

Rethinking the State in Africa: Perceptions of Nigerians on State Formation, State-Building, and a Negotiated Social Contract in the Nigerian Case

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Abstract

The colonial disruption of organic state formation in Africa through the imposition of an alien state system adversely influenced state-building in the continent with consequences for good governance, belonging, and development in its holistic sense. Looking at the case of Nigeria, the adverse manifestations of the postcolonial state are signposted in the prevalent high level of insecurity that brings the state to the point of failure. This study used a mix of qualitative and quantitative research methods to interrogate the origins of the Nigerian state, the perverse character it manifests, and her future trajectory. The findings show that Nigeria is in self-destruct mode unless, for once, the fundamental problem of its imposed origin and essence is addressed. Doing so will require a political mechanism that enables Nigerians to participate in negotiating a social contract between the state and its citizens as equal stakeholders.

Keywords: Africa; Nigeria; social contract; state; state formation

Introduction

A plethora of studies offers explanatory factors for Africa's development challenges which fall broadly into two categories of causation: the externalist and internalist arguments. However, not many have focused on the formation and character of the state in Africa as a fundamental cause of the continent's struggle with governance and development. Of the few who have, Englebert (2000, 74) described the state in Africa as "dubious communities of heterogeneous and occasionally clashing linguistic, religious and ethnic identities whose claim to force is rarely effective and much less monopolistic." He contends that their frequent predatory nature fails the test of legitimacy, and their territoriality is at best hesitant and contested. This view of the perverseness of the state in Africa was based on his insightful review of four seminal books on the character of the imported state in Africa by William Reno (1995), Mamadou Dia (1996), Mahmood Mamdani (1996), and an edited volume by Jean-François Bayart (1996). Others, such as Alavi (1973), Onimode (1988), and Ake (2000) examined the postcolonial state in Africa from a neo-Marxist perspective but did not focus on the perverseness of colonial state formation in Africa. For example, in studying different models of the postcolonial state, Bade Onimode alluded to the problem of colonial state formation when he drew attention to the centrality of the postcolonial state in Africa which is due not only to colonial legacy but to the reality of contemporary production processes in Africa (Onimode 1988). For Hamza Alavi, the centrality of the postcolonial state is attributable to its power indirectly appropriating a considerable part of the economic surplus and deploying it in bureaucratically directed economic activities in the name of promoting economic development. This is possible because "the state apparatus, furthermore, assumes a new and relatively autonomous economic role, which is not paralleled in the classical bourgeois state" (Alavi 1973, 60). Although Onimode (1988) disagrees with Alavi on this because the economic responsibility of the state in both petit-bourgeois postcolonial society and the classical bourgeois state is essentially to promote state capitalism, Claude Ake agrees with both Alavi and Onimode about using the political economy approach to understand the state in Africa. According to Ake, this approach highlights the importance of studying the state as the means of understanding socio-economic configurations, especially their structure of social forces and the possibilities of their transformation (Ake 2000). Ake underscored the importance of studying the state in Africa and highlighted the challenge of this endeavour thus:

In the study of Africa, the attention which has so properly been paid to the state has not been very rewarding mainly because we are not sufficiently mindful of the nuances and the analytic difficulties of the generic concept of the state. Glossing over these difficulties, we have identified the state's specificities in Africa but inevitably in ways too full of vagueness, ambiguities, and contradictions to be of much analytic value. (Ake 2000, 27)

Niang (2018) responds to this challenge in her nuanced historical analysis of the postcolonial African state in transition and Mamdani (2020) compels us to rethink the

colonial origin and development of the nation-state in ways that give a better understanding of political violence and to reimagine political community beyond majorities and minorities invented by colonial state creation in Africa and beyond.

Although this study offers a conceptual framework for understanding the state in Africa, it is not a conceptual or methodological contribution per se. Its broad focus, in line with Niang (2018), is revisiting how state formation processes in Africa have produced the litany of weak and ineffective states in the continent which have become the biggest sources of insecurity to Africans. Implicitly, given the colonial origin of the modern state in Africa and its perverse manifestation, which reflects its weakness and incapacity, one will agree with Englebert (1999) and Niang (2018) that the state in Africa is not a state, neither is it African given the historical trajectories of statehood in the continent. Inevitably, the colonial interruption of African state formation processes negatively affected organic state formation in Africa, with consequences for good governance, belonging, and nation-building. This was compounded by the exclusion of Africans in the determination of these artificial states and the drawing of their territorial boundaries. This has had dire consequences for nation-building and development across the continent as Africans have struggled since decolonisation to buy into these vacuous contraptions called states. For many Africans, the state does not carry the same meaning of attachment and allegiance which the state in Europe or North America holds for their citizens. This underscores the need to revisit colonial state formation and rethink its essence in Africa. For example, what was the purpose of the colonial state in Africa, and how was it formed? What notion of the state and idea of governance did the colonialists entrench and bequeath to postcolonial nationalists who took over? How have these notions and ideas of the state and government been perpetuated in Africa today? These are some of the fundamental questions that need to be interrogated to differentiate the *state in Africa* from the *African state* and explain the varying but fitting descriptions of the state in Africa that have become political pathologies synonymous with the continent. These labels include juridical (as opposed to empirical) states, quasi-states / weak states / beggarly states, suspended states / bifurcated states, collapsed states / failed states, imported states / disconnected states, and predatory states (see Englebert 1999; Mamdani 1996, 2020; Niang 2018; Nnoli 2000).

Therefore, given this background and the significance of the state in the Global South as the primary mode of organisation in all spheres of social existence (Ayoo 1995), this study seeks to specifically interrogate the formation of Nigeria as a state, its current situation, and its future based on the perceptions of Nigerians. The aim is to suggest pathways for birthing a negotiated social contract to guide the relations between government and citizens in Nigeria for its progress.

The Value of a Social Contract for State Formation, Patriotism, and State-Building

Social contract theory is one of the many political theories that exist on the origins of the modern state. It is adopted as a theoretical framework in this study because it is the basis of the liberal modern state that colonial Europe established in Africa. According to social contract theory, the state came into existence through a contract that people entered to give up some of their rights and freedoms to an entity (government) in exchange for protection through public law and order. Various political thinkers have conceptualised the state of nature differently. Despite differences in their thoughts, many philosophers agree that the state's existence could not be delinked from the contract entered into by people. The tradition of thought known as social contract theory represented by Hobbes, Locke, Rousseau, and Kant thought that the state's authority has its origin in the will of the people (Rosen and Wolff 1999). Thomas Hobbes asserted that the threat against men by "the state of nature," also presented as "the state of war" by John Locke, would continue if there was no common power to secure them from each other and external threats. In *Leviathan*, Hobbes started his political exploration by examining human nature based on his psychological theory. Humans, according to him, are by nature selfish and self-centred. This instinct moved humans to action by their appetites and desires rather than their understanding. This explains the state of nature before society became organised. It was a period Hobbes described as a state of "war of every man against every man." He noted unhealthy competition and lust for status as part of the inspiring forces in the state of nature. In the state of nature as described by Hobbes, the absence of law and justice is noteworthy. The life of a person was solitary, poor, nasty, brutish, and short. Hobbes believed that people might choose to prioritise peace over pride by considering the priceless value of peace and doing everything possible to possess it. Therefore, he concluded that the mutual transfer of rights is what people call a contract. Such a contract, according to Hobbes, can either be expressed or by inference. There is a need for a powerful government to avoid people who may want to break the contract. The Leviathan is to direct their actions towards common benefit by conferring their power and strength on one person or group of persons who will control their affairs based on their submitted wills.

Kant claimed that the notion of a social contract has an important role, even if there is no written contract (Rosen and Wolff 1999). Often, this is a result of an implicit understanding built through a constitutional agreement, both written and unwritten, that shows the responsibility of the state towards the citizens and vice versa. Examples of such social contracts include Britain's Bill of Rights passed in 1639, which stated the rights of British citizens, and the American Declaration of Independence, which articulated the absolute rights of the citizens, their sovereignty, and governance based on the consent of the governed, and the right of the citizens to change any government that failed to deliver the people's mandate. Similarly, the French Declaration of the Rights of the Man and of the Citizen, modelled after the American Declaration of Independence, accentuated the undeniable rights of French citizens. It could be said that

as political leaders renew their mandate periodically through the ballot box, an implicit social contract between citizens and government is also being renewed.

What emerges from the notion of the social contract is that it governs the relationship between the state (represented by government) and citizens, and this allows for harmony and peace between the state and the citizens. It also allows for leadership accountability to citizens, and ipso facto establishes a practice of focused leadership and good governance which fosters patriotism to the new state both by leaders and citizens. Such patriotism is a necessary and sufficient factor for state and nation building especially in plural states such as Nigeria with pervasive social cleavages. However, this patriotism is not a given as it must be worked on and sustained by citizens forging political norms and values that transcend attachments to primordial connections, and the theory of constitutional patriotism is worth exploring in this regard.

Constitutional Patriotism

Constitutional patriotism is the idea that citizens of a state should forge a political attachment to the common norms and values of a liberal democratic constitution instead of to national culture, identity, or cosmopolitan society (Müller 2007). According to Jürgen Habermas, who was one of its founding proponents in the context of post-war Germany, constitutional patriotism is a conscious strengthening and elevation of political principles over ethnic nationalism as a basis of social cohesion and national unity in a multi-ethnic or plural society¹ (Habermas 1997). Habermas argued that rather than a national culture or cosmopolitan society, people should create a political commitment to the rules and ideals of a pluralistic liberal democratic constitution as a means of guaranteeing peaceful coexistence among people of different ethnic/racial groups (Tonkiss 2012). Constitutional patriotism offers loyalty to generally accepted principles other than a common national identity. It provides a strong foundation that binds citizens together towards a common principle in a contemporary, multi-ethnic community such as Nigeria.

Müller (2007) argues that the purpose of constitutional patriotism, as a set of beliefs and dispositions, is to enable and uphold a liberal democratic form of rule that free and equal citizens can justify to each other. This is particularly important in states that are suffering from divisions, mutual suspicion, and violent conflict based on ethnic and religious differences, and where perceived or real marginalisation is a major challenge. In this way, people's consent and participation become critical components of the link

1 Post-war West Germany provided the context for Habermas's theorisation on constitutional patriotism which he argued was a way to unify West Germans along with consensual political norms and values instead of any resort to traditional German nationalism along ethnic lines. According to him, post-national German identity was dependent on understanding and overcoming its nineteenth-century nationalism which was no longer feasible in a globalised modern world of international migration that made non-ethnic Germans citizens of Germany (Habermas 1995, 1997).

between a social contract for state-making, constitutional patriotism, and state-building in a plural state. This is because people have to be willing to be a part of the political community (state) being formed. Also, all stakeholder groups and their members have to participate in the state-making process as equals irrespective of their population size in relation to others. This is to enable equality of citizenship for all people who will make up the state. Equality of citizenship is therefore critical to fostering constitutional patriotism, which in itself is also critical to building a socially cohesive and durable state, such as Germany became following its reunification.

Relating this to Africa broadly, state making and state-building based on consent, participation, and equality of citizenship has not been the case in many African states, including Nigeria. Unlike in Europe and elsewhere, state systems were imposed on Africans without any negotiation and by implication without any social contract between government and citizens. This has led to the detachment of citizens from these imposed states in ways that compromise patriotism and state-building efforts. The result is a proliferation of weak states, failing states, and collapsed states in Africa. Indeed, as Agagu (2019) argues, states in Africa were not created to serve their citizens, at least not in the same way states in Europe were created to serve theirs. In the case of Nigeria, the state (including people and resources) was mobilised to serve foreign interests and then those of the postcolonial ruling elites, leaving Nigerians detached and with no lasting loyalty to the state.

State Formation, Development, and State-Building in Nigeria

Like other states in Africa, Nigeria is the product of colonial state formation that was imposed on the people of the areas that eventually became known as Nigeria.² The peoples or their relevant representatives were not consulted on whether they wanted a union, and if so, how to co-exist in such a union. This is a flaw that is foundational to the perverse manifestation of Nigeria as a state and the state-building, democracy, and development challenges it has faced especially since 1960 (see Andebrhan 2004). For example, according to Edigheji (2020), Nigeria is unable to achieve inclusive, sustainable social and economic development because the country's democracy is based on a state that is itself neither democratic nor developmental. This perverse manifestation of state and governance has increasingly come to the fore since the advent of democracy in 1999 in terms of the primary, integrative, and development essence of Nigeria as a state. For example, it has failed to deliver on its primary responsibilities to maintain law and order within the country, to protect Nigerians from external aggression and existential threats such as terrorism, and in the provision of basic infrastructure and

2 The amalgamation of the Northern and Southern protectorates by the colonial government in 1914 resulted in the formation of a Nigerian union that forcefully brought disparate peoples, cultures, and worldviews together.

delivery of essential services.³ This has implications for the legitimacy of the state in meeting critical integrative functions such as enabling social cohesion, fostering state-building, and development especially as Nigerians have increasingly resorted to self-help and primordial structures to make life meaningful for themselves. As part of this resort to primordialism, the way ethnicity and religion has played out in Nigeria's body politic since 1999⁴ reignited calls for the national question to be addressed. For example, in 2018, former vice president Atiku Abubakar, who was the presidential candidate of the People's Democratic Party (PDP) in the 2019 election, put calls for restructuring Nigeria back on the national discourse and also made it an important campaign issue in the 2019 presidential election. In essence, a combination of government failures in its primary and integrative functions has exacerbated calls to address the question of Nigeria—its existence, meaning, and essence. Also, considering the nexus between domestic and foreign policies, Nigeria's many problems at home have significantly impacted the way it engaged in state-to-state relations, and on how Nigerians are seen and treated abroad.⁵

In terms of development, Nigeria occupies the lowest end of the human development ladder and performs poorly on all measures while it features prominently in the Transparency International list as one of the most corrupt countries of the world. According to a 2020 study by the United Nations Development Programme (UNDP), Nigeria, Africa's largest economy, slipped three positions to 161 in 2019 from 158 in 2018, out of 189 nations, in the 2020 Human Development Index (HDI). The country's 2019 HDI rating was 0.539, putting it in the poor human development category. According to UNDP figures, 46.4 per cent of the population is categorised as multidimensionally poor, with another 19.2 per cent being susceptible to multidimensional poverty. The average deprivation score suffered by persons in multidimensional poverty in Nigeria is 54.8 per cent, which represents the breadth of deprivation. The MPI is 0.254, which is the proportion of the population that is multidimensionally poor, adjusted for the severity of the deprivations (UNDP Human Development Report 2020). Even though elementary education is legally free and obligatory in Nigeria, UNICEF reported that about 10.5 million children aged 5 to 14 are not in school. Only 61 per cent of children aged 6 to 11 go to primary school regularly, while 35.6 per cent of children aged 36 to 59 months receive early childhood education. The situation is much worse in the country's north, with a net attendance percentage of 53 per cent. Nigeria's public health system has over the years been

3 These combine to create the requisite enabling environment for Nigerians to be the best they can be given their diligence and creative traits as a people.

4 Worse since 2011 following the election of a southern president from a minority ethnic group after the death of a northern president. The palpable ethnic and religious bigotry of President Buhari, Nigeria's president since 2015, has also not helped the cause of a "one Nigeria."

5 Despite the remarkable contributions Nigerians in the diaspora make in the health, education, and economic sectors of the countries they inhabit, Nigerians are generally profiled in negative terms and ill-treated in ways that make many Nigerians ashamed of their green passport.

regarded as one of the poorest in the world: placed 142nd out of 195 nations in a 2018 Lancet assessment of global healthcare access and quality. According to the World Health Organization's (WHO) data from 2017, 77 per cent of healthcare spending in Nigeria is out-of-pocket. This implies health apartheid as the majority of Nigerians lack any kind of health insurance, and the poorest masses have no access to quality health care.

From the foregoing, in line with Rotberg's (2002) performance-based categorisation of states, we can argue that Nigeria is a failed state (see Rotberg and Campbell 2021). Apart from the Buhari government's mismanagement of Nigeria's ethnic and religious diversity through lopsided political appointments in favour of his Muslim North region since 2015, the breakdown of law and order, and the government's seeming inability or unwillingness⁶ to secure the lives and property of Nigerians is a signpost of state failure. The country's Acting Inspector-General of Police (IGP), Mr Usman Alkali, himself reported how Nigeria had been overtaken by criminal elements in a media briefing on national television. According to him, a geopolitical mapping of crime in Nigeria carried out by the police force revealed that all six geopolitical zones of the country faced serious security challenges (Alkali 2021). The IGP noted, inter alia, that crimes included secessionists activities which resulted in coordinated attacks on security formations and critical national infrastructure, farmers/herders clashes, kidnapping and banditry,⁷ and terrorism including by Islamic State West African Province (ISWAP). Other crimes include the proliferation of arms, attacks on schools and abduction of students, highway robbery, and cultism (Alkali 2021). Relatedly, ungoverned forest spaces have become "enclaves of banditry" that serve as criminal hideouts due to lack of government presence (Onwuzuruigbo 2020). According to Obasi (2021), combined these criminal elements—Boko Haram, cattle rustlers, kidnappers, armed robbers of gold mines, and herders' attacks—killed over 8,000 people in seven states in North-West Nigeria between 2011 and 2019, while rendering over 260,000 people homeless.

These issues have resurrected the perennial national question in ways that threaten Nigeria's corporate existence. As Noble laureate and political activist Wole Soyinka asserts, "the tempo of disintegration of this nation has accelerated in the last couple of years beyond anything we have known since the civil war" (Soyinka 2021). Consequently, as citizens become more disenchanting and detached from Nigeria, they transfer their loyalty/patriotism to non-state groups where their interest will be secured. This is reflected in the prevalence of self-determination groups such as the Independent

6 There are several reports of state governors who claim security forces failed to foil or prevent herdsman attacks on their citizens even after alerting them with intelligence on such attacks before they took place.

7 Banditry and kidnapping for ransom has become a thriving criminal economy in Nigeria with northern Nigeria at the epicentre. The victims of kidnapping have mostly been students. While it is difficult to ascertain the exact number, it is estimated at 1500 since 2014 and still counting.

People of Biafra (IPOB), the Niger-Delta militants, the Middle Belt Consultative Forum, Arewa, and Afenifere that question the corporate existence of Nigeria as a unit.

Efforts at Postcolonial State-Building: An Overview of Constitutional Development in Nigeria

From the Clifford Constitution of 1922, the Richard Constitution of 1946, the Lyttleton Constitution of 1954, and the 1960 Independence Constitution to the 1963 Republican Constitution, the 1979 Presidential Constitution, and the current 1999 Constitution, Nigeria has gone through different processes of constitutional development in an effort at state-building. However, the making of these constitutions was not autochthonous⁸ because in instances where Nigerians participated at all in the constitution-making process, the final outputs were enacted by either the colonial or military governments in place at different times of Nigeria's political history. For example, although the 1960 Constitution resulted from different conferences that took place between 1958 and 1959 in Lagos and London (Basiru, Salawa, and Arogundade 2016), it was not autochthonous because it got its authority from the British Parliament, despite involvement by "chosen" representatives of the leading political parties.

This was corrected in the Republican Constitution of 1963 which removed the Queen of England as the country's head of state. However, the constitution-making process was not democratic even though it did not have foreign involvement (Basiru, Salawa, and Arogundade 2016). Apart from the fact that it was merely a re-enactment of the 1960 Constitution with some amendments, the people of Nigeria were not given an opportunity through their representatives to discuss and make input, neither was the final draft subjected to a referendum for final adoption by the people (Amah 2017). As Osipitan (2004, 15–16) states, "there was no Constitution Drafting Committee or Constituent Assembly to draft or review the Constitution, respectively."

Between 1966 when Nigeria's first military incursion into politics occurred and 1975 when the country experienced its third military coup/government by General Murtala Muhammed, no constitution-making took place. General Muhammed unveiled a five-point political transition plan and appointed a Constitution Drafting Committee in October 1975 composed of 49 members chaired by Chief Rotimi Williams. The result

8 According to Amah (2017), the true source of legitimacy evolves from the legitimate will of the people, and a promulgation or enactment of a constitution by an undemocratic government does not bestow same with the character of legitimacy. Similarly, the ratification of same by any authority outside the people including by an imperial power recognised by the state and people does not amount to a surrender of the people's sovereignty to such authority whether it is part of a social contract or not. Underscoring the imperative of people's participation in the constitution-making process, Amah (2017) thus argues that a constitution will be an act of the people if it is made by them either directly in a referendum or through a convention or constituent assembly popularly elected for the purpose of constitution making and nothing else.

of the Constitution Drafting Committee (CDC) was subsequently tendered before a constituent assembly of 230 members elected through members of the Local Government Council and appointed by the military government. On completion, the draft constitution was submitted to the administration of General Olusegun Obasanjo who tinkered with it and thereafter promulgated same into the 1979 Constitution that was the basis of the second democratic era between 1979 and 1983 (Amah 2017). The military government's tampering with the 1979 Constitution robbed it of its autochthonous character despite the detailed autochthonous processes it went through. This tampering by the military continued from 31 December 1983 when it again interrupted democracy in Nigeria until 29 May 1999 when the military left formal politics and the current democratic era was birthed with another military-imposed constitution. The military government of General Abdulsalami Abubakar jettisoned the constitution-making efforts of his predecessor General Sani Abacha and simply reviewed and promulgated the 1979 Constitution as the new 1999 Constitution of Nigeria with little amendments in a process that failed the legitimacy test.

In essence, although the military oversaw several constitution-making processes that involved the participation of the people through their representatives in many ways between 1975 and 1998, it was the final authority that enacted the two constitutions (1979 and 1999) that came out of these processes. As a result both constitutions failed not only the autochthonous/legitimacy test but also the social contract test that provides for citizens' consent and participation in ways that enable harmony and peace between the state and its citizens. This explains why from its inception different interest groups started calling for a review of the 1999 Constitution which was perceived as illegitimate. It also explains the government's response through the political conferences of 2007 and 2014.

In 1999, the Patriots, led by the late Chief Rotimi Williams, called for the convening of a Sovereign National Conference (SNC) where every nationality would be represented for dialogue on the country's contentious issues, and decisions made at such a forum would not be subject to review. They even prepared a draft for the Federal Legislature outlining how this may be accomplished (*Guardian* 2000). Although the Obasanjo government and the National Assembly rejected the Patriots' proposal, arguing that the country could not have two sovereign powers, it agreed a national discourse was imperative with outcomes which the National Assembly may adopt. The Obasanjo government also started a constitutional amendment process by forming a presidential committee to analyse probable flaws in the 1999 Constitution. The committee sought and collected about 2 million memoranda and took 1.5 million oral presentations (Nigeria 2002).

For the Political Conference, which was meant as a substitute to an SNC, President Obasanjo tasked the 400 nominated delegates as follows during the conference's inauguration on 21 February 2005:

We can pinpoint several vulnerabilities after over six years of implementing our constitution [1999 constitution] and engaging with current constitutional frameworks. We thought it was timely and appropriate to think and discuss together in order to enhance our structure, system, and organization. For the sake of the nation, it is time to face these difficulties with sincerity, bravery, devotion, reality, knowledge, and patriotism. (Emphasis added, quoted in Anifowose and Babawale 2006, 27–28)

In addition to handpicking the 400 attendees, the presidency also defined an agenda for the conference (Obiagwu 2005) which strategically restricted the purview of the conference (Onuorah 2005). The delegates deliberated for months over sensitive matters such as rotational presidency and resource control amidst rancour and disagreement, and its report was eventually released in 2007. The National Political Conference Report of 2007 had not been implemented by the time President Obasanjo left office on 29 May 2007.

The quest for a new constitution was continued by President Umaru Yar' Adua who replaced Obasanjo but the Umaru Yar' Adua government focused its efforts on electoral and economic changes. Although the leadership acknowledged the importance of a national debate, it never made it happen. Following President Yar' Adua's death from ill-health in 2010, his vice president, Goodluck Jonathan, became president. He heeded the call for true national conversation when, during a national Independence Day broadcast to the nation on 1 October 2013, he stated that one of the goals of his administration was to hold a National Debate as a means to address the nation's persistent security and political challenges:

Our administration has taken cognizance of suggestions over the years by well-meaning Nigerians on the need for a National Dialogue on the future of our beloved country. In demonstration of my avowed belief in the positive power of dialogue in charting the way forward, I have decided to set up an Advisory Committee whose mandate is to establish the modalities for a National Dialogue or Conference. (Jonathan 2013)

A 13-member Presidential Advisory Committee on National Dialogue was established to carry out this mandate, with Senator Femi Okurounmu as Chairman and Dr Akilu Indabawa as Secretary. The Committee was officially instituted on 7 October 2013, and was tasked with developing a structure for the National Debate, which included recommending a name and format for the debate, as well as its constitutional mechanism, time span, method of representation, and methods for implementing the discourse's decisions. The Committee visited 13 cities, two in each geopolitical zone, as well as the Federal Capital Territory of Abuja, and engaged with over 7,000 Nigerians. Thousands more memoranda were also received from individual persons, organisations, and professional bodies (Nigeria 2014).

In December 2013, following the submission of the Advisory Committee on National Dialogue Report, the president convened a National Conference of 492 Delegates led by Justice Kutigi, tasked with debating all issues that jeopardised Nigeria's unity and

growth.⁹ After months of intense deliberations, plenary and committee work, the National Conference Report was submitted to the president on 18 August 2014; like the National Political Conference Report of 2007, it has never been implemented.

However, although the reports of the 2007 and 2014 national conferences have not materialised in a new constitution since the democratic era of 1999, the processes have been criticised as undemocratic and unrepresentative of the people's will and therefore lacked legitimacy. The processes appear to have followed the country's established tradition of constitution-making under autocratic governments (colonial and military) that determine delegate selection, agenda-setting, and decree the outcomes into existence in the absence of a national assembly, or submitting it to the national assembly if one exists. Even if the reports of both national conferences had been enacted by the president or included as changes into the 1999 Constitution, it would still not be a legitimate and people-oriented basis for a social contract between the state and Nigerians unless the revised constitution was subjected to the people's review and endorsement through a referendum that would give meaning to the preamble of "we the people" in the constitution. This is a plausible pathway for modifying the colonial state to align with the lived realities of its people.

The next section of the paper presents and analyses some empirical data on what a random sample of Nigerians think of Nigeria, its origins and future.

What Do Nigerians Think of Nigeria and its State-Building Trajectory?

Methods

A qualitative and quantitative research approach was combined to analyse the current state of Nigeria as a perverse state, its formation, and the imperative of a new negotiated social contract for its future. A semi-structured questionnaire was used to sample the views of Nigerians domiciled in the South-West region¹⁰ but who hail from parts of the country covering 30 of the 36 states as shown in Table 1 below. The questionnaire helped with collecting quick and codable responses which, although analysed using simple percentages, also gave good insights into the issues. In the context of the COVID-19 pandemic, Google Forms was a helpful medium to reach the respondents randomly, and gave everyone in the study population an equal chance of being included.

Worldometers, a real-time world statistics platform, approximated Nigeria's population at 205,472,159 in 2020 and that of the South-West at 32,500,000.¹¹ Using the Raosoft calculator, the sample size was estimated at 271, with 225 responses received.

9 *Vanguard*. 2014. "President Inaugurates National Conference." 18 March 2014.

10 This was essential because one of the authors is domiciled in the South West of Nigeria

11 <https://www.worldometers.info/world-population/nigeria-population>.

Respondents' Socio-Demography

Table 1: Distribution of respondents' state of origin

State of origin	Frequency	%	Valid %	Cumulative %
Valid	4	1.8	1.8	1.8
Abia	2	0.9	0.9	2.7
Anambra	2	0.9	0.9	3.6
Benue	2	0.9	0.9	4.4
Borno	2	0.9	0.9	5.3
Delta	2	0.9	0.9	6.2
Ebonyi	2	0.9	0.9	8
Edo	6	2.7	2.7	8.9
Ekiti	20	8.9	8.9	17.8
Enugu	4	1.8	1.8	19.6
Gombe	2	0.9	0.9	21.3
Imo	2	0.9	0.9	22.2
Jigawa	4	1.8	1.8	24.8
Kaduna	2	0.9	0.9	24.9
Kano	4	1.8	1.8	25.8
Katsina	2	0.9	0.9	27.6
Kebbi	2	0.9	0.9	28.4
Kogi	4	1.8	1.8	29.3
Kwara	18	8	8	32
Lagos	26	11.6	11.6	32.9
Nasarawa	4	1.8	1.8	52.9
Niger	2	0.9	0.9	64.4
Ogun	6	2.7	2.7	72.4
Ondo	45	20	20	73.3
Osun	20	8.9	8.9	82.2
Oyo	12	5.3	5.3	87.6
Plateau	2	0.9	0.9	90.2
Rivers	2	0.9	0.9	95.6
Sokoto	12	5.3	5.3	98.2
Yobe	2	0.9	0.9	99.1
Zamfara	6	2.7	2.7	100
Total	225	100.0	100.0	

Presentation and Discussion of Findings

The survey findings are presented and discussed under three themes: the current state of Nigeria, state formation in Nigeria, and the way forward for Nigeria.

The Current State of Nigeria

As shown in Table 2 below, over 90 per cent of the respondents were unhappy with the current state of Nigeria which is at the height of its perverseness. Also, 84.9 per cent

indicated that Nigeria has failed to meet up with her primary and fundamental purpose as a state by failing to secure her citizens from internal and external aggression. Worse still, 92.9 per cent of the respondents felt that Nigeria treats her citizens unequally based on ethnicity, and when probed further, they indicated that this is a basis for not trusting the government to secure them.¹² As a result of these government failures and discriminatory approaches to security, 46.7 per cent of the respondents indicated that they would not be loyal or patriotic to Nigeria. A sizeable majority (64%) thus concluded that Nigeria should cease to exist as a state in its current form.

Table 2: State of Nigeria

	Yes		No		I am not sure	
	Freq.	%	Freq.	%	Freq.	%
Are you happy with the current state of events in Nigeria?	-	-	203	90.2	-	-
Would you say Nigeria fails to meet its primary and fundamental purpose of securing its citizens from internal and external aggression?	191	84.9	22	9.8	7	3.1
In your view, does Nigeria treat all its citizens equally irrespective of ethnic origin?	8	3.6	209	92.9	6	2.7
Would you be loyal or patriotic to this kind of state?	52	23.1	105	46.7	64	28.4

These views support our analysis of Nigeria’s security and development failures which several statesmen and thought leaders have also expressed in the last five years. Former President Olusegun Obasanjo, while presenting a paper at the 50th anniversary of The Wilson Center, captured the current state of Nigeria as follows:

Since independence, Nigeria has not been divided as it is today, not even during the civil war, and what is wrong, it can be put in one sentence, it is essentially the mismanagement of diversity springing from bad governance. (Obasanjo 2019)

12 For example, the Buhari government and his party (APC) governors negotiate with and pay millions in ransom to Boko Haram in return for kidnapped students. The government also frees and rehabilitates arrested members of the terrorist sect and in the same breath militarises the East under the guise of securing the country from IPOB which seeks self-determination. The zeal and competence displayed by the Nigerian government in arresting the IPOB leader Nnamdi Kanu and Sunday Igboho outside the country while avowed supporters of Fulani killer herders who daily spew anti-Nigeria messages continue to be free also reflects the discriminatory approach of government to securing its citizens.

Similarly, Wole Soyinka decried the current state of Nigeria in an interview in which he noted that the agitation for self-determination under President Buhari's administration was becoming louder:

I am saying this whole nation is about to self-destruct and I am not the only one saying it, and except Buhari and his government listen and take action, we would not celebrate another Democracy Day come next year. (Soyinka 2021)

While decrying the perceived ethnic marginalisation of the Yoruba nation under Buhari's administration during a conference by Yoruba leaders held in Ibadan, Sunday Adeyemo, a pan-Yoruba nationalist advocate popularly known as Sunday Igboho, asked, "Why are we being slaves in our fatherland? Why are we being enslaved in our land?" He also fed into the recurring narrative of dissolving the Nigerian union in his comments below:

As it stands now, we are no longer under Nigeria. If they don't intervene, it will go beyond control. We have gone beyond the point where we keep quiet; we are no longer scared to voice out ... We are not safe anywhere, we can't sleep in peace, we can't travel in peace, what have we done? Are we slaves? We don't do wrong by existing, we only chose the wrong leaders and we are saying enough is enough. (Nwachukwu 2021)

Further north, Abdullahi Awwal Aliyu, president of the Northern Consensus Movement, expressed the North's readiness for Nigeria's break-up while delivering a speech at Nigeria's 2023 democratic transition inter-ethnic peaceful dialogue on 31 May 2021 in Abuja. According to him, Northern Nigeria had believed in one Nigeria in the past and did not want to hear anything about separation, but with the reality of the current state of the nation, the North was ready for separation (Aliyu 2021).

The signs are clear that all is not well with Nigeria, and there is broad agreement amongst citizens and leaders that the country is rapidly failing as a state in ways that calls for its essence to be questioned.

State Formation in Nigeria

The point of this theme is in keeping with the broad argument of this paper that the perverse formation and character of the state in Africa is a fundamental cause of the continent's development woes. As Table 3 shows, 52 per cent of the respondents indicated that the problem of Nigeria is a consequence of her formation with the 1914 amalgamation. Over 61 per cent stated that Nigeria is not Nigerian as her citizens do not own it, and 76.0 per cent of the respondents agreed that faulty (perverse) state formation compromises good governance and nation-building.

Table 3: Formation of Nigeria as a state

	Yes		No		I am not sure	
	Freq.	%	Freq.	%	Freq.	%
Do you think the problem with Nigeria is a consequence of its formation in 1914?	117	52.0	54	24.0	46	20.4
Would you agree that a faulty state formation compromises good governance and nation-building?	171	76.0	34	15.1	10	4.4

These views align with the critical positions of scholars who argue that the amalgamation was self-serving for the administrative convenience and imperialist goals of colonial Britain which conveniently neglected to engage people of both the Northern and Southern protectorates on the merger (Isike 2005; Nwaoga, Nche, and Olihe 2014; Ocheni and Nwankwo 2012). The resulting lack of substance of what Nigeria means was the basis of Obafemi Awolowo’s famous observation in 1947 that “Nigeria is not a nation but a mere geographical expression ... a phrase, used to describe a location.” According to him, “There are no ‘Nigerians’ in the same sense as there are ‘English’ or ‘Welsh’ or ‘French’. The word Nigeria is merely a distinctive appellation to distinguish those who live within the boundaries of Nigeria from those who do not” (Awolowo 1947, 48). Considering the varying impact of colonialism on state formation, good governance, and nation-building in Africa, Ocheni and Nwankwo (2012) contend that long years of colonial control, exploitation, and imperialism have resulted in Africa’s key role in the international world economy as the main source of natural resources and significant consumers of manufactured goods, echoing Amin’s thesis that Africa is not a marginal player (Amin 2002). As a result, and in line with our argument in this paper, political decolonisation did not disentangle the state in Africa from its colonial essence as a means of developing the coloniser state at the continent’s expense.

The result of the forced union of 1914, which was without substance, has been perpetual crises characterised by a gruesome civil war, recurring threats of secession, insurgency, political instability, mistrust among ethnic groups, and general insecurity. These constitute a threat to lives and property including the corporate existence of Nigeria, perverse as it is.

The Way Forward for Nigeria

As Table 4 shows, the majority (84.9%) of the respondents believe that there is hope for Nigeria, provided that the country is negotiated and redefined based on the principle of equality of all citizens irrespective of ethnicity, religion, and class. This underscores the salience of citizenship equality as the basis of a legitimate social contract around which

constitutional patriotism can be forged. The human security and development failures of Nigeria and its association with people’s detachment from it underscores the significance of having a redefined state that has substance (meaning) for its citizens beyond geographical and identification values.

Table 4: Way forward for the Nigerian state

	Yes		No		I am not sure	
	Freq.	%	Freq.	%	Freq.	%
Do you think Nigeria as a state and its purpose should now be redefined and negotiated based on equality of all citizens irrespective of ethnicity, religion and class?	191	84.9	14	6.2	16	7.1

A critical question concerns pathways to renegotiating and redefining Nigeria, given the respondents’ optimism for the country. As is illustrated in Table 5, over 60 per cent of the respondents were evenly divided between a sovereign national conference which would be legitimised by a referendum (32.9%), and implementing a consolidated report of the 2007 and 2014 political conferences convened by the Obasanjo and Jonathan administrations respectively (32.4%). Of the others, 10.7 per cent preferred a velvet (peaceful) divorce which like the two options above would be legitimised by a referendum. A minority (2.2%) of the respondents felt that taking extreme measures such as killing corrupt leaders or a violent break-up (civil war) was the only way forward for Nigeria as presently constituted. Though a minority view, it should not be ignored as probably many more Nigerians feel the same.

Table 5: Pathways to (re)negotiating a new Nigeria

Methods		Frequency	%	Valid %	Cumulative %
Valid	Convocation of a sovereign national conference of all ethnicities to chat a new Nigeria legitimised by a referendum	74	32.9	36.1	36.1
	Divorce through recognition of the self-determination rights of ethnic nationalities legitimised by a referendum	24	10.7	11.7	47.8
	A violent break-up through armed hostilities	4	1.8	2.0	49.8

	Restructuring through a consolidation and implementation Political Conference Reports legitimised by a referendum	73	32.4	35.6	85.4
	Eliminating corrupt leaders	2	.9	1.0	86.3
	Through sincere democratisation or through a military coup that promotes good governance	2	.9	1.0	87.3
	Total	179	79.6	100.0	
Missing	System	46	20.4		
Total		225	100.0		

Although different pathways to (re)negotiating a social contract between the state and the citizens for a new Nigeria abound, we can distinguish between a likely and unlikely plausibility. The ideal plausibility is a sovereign national conference (SNC) but this is unlikely because of political unwillingness from political elites who use legal arguments to hide their fears of disintegration if an SNC was forced. The likely plausibility in this context is harmonising the reports of the 2007 and 2014 political conferences which both have provisions that address the issues fanning political restructuring in Nigeria. However, this has to have the people’s buy-in through a referendum to adopt the outcome of such harmonisation which could be in the form of a new constitution on which to forge constitutional patriotism in a new Nigeria.

Concluding Thoughts

The state in Africa is an alien imposition, not only in terms of its origin but also in terms of its essence which was to further the colonial exploitation of Africa and its people. This perverse colonial state and the equally perverse notion of governance it necessarily produces were carried over to a postcolonial Africa, and these continue to define state and governance in the continent. The result has been chronic human insecurity, debilitating violent conflicts, and state failure and collapse in some instances with the entire continent making a reality of the stereotype that “Africans can’t govern themselves.” Nigeria is no different.

The failure of successive governments, especially the current Buhari administration, to perform its primary role of securing lives and property, delivering social welfare services to Nigerians, and managing the country’s diversity signposts the perennial crisis of state and governance in Nigeria. The security question particularly has raised several issues around the national question and corporate existence of Nigeria as many

feel unsafe not just because of the seeming incompetence of the Buhari administration to secure Nigerians from the wanton kidnappings and killings across the country, but also because they feel the government profiles and treats the perpetrators differently. This has heightened historical mutual suspicion between Nigerians along ethnic, religious, and regional lines pushing many to reconsider the basis of Nigeria's union which they struggle to attach themselves to. These considerations are reflected in the yet optimistic views of our respondents, most of who agree Nigeria could be renegotiated and redefined with the consent and participation of the people to produce a new social contract between state and citizens even though they differ on pathways to actualising this. However, it is clear that people's consent and participation are central to the nexus of the social contract for state-making, constitutional patriotism, and state-building in a plural state. This is often glossed over in most analyses on Nigeria's failure to actualise its potential as the giant of Africa and it is a missed opportunity for modifying the imposed colonial state.

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Conflict of Interests

The authors declare that there are no conflicts of interest.

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