

FEDERALISM: A COMPARATIVE ANALYSIS OF NIGERIA AND SWITZERLAND

by

S. A. Idoniboye-Obu¹, Frank Funkeye Sapele², and Joseph Tambara Tambou³

¹Ignatius Ajuru University of Education, Rivers State

^{2,3} Univesrity of Africa, Toru-Orua, Bayelsa State

Abstract

This paper examines federalism, with a comparative analysis of Nigeria and Switzerland. Federalism was put into practice first in United States in 1789. Federalism is a system of government in which powers are constitutionally shared between the central government and the constituent units. A Federal system is a form of government which has been a contemporary issue and it is a popular concept in various countries constitution in the world. Nigeria in Africa and Switzerland in central Europe have a federal model in practice and this paper analysed the distinctive federal structure and similarities of Nigeria and Switzerland. Both countries have several characteristics such as supremacy of the constitution; equal representation of all interest groups, and principle of separation of powers. The paper adopted the qualitative mode of inquiry. The study adopted the structural-functionalism as its theoretical framework. The paper concluded that Nigeria and Switzerland operated a formal division of powers between three levels of government for easy administration. Both countries' federal system has not yet practiced a true federal structure and also they have autonomy problem between the levels of governments. The study recommended that Nigeria and Switzerland should adopt a full fiscal system in order to provide even development. Additionally, both Countries' federal system should be given full autonomy among all layers of government.

Keywords: Federalism; Autonomy; Government; Fiscal system; Constituent Units.

Introduction

This paper investigated Federalism with a comparative analysis of Nigeria and Switzerland. The practice of federalism started in 1789 in the United States and since then, it has spread to other countries. Federalism has helped in the smooth running of countries democratic values because federalism brings government closer to the people and creates enduring interactions of different groups of individuals towards effective governance in a country.

Federalism is a system of government in which there is a central government and component units which constitute separate units or levels of government. In a federal system, the governments which exist i.e., the central and component units are separated. They are also autonomous in their own sphere of power and functions and they have coordinate organs of government which help to maintain mutual and cordial relationship. In addition, they co-ordinate their activities in such a way that areas of conflict are minimally reduced. This tends to explain why Simeon (1977, p. 1) once claimed that:

The basic rationale of a federal system of government is based on the proposition that powers and responsibilities should be allocated between the federal government and the components or subordinate units so as to capture the special advantages that each level of government can provide (Orluwene, 2015, p. 36).

However, as an observable reality, federal systems of government can be formed by two main processes; aggregation process and devolution process. The aggregation process refers to the method whereby a federal system of government comes into existence when formerly separated and sovereign states establish a federation of a large and stronger state, with a central (federal) government that has authority over matters of common interest like defense, trade and commerce etc. Hamilton, Jay and Madison (1788 as cited in Appadorai , 1975) in their position stated that “an association of states that form a new one”. This is the natural way of federations which have been formed. More so, the Swiss, Australian and American federations are examples of countries that were formed through this process.

On the other hand, the devolution process refers to the method whereby a hitherto existing unitary entity decides to reconstitute itself into a federation by allowing the exercise of governmental powers of component units' co-ordinate with a central government. This devolution process is of two types. One is the democratic devolution process, which is the process by which the constitution recognizes the former unitary state as a federal state, with component units defined by their people through their elected representatives. Canada offers a good example of this process. The second comes into existence by undemocratic means. It involves arbitrary imposition of federalism by a colonial overload on hitherto separate states. This is done based on administrative convenience given that the size, number and structure of the federation is doubtful. Nigeria offers a classical example of this type of federation. (Paki and Inokoba 2006, p. 63). Based on this analysis, Watts (1999) further explains that a federation as a system:

...in which neither the federal nor the constituent units of government are constitutionally subordinate to the other, i.e. each has sovereign powers derived from the constitution rather than another level of government, each is empowered to deal directly with its citizen in the exercise of its legislative, executive and taxing powers and each as directly elected by its citizens.

In the opinion of Borman and Kearney (2002 in Sapele, 2016), the practice of federalism is being considered effective and efficient in many developing countries, because it is flexible and helps bring changes in the distribution of power among government units and also promote balance of power among the levels of government. In addition, federalism in Nigeria and Switzerland provides good governance and help to enthrone its principles and the power sharing mechanism.

Conceptual Review

The Concept of Federalism

According to Fredrick (1963) as cited by Orluwene (2015), federalism is seen as a “union of groups, united by one or more common objectives but retaining their distinctive group being for other purposes”. According to him, a federal structure is a, “unit without

destroying themselves that are uniting and it is meant to strengthen them in their group relations".(p.37). Elezar (1968) federalism can exist only where there is considerable tolerance of diversity and willingness to take political action through conciliation even when the power to act unilaterally is available. In other words, as rightly observed by Kolawole (1986:1) federalism is anchored on consentient relationship" in a given state or country.

In the assertion of Leeds (1968) a federal system is an authority for government that is divided between the federal (central) government and various regional governments in a country. Also, federalism is a political contrivance intended to reconcile national unity with the maintenance of the state rights (Dicey, 1939).

Ukwu (1987) asserted that a federal system of government is an evolving phenomenon that operates at two levels of government which are distinct, with structures, rules and usages affecting the relationship between tiers of government. In his statement, a federal system of government is a pragmatic method of organizing government so that sovereignty and political power are combined within a single nation of several territorial units but are so substantially independent of the others; its structures, rules and usages are constantly in need of review in light of changing circumstances affecting not only the broad directions of national development but also the relationship between its various parts (Paki and Inokoba, 2006, p. 61).

Burgess (1993) argued that federalism is an ideology because it takes the form of an overtly prescriptive guide to action. Also, Federalism is a philosophy to the extent that it is a normative judgment on ideal organization of human relation and conduct. Smith (1995) posited in line with Burgess and concluded that federalism can be considered as an ideology which affirms that the ideal organization of human affairs is best reflected in the collaboration of diversity through unity (Sapele, 2017,p. 3).

The Need and Conditions for Adopting a Federal System

According to Tambou (2018) the adoption of a federal system of government in a nation cannot be overemphasized because the practice of federalism in a state helps to widen and foster even development in a country democratic structure. Federal system protects

the rights and interest of every citizen and sections of the country political system and Its helps to share government powers across all levels of government for effective and efficient service delivery. Also, a federal state maintains a legal framework that helps to protect every citizens of the country. From this line, Ola (1992) identified some of the factors for the adoption of a federal system as:

A sense of insecurity and an acknowledgement of a need for common defense. A hope for economic advantage. Some profitable historical association, which is simply continued in this form. Some feeling of mutual compatibility of the component parts. A history of peaceful co-existence and settlement of disagreements through a process of give and take in it existence, a federal system has a clear separation of power in it course of governance, a federal system has a judicial system of independence it has a legislative system for the country governance (p.71).

These factors notwithstanding, Ola further argued that , “the component parts of a federation have to see the advantages of being part of the union”, hence, conflicts, disagreements will usually occur from time to time in manners that require peaceful settlements if the federation is to survive for a given time (Orluwene, 2015, p. 39) .

Warri (2017) and Ebi (2018) contended that a federal system helps in the following ways: federalism has a supreme constitution; a federal system is purely established as a result of administrative convenience to the people. Also, federalism as system of government is adopted as a result of the fear of domination by smaller ethnic groups by large ethnic groups in a state or country and federalism helps to encourage the pulling together of resources of people for economic growth and development. In addition, a federal system is a formidable force which provides the smooth running of government and helps to establish the dividends of democracy across states.

Nigeria and Switzerland Federalism: A comparative analysis

Country Profile

Nigeria

According to Okorotie (2019) Nigeria is located in West Africa. It borders Benin in the West, Chad and Cameroon to the East, Niger in the North. Its capital is in Abuja. Nigeria's official language is English, but the country has over 200 ethnic languages. Nigeria was colonized by Britain and she gained independence in 1st October, 1960. Nigeria became a republic on the 1st October, 1963. It has a population of over 182,202,000, with an area of 923,76km², 356, 667sq mi respectively. Nigeria operates as a federal constitutional republic. It has 36 states and 774 local government councils and a federal capital territory. Nigeria is the most populous country in Africa and the seventh most populous in the entire world. The country is the 20th largest economy in the world and first leading economy in Africa. Nigeria is one of the founding members of the Commonwealth of Nations, the African Union, OPEC, and United Nations. Also, it was the Lytleton constitution of 1954 that entrenched the features of federalism in Nigeria.

Switzerland

Switzerland is a small central European country. It is a usual destination for its ski resorts and hiking trails. Its key industries are banking and finance. It is known for Swiss watches and chocolate. The country's official languages are French (20%), German (64%), Italian (10%), and Romansh (0.5%). It has over 8 million inhabitants bordered by Germany, France, Italy, Austria and a small propotion of Liechtenstein. The nation is one of the wealthiest countries in the world. Switzerland became a federal state on 12th September, 1848. Switzerland has three layers of government:

- 1) The communes which exist at all levels
- 2) The cantons which exist at the intermediate level
- 3) The confederation which exists at the national level and it is said to be interconnected by many vertical and horizontal relationship.

Olson (1969) the federal and cantonal constitutions permit intensive horizontal cooperation at the cantonal and communal levels of government. This horizontal

cooperation is important for the principle of fiscal equivalence so that the circles of deciders, beneficiaries and payers coincide. The cantons and communes are at any point in time given free hand to decide between them to agree on cooperative system in a most varied functions which will help to provide themselves the optimum area or population size towards the efficient and effective provision of public goods and services ranging from university funding (inter-cantonal cooperative system) to the process of school districts and water provision (inter-communal cooperation). More so, Switzerland federal executive government is never strong as it seems to be in other strong European countries because the Switzerland political system is usually based on the principle of consensus. The federal executive is a cabinet of seven ministers chosen and elected by parliament (National council and the council of states together).

In conclusion, Switzerland adopted a multi-party federal directional democratic republic. In this system, the overall federal council is the head of government and head of state. That is, the executive power is predominantly exercised by the government and the federal administration and it is never centered or given to any one person to perform. It is important to note also that the country's federal legislative power is bestowed with both the government and the two chambers of the federal assembly. Also the judiciary is highly independent of the executive and the country legislature. Switzerland operates the most direct democracy. For any changes in the constitution, a referendum will be requested whereby citizens are allowed to challenge any law voted by the federal parliament (Sapele, 2016, p. 145).

Nigeria and Switzerland Federal System in Comparative Analysis

Judicial system: The Nigeria judiciary system ranges from the Supreme Court as the highest court and followed by Court of Appeal, High Courts, Magistrate, Customary, Sharia and other special courts like Election Tribunal, and Industrial Courts, etc. The Supreme Court is predominantly presided over a chief justice of Nigeria and other justices who are appointed by the president upon recommendation of the national judicial council subject to confirmation by the Nigeria senate.

While in Switzerland, there is a federal supreme court, with judges elected basically for a period of six years by the federal assembly. The federal Supreme Court hears appeals of cantonal courts or administrative rulings of the federal administrative processes and system.

Administrative system and pattern: The Nigerian federal system in terms of administrative functions and programmes are handled by the federal capital territory (Abuja) which has the executive president as the commander and chief of the armed forces with ministers and special advisers and other appointees of the government. Also, there are 36 states in the country headed by governors and their commissioners and each state is sub-divided into local government areas of 774 for effective administrative conveniences. But, in Switzerland, the administrative structure consists of seven federal departments, federal chancellery. The departments are mainly equivalent to the ministries of other states, each department has several federal offices, which are controlled by a director and of other agencies, the much smaller federal chancellery is headed by the federal chancellor, which operates as an eighth department in most times for conveniences and effective service delivery.

Constitutional enactment of law and implementation: The Nigerian national assembly makes laws for the country. At the federal level, it has the Senate and Federal House of Representative while at the state level; it has 36 state house of assemblies that make laws for the states. The executive arms implement the laws. In addition, state and local government's areas in Nigeria are allowed to make laws in their respective areas, and units separately. However, when conflicts arise, the federal law supersedes every law in the land. On the other hand, Switzerland has law making body but the cantons implement federal laws based on the federal constitution and federal legislation.

Level of Autonomy: In the Nigerian system, the federal possess greater autonomy but there is limited autonomy at the state and local levels. For Switzerland, the confederation respects the autonomy of the cantons. It gives the cantons sufficient tasks of their own and respects their organizational autonomy.

The procedure of amending the constitution: In the Nigerian system, the nature and pattern of constitution is purely written and rigid, and the amendment procedure of

the country constitution is very difficult. That is, the Nigerian constitution is not so easy to amend and it takes up to at least two third majorities of members of the National Assembly to amend any portion of the constitution. While in Switzerland, the constitution usually gives the people the final say on the constitutional laws. This process of amendment is done and achieved through referendum, which is different from Nigeria process.

The existence of Supreme Court: The Nigeria Supreme Court is the highest court which interprets the laws and can declare any law unconstitutional. While, in the Switzerland federal system, the Supreme Court does not have such powers to declare any federal existing law, illegal or unconstitutional but article 190 of the Swiss federal constitution affirmed that federal status and constitutional law are binding on the Swiss Federal Supreme Court.

Legislative process/pattern: In the Nigerian parliament, there are two law making bodies (Bicameralism) at the federal and states also have house of assemblies. The national assembly in Nigeria has the house of representatives headed by a speaker with 360 members elected for a four years' term in a single seat constituencies and the second law making body which is the higher house, called the senate presided over by the senate president. It has 109 members elected for four years' term and their term of office is renewable. While in Switzerland, the legislative system has a bicameral structure called the federal assembly which is made up of: The Council of States (46 seats and members serve for four years' tenure) and the National council members which serve for four years' tenure and they are elected by popular vote on a basis of proportional representation.

The executive arm of government: The executive system in Nigeria is sub-divided into federal ministries headed by a minister who is appointed by the president. The ministers are selected from the 36 states of the federation and confirmed by the senate. At times, the Minister of State is appointed to assist the senior minister to discharge his roles conveniently. The ministers are also in charge of the commissions, parastatals under their jurisdiction. But in Switzerland, the federal council is a seven-member executive council that heads the federal administration. That is, it involves what is called combination cabinet and collective presidency. It has also a policy whereby any Switzerland citizen who is eligible to be a member of the national council can be elected.

Candidates do not need to register for election or to be members of the national council, the federal council is elected by the federal assembly for a period of four years' tenure. In addition, the ceremonial president of the confederation and the vice president of the federal council are elected by the federal assembly from among the members of the federal council for one-year tenure which run concurrently.

Presidential system: Nigeria operates a presidential system whereby he/she is the commander of the armed forces and chief executive officer of the country, whereby the executive power is fully vested in the president. While in Switzerland, it does not operate a full-time president. The task or functions of the president are taken over by the members of the government. That is, every year, each member of the government tenure is elected federal president in turn so that every government member assumes this role once in seven years.

Revenue sharing: In Nigeria, the states and local government depends on the federal government to get their share of the monthly allocation. This is handed by the Federation Account Committee (FAC). Nigeria federal government controls major revenue as; oil, taxes, customs and excise duties revenue while in Switzerland, the revenue sharing system is constitutionally agreed upon. The nation constitution made provisions for each level of governments to be financial autonomous in a way that each state is allowed to control revenue from its own territory. However, the states have the mandate to pay a specified percentage of the generated revenue into the federal coffers.

Level of government: Nigeria has federal, state and local levels of government while Switzerland has federal, cantonal, communal which centers at small villages of about 2500 people.

Similarities of Nigeria and Switzerland Federal Structure

Having examined the distinction between Nigeria and Switzerland federal system of government. The following are their similarities between both countries; Nigeria and Switzerland operates or adopts a formal division of powers between two or more levels of government for easy and convenient administration. Also both countries federal

system adopt a written constitution in the course of administration. In addition, both countries have an independent judiciary in operation (Sapele 2017, p. 152).

Theoretical Framework

The theory adopted for this study was the structural-functionalism. Nkhata et al. (2019:97) reported that “Theories are generally defined as statements about how things are connected. They help researchers to recast their thinking. A theory is a set of claims about interrelatedness of concepts, definitions, and propositions that explain or predict events”. In this paper, the structural-functionalism theory was used and this was originally developed in 1930s in the United States and it was actually associated with Talcott Parsons who analyses the structural functionalism from the sociological perspectives. This theory is a process whereby different parts in the society function together for a robust ways of development. That is, every part functions together in accordance to the laid down rules towards a positive and effective functioning of the entire system for the overall development of the processes involves.

The structural-functionalism approach is a method of explaining how identifiable political structures perform certain basic functions in a political system. The basic assumptions of the structural-functional approach are as follows: All systems have structures which can be identified. The elements of these structures perform functions within the system which have meaning only in terms of the system. They are dependent on the system as an active entity for their existence. They are also dependent on each other for their activity that the society is a single inter-connected system, each element performing a specific function. The interaction among the component parts are necessary for the maintenance of equilibrium and the different parts of society are inter-related and tensions are resolved with mutual help; The broad aims or principles underlying a social structure can be identified (Das and Choudhury (1997) as cited in Alapiki (2004, p. 59)

According to Alapiki (2004) scholars have used the structural-functional approach to provide many useful insights in the understanding of political systems: that this approach is useful in the understanding of “system capabilities”, that is, how a political

system performs in terms of its extractive functions, regulative functions, distributive functions, and responsive functions. In addition, the approach also gives insight into the “conversion processes” of a political system that is the ways in which a political system transforms inputs into outputs. Both system capability function and conversion processes lead to system maintenance and adaptability. However, this approach is quite attractive for the comparative analysis of the political systems of different societies.

Tambou (2018) this approach is important because it helps to integrate different activities and programs within the process of governance into a functional entity. Structural-functional framework brings different variables on the basis of unity to function collectively as regards to achieving the goals of the political system. More so, the approach revealed that society is complex and for effective and efficient service delivery every part must cooperate towards a functional system. That, for administrative convenient, efficiency, economic and political dependence, local freedom, the desire for all part unity, effective distribution of power across territorial bases etc. And for the focus on the structures then every part must work in consonant in achieving the cooperate entity of the whole political system.

Methodology

This was a comparative study and secondary data collected from existing publications in the two countries was collected, analysed and compared. Document analysis was carried out on the documents that were involved on this study. This mean that this was a qualitative inquiry which compared the nature and structure of federalism in Nigeria and Switzerland. The study utilized secondary source of data collection to ascertain the level of the practice of a federal system in both countries.

Findings and Conclusion

The study findings showed that a federal system helps to provide effective governance through component units. That is, federalism encourages autonomy of local people and also creates a means of unity in diversity. And in this system, the different system of government derived their roles basically from the constitution. This was in line with the

research of Borman and Kearney (2002:39) where they posited that federal system seems appropriate for many developing countries because it is flexible and permits changes in the distribution of power among government units and in the balance of power without changing the fundamental charter of government.

The research also discovered that Nigerian and Switzerland federal system of government have structured federal system where there is division of powers among component units but working for the same system as outlined in the structural-functional theory, there was a bicameral system, and there was also courts system that handled disputes among parties and groups.

More so, revenue sharing patten was different in the sense that, in Nigeria the state, local government depends on the federal government to get their share of fund monthly, but in Switzerland other units are allowed to generate fund and pay percentage to the federal, that is, there is financial autonomy of other units.

The paper concludes that Nigeria and Switzerland operate a formal division of powers between three levels of government for easy administration. The federal system of both countries have not yet practiced a true federal structure and also have autonomy problem between the levels of government.

Recommendations

The following recommendations were provided to show the full corporative means of a strong federal system of government that will cut across nations who would want to provide and improve on enduring and cooperative federal system.

- The study recommends that Nigeria and Switzerland should adopt a full fiscal system in order to provide even development across the component units.
- Both Countries federal system should be given full and practical autonomy among all layers of government in ensuring a functional political system
- There should be a call for restructured federal system. Also revisit and bring up a true federal structure that would be fully in operation

- Government at all levels should provide a forum to bring up political education platform in order to enlighten the masses towards embracing the cooperation and practice of federalism in the world
- Federal states should not create and promote sectional developmental plan and inequality among the component units.

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