has to be selected in a manner to accommodate the interest of every citizen and they must be duly selected by a coordinated representative process. Their activities of the committee must also be devoid of any external influence or control. The members are also expected to obtain feed backs from their constituencies as their wish on every issue or matter for restructuring.

Strong Political Will and Consensus: To drive any meaningful restructuring process, then a strong political will and consensus is needed. The leadership of the Federal Government must be decisive and strong willed to pull through any restructuring process. This is because the only restructuring that will develop the socio-economic and political structures of the country must not only be autochthonous, it must also be by pragmatic approach or model.

Conduct a National Dialogue: A national dialogue should be convened to discuss the restructuring process, address concerns, and build consensus. The CONFAB or dialogue should be honest, true and made

public. Also navigating through this process requires a balanced approach, considering federalism, state rights, community interests, environmental protection, and economic development to ensure equitable resource control and sustainable development in Nigeria.

Develop and Implement a Restructuring Framework: A framework outlining the principles, objectives, and timelines for restructuring should be developed and widely disseminated. The implementation of those frameworks should be religious followed without any religious or ethical alignment or discrimination. Even if it require constitutional amendments, then the National Assembly should be ready to do the needful.

Lastly, it is my considered view that to cut cost, the Nigerian State should start the restructuring process with the recommendations by the 2014 CONFAB especially with respect to creation of more state or return to regional government (Prince, 2024). In addition, a higher percentage of the revenue should be allocated to the States where such revenue was generated and the States be allowed to control their natural resources with little returns to the Central or Federal government. The Federal government should be more concerned with Currency, defence, National Unity an international relations. By implementing these recommendations specially that of the 2014 National Conference, Nigeria can harness the potential of restructuring to achieve meaningful national development and promote a brighter future for its citizens.

6. Conclusion

A cursory look at the relevant provisions of the Constitution and the relevant Acts of the National Assembly show that the Nigerian State has been undergoing restructuring in various forms. But the exiting legal frame works are largely not in tune with the modern day demands of the Nigerian States, hence the need to dismantle them in order to gain the desired goal. This is because, our laws play a crucial role in promoting economic advancement and national security in so many ways. One of such is by providing a stable and predictable business environment, attracting investments and fostering economic growth; as well as promoting human rights and social justice, addressing inequality and social unrest.

It is also not in doubt that effective legal frameworks and enforcement can enhance national security and stability, protect national interests and sovereignty and ensure social justice and human rights, while, weak legal systems can hinder economic development and compromise national security, economic growth and advancement. Above all, restricting of the Nigerian state will promote competition, efficiency, and productivity among the federating units. It will also address the structural deformities in the Nigerian political system by devolution and sharing of power. In the main, it will be redefining the interrelationship between the federal government and the states government.

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