

Evolution of subnational foreign economic relations in Nigeria

Dr. Ohiocheoya (Ohio) Omiunu*

De Montfort University, Leicester, UK

Ifeanyichukwu Azuka Aniyie

University of Pretoria, South Africa

Abstract

In the current dispensation of civilian rule in Nigeria (1999 - present), her subnational governments (SNGs) have increasingly been engaging in economic activities which impact on how Nigeria conducts her international economic interactions. This emerging trend is at variance with the existing legal provisions under the 1999 Nigerian constitution, which preclude SNGs from this policy space. This article examines the evolution of the constitutional framework for SNG involvement in Nigeria's foreign economic relations since independence. It is the argument in this article that the exclusion of SNGs from foreign affairs under the 1999 constitution is a departure from the original configuration at independence. It is further argued that the recent episodes of SNG involvement in international economic activities are occurring despite the constitutional restrictions due to external factors such as globalisation and internal factors such the growing need among SNGs to find alternative ways to fund their economic development objectives.

Keywords: foreign affairs federalism; constitutionalism; subnational governments; globalisation; military rule

* Corresponding author. Email: Ohio.omiunu@dmu.ac.uk.

Introduction

Since Nigeria returned to democratic rule in 1999, there has been a noticeable flurry of economic activity by her subnational governments (SNGs)¹ which has a direct and indirect impact on how Nigeria conducts her international economic interactions.² For example, in the period between 1999 and 2018, some of Nigeria's SNGs have actively engaged in foreign direct investment (FDI) related activities which have attracted the attention of international private investors and foreign envoys alike.³ However, this emerging trend contradicts the existing constitutional framework for foreign economic relations under the Constitution of the Federal Republic of Nigeria 1999 (CFRN 1999) which expressly precludes Nigerian subnational actors from acting in this policy space and entrenches central exclusivity in Nigeria's international economic interactions.⁴ Interestingly, this has not always been the case. Focusing on the pre-1999 constitutional position in Nigeria, this article examines the origin and evolution of the constitutional position on SNG participation in Nigeria's foreign economic relations from 1960 to the current period.

Three main arguments are presented in this article. First, it is argued that the current constitutional exclusion of SNGs from the conduct of foreign economic relations in Nigeria, under the CFRN 1999, was not the original intention of the founders of independent Nigeria. To substantiate this argument, the article will examine some constitutional and institutional provisions during the first republic (1960–1966) which demonstrate that a shared policy space was provided for the central government and SNGs in this regard. The article also attributes the centralisation of foreign economic powers in the current dispensation of civilian democratic rule to the years of military rule in Nigeria. Second, it is emphasised in the analysis that the regions were given constitutional powers to contribute to foreign economic policy in the first republic because revenue accruing from external economic activities, especially from the Commodity Marketing Boards (CMBs), was pivotal to the economic development objectives of the regions. Third, it is further argued that the recent episodes of SNG involvement in foreign economic activities in the fourth republic (1999 to the present) are occurring despite constitutional restrictions, because these actors crave access to foreign investment to meet their pressing economic development needs, as was obtainable during the first republic. It is emphasised in this regard that two main factors are acting as catalysts for the new expressions of SNG foreign relations emerging in the fourth republic (despite the constitutional restrictions on their participation). These two factors are the centrifugal force of federalism⁵ and the exogenous impact of globalisation.⁶

Methodology and scope of analysis

In order to achieve the aim and objectives of this article, a content analysis methodology is utilised to draw conclusions and inferences from the analyses of textual data. Relevant textual data includes provisions of the constitutions of Nigeria from 1960 to 1999 and literature on the historical evolution of federalism and foreign economic relations in Nigeria. These documents are analysed to identify patterns, characteristics or relationships⁷ which explain the antecedents of SNG foreign economic relations in Nigeria, as well as to shed light on recent episodes of SNG forays into the international scene.

The scope of analysis encompasses a review of the constitutional and institutional frameworks which support Nigeria's international economic policy and the capacity of

the national government (i.e., the federal government) and SNGs (i.e., the second level of government) to participate in international economic relations. The preceding analysis covers the period from 1960 to date, during which the evolution of Nigeria's federalism can be categorised into five periods:

- (1) 1960–1966 (first civilian republic) during which Nigeria had four subnational levels referred to as regions;⁸
- (2) 1967–1979 (military interregnum) the high point of which was the promulgation of the States (Creation and Transitional Provisions) Decree No. 14 of 1967, and the States (Creation and Transitional Provisions) Decree No. 12 of 1976, which further divided Nigeria into 12⁹ and 19¹⁰ subnational units, respectively;
- (3) 1979–1983 (second civilian republic);
- (4) 1983–1998 (military interregnum) in the course of which Nigeria was further divided into 21 subnational units¹¹ in 1987, 30 subnational units¹² in 1991 and 36 subnational units¹³ in 1996; and
- (5) 1999 to date (fourth civilian republic).

The analysis in this article will focus primarily on the first and fourth civilian republics. The selection of these two periods is because they represent two different positions in the federalism–international economic relations nexus and hence best illustrate the evolution that has occurred in the constitutional/institutional framework of Nigeria's SNG international economic participation. In this article, it is argued subsequently that there is a correlation between the periods of military interruption and the involvement of Nigeria's SNGs in foreign economic activities from 1960 to the present. However, owing to the limited scope of this article, the 28 years of intermittent military rule are reviewed only in a condensed form.

The post-independence SNG participation in Nigeria's foreign economic relations

Before analysing the constitutional framework for international economic relations in Nigeria, this section will start with a brief background of the origins of federalism in Nigeria. Nigeria's federalism pre-dates her independence.¹⁴ The Richard and Macpherson Constitutions of 1945 and 1951 catalysed the adoption of a federal structure as they introduced the regional system into pre-independence Nigeria.¹⁵ The Lyttleton Constitution of 1954 built on this by introducing a quasi-federal structure and provided for a loose federation where each region was granted some form of autonomy.¹⁶ The 1960 and 1963 (republican) Constitutions only further entrenched federalism in Nigeria by providing for four constitutions in one single document (one for the federal government and one for each of the three regions),¹⁷ with that of the federal government being first among equals only to the extent of inconsistencies between the laws of each level of government.¹⁸ The presence of active regional governments characterised this period, each having a significant degree of constitutionally entrenched autonomy to determine the direction and pace of their economic development.¹⁹ This also made it possible for regional governments to participate in foreign interactions directly and indirectly to facilitate their economic development objectives.²⁰ The autonomy of the regional governments in this regard was facilitated to a large extent by a revenue-sharing formula based on derivation which ensured each region got as much as it contributed to the earnings of the country.²¹ This arrangement inspired each region to focus on developing and harnessing resources

where each had a comparative advantage. For the regions of the west and east, their major agricultural export commodity was cocoa and palm oil respectively, while the north was mainly known for the production of hides and skin, groundnut and cotton.²² More so, each of the regions took over the marketing boards which had been set up by the departing British colonial government, first as Commodity Marketing Boards in 1947 and subsequently reorganised as Regional Marketing Boards (RMBs) in 1954.²³ The RMBs purchased export crops peculiar to each of the regions from farmers at stabilised prices for sale abroad. The funds, especially the surpluses accruing from these sales by the RMBs, were a significant source of revenue for economic development in the respective regions.²⁴ As such it came as no surprise that the constitutional arrangements under the 1960/63 Constitutions formalised this status quo.

Concerning foreign affairs, the 1960 Constitution and subsequently the 1963 republican Constitution (which replaced the former) gave the federal government a lead role.²⁵ However, in the specific context of trade and commerce, under the 1963 Constitution, the federal government and the regions had shared responsibility. This shared constitutional responsibility was reflected in the control of the processes relating to the export of commodities sourced from the respective regions.²⁶ Specifically, Section 77 of the 1963 Constitution (which was similarly phrased as Section 71 of the 1960 Constitution) provided that:

1. Parliament may make laws for Nigeria or any part thereof with respect to trade and commerce between Nigeria and other countries and trade and commerce among the territories, including (without prejudice to the generality of the foregoing power) the export of commodities from Nigeria, the import of commodities into Nigeria, the establishment and enforcement of grades and standards of quality for commodities to be exported from Nigeria and the preservation of freedom of trade and commerce among territories.
2. For the purpose of this section Parliament may:
 - a. Confer on any person or authority exclusive power to acquire from a purchasing authority established for a region by the legislature of that region any commodity for export from Nigeria, to export any commodity from Nigeria or to sell any commodity outside Nigeria;
 - b. Make provision for the inspection of commodities to be exported from Nigeria at the port of shipment from Nigeria and for the enforcement of grades and standards of quality in respect of commodities so inspected.
3. The power conferred upon Parliament by this section shall not include powers:
 - a. To establish a purchasing authority for a region;
 - b. To confer on any person or authority power to acquire in a region any commodity for export from Nigeria from any person or authority in that region other than a purchasing authority established for that region by the legislature of a region;
 - c. To regulate the prices to be paid by a purchasing authority established by the legislature of a region for commodities for export;
 - d. To regulate or prohibit in a region any processing of a commodity to be exported or any dealing with such a commodity other than its export from Nigeria; or
 - e. To make provision for the enforcement in a region of any grades or standards of quality for commodities to be exported from Nigeria that may be established by Parliament.
4. Nothing in this section shall be construed as precluding the legislature of a region:
 - a. From making provision for any of the matters referred to in subsection (3) of this section; or
 - b. From conferring upon any purchasing authority of the region power to acquire any commodity in the region for purposes other than export from Nigeria.
5. In this section 'purchasing authority' means, in relation to a region any person or authority empowered to purchase commodities for export in that region.

From the above sections, a summary of the scope of responsibilities allocated to the federal

government and regional governments respectively is represented in Table 1.

From the preceding provision, the federal government was exclusively responsible for the actual process of export and import (at the ports) and not the processes in between.²⁷ The federal government could not dictate how the regions handled matters relating to the pricing, procurement and processing of commodities for export as well as enforcement of legislation on standards made by Parliament before the products reaching the port of export.

As it was pointed out previously, this constitutional arrangement described above did not come as a surprise, considering the importance of the revenue accruing from the RMBs to the regional governments. It is, however, important to point out that this arrangement

Table 1. Areas of responsibilities of federal government and SNGs in relation to trade and commerce

Federal government	Subnational governments
Legislation relating to trade and commerce between Nigeria and other countries as well as among the regions.	Establishment of purchasing authority or making of provisions related thereto.
Legislation relating to export or import.	Conferment of power to source commodity for export in the region or making of provisions related thereto.
Legislation relating to the establishment and enforcement of grades and standards of quality for commodities to be exported from Nigeria.	Regulation of price paid by purchasing authorities or making of provisions related thereto.
Conferment of power:	
(1) to acquire commodity from regional purchasing authority for export;	Regulation/prohibition of processing of commodity for export within region or making of provisions related thereto.
(2) to export commodity;	
(3) to sell commodity outside Nigeria.	
Making provision for the inspection of export commodities at port for enforcement of grades and standards of quality.	Making provision for the enforcement of grades and standards of qualities for commodities to be exported as legislated by the federal government.

Source: Authors. Adapted from Section 77 of the 1963 Constitution and Section 71 of the 1960 Constitution.

of shared responsibilities between the federal government and SNGs was not always efficient. For example, within the specific context of the dual control of export processes, there was a need for RMBs to work in conjunction with federal level agencies such as the Nigerian Ports Authority and the Nigerian Railway Corporation to coordinate logistics. Cooperation between these agencies was vital because as Hays points out the traffic of agricultural commodities to the seaports was correlated with the demand for and development of transportation networks in Nigeria.²⁸ However, Hays argues that there were schisms which curtailed the effectiveness of the process because both the RMBs and agencies controlled by the federal government considered their roles as separate, rather than working together to achieve a common purpose.²⁹

It is also arguable that the contributions of the regions within the context of export processes discussed above did not entail direct involvement by Nigerian SNGs with foreign entities, and as such would have been classified as solely domestic interactions. This is not surprising because, under the prevailing understanding of international relations in the early 1960s, there was an apparent dichotomy between foreign and domestic interactions. However, things have changed significantly over the years, and as Hocking points out, globalisation has eroded erstwhile rigid conceptual boundaries between domestic and foreign policy environments.³⁰ Habbeger speaking in the same vein³¹ also points out that:

Contrary to the traditional notion of foreign policy, today's political realities do not correspond any longer with the conventional wisdom of a clear division between a domestic and a foreign policy sphere of governance. While the historic nation-state is supposed to behave as a unitary actor, the domestic political structure provides sub-national units with competencies to influence the foreign policy of the federation.

As such, compared with the present day, the activities of Nigeria's SNGs under the 1960/1963 Constitutions would have been given less consideration as direct foreign relations. Be that as it may, the impact of these constitutional provisions under the 1960/1963 Constitutions, even at that time in question, had an indirect effect on the direction of Nigeria's overall foreign economic policy. For example, a reading of Section 77(2)(b) and (3)(e) above indicates that setting standards of products for exports was a shared prerogative for both the federal government and the SNGs. In effect, the federal government was not constitutionally empowered to determine standards of goods until they reached the ports for shipment. As such, the determination of policies on standards of exports was dependent on the regional authorities being effective. More so, Helleiner argues that the fees collected by the RMBs from the producers (i.e., the farmers) constituted an export tax/levy that contributed to the pricing of Nigeria's export to her external trading partners.³²

Other provisions in the 1960 and 1963 Constitutions which point to the fact that the regions had shared responsibilities with the federal government in matters relating to Nigeria's international economic interactions include Section 65 of the respective regional constitutions, which provided that:

Power to appoint persons to hold or act in the office of the agent-general of the region in the United Kingdom (including the power to make appointments on promotion and transfer) and to remove persons so appointed from that office, shall vest in the governor, acting in accordance with the advice of the Premier.

The agent-general was a conduit through which the economic, educational and cultural interests of the respective regions were pursued.³³ According to Teniola 'agents general were like ambassadors for their respective countries, and they were to promote tourism

and investments for their countries [regions]. They also acted as liaison officers for the regional marketing boards'.³⁴ From Teniola's description, it is evident that these diplomatic officers played an essential function in the foreign policy formulation of the regions. Also, Gambari argued that this provision held the door ajar for regional participation in foreign affairs because even though the federal government '[c]ontrolled the key instruments and agencies for formulating and executing foreign policy such as the foreign ministry and overseas diplomatic missions, regional governments were allowed to maintain quasi-diplomatic offices to represent their interests in the United Kingdom'.³⁵ However, because the operations of the regions abroad were limited to only the UK, the scope of their influence via these quasi-diplomatic offices must have been limited.

Furthermore, the regions had powers under Section 74 of the 1963 Constitution to determine whether or not to opt out of international treaties entered into by the federal parliament. The section³⁶ provided that:

Parliament may make laws for Nigeria or any part thereof with respect to matters not included in the Legislative Lists for the purpose of implementing any treaty, convention or agreement between the Federation and any other country or any arrangement with or decision of an international organization of which the Federation with or decision of an international organization of which the Federation is a member; provided that any provisions of law enacted in pursuance of this section shall not come into operation in a region *unless the governor of that region has consented to its having effect.* (Emphasis added)

This provision above related to treaties of which the subject matter(s) were not constitutionally allocated to either level of government under the respective constitutional legislative lists. This provision was inserted presumably to safeguard the contributions of Nigeria's SNGs in the treaty-making process.³⁷ It is, however, interesting that such a significant power was not allocated to the regional parliaments but was vested solely in the governor. More so, the governor's prerogative to decline implementation of treaties within a region was not subject to scrutiny by the premier or the regional parliament. This point to the level of influence that regional leaders wielded during the first republic. It also points to the power dynamics at play between the active regions and the relatively weak central government. It can be inferred that the existence of this provision would have given the governors a strong influence in the decision-making process when the federal government sought to ratify international agreements. Gambari corroborates this inference arguing that, because the Nigerian state was polarised along ethnic and religious lines during this period, 'it was clearly possible for implementation of a treaty in a region to be held up by the governor's refusal to grant consent due to any of the afore-mentioned [ethnic and religious] differences'.³⁸

With regard to accessing foreign capital, there was also some level of autonomy for the regions during the first republic as they did not need the approval of the federal government to negotiate and obtain short-term foreign loans (tenure of 12 months or less) on the assets of the regions as well as technical assistance.³⁹ Furthermore, although external affairs were under the Exclusive Legislative List (ELL), the regions capitalised on the freedom accorded them by the Concurrent Legislative List (CLL) of the 1960 and 1963 Constitutions to propagate foreign policy which had a direct and indirect impact on the inter-national economic relations of the federation. For example, arms and ammunition, bankruptcy and insolvency, census-taking, commercial and industrial monopolies, combines and trusts, higher education, industrial development, the regulation of professions, maintaining and securing of public safety and public order, the registration of business names and statistics – all of these fell under the CLL.⁴⁰ The ability of the regions to propagate foreign policy within these subject areas under the CLL created the potential for

variance in foreign policy direction between the different regional governments on the one hand and between the regional governments and the federal government on the other.⁴¹ A notable example in this regard occurred in the context of Nigeria's relations with the state of Israel. The Northern region led by Sir Ahmadu Bello was opposed to Nigeria establishing diplomatic ties with the state of Israel owing to his close ties with the Muslim Gulf states, long-running enemies of Israel. The Western and Eastern Regions, on the other hand, were keen to establish and maintain economic ties with Israel. In fact, these two regions before independence and during the first republic were reported to have had significant dealings with Israel in the area of agricultural development and education.⁴² Although the government of Sir Abubakar Tafawa Balewa at the federal level tried to maintain a pragmatic stance, the division among the regions on the topic of Nigeria-Israeli relations made life difficult for the central government. According to Danfulani and Buba:

When the Federal Government under the leadership of Sir Abubakar Tafawa Balewa sourced a loan from Israel in the early 60s. The Premier of Northern Nigeria Sir Ahmadu Bello rejected his region's share of the facility and piqued when we want aid/help they know which direction to look at ...⁴³

The divisive nature of Nigeria-Israeli relations was and remains a reflection of the ethnic and religious divide of the Nigerian state. It also demonstrates the volatility which came with the regions having entrenched constitutional powers to forge a parallel foreign policy direction alongside the federal government during the first republic.⁴⁴

Institutional Framework

During the first republic, international economic relations were subsumed under the broader institutional framework for foreign policy⁴⁵ and this provided a premise for Inamete's conclusion that foreign policy was controlled by the federal government during that era. Although Inamete situates the opening of representative offices by the regions in the UK during the first republic within the context of foreign policy,⁴⁶ his conceptualisation of the general structure of foreign policy, as depicted in Figure 1, did not take cognisance of the role played by the regional governments during the era, as it limited foreign policy decision-making to the realm of the federal government and its relevant ministries, agencies and departments. However, from the analysis above we see that the regions had a significant role in Nigeria's international economic interactions during the first republic.

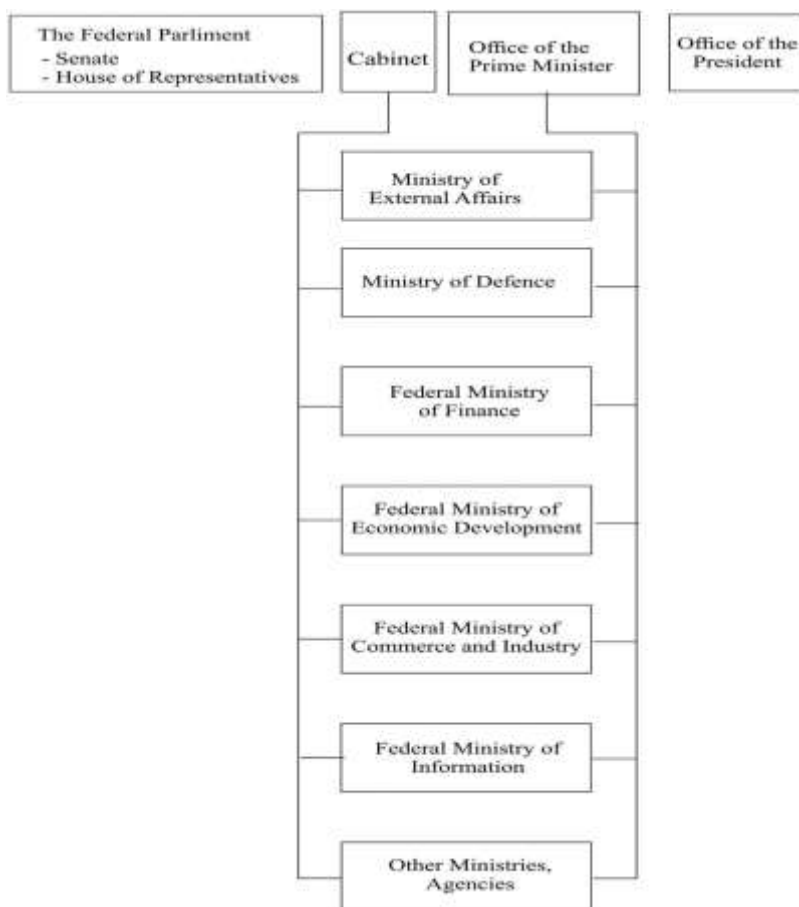


Figure 1 Foreign policy decision-making structure during the first republic (1960-1966) Source: Inamete U, *Foreign Policy Decision-making in Nigeria*. Selinsgrove: Suquehanna University Press, 2001.

Another weakness of Inamete's conceptualisation is that he did not consider the fact that the role of the regions in Nigeria's foreign policy was not only restricted to the opening of representative offices abroad. His analysis does not take cognisance of the fact that the National Economic Council, constituted by equal representation from both levels of government, was a forum for federal government-regional cooperation on international economic issues,⁴⁷ which at that time was considered a subset of foreign policy.⁴⁸ Hence, the conclusion is that Inamete's framework is not a complete reflection of the arrangement as it then was. More specific to foreign economic policy and in the context of the contribution of the regions to the process of international trade and commerce during this era, it is argued that Inamete's framework could be modified as presented in Figure 2. On the premise of the revised structure, the conclusion is that, in the first republic, federal and regional institutions were constitution-ally mandated to cooperate on matters relating to Nigeria's economic relations.

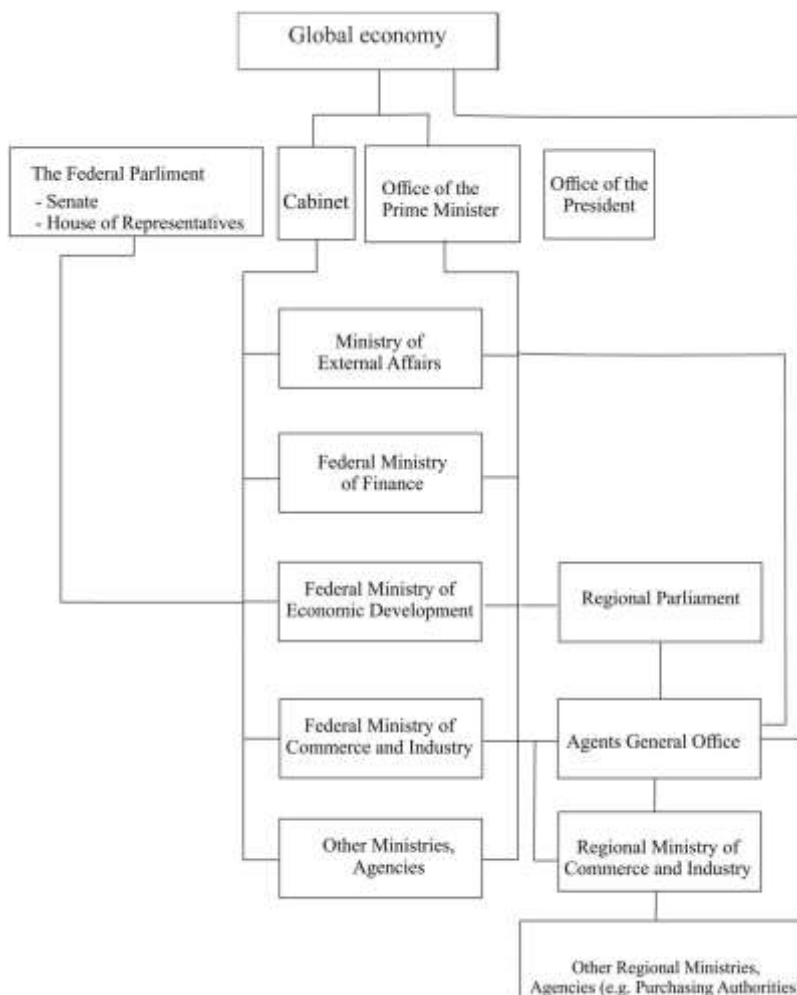


Figure 2. Modified foreign policy decision-making structure during first republic (1960–1966). Source: Authors (Adapted from Inamete U, *Foreign Policy Decision-making in Nigeria*, Selinsgrove: Suquehanna University Press, 2001).

From the foregoing analysis, it is evident that the original formulation of Nigeria's constitutional federal system at independence provided for subnational participation in foreign economic relations. Although the effectiveness of this constitutional model at that time is not within the scope of this article, explaining how the system changed over time gives some insight into why subnational foreign economic relations was discarded under subsequent constitutions. It also provides us with an insight into why Nigeria's SNGs have rekindled their interest in international economic activities since 1999.

The period of the first civilian republic after Nigeria attained independence was short-lived. This is because Nigeria as a young republic experienced some political upheavals which destabilised the civilian government and cumulated in a military takeover in January 1966.⁴⁹ This *coup d'état* was the beginning of military intervention in Nigerian politics which continued intermittently from 1966 to 1979 and then again from 1983 to 1999. During this period, three military governments succeeded each other during the first spell (i.e., 1966 to 1979) and four military governments ruled Nigeria between 1983 and 1999.

SNG participation in Nigeria's foreign economic relations during military interregnums

Federalism in Nigeria has a history checkered by military interregnums.⁵⁰ This makes any discussion on Nigeria's federal system incomplete without a review of these periods of military rule, as they had a variety of effects on the polity. More so, it is of particular interest to this discourse to consider the consequence of the military incursion on SNG participation in Nigeria's foreign economic relations.

The legal framework during the periods of military rule in Nigeria was formal and not martial. The fact that the military administration had a structured legal order driven by the promulgation of decrees at the centre and edicts at the state level accounted for the formality of the legal framework of the military junta. Concerning the restructuring of SNG participation in Nigeria's foreign affairs, the Constitution (Suspension and Modification) Decree No. 1 of 1966 was used in 1966 by the administration of Aguyi Ironsi to suspend the 1963 republican constitution and the regional constitutions. This suspension of the constitutions paved the way for the disbanding of the agents-general offices in the UK which the regions operated during the first republic.⁵¹

Furthermore, Decree No. 1 of 1966 conferred on the federal military government (FMG) unlimited legislative power. This is because under Section 3 of the decree, the FMG was seized with the power to legislate for the whole country or any part thereof concerning any matter whatsoever. The Yakubu Gowon administration that took over the reins of power in July 1966 maintained the status quo introduced by Aguyi Ironsi's administration and further entrenched the supremacy of the FMG by promulgating the Federal Military Government (Supremacy and Enforcement of Powers) Decree 28 of 1970.⁵² This decree was introduced in response to the Supreme Court decision in *Lakanmi & Kikelomo Ola vs Attorney-General (Western State) & Others*,⁵³ which declared a military decree invalid. Decree No. 28 asserted that the first and second military coups were revolutions that effectively repealed the whole of the pre-existing legal order in Nigeria except what was explicitly preserved by Decree No. 1 of 1966.⁵⁴

Another significant development relating to SNG participation in foreign economic-related activities during the military rule was the use of state creation to weaken the political and economic powers of SNGs in this sphere. The first significant restructuring occurred in 1967 with the introduction of a 12-state structure by the Gowon

Administration. The primary reason for abolishing the regional structure was to deal with the rising ethnic-regional consciousness and heterogeneity as well as curtail the political and economic powers of the SNGs in a bid to prevent the civil war that eventually broke out in 1967.⁵⁵ Dickovick corroborated the preceding when he stated that: 'The looming prospect of the Biafra War in 1967 first gave the Nigerian central government incentives to subdivide the Yoruba, Igbo and Hausa-Fulani regions into more fragmented units that would complicate ethnic mobilisation and temper violence'.⁵⁶ The proliferation of states by the military was also driven by economics in the form of resource allocation and capture.⁵⁷ Suberu captured the preceding sentiment from an ethnic perspective thus:

Because the states have become the structural means through which a considerable proportion of national wealth is made available to groups and individuals, in the form of state-controlled opportunities and amenities, the feeling is very strong among ethnic communities, especially those in the more ethnically-mixed states, that only by having states of their own can they achieve modernisation or benefit equitably from the 'national cake'.⁵⁸

As such, the fragmentation of the erstwhile regional structure by the military government was not directly targeted at curtailing foreign economic powers of the SNGs; it however had that incidental effect.

It has been argued that the incursion of the military into Nigerian politics significantly altered the course of federalism in Nigeria because it was during the era of successive military governments that the federalism arrangement negotiated by the nation's founding fathers was eroded in favour of the centralised federalism format currently in place in the fourth republic. Regarding SNG engagement in international economic relations, this was the case. For example, early in the course of the Yakubu Gowon-led military junta, the SMC promulgated the Nigerian Produce Marketing Board Decree of 1968 and the Central Bank of Nigeria (Amendment) Decree No. 50 of 1968. These decrees established agencies which in the execution of their mandate effectively excluded the SNGs from foreign economic participation.⁵⁹ Specifically, the introduction of these two agencies reduced the powers of the State Marketing Boards (formerly RMBs) which had been a major source of funds for the regional governments during the first republic. The introduction of the above-mentioned decrees had the following implications:

- (1) The Nigerian Produce Marketing Board was introduced and it was no longer accountable to the SNGs but only to the Federal Ministry of Trade.⁶⁰
- (2) The State Commodity Boards were stopped from sourcing commercial loans and could only get loans from the Central Bank.⁶¹
- (3) State Marketing Boards could only fix prices on commodities after consulting the Central Bank.
- (4) Export duties which the State Marketing Boards levied on commodities originating from the states were abolished.⁶²

As such, the involvement of SNGs in foreign policy was little- or non-existent at this point in Nigeria's history.⁶³ However, there were still instances where some SNGs devised ways to maintain a connection with the outside world. A good example is the use of state-owned incorporated companies to pursue investment objectives. For instance, the Odu'a Investment Company Limited was floated in July 1976 by the three states (Oyo, Ondo and Ogun) carved out of the former Western Region, to oversee the investment portfolio of the new states.⁶⁴ Also in 1989, Lagos State incorporated Ibile Holdings to carry out similar functions as Odu'a Investment Company Limited.⁶⁵ The use of state-owned corporations

was a clever way for SNGs to circumvent constitutional restrictions on their ability to engage with foreign entities for investment purposes. According to the website of Odu'a Investment Company Limited, the company since inception, '... has been operating as a conglomerate with over 70% of her business as investment/ joint ventures with reputable multinationals'.⁶⁶

SNG participation in Nigeria's foreign economic relations during the second civilian republic

The administration of Olusegun Obasanjo paved the way for a return to civilian rule in Nigeria in 1979. This time, Nigeria departed from the parliamentary system of government which had operated during the first republic and adopted a presidential system of government built on the model of the United States.⁶⁷ A new constitution was also adopted in 1979 to restore the federal system of government.⁶⁸ The second republic lasted until December 1983 when the military took over power again.

The constitutional and institutional framework for foreign economic participation in this era was similar to what is currently obtaining in the fourth republic. In the context of SNG participation in Nigeria's foreign economic relations, the 1979 Constitution put beyond the reach of the SNGs several areas wherein they were hitherto active in the course of the first republic. The legislative competence of the federal government was extended to cover all aspects of 'trade representation; external affairs; implementation of treaties relating to matters on the exclusive legislative list, trade, and commerce between Nigeria and other countries, and borrowing of money within or outside Nigeria for the Federation or of any state'.⁶⁹ Other areas formerly within the competence of SNGs which the 1979 Constitution exclusively reserved for the federal government included the powers to set up purchasing authorities, inspection of commodities, standards, and control of prices for products.⁷⁰

The only aspect of SNG participation in foreign policy which was carried over from the 1963 Constitution was the safeguard requirement (legislative domestication of international treaties) which was retained as Section 12 of the 1979 Constitution.⁷¹ This development under the 1979 Constitution gave the federal government during the second civilian republic broad and unfettered powers over Nigeria's foreign policy. Gambari attributes the centralisation of the constitutional and institutional structures for foreign policy in Nigeria under the 1979 Constitution to the report of the Adebayo Adedeji Committee which was set up in 1975 by the Obasanjo administration to carry out a comprehensive review of Nigeria's foreign policy regime.⁷² According to Gambari: 'the Adedeji Committee did not foresee a formal role for subnational political entities in foreign affairs'.⁷³ He further argues that: 'it [the Adedeji Committee formally excluding Nigerian SNGs from the foreign policy arena] was a significant omission' which 'perhaps [was done] in keeping with constitutional provisions or the prevailing tendencies of the time'.⁷⁴ Gambari's reference to 'prevailing tendencies of the time' is not further expounded on but it can be inferred that he was referring to the prevailing theories in international relations at the time which favoured a unified voice in foreign affairs.⁷⁵ This assertion is corroborated by Akindele and Oyediran who opined that 'There is abundant evidence in the record of the Constitution Drafting Committee and in the provisions of the 1979 Constitution itself of the determination of the authors of the constitution to make the federal government the sole Nigerian actor and spokesman in international affairs'.⁷⁶

Furthermore, Professor Ben Nwabueze, a leading Nigerian constitutional scholar who played a prominent role in the drafting of the 1979 Constitution, argued in 1981 that it was

right for SNGs to be excluded from Nigeria's foreign policy arena because the leadership of the federal government was needed to articulate a coherent foreign policy for Nigeria.⁷⁷ It is the view of the authors that the omission of SNG's in Nigeria's foreign policy review by the Adedeji Committee was not surprising because SNGs at this period in Nigeria's history were a weak reflection of the erstwhile strong and active regions which had existed during the first republic before successive military interventions and a civil war. Moreover, with the control over their resources curtailed by years of military rule, there was no impetus for SNGs to demand similar access to the foreign scene as they had under the first republic. Although the operation of the 1979 Constitution was short-lived owing to the interference of the military in 1983, it laid the foundation for the centralised constitutional position on SNG participation in foreign affairs until the present.

SNG participation in Nigeria's foreign economic relations during the fourth civilian republic

Constitutional framework

Nigeria returned to civilian rule on 29 May 1999. Olusegun Obasanjo was elected the first civilian president of the fourth republic.⁷⁸ Part of the structures put in place to ensure the transition to civilian rule and the commencement of the fourth republic was the CFRN 1999.⁷⁹ It restored the federal presidential system of government of the second republic. The CFRN 1999, which was drafted during Sani Abacha's military rule, restored a federal system of government to Nigeria and retained the presidential style of the second republic. Under the new setup, Nigeria's government comprised three recognised levels (federal, state and local). Unsurprisingly, the CFRN 1999 maintained the central dominance of the federal government concerning foreign economic relations that had characterised the period of military rule and had been enshrined in the 1979 Constitution. Moreover, it is arguable that the circumstances surrounding the transition period to civilian rule, where Abacha until his death had made efforts to return as Nigeria's civilian ruler, influenced the CFRN 1999 being crafted to reflect a centralised federal structure.⁸⁰

Central dominance or exclusivity in the realm of foreign economic relations was achieved in the CFRN 1999 via:

- (1) Item 20 which empowers the federal government to send and receive diplomatic, consular and trade representation;
- (2) Item 26 which provides that external affairs are within the competency of the federal government;
- (3) Item 31 which provides for the federal government's powers to implement treaties relating to matters on the ELL;⁸¹ and
- (4) Item 62 of the ELL which provides for 'Trade and commerce, and in particular –
(a) Trade and commerce between Nigeria and other countries including import of commodities into and export of commodities from Nigeria, and trade and commerce between the states'.

Other provisions of the CFRN 1999 which consolidate the federal government's powers over foreign economic relations include item 39 of the ELL. This provision of the CFRN 1999 puts the federal government in charge of mines and minerals, including oil fields, oil mining, geological surveys and natural gas; all of these are activities and resources that are of much interest to foreign entities. Also, Section 16 of the CFRN 1999 identifies the governance of the national economy, including international economic relations, as an objective of the

Nigerian state to be discharged by the federal government.

Institutional framework

The Nigerian Trade Policy Document (NTPD) 2002 is one of the components of the institutional framework for foreign economic relations in the fourth republic.⁸² Specifically, the NTPD guides Nigeria's international trade and commerce interactions as well as guaranteeing active participation in trade negotiations to enhance the achievement of national economic gains in the multilateral trading system or regional and bilateral arrangements.⁸³

Flowing from the position in the CFRN 1999, the NTPD 2002 also consolidates the position of the federal government as the primary institution responsible for international economic policy in Nigeria. To this end, under the institutional framework contained in the NTPD 2002, the Federal Executive Council (FEC) headed by the president is the highest decision-making organ on matters of foreign economic policy. In the context of international trade, commerce and investment, the NTPD gives the Federal Ministry of Commerce and Industry (FMTI, now renamed the Federal Ministry of Trade and Investment) the overall responsibility for coordinating trade policy formulation in Nigeria.⁸⁴ On matters relating to foreign trade policy, the FMTI is the point of contact with the FEC and the National Assembly⁸⁵ who are responsible for decision making on trade-related issues.

Specific forums which provide an avenue for SNG participation in Nigeria's foreign economic decisions include the National Council of State (NCS)⁸⁶ and the National Council on Commerce (NCC).⁸⁷ Although SNGs are part of the NCS which also comprises members of the FEC, the remit of the forum does not include issues relating to foreign policy or foreign trade relations.⁸⁸ The NCC, on the other hand, consists of SNGs and non-state actors like the Manufacturers Association of Nigeria, the Nigerian Association of Small Scale Industry and the Nigerian Association of Chambers, Industry, Mines, and Agriculture. Unlike the NCS, the NCC has within its remit foreign trade. However, the NCC is only advisory, and as such it acts in the following capacities as:

- (1) a soft law mechanism for incorporating the views of all stakeholders (including SNGs) on issues of trade and commerce;
- (2) a knowledge sharing forum, where the federal government obtains views and opinions from stakeholders on what Nigeria's international economic policy direction should be; and⁸⁹
- (3) a forum which gives the federal government an avenue to keep stakeholders abreast of the policy direction which it is constitutionally empowered to handle, make laws about and sign agreements on.

Against the background of the preceding constitutional and institutional framework for foreign economic participation under the CFRN 1999 and NTPD 2002, respectively, it is argued that the NCC presents itself as the most significant forum for the involvement of SNGs in Nigeria's international economic interactions in the fourth republic.

SNG participation in Nigeria's foreign economic relations: The current realities

The prior review clearly demonstrates that the existing constitutional and institutional frameworks for foreign economic relations in Nigeria make no formal provision for SNG

participation in Nigeria's international economic interactions, contrary to the case under the first republic. It would have been expected that this would have brought about an end to such activity. However, this is not the case. Currently, in the fourth republic, there has been a resurgence of Nigeria's SNGs as actors in the foreign economic relations space. These recent forays by Nigeria's SNGs into the foreign arena are mainly focused on attracting foreign investment to meet their economic development needs. While a detailed analysis and discussion of SNGs' foreign economic expressions since 1999 is beyond the scope of this article, a broad analysis of these contemporary expressions yields four categories of interactions.

Engaging in trade-promotion activities

The participation of Nigeria's SNGs in trade-promotion activities, especially involvement in international trade fairs, is not unusual. In most cases, these external trips are facilitated by the Nigerian Investment Promotion Commission.⁹⁰ However, these external engagements are sometimes arranged by the SNGs who are now developing their strategy for identifying which foreign entities to approach. This has the potential to affect the coordination of Nigeria's foreign investment interactions. For example, the Organisation for Economic Cooperation and Development (OECD) in a 2015 report on Nigeria's investment reforms commented on this trend as it relates to Lagos state's trade-promotion activities.⁹¹ It was advocated in the report that: 'Investment promotion in Lagos State would benefit from defining an investment promotion programme and clarifying the division of labour among implementing agencies at federal and state levels'.⁹² The report also stated that: 'the federal government has not yet defined a clear model of collaboration between federal and state institutions on promotional activities'.⁹³

Establishment of state-owned corporate entity focused on foreign trade and investment

Nigerian SNGs in the fourth republic have continued to float investment and trade focused corporate entities similar to the examples discussed in section two of this article. A recent example is the Development Agenda for Western Nigeria Commission. The Commission was set up by the governments of six states in the south-west of Nigeria (Lagos, Oyo, Ogun, Osun, Ekiti and Ondo) to pursue a regional integration strategy for the south-western region. As was noted previously, the use of corporate vehicles to pursue socio-economic objectives invariably leads to direct involvement with foreign entities. For example, in 2013, Bayelsa state introduced an investment corporation – the Bayelsa Development and Investment Corporation – which opened foreign investment offices in strategic locations including New York, London, Dubai and South Africa.⁹⁴ This move was prima facie unconstitutional as SNGs no longer have constitutional powers to operate quasi-diplomatic offices abroad as was the case in the first republic. However, SNGs engaging with foreign entities via these routes have not raised any reported constitutional issues with the federal government. Presumably, SNGs using private corporations to perpetuate their foreign diplomatic activities is acceptable to the federal government, or the powers that be are yet to realise the potential pitfalls of the emerging trend should there be no deliberate action to coordinate the process. As such, this trend is a potential flash-point in the future that needs to be given more attention as it is replicated by states across other geopolitical regions.

Establishment of specialised government agencies or executive institutions focused on foreign trade and investment

In addition to the proliferation of state-owned corporate entities discussed above, a new trend observable in the fourth republic is the introduction by SNGs of specialised government agencies or executive institutions. The mandate of these agencies covers a broad spectrum of trade and investment-related activities such as investment facilitation, investment promotion and economic policy formulation. Notable examples of these specialised agencies include the Kaduna State Investment Promotion Agency,⁹⁵ the Lagos Office of Overseas Affairs and Investment-Lagos Global,⁹⁶ the Anambra State Investment Promotion and Protection Agency⁹⁷ and the Ogun State Office of One-Stop-Shop Investment Centre.⁹⁸ These state agencies discharge functions which go beyond the mandate of the Nigerian Investment Promotion Commission at the central level which is meant to be the primary facilitator for the ingress of foreign investment into Nigeria.

Engaging with foreign diplomats, dignitaries and company executives

Between 2011 and 2013, then Lagos state governor Babatunde Fashola hosted trade delegations consisting of foreign high-ranking officials and diplomats. These included former British Prime Minister David Cameron, who in 2011 during his first and only official visit to Nigeria led a business delegation to Lagos. In 2012, Fashola received the British Deputy High Commissioner to Nigeria Peter West and their discussions focused on the improvement of economic relations between Lagos and the UK. Fashola also received the Dutch Vice Minister for Foreign Trade Simon Smits in 2012, to discuss ways to tackle the challenges posed by infrastructure deficit and coastal erosion in Lagos state. He also hosted Russia's envoy to Nigeria, Ambassador Nickolay Udovichenko, in 2013.⁹⁹

In addition to meeting with foreign envoys and undertaking foreign trips, it is now becoming popular for SNGs to sign memoranda of understanding with foreign entities. For example, since 1999, Cross Rivers state and Abia state among others have signed memoranda of understanding and entered into bilateral agreements with foreign actors. Interestingly, the international partners engaged by Nigerian SNGs include national governments, counterpart SFGs and multinational corporations (ie, state-owned enterprises) which wield strong state influence.¹⁰⁰

Endogenous and exogenous factors in the changing state of affairs in Nigeria

From the preceding, it is hypothesised that, notwithstanding the constitutional and institutional strictures, Nigeria's SNGs continue to be active in the realm of foreign economic relations. This assessment resonates with Habegger, who suggests that, by virtue of today's realities, the traditional notion that there is a clear distinction in the realm of foreign policy (which encompasses foreign economic relations) between national and sub-national levels is counterintuitive.¹⁰¹ Hence, we identify two factors: one endogenous (ie, the lopsided fiscal federalism inherited from years of military rule) and the other exogenous (i.e., globalisation) as responsible for the changing state of affairs in Nigeria, and proceed to examine them hereafter.

Federalism

Federalism is characterised by shared power and rule among multiple tiers of government – whether each is constitutionally recognised or not – and each having autonomy from the other.¹⁰² It provides an opportunity for self-determination as well as for the formation of a union by people with ethnolinguistic, religious and socio-economic diversity, without necessarily forming a unitary state.¹⁰³ For Elaiwu, federalism provides a suitable medium for effecting appropriate compromises within a culturally plural milieu.¹⁰⁴ The Nigerian federal structure in the first republic, which was discussed previously in this article, fits perfectly into the above mould. This is because then-prevailing constitutional and institutional frameworks recognised and provided for the development of strong autonomous regions with bespoke foreign economic powers. Hence, each region took a trajectory actuated by a combination of factors that included its natural resources, the religious and ideological leanings of leaders¹⁰⁵ and its chosen path to economic self-determination. As was pointed out in the earlier sections of this article, this arrangement was far from perfect. For example, the conflicting views of the regions vis-à-vis the federal government regarding Nigeria-Israeli relations were not always helpful in allowing Nigeria to have a single voice in the foreign sphere. However, this was an arrangement which was negotiated by the founders of the Nigerian state, who presumably thought it wise to start off with a loose federation where each region had considerable autonomy to chart their economic development. However, it is not certain that the regions would have continued on this path if the military had not interfered with governance in Nigeria.¹⁰⁶

Federalism resurfaced in the fourth republic, albeit in a centralised form.¹⁰⁷ The variance can be seen in the difference between the 1960/1963 and 1979/1999 Constitutions. In addition to replicating the centralisation of power at the national level, as was the case during military eras, the latter constitutions did not make provision for regional constitutions and the shared responsibilities that characterised the former pair.¹⁰⁸ In essence, this centrist constitutional configuration has created a lopsided federation with a powerful federal government and SNGs with whittled down powers.¹⁰⁹

It is argued that this skewed federal constitutional arrangement has become a catalyst for the resurgence of SNG foreign economic relations in the fourth republic. This sounds contradictory considering the observation that the current more centralised federal arrangement was formed after a period of military rule. However, there are different perspectives and dimensions to federalism; the ramifications transcend its popular description as a political system where power is divided between a minimum of two levels of government under a treaty (constitution).¹¹⁰ Hence, Birch opined that there are multiple approaches to the conceptualisation and understanding of federalism, with each focused on a different dimension to the same multifaceted concept of federalism.¹¹¹ For the purposes of this article, in line with Friedrich's view, federalism is a dynamic process rather than a design because it represents a method by which distinct political communities enter into arrangements for working out solutions, decision-making, the adoption of joint policies and the process by which a unitary political community becomes differentiated into federating units.¹¹² Watts¹¹³ holds a similar view, arguing that federalism is 'not an abstract ideological model to which political society is to be brought into conformity, but rather a way or process of bringing people together through practical arrangements intended to meet both common and diverse preferences of people'.¹¹⁴

The significance of these perspectives on federalism for this article is twofold. First, it means that the federal process is meant to encourage joint participation and shared responsibility for the issues which are peculiar and common to the parties in the federal arrangement. Second, it supposes that the issues that necessitate joint participation in the

federal process are never static and, as a consequence, the political and constitutional response to the evolving issues faced by the components to a federal arrangement should evolve accordingly and organically.¹¹⁵ In effect, changes in the constitutional and institutional definition of the federal structure, as in the case of Nigeria, is not always a true reflection of an evolving federal process. For example, Schütze argues that 'the relationship between a society and its constitutional law may, then, at times follow the relation between "existence" and "essence": the former precedes the latter. Social changes precede constitutional ones. These are moments when constitutionalism ... fails to explain or justify the existing social order'.¹¹⁶ Moreover, as Akindele and Oyediran aver:

In the literature on federalism, there is an increasing awareness that the explanation for the vitality, decay, or death of a federal political arrangement is ultimately to be sought not in the dry bones of formal constitutional law but in the nature and character of the instrumentalities through which power is actually exercised in the political system.¹¹⁷

Based on the preceding it is argued that in the fourth republic, SNGs are involved in foreign economic relations despite the constitutional restriction on their participation in this sphere because the true nature of Nigeria's federalism has risen organically above the structural confinements that years of military rule brought. It is argued that the need for SNGs to meet their economic development objectives was an imperative which informed their constitutional mandate for foreign economic interactions during the first republic. This is most evident in the centrality of the RMBs to the development objectives of the defunct regional governments. This economic development imperative has not changed in the fourth republic; only the constitutional arrangement has changed. There is no doubt that the current constitutional arrangement under the CFRN 1999 has aimed to limit or end the mode of interactions by Nigeria's SNGs in the foreign economic sphere. However, the resurgence of SNG foreign relations in the fourth republic demonstrates that the inclusion of powers for SNGs to access the foreign sphere in the first republic was not a flaw in the original constitutional design but was necessary to facilitate economic development in the respective regions. Furthermore, it is argued that the gravitation of SNGs to the foreign economic sphere in the fourth republic is an organic reaction in the federalism process which was interrupted by years of military rule.

Globalisation

In the 21st century, geopolitical forces popularly referred to as globalisation have reshaped the dynamics of international relations, especially pertaining to the concept of sovereignty and the conventional dichotomy between domestic and international policy environments.¹¹⁸ As such, despite the central exclusivity-propagating provisions contained in the CFRN 1999, SNGs in Nigeria now have unprecedented access to foreign entities, at a rate even more than was possible during the first republic. Today, Nigeria's SNGs are courted by foreign entities often without recourse to the federal government. Recalling the four categories of increased SNG foreign interactions observable in the fourth republic, a recurring theme was FDI. In this regard, Nigeria's SNGs are now acting as 'gate keepers' to the Nigerian FDI framework. Hocking calls this 'relocation' and describes it thus:

The phenomenon of relocation is demonstrated as international regionalism and coincides with internal regionalism to produce increasingly complex patterns of relationships and activity. The new geopolitics with its emphasis on access has come to focus on this regarding the creation of what Cohen terms 'gateway states' and Ohmae 'region-states.' These are not necessarily territorial entities with separatist ambitions, but may be regions within nation-

states whose characteristics equip them particularly well for, in Cohen's words, 'specialised manufacturing, trade, tourism and financial services functions'.¹¹⁹

This emerging trend described by Hocking is fuelled by the fact that globalisation has brought about a gradual erosion of national barriers which makes it logical for foreign entities (including powerful international financial institutions, financiers and transnational corporations) to directly court and interact with SNGs they intend to do business with.¹²⁰ This has been matched by an organic centrifugalism or gravitation by Nigeria's SNGs towards opportunities abroad which are now more accessible to them despite the currently centralised federalism model in Nigeria.¹²¹

It is the view of this article that the attraction to foreign economic participation by Nigerian SNGs in this globalised world is bound to persist despite the CFRN 1999 not vesting them with powers to operate in this sphere. Furthermore, the development role of SNGs and their quest to gain financial capital makes the foreign sphere attractive to SNGs. This reality cannot be down-played owing to the perennial budget¹²² and development deficit which the federal government grapples with, and which in turn affects the SNGs. This situation is a function of the fact that SNGs, being the tier of government closer to the governed,¹²³ are best equipped to make development-oriented decisions that will ensure that allocative efficiency is achieved with the limited resources available in the situation of a budget deficit. Thus, the current trend is the exploitation of opportunities by SNGs beyond the country line, to provide for the resources needed for development of their jurisdiction.

Conclusion

It has been argued in this article that the original position after Nigeria's independence concerning foreign economic interaction was that of shared competence between the federal government and the SNGs. It was also argued that funds from foreign economic activities were used for actualising economic development objectives of the regions within Nigeria. The analysis above also demonstrates that the disruptions to the operation of federalism in Nigeria from 1966 onwards played a significant role in the deviation from the position obtaining during the first republic. In this regard, it has been argued that post-1966 the centralisation of foreign economic relations in Nigeria was due to the military disruption of Nigeria's federal political system. Currently (i.e., in the fourth republic) the position with regard to the subject of this article is that of central exclusivity – a situation characterised by the federal government being vested with all the constitutional powers and control over the institutions that drive and underpin foreign economic participation.

It is the candid view in this article that current episodes of SNG expression in the international arena via constitutional side doors and grey areas can be distinguished from earlier episodes identified and discussed under the 1960/1963 Constitutions. Most notably, the current SNG forays into the international arena are spurred on by the economic development aspirations of these actors and the fact that the current dispensation of global international economic relations is very attractive and easily accessible to any SNG seeking to achieve economic or political aims. In essence, even though the constitutional conditions under the 1960/1963 Constitutions were more conducive for direct participation in foreign economic policy as against the 1979 and 1999 Constitutions, the re-emergence of the use of side doors by SNGs is testament to the inability of the constitution to suppress these actors that are keen on engaging with foreign entities to meet their development objectives.

Of course, these recent episodes raise questions about the legality of SNGs participating in Nigeria's international economic relations. Although some of the activities of Nigeria's SNGs are taking on an international dimension, the constraints of the extant constitutional stance on foreign policy under the CFRN 1999 still makes their actions *prima facie* questionable. In the fourth republic, the federal government is yet to constitutionally challenge an SNG for overstepping the boundary into the foreign sphere. However, calls by the OECD in 2015 for more coordination between federal and subnational agencies in the area of international economic activities are a warning that more attention needs to be given to the evolving role of SNGs as foreign actors. Furthermore, the activities of Nigeria's SNGs in the fourth civilian republic represent a significant manifestation of the changing realities of international economic interactions in the 21st century. The fact that the federal government has not complained outwardly about SNG involvement in the foreign relations sphere could be regarded as tacit acceptance of an emerging phenomenon which is inevitable in a globalised world economy. It could also indicate that the federal government sees SNGs' involvement in foreign economic activities as a welcome development, given the contribution of these SNG activities to economic growth and development in Nigeria. However, it is clear that these occurrences do not tally with the existing constitutional and institutional framework in place.

The above developments and analysis carried out in this article pose further research questions that are worth considering in future studies. Primary among these are issues which relate to the effectiveness or otherwise of the current centralised approach to foreign economic participation in a multi-tiered state like Nigeria. Although the scope of the article does not cover this question, in this regard, it is essential to point out that the historical analysis carried out in this article clarifies the situation surrounding the current status quo in Nigeria. Having identified that the position under the CFRN 1999 is a significant departure from what was obtainable under the 1960/1963 Constitutions, this article has charted how and why this departure from the 1960/1963 Constitution occurred. Moreover, with the resurgence of non-constitutional forays into the foreign scene by Nigeria's SNGs in the current period, the question is whether the centralised international economic relations regime under the CFRN 1999 is maintained only because the constitution and convention support such a position.

Notes

1. Subnational governments for this article refer to the 36 state governments which constitute the constitutionally recognised second tier of government in Nigeria. Local governments which constitute the 3rd tier of government under the Nigerian Federal Constitution are not considered within the scope of this article.
2. Since the start of the fourth democratic republic in 1999, there have been increased levels of participation by Nigeria's SNGs on the international scene. SNGs in Nigeria are actively engaging with international actors to attract foreign direct investment (FDI) and to obtain international funding for their development projects.
3. For examples of recorded SNG participation in external economic activities, see the discussions in the penultimate section of the article.
4. The provisions of the 1999 Constitution which entrenched central exclusivity in Nigeria's foreign economic regime are discussed later in the article.
5. Nwabueze describes federalism as a political system where power is divided between a minimum of two levels of government under a treaty (constitution) which prescribes and delineates the scope of powers to be exercised by each level of government. See Nwabueze B, *The Presidential Constitution of Nigeria*. London: Hurst, 1982, p. 37.
6. In this article, globalisation is conceptualised as a process of expansion in the interactions

- between peoples in all spheres of human endeavour owing to a contraction of geographical boundaries in international relations. It is a significant phenomenon that has reshaped the dynamics of the international system because it has facilitated a reduction in the barriers to transnational relations between actors located in different jurisdictions. See Elaigwu JI, 'Federalism, regionalisation and globalisation Africa', *The Federalist*, 1, 1998, p. 72, accessed 26 May 2014, <http://www.thefederalist.eu/site/index.php?option=com_content&view=art&id=219&lang=en&Itemid=27>.
7. See Kothari C, *Research Methodology: Methods and Techniques*. New Delhi: New Age International, 2004, p 110; Given L (ed.), *The Sage Encyclopaedia of Qualitative Research Methods*. California: Sage, 2008, p. 120.
 8. These were Eastern, Northern and Western Regions (October 1960 to January 1966) and the Midwestern Region, which was created from the Western Region (August 1963 to January 1966).
 9. They were North-West, North-Central, Kano, North-Eastern, Benue-Plateau, Central-West, Lagos, Western, Mid-Western, Central-Eastern, South-Eastern and Rivers. See Section 1, *Decree No. 14 of 1967*.
 10. They were Anambra, Bauchi, Bendel, Benue, Borno, Cross River, Gongola, Imo, Kaduna, Kano, Kwara, Lagos, Niger, Ogun, Ondo, Oyo, Plateau, Rivers and Sokoto. See Section 1, *Decree No. 12 of 1976*.
 11. Katsina and Akwa Ibom states were created via the *States (Creation and Transitional Provisions) Decree No. 24 of 1987*.
 12. See *States (Creation and Transitional Provisions) Decree No. 37 of 1991*.
 13. See *States (Creation and Transitional Provisions) Decree No. 36 of 1996*.
 14. Gambari I, 'Federalism and the management of external relations in Nigeria: Lessons from the past and challenges for the future', *Publius*, 21, 4, 1990, p. 113, at p. 115. See also Wali W, 'The development of federalism in Nigeria: A historical perspective', in Gana A & S Egwu (eds), *Federalism in Africa: Framing the National Question*. Trenton, NJ: Africa Research and Publications, 2003, pp. 74–5 where it was averred that the foundation of federalism in Nigeria was initiated under the Richard Constitution of 1945 on the recommendations of Sir Bernard Bourdillon (colonial governor of Nigeria 1935–1943).
 15. Wali W, 'The development of federalism in Nigeria: A historical perspective', in Gana A & E Egwu (eds), *Federalism in Africa: Framing the National Question*. Trenton, NJ: Africa Research and Publications, 2003, 77.
 16. *Ibid.*, p. 74.
 17. See the Nigeria (Constitution) Order in Council 1960, accessed 2 March 2018, <www.legislation.gov.uk/ukpga/1960/55/pdfs/ukpga_19600055_en.pdf>. See also the Constitution of the Federal Republic of Nigeria 1963.
 18. See Section 69 (4) of the 1963 Nigerian Republican Constitution, accessed 3 March 2018, <<http://www.lawnigeria.com/CONSTITUTIONHUB/Constitution/1963ConstitutionofNigeria.html>>.
 19. Akindele R & O Oyediran, 'Federalism and foreign policy in Nigeria', *International Journal*, 41, 1985, p. 600 at p. 604; Awa E, *Federal Government in Nigeria*. California: University of California Press, 1964, p. 273 at 280.
 20. *Ibid.*
 21. Sections 123–139 1963 Constitution. For an excellent account of the evolution of derivation principle in Nigeria, see Uche C & O Uche, 'Oil and the politics of revenue allocation in Nigeria', *African Studies Centre Working Article* 54, 2004, accessed 2 March 2018, <<http://www.ascleiden.nl/publications/oil-and-politics-revenue-allocation-nigeria>>.
 22. The importance of these agricultural products to the respective regions is reflected in the fact that the regional marketing boards were heavily dependent on the crops for a substantial chunk of their revenue. For corroboration of this assertion see Helleiner GK, 'The Fiscal role of the marketing boards in Nigerian economic development, 1947–61', *The Economic Journal*, 74, 295, 1964, p. 582 at p. 585.
 23. Williams G, 'Marketing without and with Marketing Boards: The origins of State Marketing Boards in Nigeria', *Review of African Political Economy*, 34, 1985, p. 4 at pp. 5–6. See also Hawkins EK, 'Marketing Boards and economic development in Nigeria and Ghana', *The Review of Economic Studies*, 26, 1, 1958, p. 51.

24. Sklar R, 'Contradictions in the Nigerian political system', *The Journal of Modern African Studies*, 3, 2, 1965, p. 201 at 203–4. See also Williams G, 'Marketing without and with Marketing Boards: The origins of State Marketing Boards in Nigeria', *Review of African Political Economy*, 34, 1985, p. 6; and Hawkins EK, 'Marketing Boards and economic development in Nigeria and Ghana', *The Review of Economic Studies*, 26, 1, 1958, pp. 54–6.
25. Gambari I, 'Federalism and the management of external relations in Nigeria: Lessons from the past and challenges for the future', *Publius*, 21, 4, 1990, p. 115. See generally Inamete U, *Foreign Policy Decision-making in Nigeria*. Selinsgrove: Susquehanna University Press, 2001. See also item 15 Exclusive Legislative List (ELL) 1960 (Independence) and 1963 (Republican) Constitutions; Akindele R & O Oyediran, 'Federalism and foreign policy in Nigeria', *International Journal*, 41, 1985, p. 607.
26. Hay A, 'Crop Marketing Boards and transport policy in Nigeria 1950–64' *Journal of Transport Economics and Policy*, 4, 2, 1970, p. 171.
27. See Sections 77(1) and (2), cf: Section 77(3)(a)–(e), (4) and (5) of the 1963 Constitution.
28. Hay A, 'Crop Marketing Boards and transport policy in Nigeria 1950–64', *Journal of Transport Economics and Policy*, 4, 2, 1970, p. 172.
29. *Ibid.*, pp. 178–9.
30. Hocking B, 'Bridging boundaries: Creating linkages: Non-central governments and multi-layered policy environments', *Welt Trends*, 11, 1996, p. 36 at p. 38.
31. Habegger B, 'Participation of sub-national units in the foreign policy of the federation', p. 274, <http://www.forumfed.org/libdocs/IntConfFed02/StG-ws-Habegger.pdf> (accessed 10 February 2018).
32. See Helleiner GK, 'The fiscal role of the marketing boards in Nigerian economic development, 1947–61', *The Economic Journal*, 74, 295, 1964, p. 582.
33. See Gambari I, 'Federalism and the management of external relations in Nigeria: Lessons from the past and challenges for the future', *Publius*, 21, 4, 1990, p. 115.
34. See also Teniola E, 'The beauty in regionalism', *Sunday Trust*, 15 April 2018, accessed 7 September 2018, <<https://www.pressreader.com/nigeria/sunday-trust/20180415/282406989936676>>.
35. See Gambari I, 'Federalism and the management of external relations in Nigeria: Lessons from the past and challenges for the future', *Publius*, 21, 4, 1990, p. 113.
36. Noteworthy is the fact that these constitutional provisions existed at a point in the development of international law when SNGs were not recognised as stakeholders in the negotiation of international treaties. See generally Ghosh R, *Treaties and Federal Constitutions: Their Mutual Impact*. Calcutta: World Press, 1961, p. 84 cited in Bernier I, *International Legal Aspects of Federalism*. London: Longman, 1973, p. 14.
37. A similar arrangement is found in older federal systems such as the United States of America pursuant (Article II Section 2 of the US Constitution). See accessed 15 September 2018, <<https://www.senate.gov/artandhistory/history/common/briefing/Treaties.htm>>. See also Schütze R, *From Dual to Cooperative Federalism: The Changing Structure of European Law*. Oxford: Oxford University Press, 2009, p. 112.
38. Gambari I, 'Federalism and the management of external relations in Nigeria: Lessons from the past and challenges for the future', *Publius*, 21.4, 1990, p. 115. Awa expressed similar concerns about the far reaching powers given to regions under Section 53 of the Nigeria Constitution (order in council) 1954, which was similarly worded to Section 74 of the 1963 Constitution. See Awa E, *Federal Government in Nigeria*. California: University of California Press, 1964, p. 263.
39. See Item 5 ELL 1963 Constitutions. See also Akindele R & O Oyediran, 'Federalism and foreign policy in Nigeria', *International Journal*, 41, 1985, p. 608.
40. *Ibid.*, pp. 607–8.
41. *Ibid.*, pp. 618–19.
42. Danfulani J & A Buba, 'Nigeria-Israeli relations: From the realm of African' solidarity to the realm of Nigeria's national interest', *LAPAI International Journal of Politics*, pp. 1–2, accessed 8 September 2018, <https://www.academia.edu/27078297/NIGERIA-ISRAELI_RELATIONS_FROM_THE_REALM_OF_AFRICANSOLIDARITY_TO_THE_REALM_OF_NIGERIAS_NATIONAL>.
43. *Ibid.*

44. This contention over relations with Israel has persisted to date. Even the dictatorial military governments that ruled Nigeria between 1966 and 1999 struggled to solve the polarised views between the Christian-dominated south and Muslim-dominated north on Nigeria-Israel relations. The Gowon military regime severed ties with Israel in 1973 and they were restored in 1992 by the Babangida military regime. For in-depth discussions on these developments generally see Danfulani J & A Buba, 'Nigeria-Israeli relations: From the realm of African solidarity to the realm of Nigeria's national interest', *LAPAI International Journal of Politics*, pp. 1–2, accessed 8 September 2018, <https://www.academia.edu/27078297/NIGERIA-ISRAELI_RELATIONS_FROM_THE_REALM_OF_AFRICANSOLIDARITY_TO_THE_REALM_OF_NIGERIAS_NATIONAL>.
45. See Inamete U, *Foreign Policy Decision-making in Nigeria*. Selinsgrove: Susquehanna University Press, 2001, pp. 26–40.
46. *Ibid.*, pp. 39–40.
47. Awa E, *Federal Government in Nigeria*. California: University of California Press, 1964, pp. 246–7.
48. See Inamete U, *Foreign Policy Decision-making in Nigeria*. Selinsgrove: Susquehanna University Press, 2001, pp. 26–40.
49. For example, the western region was enmeshed in partisan bickering from 1962 until the 1964 general elections and subsequent declaration of a state of emergency in the region due to the regional crisis was one of the catalysts for the first and second military coup d'état in 1966. See Adamolekun L, 'Federalism in Nigeria: Toward federal democracy', *Publius*, 21, 4, 1991, pp. 1–11.
50. Gambari I, 'Federalism and the management of external relations in Nigeria: Lessons from the past and challenges for the future', *Publius*, 21, 4, 1990, p. 123. See also Bach D, 'Managing a plural society: The boomerang effects of Nigerian federalism', *The Journal of Commonwealth & Comparative Politics*, 27, 2, 1989, pp. 218–45.
51. See Section 2, *Decree No. 1 of 1966*. See also Akindele R & O Oyediran, 'Federalism and foreign policy in Nigeria', *International Journal*, 41, 1985, p. 608.
52. Chima D, 'The dawn of constitutionalism in Nigeria', in Mbondenyei M & T Ojienda (eds), *Constitutionalism and Democratic Governance in Africa: Contemporary Perspectives from Sub-Saharan Africa*. Pretoria: Pretoria University Law Press, 2013, p. 142.
53. SC 58/69 FN 80, reported as (1971) UILR 201.
54. Chima D, 'The dawn of constitutionalism in Nigeria', in Mbondenyei M & Ojienda T (eds), *Constitutionalism and Democratic Governance in Africa: Contemporary Perspectives from Sub-Saharan Africa*. Pretoria: Pretoria University Law Press, 2013, p. 142.
55. Oluwatobi AO, 'The politics of states and local governments creation in Nigeria: An appraisal', *European Journal of Sustainable Development*, 2, 3, 2013, p. 155 at p. 161.
56. Dickovick JT, 'Federalism in Africa: Origins, operation, and (in)significance', *Regional and Federal Studies*, 24, 5, 2014, p. 553 at p. 556.
57. Oluwatobi AO, 'The politics of states and local governments creation in Nigeria: An appraisal', *European Journal of Sustainable Development*, 2, 3, 2013, p. 159.
58. Suberu RT, 'Federalism and Nigeria's political future', *African Affairs*, 87, 348, 1988, p. 431 at p. 434.
59. See Akinsanya A, 'Federalism and military rule in Nigeria: 1966–76', *Journal of the Indian Law Institute*, 20, 3, 1978, pp. 395–6 for an exposition of the how the decrees stifled the engagement of SNGs in Nigeria's foreign economic interactions.
60. Elaigwu JI, *Gowon the Biography of a Soldier-statesman*. London: Adonis & Abbey, 2009, p. 213.
61. *Ibid.*
62. *Ibid.*
63. Gambari is of the view that military administrations in Nigeria have had a better record of checking state forays into foreign affairs than have civilian governments. See Gambari I, 'Federalism and the management of external relations in Nigeria: Lessons from the past and challenges for the future', *Publius*, 21.4, 1990, p. 122–4.
64. See accessed 9 September 2018, <<http://www.oduainvestment.com.ng/historical-background/>>.
65. See accessed 9 September 2018, <<http://ibileholdings.com/about-us/>>.

66. See accessed 9 September 2018, <<http://www.oduainvestment.com.ng/historical-background/>>.
67. See generally, Nwabueze B, *The Presidential Constitution of Nigeria*. London: Hurst, 1982.
68. Akindele R & O Oyediran, 'Federalism and foreign policy in Nigeria', *International Journal*, 41, 1985, p. 605.
69. *Ibid.*
70. See Item 61 ELL 1979 Constitution. See Nwabueze B, *The Presidential Constitution of Nigeria*. London: Hurst, 1982, pp. 63–64.
71. Although this provision provided a basis for SNGs to challenge policies of the FG on foreign economic relations, it was limited to just international treaties and there is no record that this provision was ever used. See Akindele R & O Oyediran, 'Federalism and foreign policy in Nigeria', *International Journal*, 41, 1985, p. 608.
72. The recommendations of the Adedeji Committee were the foundation for the constitutional provisions on foreign policy under the 1979 Constitution and subsequently the current 1999 Constitution. Inamete U, *Foreign policy decision-making in Nigeria*. Selinsgrove: Susquehanna University Press, 2001, pp. 39–40.
73. Gambari I, 'Federalism and the management of external relations in Nigeria: Lessons from the past and challenges for the future', *Publius*, 21, 4, 1990, p. 117.
74. *Ibid.*
75. *Ibid.*
76. Akindele R & O Oyediran, 'Federalism and foreign policy in Nigeria', *International Journal*, 41, 1985, pp. 608–9.
77. Nwabueze B, *The Presidential Constitution of Nigeria*. London: Hurst, 1982, pp. 53–63.
78. The presidents of the fourth republic are Olusegun Obasanjo (29 May 1999 to 29 May 2007), Umaru Yar'Adua (19 May 2007 to 5 May 2010), Goodluck Jonathan (6 May 2010 to 29 May 2015) and Muhammadu Buhari (29 May 2015 to date).
79. The CFRN 1999 has been amended three times, vide (1) *Constitution of the Federal Republic of Nigeria (First Alteration) Act 2010*; (2) *Constitution of the Federal Republic of Nigeria (Second Alteration) Act 2010*; (3) *Constitution of the Federal Republic of Nigeria (Third Alteration) Act 2010*. Another attempt was made in 2015 vide the *Constitution of the Federal Republic of Nigeria (Fourth Alteration) Bill 2015*, but the then President (HE Goodluck Ebele Jonathan) withheld consent. In 2017, the National Assembly embarked upon a constitution-amendment project with the consideration and voting on 33 bills which sought to amend specific provisions of the CFRN 1999. See Umoru H, 'How the Senate voted on constitution alteration' (30 July 2017), *Vanguard* (Lagos, Nigeria), accessed 17 February 2018, <<https://www.vanguardngr.com/2017/07/senate-voted-constitution-alteration/>>.
80. See Inegbedion N, 'Constitutional implementation: The Nigerian experience', in Fombad C (ed.), *The Implementation of Modern Constitutions: Challenges and Prospects*. Pretoria: Pretoria University Law Press, 2016, p. 25 at pp. 26–27.
81. Cf: Section 12 of the CFRN 1999 which provides a platform for SNGs to participate in the ratification of international treaties between Nigeria and other countries.
82. See Nigerian Trade Policy Document 2002. Trade Policy Strategy Document prepared by the Federal Ministry of Commerce and Industry (now renamed Federal Ministry of Trade and Investment). Available on file with the authors.
83. *Ibid.*, p. 4.
84. *Ibid.*
85. The National Assembly is responsible for passing into law trade policies that require legislative backing.
86. The NCS is created by Schedule 3, Part 1 (B) of the CFRN 1999.
87. Afeikhena J, 'Strengthening research and analytical support for trade policy-making in African countries: The case for Nigeria', in Ayuk ET & MA Marouani (eds), *The Policy Paradox in Africa: Strengthening Links between Economic Research and Policymaking*. Trenton, NJ/Ottawa: Africa World Press/IDRC, 2007.
88. See section 6 Schedule 3, Part 1 (B) of the CFRN 1999.

89. See generally *Communique of the 8th National Council on Industry, Trade and Investment held at the June 12 Cultural Center, Kuto, Abeokuta – Ogun State from 24th to 27th October, 2016*, accessed 25 May 2017, <<http://www.fmiti.gov.ng/images/nciti16.pdf>>.
90. The NIPC was established by the *Nigerian Investment Promotion Commission Act* Cap N117 LFN 2004 (NIPC Act). Pursuant to Section 4 of the NIPC Act, the NIPC has the responsibility of encouraging, promoting and co-ordinating foreign investment in the Nigerian economy
91. See OECD, *OECD Investment Policy Reviews: Nigeria 2015*. Paris: OECD Publishing, 2015, accessed 9 September 2018, <<https://doi.org/10.1787/9789264208407-en>>.
92. *Ibid.*, p. 15.
93. *Ibid.*, p. 37.
94. See generally accessed 3 September 2018, <<http://www.bdic.com.ng/about.html>>.
95. The Kaduna State Investment Promotion Agency (KADIPA) was established in compliance with a similarly named piece of legislation enacted by the House of Assembly of Kaduna State in 2015. For more details about KADIPA, see generally accessed 29 August 2018, <<http://kadipa.kdsg.gov.ng/>>.
96. The Office of Overseas Affairs and Investment (Lagos Global) was introduced by the government in 2015 with the mandate to create an enabling environment for global competitiveness promote liaison with embassies, chambers of commerce. For more details about Lagos Global see generally accessed 29 August 2018, <<http://www.lagosglobal.org/>>.
97. The Anambra State Investment Promotion and Protection Agency (ANSIPPA) was established in compliance with a similarly named piece of legislation enacted by the House of Assembly of Anambra State in 2014. For more details about ANSIPPA, see generally accessed 15 September 2018, <<https://www.ansippa.ng/who-we-are/>>.
98. The Ogun state the Office of One-Stop-Shop Investment Centre (OSIC) was revived by the government of Ibikunle Amosun in 2017. For more details about Ogun OSIC, see generally accessed 15 September 2018, <<http://ogunstate.gov.ng/onestopshop/about/>>.
99. See generally 'British PM, Cameron visits Nigeria, shuns Abuja!', *The Street Journal*, Nigeria: 19 July 2011, accessed 15 September 2018, <<http://thestreetjournal.org/2011/07/british-pm-cameron-visits-nigeria-shuns-abuja/>>; 'Fashola, UK envoy discusses better business ties', *PM News*, Nigeria: 20 February 2012, accessed 15 September 2018, <<http://www.pmnewsnigeria.com/2012/02/20/fashola-british-envoy-discuss-improvement-in-business-relations-fashola-british-envoy-discuss-improvement-in-business-relations/>>; 'Lagos, Netherlands seek partnership to tackle infrastructure, environmental challenges', *Naira Land Forum*, Nigeria, 8 March 2012, accessed 4 April 2014, <<http://www.tundefashola.com/archives/news/2012/03/06/20120306N01.html>>; 'Fashola makes a case for Nigeria–Russia cooperation in railway development', accessed 4 April 2014, <<http://www.lagosstate.gov.ng/news2.php?k=2902>>.
100. In 2011 Cross Rivers state and a Canadian firm, Canadian Pacific Consultant Services, CPCS Transcorp, signed an MoU for the development of a transportation master plan in the state. See Agbakwuru J, 'C/River, Canadian firm sign pact on transportation', *Vanguard Newspaper*, Nigeria: 31 August 2011, accessed 31 July 2013, <<http://www.vanguardngr.com/2011/08/criver-canadian-firm-sign-pact-on-transportation/#sthash.PKF7BuMi.dpuf>>. Also, it has been reported that Abia state has sought bilateral investment opportunities with Thailand. See 'Abia to partner with Thailand on investment', *The Daily Post*, Nigeria, 8 February 2013, accessed 15 September 2018, <<http://dailypost.com.ng/2013/02/08/abia-to-partner-with-thailand-on-investment/>>.
101. Habegger B, 'Participation of sub-national units in the foreign policy of the federation', p. 274, accessed 10 February 2018, <<http://www.forumfed.org/libdocs/IntConfFed02/StG-ws-Habegger.pdf>>.
102. Anderson G, *Fiscal Federalism: A Comparative Introduction*. Oxford: Oxford University Press, 2010, at pp. 1–2.
103. Elaigwu I, 'Federalism, regionalisation and globalisation. Africa', *The Federalist*, Year XL, 1, 1998, p. 72, accessed 10 February 2018, <http://www.thefederalist.eu/site/index.php?option=com_content&view=article&id=219&language=en>.

104. *Ibid.*
105. See Ota E & C Ecoma, 'Nigerian foreign policy and the democratic experiment: The lessons of history and options for the 21st century', *International Journal of Applied and Advanced Scientific Research*, 1, 1, 2016, p. 9, at pp. 11–12 where the authors attribute the reactions of the Northern, Eastern and Western regions to the Arab–Israel crisis to the religious inclinations of the leaders of the respective regions as well as that of the pressure groups operating therein.
106. See Akindele R & O Oyediran, 'Federalism and foreign policy in Nigeria', *International Journal*, 41, 1985, p. 603. See Olowu D, 'The literature on Nigerian federalism: A critical appraisal', *Publius*, 21, 4, 1991, p. 151, at p. 159 where the author drew attention to the fact that amongst theorist there are those who contend that military rule was compatible with federalism in Nigeria.
107. Olowu D, 'The literature on Nigerian federalism: A critical appraisal', *Publius*, 21, 4, 1991, p. 159.
108. See Section 65 (1) of the regional constitutions as well as Sections 74 and 77 of 1963 Constitution.
109. The former 'is the body of fundamental rules and regulations that frame decision making in the area of fiscal policy', and it encompasses constitutional law, selected fiscal and financial laws as well as constitutional court rulings; while fiscal federalism is 'the allocation of government resources and spending responsibilities to the tiers of government in a state'. See OECD/ KIPF, *Fiscal Federalism 2016: Making Decentralisation Work*. Paris: OECD Publishing, 2016, p. 32. Also see Uche C & O Uche 'Oil and the politics of revenue allocation in Nigeria', African Studies Centre Working Paper 54, 2004, 1, accessed 2 March 2018, <<http://www.ascleiden.nl/publications/oil-and-politics-revenue-allocation-nigeria>>; Shar A (ed.), *The Practice of Fiscal Federalism: Comparative Perspectives*. Canada: McGill–Queen's University Press, 2007 were in the course of discussions focused on what the editor refers to as the theme of fiscal federalism, the respective chapter contributors reviewed some of the components of a fiscal constitution and fiscal federalism.
110. Nwabueze B, *The Presidential Constitution of Nigeria*. London: Hurst, 1982, p. 37.
111. Birch AH, 'Approaches to the study of federalism', *Political Studies*, vix.1, 1966, p. 15.
112. *Ibid.*, pp. 18–20.
113. Watts R, 'Contemporary views on federalism,' in de Villiers B (ed), *Evaluating federal systems*. Cape Town: Juta, 1994.
114. *Ibid*, p. 7.
115. Bernier I, *International Legal Aspects of Federalism*. London: Longman, 1973, p. 3.
116. Schütze R, *From Dual to Cooperative Federalism: The Changing Structure of European Law*. Oxford: Oxford University Press, 2009, p. 1.
117. Akindele R & O Oyediran, 'Federalism and foreign policy in Nigeria', *International Journal*, 41, 1985, p. 605.
118. See Habegger B, 'Participation of sub-national units in the foreign policy of the federation', p. 274, accessed 10 February 2018, <<http://www.forumfed.org/libdocs/IntConfFed02/StG-ws-Habegger.pdf>> and Hayes ET, 'Changing notions of sovereignty and federalism in the international economic system: A reassessment of WTO regulation of federal states and the regional and local governments within their territories', *North-Western Journal of International Law and Business*, 25, 1, 2004, p. 1, at p. 20. See also Slaughter A, 'The real new world order', *Foreign Affairs*, 76, 5, 1997, p. 183, at p. 184; Matthews J, 'Power shift', *Foreign Affairs*, 76, 1, 1997, p. 50.
119. Hocking B, 'Bridging boundaries: Creating linkages: Non-central governments and multi-layered policy environments', *Welt Trends* 11, 1996, p. 43.
120. See Khor M, *Globalization and the South: Some Critical Issues*. Ibadan: Spectrum Books, 2001, pp. 1–4.
121. Centrifugalism represents the flow of foreign economic relations between SNGs in a federation and foreign entities without recourse to the national (or central) government. See Suberu RT & L Diamond, 'Institutional design, ethnic conflict management, and democracy in Nigeria', in Reynolds A (ed.), *The Architecture of Democracy: Constitutional Design, Conflict*

Management and Democracy. Oxford: Oxford University Press, 2002, p. 400, at p. 406, where the authors state that centrifugalism is a characteristic of Nigeria's federalism.

122. For 2017, Nigeria's budget deficit stood at -2.18% of its GDP (approximately NGN 2360 billion). See Price Waterhouse Cooper's, *Nigeria's 2017 Budget: Budget of Recovery and Growth*, accessed 12 February 2018, <http://pwc_nigeria.typepad.com/files/pwc_nigerias-2017-budget-highlights.pdf>. For exposition on the myriad socio-economic consequences of the perennial deficit budgeting on the nation, see Asogwa F & I Okeke, 'The crowding out effect of budget deficits on private investment in Nigeria', *European Journal of Business and Management*, 5, 2, 2013, p. 161, at pp. 161-5; Odionye J & K Uma, 'The relationship between budget deficit and interest rate: Evidence from Nigeria', *European Journal of Business and Social Science*, 2, 1, 2013, p. 158.
123. The argument that SNGs are closer to the people compared with the FG is a derivative of the theory that in federal systems where fiscal federalism holds sway, the jurisdictional design should be that vests the tier closest to the governed with fiscal control and responsibility. See Shar A, 'Introduction: Principles of fiscal federalism', in Shar A (ed.), *The Practice of Fiscal Federalism: Comparative Perspectives*. Canada: McGill-Queen's University Press, 2007, pp. 7-8.