Federalism and State Capacity in Nigeria

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Building on an existing theoretical formulation which states that the efficacy of federalism depends on the character of the state, this article proceeds to conceptualize and operationalize the concept of state capacity in a Nigerian case study that shows that the weak capacity of the Nigerian State has been operating to deny the realization of the benefits of federalism in the Nigerian political system.

Introduction
The thesis of this paper is that low state capacity prevents federalism from achieving its benefits in Nigeria. The theoretical inspiration for this proposition comes from Onyeoziri (2005) which argued that it is the character of the state that should provide the context for evaluating the performance of federal political arrangements. Following from that general theoretical proposition, this paper seeks to provide some empirical validation to that “theory”. It does this by isolating an aspect of the character of the state, namely, state capacity, conceptualize it, and operationalize the concept of low state capacity in a Nigerian case study to show how low/weak state capacity has stalled the realization of the benefits of federalism in the Nigerian political system. Other authors (Mbaku et al., 2001; Ihonvbere, 2003; Anam Ndu, 2003) have discussed other obstacles confronting the federal solution in Nigeria, but the distinctive focus of this paper is on low state capacity as an impediment to actualizing federal benefits in Nigeria.

The paper is structured into two basic parts. The first part deals with clarifying the concepts of federalism, state theory, and state capacity. The second part, which is the case study proper, deals with highlighting where our federalism has failed and how low state capacity contributed to that failure. The concluding implication of course is that strengthening the state capacity (of the Nigerian State) is one prerequisite for realizing the full benefits of federal solution to the problem of the Nigerian polity.

Conceptual Clarification

Federalism
Ronald Watts (1999:1) refers to federalism as “the basic notion of involving the combination of shared rule for some purposes and regional self rule for others within a single political system so that neither is subordinate to the other…” Watts goes on to elaborate that:

The function of federations is not to eliminate internal differences but rather to preserve regional identities within a united framework. Their function therefore is not to eliminate conflict but to manage it in such a way that regional differences are accommodated. But how well this is done has in practice depended often upon the particular form of the institutions adopted within the federation. (1999:110-111).

And in the view of Carol Leff (1999:210):

Federalism, after all, is generally understood as an institutional arrangement whereby authority and functional competences are shared among different levels of government.

The idea of a federal arrangement as particularly suited for managing diversity in the political order (Elazar, 1994, 2001; Mitra, 2001; Shastri, 2001; Osaghae, 1991; Suberu, 1999; Watts, 1999; Oyovbaire, 1985) is such popular view in the literature on federalism that some scholars have even regarded this as the sole rationale of federalism.
According to Simeon and Conway (2001:339):

The logic in support of federalism is simple: conflict will be reduced by a measure of disengagement, of separation. Harmony will be increased in a system in which territorially concentrated minorities are able to exercise autonomy or self-determination on matters crucial to their identity and continued existence, without the fear of being overridden or vetoed by the majority group. Similarly, a federal system will limit the ability of the majority to impose its will on the minorities. Hence, they will be reconciled to the system ...

Federalism has also been associated with other “virtues” such as promoting “justice, equity and equality” (Alain-G Gagnon, 2001), “justice and stability” (Norman, 2001), and “freedom, self determination and democracy” (Weinstock, 2001).

The acclaimed mechanism through which federalism achieves these goals is two fold: “sharing of authority and competencies between levels of government” and protecting identity and autonomy against domination.

Some of the most successful political systems have included federal systems (United States of America, Canada, Australia, India) and even some unitary systems experiencing strains have responded to that strain by incorporating federal features (Spain, Belgium, Nigeria). Yet neither the first group nor the second can be said to have achieved perfect peace. Even more important, formally constructed federal political arrangements have been known to collapse (Central African Federation, East African Federation, West India Federation, Pakistan, Soviet Union, Yugoslavia, Czechoslovakia, etc). These seem to suggest that federal arrangements alone are insufficient to account for the failure or success of political systems. Since federal arrangements are designed to solve problems that afflict the nation-state, the character of the state seems a necessary context that must be brought to bear on our evaluation of the performance of federal systems.

The character of the state is best captured by the theory of the state. Therefore understanding the theory of state is the second leg of our conceptual clarification here.

In response to the question: what is the state? Vincent (1987:218) provides the following answer:

... the state is a public power above both ruler and ruled which provides order and continuity to the polity.

Describing the character of that continuous public power called the state is exactly what the theory of the state does. (The theory of the state is a theory offered to explain the character of this public power). Exactly what the theory of state says about the state would of course vary according to whether the theory is normative and concerned with the values that structure the being of the state (Laski, 1982) or empirical and concerned with the institutions that constitute state apparatus (Miliband, 1969; Clark and Dear, 1984; Mitchell, 1991; Barrow, 1993; Polidano, 2001; Opello and Rosow, 1999; Roberts and Sherlock, 1999).

For instance, according to Harold Laski (1982:1), the purpose of the theory of the state is to “explain the nature and functions of the state”. And in relation to the functions of the state in liberal theory “the title of the state to obedience lay in its performance of three functions: (1) it secured order; (2) it provided a technique of peaceful change; and (3) it enabled demand to be satisfied on the widest possible scale” (Laski, 1982: iii).

The ideology of the liberal state favors reason and toleration only on the implicit condition that these as they worked, did not threaten the economic foundation of the regime (Laski, 1982: xxiv).

For some authors, the theory of the state covers a whole gamut of issues such as:

What is the state? What does it do? How does it operate? What structures does it use to organize itself and society? And were does it draw its legitimacy? (Clark and Dear, 1984:2).

And the theory of the capitalist state concerns itself with: “how the forms of the state derive from the capitalist formation; what functions are performed by the capitalist state; and which apparatus are used for the execution of these functions” (Clark and Dear, 1984:2).

In the view of Huggins (1997:276-7), theories of the state deal with:

(The) nature of the relationship between...
the state and the individual —how that relationship should be regulated by the constitution”; “organization of state and state power—the role of each; and the institutions of the state, the power and responsibilities of these institutions and the rights and obligations of the people with respect to these institutions”; “limits of state power over the individual”. This tradition of state theory tends to "conceptualise the relationship between the state and the individual in terms of protecting the individual from the worst excesses of state power and manipulation and to place ultimate value on the individual”. (Huggins, 1997:279).

"The state is concerned with the framework of values within which public life should be conducted and with effective exercise of public authority in the pursuit of those values” (Dyson, 1980:271). Put differently, the objective of theory of state is to provide an integrated account of the state. And in the view of Clark and Dear (1984:9):

Our integrated analysis of the state aims systematically to expose the multidimensional economic and political character of contemporary capitalist state. This will include consideration of the structure and institutions of the state (that is, its apparatus, language, ideology and culture) and how the everyday lives of groups and individuals are affected by the state and its apparatus. (The theory of state covers—the form of the state, the functions it performs (or should perform), its institutional character or operational character)” (Clark & Dear, 1984:2).

The literature on the theory of state has grown very vast. One author (Alfred Stepan, 1978) once elaborated three different models of theories of the state. These included liberal-pluralism, classical Marxism, and organic statism. They are models of the role of the state in capitalist societies and how they differ on most of the central questions of political philosophy, namely, “on the role of the individual, the nature of the political community, the common good, and most importantly, the state” (Stepan, 1978:5). The job of criticism and updating of these theories/models was followed by Mitchell (1991) and Barrow (1993). And as more empirically-oriented theories take over from the normative ones, the issue of the capacity of the state acquires increased significance (Wang, 1999; Mann, 1984; Grindle, 1996; Poldano, 2001).

In the language of one author:

Throughout the post socialist and developing world a central challenge in the consolidation of democracy and market reforms is the construction of state bureaucracies capable of implementing economic policies, providing social services, and maintaining public order. (Kaufman, 1999).

And if this is not done, federal arrangements which are grafted on the state structure and take the state capacity for granted will be confounded.

State Capacity
The literature on the state has explored many dimensions of (the concept of) state capacity. The place to begin is to go back to the more theoretical notion of state power. State power is said to consist of the following five elements: (1) monopoly of the coercive power of society, that is, control of instrument of coercion; (2) the right to impose tax and collect revenue; (4) the power of legal enactment, that is, power to make laws; (4) sovereignty over territory and society; and (5) control of the institutions of the state or state apparatus/bureaucracy. These five elements taken together constitute the basis of state power and they endow the state with the status of statehood. But nation states which qualify for the status of statehood may differ in their degree of stateness (Nettle, 1968; Tilly, 1975), some are strong states, others are weak. State capacity is one way of measuring how much stateness they command.

However, conceiving of state power in this supposedly narrow empiricist manner has been challenged by critical scholars, especially the neo-marxists, who see power as a structural relation between social groups and the articulation of their interests in the institutions of the state. Poulantzas (1973) once conceptualized state power in class terms as the condensation of class interests within the state structure. That is why, the neo-marxists argue, that capturing the institutions of the state (or state apparatus) does not automatically translate
to capturing state power. Labor can win elections and control state apparatus when it is still the class interest of capital that is inscribed or articulated in those structures. It is because of such philosophical disputations about state power that a more empirically oriented literature has come to prefer the concept of state capacity instead of state power. (It is the ability to get things done that should count rather than in whose interest it is done).

According to Clark and Dear (1984:173) "state apparatus refers to the set of institutions and organizations through which state power is exercised" but it is converting control of these institutions into effective instruments of rule that constitutes state capacity. In the words of McFaul (1995:214) "state capacity is a measure of the state's ability to implement preferences". But according to Englebert (2002:17) "the concept of state capacity has received some rather encompassing definitions in political science and development studies". One approach uses it to refer to the capacity of governments to achieve their stated objectives, whatever these may be (Skocpol, 1985; Brautigam, 1996). An even more inclusive definition deems capable states that penetrate society, regulate social relationships, extract resources, and manage to appropriate them (Migdal, 1988). But Englebert (2002:4) adopts what he regards as less ambitious and more focused approach which he refers to as "developmental capacity". He defines this as "the ability of governments to design and implement economic policies for growth and to provide good governance to their societies and markets (Englebert, 2002:4).

The most useful conceptualizations of state capacity are multidimensional, and failure to provide indicators that tap the different dimensions risks producing an operational definition that lacks content validity. For instance, Doner (1992:398-431) sees two sides to state capacity, namely, autonomy and bureaucratic strength, while Vivet Chibber (2002) conceives of state capacity in terms of (a) internal cohesiveness or bureaucratic rationality and (b) institutional capacity to properly design and implement policy. State capacity has also been conceived of in terms of infrastructural power defined by Michael Mann (1984) as "the capacity of the state to actually penetrate civil society, and to implement logistically political decisions throughout the realm".

State capacity has also been associated with institutional capacity, which in turn also has multiple dimensions. Mulata Wubneh, (2003:169), for instance, says "capacity building is the process of transforming a nation's ability to effectively implement policies and programs for sustainable development". He suggests that institutional and policy factors as well as scarcity of resources would all affect the effort to build capacity.

The 1997 World Development Report refers to state capacity as:

The ability of the state to undertake collective actions at least costs to society. This notion of capacity encompasses the administrative or technical capacity of state officials, but it is much broader than that. It also includes the deeper institutional mechanisms that give politicians and civil servants the flexibility, rules, and restraints to enable them to act in the collective interest. (World Bank, Report 1997, p.77).

One of the most comprehensive conceptualizations of state capacity is from Grindle (1996). Beginning from the position that states must have certain kinds of capacities if they are to be effective in managing tasks of economic and political development, he hypothesizes that a capable state is one that exhibits the ability to establish and maintain the following four dimensions of state capacity, namely: institutional capacity, technical capacity, administrative capacity and political capacity. We only need to add to this "extractive capacity" defined by Cheibub (1998:349) as "capacity of governments to raise taxes" to produce a still more comprehensive notion of state capacity. But we need to go beyond the theory of concept formation and get involved in actually operationalizing these multiple dimensions of state capacity to appreciate the usefulness of this concept for understanding the character and actual performance of a state in a given concrete political system like Nigeria. And how much of this capacity a given state exhibits has become the basis for distinguishing between weak and strong states. It hardly needs emphasis (to say) that weak states are those with low or weak capacity while strong states are those with high institutional capacity. State capacity, empirically conceived, has become the measure of a state's ability to do the major things it is expected to do in its society, namely, maintain
security of lives and property, deliver public goods to its citizenry, secure sustainable development, provide law and order, maintain an effective bureaucracy, and govern with legitimacy.

The Case Study

Operationalizing State Capacity

Our objective in this section is to indicate how to measure weak capacity of the Nigerian State. We are not going into providing data-based empirical measures of state capacity. Our more limited objective is to devise a way of measuring low state capacity that meets the minimum standard of possessing face validity. We will do this by: (a) listing some designated dimensions of state capacity, (b) for each listed dimension indicate what possession of that capacity (property) enables the state to do, and (c) by inference, argue that the inability of the Nigerian State to do those things at all or well is evidence that the state has a low value or score on that property (that is that dimension of capacity). There are at least seven dimensions of state capacity that we can factor from the literature. These are autonomy, extractive capacity, enforcement of order and rule of law, political capacity, technical capacity, institutional capacity, and monopoly of coercive power.

Autonomy


State autonomy refers to the state's ability to define independent preferences" or in the words of Polidano (2001:524) “the ability of states to act independently of the wishes of non state actors”. The point being made here is that there are various societal interests - sectional, partisan, particularist - that exist in the society, and autonomy refers to the ability of the state and its agents to free itself from being a captive of these sectional interests. And in the specific Nigerian case, these societal interests are ethnic, religious, partisan, nepotic and a variety of other group interests. These particularistic incursions on the state and policy-making prevent the state from acting rationally, objectively, and fairly in the public interest.

McFaul sums up the implication of autonomy for the state thus:

“whereas strong states can define and implement policies that challenge the preferences and undermine the interests of leading social interest groups, weak states cannot” (1995:215).

There is a strong consensus in the literature on the state in Nigeria that the Nigerian State lacks autonomy from both external and domestic forces (Ake, 1986; Onyeoziri, 2002; Ukiwo, 2003; Omeje, 2004).

Extractive Capacity

Governments or the state need to extract from their societies the resources with which to perform their numerous obligations to the people, including that of undertaking economic development. This ability has become one measure of the state’s economic performance, and is defined as “state’s capacity to raise revenue” (Cummings & Norgaard [2004: 692]) or “the capacity of countries to raise revenue through taxation” or simply as “the level of taxes a government collects” (Cheibub, 1998:350). And for many reasons, almost unrearguably, the Nigerian State is said to have a low extractive capacity. The evidence is all over the place. The Nigerian State seems nearly always gripped with fiscal crisis. It is low in economic development, it is low in internal revenue generating capacity (in fact almost every arm of the government is deficient in internal revenue generating capacity), it has high density of uncompleted projects, has been unable to diversify revenue generating base, it pays about the lowest salary scales, and most of the time, it is even unable to pay workers’ salary regularly or at all. And to cap it all, it is permanently heavily indebted to external donors. These are all indicators of weak extractive capacity (though some of these are also indicators of bad management).

Rule of Law/Law Enforcement Capability

The state is in a fundamental sense a legal institution. Its mode of operation is by means of law—legal enactment—backed by force. Therefore being rule-governed and committed to the rule of law and obedience to the law are fundamental properties of the state. Evidence that the Nigerian State operates a regime of low law and order is not far to seek. Neither the state nor its agents readily obey court orders; the citizens frequently resort to their own devices rather than go to court; trust for the judiciary is low; suspicion of the police as the principal law enforcement agency and the corruption of that vital institution are high; and there is too much delay in getting justice done. Consequently, the resort to
extra judicial remedies in the Nigerian system is high.

Political Capacity
According to Grindle (1996), political capacity refers to the ability of states to respond to societal demands, allow for channels to represent societal interests, and incorporate societal participation in decision making and conflict resolution. It refers to the effectiveness of everyday interactions between government and citizens; and how effective are governments on a day-to-day basis in response to conflict, demand making, and opposition. It is all about how good they are at problem solving. Another perspective on political capacity comes from Cummings and Norgaard (2004:695) who see it as “what makes for an effective structure of governance both horizontally... and vertically”. By any of these accounts, the Nigerian State scores low on political capacity. The Nigerian State is exploitative, careless about the welfare of her citizens, non-responsive to public and social demand, and remains inaccessible to popular participation in decision making. Its capacity to mediate conflicts and manage demands for political participation is low.

Technical Capacity
In the view of some authors, technical capacity refers to the intellectual and organizational resources owned by a state such as internal or external expertise or experience that may be brought to bear on the policy making process so as to design coherent, viable, and politically feasible policies (Cummings and Norgaard, 2004:688). It is measured by the quality of personnel, in part by their level of education and professional training. But Grindle (1996) defines technical capacity as the ability to manage macroeconomic policy and analyze policy options more generally. It requires a cadre of well-trained economic analysts and managers, and well-staffed and appropriately placed units for policy analysis. Cummings and Norgaard (2004) have a concept they call implementation capacity defined as “the ability of the state to carry out decisions that have been taken”. It is their suggestion that a combination of technical capacity and implementation capacity produces administrative capacity—where technical capacity is the input while implementation capacity is the output in a typical Eastonian input-output scheme.

The World Bank Reports in 1989 and 1997 are consistent in citing the lack of capacity to implement programs as a major factor why African reform programs have failed (Wubneh 2003:166). Still on the issue of technical capacity, Mkandawire (2001: 294) suggests that one reason African countries cannot replicate the positive role the state played in the Asian development experience is that the former lack “technical and analytical capacity”. Nigeria has always had a reservoir of well-trained staff but the problem is that this expertise is not always effectively deployed to produce the best result. The mode of recruitment has always been political rather than meritocratic, and their deployment has not always been professionally guided. The result is all manner of misfits: sociologist as finance minister, virologist as political adviser, economist as health minister, and agriculturalist as education minister. Such misfits are even more prevalent lower down the administrative hierarchy in the public service. The quality of information input into policy making has also been poor and this disables the state from formulating and designing effective and coherent policies. Evidence of this poor technical capacity is all over the place: salaries are not paid in time even when duly appropriated, promised pay hikes are not honored because of failure to make effective and realistic projections of the cost of implementation, and policies designed to check inflation or interest rate or devaluation fail to produce the expected result because of both faulty design and implementation. The result is that neither sustainable development, nor growth, nor economic diversification, nor food security are achieved. These are indices of poor technical capacity. But the last two years of President Obasanjo’s administration seems to be turning the corner if the team of macroeconomic managers being put in place is anything to go by.

Administrative Capacity
According to Grindle (1996), this refers to the ability of states to deliver goods and services such as public health, and education, provide physical infrastructure, and carry out normal administrative functions of government. Effective service delivery is a key component of administrative capacity which in turn will be the product of the quality of state institutions— their efficiency, the robustness of their bureaucracy, and the absence in them of corruption and red-tapism (Englebert, 2002:26).
The Nigerian State must have one of the weakest administrative capacities. It scores very low in service delivery whether it is education, health, power, or physical infrastructure. Very recently a plane that overshot the runway at Murtala Mohammed International Airport could not be removed from the only available runway for over twenty-four hours (Thisday, 15/7/2005, p.64). And the result is of course the total grounding of air flights in the system for that long. Commenting on the incident, Eziuche Ubani, referred to “the rot in the sector which is caused by the incompetence of its leadership and hidden from all by the worst form of bureaucracy and red tape (Thisday, back page, 15/7/05).

Monopoly of Coercion
Physical security —protection of life and property— is the most fundamental obligation of any state. And to enable the state discharge this, the state is equipped with legitimate monopoly of the coercive power of society to protect the nation’s territorial integrity and the citizens from internal wrongdoers. The level of insecurity of life and property in Nigeria, the ease with which criminals get away with their crimes, the frequency and boldness with which armed robbers operate, and the rising incidence of ethnic militias in the country are all evidence that the Nigerian State does not have enough monopoly of coercion to deliver security to its citizens.

There are still more dimensions of state capacity than have been covered here. Cummings and Norgaard (2004) talk of “ideational” state capacity which is analogous to Gonzalez and King’s (2004:205-209) conception of “ideological” dimension of stateness. Clearly, therefore, we may not have exhausted the full content domain of the concept of state capacity. But in essence “state capacity refers to the ability of the state to govern effectively” (Onyeoziri, 2002), for as Grindle (1996) emphasizes, “states must have certain kinds of capacities if they are to be effective in managing tasks of economic and political development”. It is in the language of Skocpol (1985) and Brautigam (1996) “the capacity of governments to achieve their stated objectives, whatever these may be” (Englebert 2002:17). According to Grindle (1996) a capable state is one that exhibits the ability to establish and maintain effective institutional, technical, administrative, and political functions. In the same vein, Englebert describes as capable “those states that penetrate society, regulate social relationships, extract resources and manage to appropriate them” (Migdal, 1988). It is against this portrayal of what gives strength to states that we characterize Nigerian State as weak. As we have observed elsewhere (Onyeoziri, 2002):

The Nigerian State has never possessed this capacity or strength. Institutionally, it has lacked the ability to formulate and enforce political and economic rules. On the contrary, and because of its weakness, it has allowed arbitrary behavior, inefficiency and corruption to flourish. It is hardly able to enforce compliance with court orders or ensure respect for the rights of citizens, groups or other subunits everywhere in the country. Politically, it has lacked the legitimacy, moral authority, and autonomy to intervene decisively and even-handedly to resolve disputes between groups and individuals. And administratively, it has lacked the ability to provide essential public goods and services, including law and order, security of life and property, health, education, and other physical infrastructure.

President Obasanjo’s reform programme obviously aims at restructuring to give the state more effectiveness. But it is still a programme for the future. Until now the Nigerian State has suffered from such multiple disabilities that deny strength and competence to its functioning and institutions. Because of these weaknesses, the Nigerian State has not been able to operate in a manner that can maximize the presumed benefits of the federal political arrangement. Exactly how this weak capacity of the state inhibits the realization of the benefits of federalism is the focus of the next section of this paper.

Weak State vs Federalism in Nigeria
In an article titled “Nigerian State as obstacle to federalism”, Ihonvbere (2003) showed how the character of the Nigerian State, especially its authoritarian and unitarian tendencies discourage the practice of genuine federalism in Nigeria. And earlier, Mbaku et al.,(2001) had argued that when
the institutions of the state are too weak to enforce fairness, justice, and the rule of law, and allows crude power politics to rule, the federal culture of consultation, reciprocity, and compromise is undermined. Our specific focus here is to show, more in the vein of Mbaku et al.; how the weakness of the Nigerian State—precisely its weak state capacity—disallows the state from operating to promote and defend the expected benefits or (dividends) of federalism.

**Federalism and Extractive Capacity**

Nigerian federalism suffers from too much subunit dependence on the center. This both overloads the center as well as denies developmental initiative to the subunits. The center lacks enough extractive capacity to cope with the overload, and the subunits, with their equally low internal revenue generating capacity, also lack the extractive capacity to break out of this vicious circle. The overall effect of this is to diminish developmental capacity for the entire federal arrangement.

The clamor for fiscal federalism is supposed to help redress this disability, but apparently, the central authorities are too insecure to allow fiscal federalism, and this makes unitarism more attractive to them. The persisting centralized system of revenue allocation by reinforcing the weak extractive capacity perpetuates the developmental disability of the system. This has many unhealthy consequences for Nigerian federalism.

First, it reduces the developmental potential of Nigeria’s federalism. Federalism is supposed to stimulate the developmental initiative of the component units, but the present arrangement suffocates subunit developmental initiative thereby giving federalism a bad name. Second, the weak extractive capacity of the Nigerian State narrows the autonomy of the subunits thereby diminishing their capacity to defend their identity and diversity which federalism is supposed to entitle them to. A federal arrangement that denies the subunits their legitimate right to defend their identity and distinctiveness makes confederalism and secession more attractive options. The failure of the present federal arrangement to promote developmental capacity of the system and the identity disposition of the subunits means that federalism has been a liability rather than an asset to the system and its members. In a recent lecture on “Resource control as key to Nigeria’s future”, the Governor of Akwa Ibom State, Victor Attah, warned that:

> Unless the country returns to resource control and regional autonomy which were bastardised by successive military regimes, the future development, growth and stability of the country will be stunted (This day, 26/7/05, p.6).

**Federalism and State Autonomy**

The Nigerian State lacks autonomy. It is hardly able to stand above major domestic sectional interests or external economic forces. It is nearly always the captive of a social group or some bureaucratic cabal, and therefore unable to intervene in social conflicts with decisiveness, fairness, and integrity. For instance, a planned world beauty pageant could not be held in the country because of the demonstrated hostility of a sectional group. An otherwise secular state has been held captive by the religious preferences of a sectional group. A recent political restructuring conference sponsored by the state was stalemated by the competitive veto of sectional groups.

Various cultural groups are either alienated from the system or claim to be marginalized. This has generated loss of confidence in the existing federal arrangement. It is because some groups do not experience justice and even handedness that every group wants to produce its own president in the name of rotational presidency. Because the institutions of the state lack autonomy, disaffected groups do not invest trust and legitimacy in these institutions. Consequently the ability of the state to deliver the dividends of federalism, namely identity, self-determination, fairness and justice, freedom, even development, is compromised.

A state that does not have enough autonomy to free itself from the stranglehold of particular sectional interests will be unable to defend its constitutionally defined concept of nationalized citizenship, will be unable to attract loyalty from its constituent subnational groups, and will be unable to mediate effectively in ethno-religious conflicts. Since the Nigerian State suffers from all three disabilities, it cannot produce or defend the “unity” component of federalism’s promise of “unity” and “diversity”. What good is a federalism that is unable to protect “unity” for the whole and “diversity” for the parts? This is the stuff of which crisis is made!
A recent volume on Nigerian federalism has the very telling title “Nigerian federalism in crisis” (Onwudiwe and Suberu, 2005).

Federalism and the Rule of Law

The Nigerian State has low capacity for enforcing the rule of law, and rights and freedoms for both individuals and constituent units. Where the state is unable to enforce the rule of law, weaker members are left at the mercy of the strong and powerful. In the Nigerian federal arrangement the subunits are the weaker members and they suffer most from the regime of the weak rule of law. When a court ordered that the security denied Anambra State Government be reinstated, that order was neither obeyed nor enforced. The affected state continued to live in insecurity. And when hired thugs came destroying all government property in Anambra State, the law enforcement agents could not enforce the law against arson and destruction of public property.

Again when the Supreme Court ordered that local government funds be released to Lagos State, President Obasanjo refused to comply. Thus, Lagos State could not enjoy the justice, autonomy, and identity which federalism entitles it to because the Nigerian State lacks the capacity to enforce the rule of law against the personalism of the president. The refusal of President Obasanjo to comply with the Supreme Court’s ruling when the constitution is clear in giving supremacy of constitutional interpretations to the Supreme Court means that both the court and the constitution lack independence and effectiveness outside of the preferences of the incumbent state elite or power holders.

The weakness of the relevant state institutions—the judiciary, police, rule of law, the constitution, etc.—implies that the rights of all the parties to the federal arrangement are not adequately protected; neither self-rule nor identity can be protected. And both individuals and constituent groups become both threatened and vulnerable. This must be a big loss for federalism. Again this makes non-federal arrangements—confederalism and secession— tempting.

One cause of the weakness of the rule of law in Nigeria is that the relevant state institutions—the judiciary, the police, the independent corrupt practices commission (ICPC), the independent National Electoral Commission (INEC), the Economic and Financial Crimes Commission (EFCC), etc.—lack institutional independence to operate independently of the political executive that supervises them. The resulting personalization of state power is a source of weakness for any state. And in the specific Nigerian case, because state institutions are too weak to enforce the law and secure federal dividends such goals of federalism as self rule and identity seem defeated.

The same weakness for the rule of law infects the state’s ability to provide security of both life and property. The upsurge of ethnic militias all over the place suggests that the Nigerian State has not achieved that critical attribute which Max Weber said makes states, namely, the legitimate monopoly of violence or the coercive power of society. More than twice in the recent past, an ethnic militia—The Niger Delta Peoples Volunteer Force—has given the Federal Government an ultimatum which forced the government to sue for negotiation. And another ethnic militia—the Oodua Peoples Congress—which was banned by the Federal Government in 2002 is still waxing strong. Confronted with a weak security capacity, the Nigerian State may be forced to tolerate self-defence organizations by constituent units. This situation contributes to undermine subunit loyalty or attachment to the central government.

Because of these multiple weaknesses in the capacity of the state, Nigerian federalism has failed in each of the following dimensions:

- It has failed to encourage overall socio-economic development.
- It has failed to protect identity, and diversity and relative autonomy for the constituent units.
- It has failed to foster loyalty to the central government and achieve nationalized citizenship.
- It has failed to effectively manage interethnic and interreligious conflicts to secure intercommunal peace and unity.

This conclusion is paralleled by Onwudiwe and Suberu’s (2005) observation that:

*Federalism, can be seen as critical to the achievement of Nigeria’s most important national objectives, namely, inter-ethnic unity, democratic stability, and socio-economic development*” (2005:6) and their conclusion that: Reflecting the largely unfulfilled promise of Nigerian federalism,
however, economic development as well as democratic endurance and stable inter-ethnic peace and security have more or less eluded the country” (2005:7).

In other words, the inability of the Nigerian State to secure the putative benefits of federal governance is increasingly being characterized as “the pathologies of Nigerian federalism”. Finally, in explaining persisting poverty and ethno-religious antagonism in Nigeria, Onwudiwe and Suberu (2005:8) quoted The Economist of May 24, 2003, and Fearon and Laitin (2003) thus:

This is precisely because poverty not only favours recruitment into violent crusading ethno-political movements, but it also a symptom of weak, incompetent and corrupt governments with limited legitimacy and capacity to police communal conflicts and prevent their escalation into deadly, destructive and destabilizing violence (The Economist, 24 May, 2003: 24; Fearon and Laitin, 2003).

There are other benefits of federalism which the weak state capacity deprives the system of. The objective of this piece in highlighting the relationship between state capacity and the benefits of federalism is to suggest that efforts to restructure Nigerian federalism should be coupled with efforts to strengthen the stateness of the Nigerian State. It may sound ironic to talk of increasing the strength of a state that is already popularly characterized as authoritarian. The answer to this riddle lies in understanding the difference between “despotic power” and “infrastructural power”. Polidano (2001:518) distinguishes between despotic power (the state acting on its own, in isolation or defiance of civil society) and infrastructural power (the capacity of the state to enlist social groups in the furtherance of mutually beneficial ends). Referring to the observation that despotic power is a mark of weakness not strength, Polidano concludes with Mann (1984) thus:

Modern states have little despotic power, but they are much stronger, thanks to their superior infrastructural power. (Polidano, 2001:518).

What gives the state strength and capacity is not despotic power but infrastructural power. The lingering authoritarianism in the Nigerian State is a symptom of despotic power but what Nigeria needs and what it lacks is infrastructural power. It is being suggested here that restructuring the state to produce infrastructural power, eliminating despotic power, and restructuring for true federalism, are what the Nigerian federalism needs to optimize its benefits for the Nigerian political system.

Conclusion

Drawing from a previous work (Onyeoziri, 2005) that argued theoretically that the character of the state provides the best context for assessing the performance of a federal arrangement, this article has concentrated on conceptualizing both federalism, state theory and state capacity, and operationalizing state capacity in a Nigerian case study that has sought to demonstrate that the weak capacity of the Nigerian State has operated to stall the realization of the benefits of federalism for the Nigerian political system.

Specifically, it has shown how the weak capacity of the Nigerian State in the areas of extractive capacity, autonomy, and the rule of law and security capacity has denied Nigeria the following federal benefits:

- socioeconomic development
- loyalty and attachment to the federal state
- interethnic and interreligious peace and unity
- protection of identity, diversity, and subunit autonomy.

The article ends with the recommendation that in order to reap the full benefits of federalism, the capacity of the Nigerian State should be enhanced by institutional restructuring to produce more infrastructural power rather than the present dominant but largely ineffective despotic power. It is the engineering of infrastructural power that will give the state the capacity to reap the true dividends or benefits of federalism.

References


Biographical Note

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