

Federalism, Military Legacies and the Restructuring Debate in Contemporary Nigeria

EBENEZER ONI

University of KwaZulu-Natal
ebinotopsy9@gmail.com

OLUMUYIWA FALUYI

University of KwaZulu-Natal
muyiwafaluyi@gmail.com

Abstract

Overtime, federalism has become an attractive and acceptable political arrangement designed to govern multi-ethnic, multi-religious and multi-cultural societies such as Nigeria. It purports to cope with the twin objectives of maintaining unity, and preserving diversities. However, the intervention of the military in the body politic of Nigeria in 1966 disrupted an effective federal structure that brought much prosperity to Nigeria as a nation and its federating units in the country's first republic between 1960 and 1966. This was replaced with a unitary, command and hierarchical structure which wholly define the nature and character of the military organization. Military governance system permeated the entire Nigeria's political fabric, empowered the federal government to become 'Almighty' while it eroded the autonomy of the federating units in all its forms. It is against this background that this paper examines the restructuring debate in contemporary Nigeria within the context of the legacies of military regimes on Nigeria's federal system. The paper argues that good governance and development can only be attained in Nigeria when the present lopsided federal arrangement is redesigned to allow for power devolution and resource control in such manner that makes both the national and sub-national governments 'independent and coordinate' in the true sense of it. The methodology of research is descriptive while data for the study was collected through secondary source including books, journal articles, newspaper and internet materials, and subjected to critical analysis.

Keywords: Federalism, Military Institution, Absolutization of Power, Autonomy, Restructuring, Nigeria.



Introduction

Federalism in Nigeria has been viewed and discussed in diverse ways (Akinyemi *et.al*, 1979; Adefulu, 1991; Aiyede, 2004; Suberu, 2009; Osaghae, 2015). While some writers have examined it within the context of the financial relationship between the central government and the component parts, some others have discussed it within the perspective of national integration, the role of political parties and ethnicised political leadership in the unification process (Adefulu, 2001: 56). The second scholarly position above robustly explains the *raison de'ter* of federal practice in Nigeria given the circumstances that surrounded the amalgamation of the Southern and Northern protectorates to form the Nigerian union in 1914. It is indisputable that different entities organized along ethnic, cultural and linguistic cleavages occupied the territory now known as Nigeria before the British colonial adventure in 1861, with each entity having its peculiar socio-economic and political structures. Thus, the architecture of federalism in Nigeria was an attempt to unify the different ethnic divisions that formed the Nigeria union and also preserve their diversities. This much was alluded to by Jinadu (1979, 15) when he instructively noted that federalism is usually viewed as a form of governmental and institutional structure deliberately designed by political 'architects' to cope with the twin but difficult task of maintaining unity while also preserving diversity. Following Adefulu (1993, 7-8), a federation may be conceptualized as a method of unifying separate entities to form a political union and/or a form of governmental arrangement in which there is a constitutional division of power and functions between the centre and the component units.

Arising from the foregoing, the Nigerian federation which arguably started with the balkanization of the country into three regions under the supervision of the Richards constitution of 1946 aimed at preventing the concentration of political powers in one governmental structure namely the central government and encourage maximum economic resource utilization and development competitiveness of the component units (Awopeju, 2016). Arguably, the most significant development potentials of Nigeria sprang during this period. However, the adventure of the military into Nigeria's political space punctured the existing federal system through the unification Decree No 24 of 1966 which structurally changed Nigeria from a federation to a unitary entity. As rightly observed by Adekanye (1987, 9), this is unexpected because the military itself is an institution that is characterized by unity of command, concentration of authority, division of functions and hierarchy of relations. Thus, it is safe to conclude that military institution and federal society are diametrically opposed kinds of political arrangements (Adekanye, 1987).

Successive military constitutions, following the coup de'tat of 1966, continue to dictate political relationship between the central government and the component parts in Nigeria. The current political restructuring debate can therefore be located within attempts at redesigning the lopsided federal arrangement, a legacy of military involvement in Nigerian politics and governance to reflect a classical federation within which both the national and subnational governments are 'independent and co-ordinate'. Against this backdrop, this paper is divided into six sections. Section one which is the introduction expouses the background of the paper while section two attempts



an overview of Nigeria's federal practice before military intervention. Section three examines the apposite relations between federalism and what the military institution represents while section four analyses the subversion of the 'federal order' and how the military eroded the autonomy of subnational governments. Section five revisits the restructuring debate within the context of the present lopsided federal structure in Nigeria. Section six summarizes and concludes the study.

Overview of Nigeria's Federal System before Military Intervention

Several societies existed in Nigeria's pre colonial era (Agbibo, 2013). These nationalities were over 250 distinct ethnic groups with diverse traditions, religions, economic and historical experiences (Agbibo, 2013: 10). There were minimal interactions among these people and they saw themselves brought together as strange bedfellows during the colonial period (Frank and Ukpere, 2013: 481). Nigeria is thus a product of the amalgam of Northern and Southern Protectorates as well as the Colony of Lagos by the British in 1914 (Bappah, 2016: 147). The societies never wanted to come together but the fiat of the British sealed the deal that the colonial territories never wanted sealed (Meredith, 2011: 8; Imhonopi and Onifade, 2013: 77). This amalgamation was not the result of negotiations by the various ethnic groups, hence, the incessant tribal disputes, agitations and complains of marginalization (Odeyemi, 2014: 93). However, for administrative convenience and the need to have each of the major ethnic group domiciled in each division, the country was balkanized into three regions (Agbibo, 2013: 12; Osaghae and Suberu, 2005: 10).

The division of Nigeria into three regions through the 1946 Richards Constitution can be described as the root of federalism in the former British colonial territory but the Lyttleton Constitution of 1954 consolidated federal practice in Nigeria (Nwozor, 2013: 43). In essence, Nigeria emerged a federation in 1954 through a constitutional arrangement consequent upon consideration of the heterogeneity of Nigeria (Omorie, 2015: 1). Arguably therefore, the need to contain diversities that exist in the political, ethnic and religious spheres necessitated the adoption of a federal system of government (Kirsten, 1996: 500). The regions in existence were the north (predominantly Hausa-Fulani and the region in terms of geographical size was more than half of the entire Nigeria), East (mainly Igbo) and the West (majorly the Yorubas) (Osaghae and Suberu, 2005: 16). However, there existed ethnic minorities in each of these three regions. It was a game of competition among the major ethnic groups and between the major ethnic group in each region and the minorities in such regions. The political parties at this period and shortly after independence including the Northern Peoples Congress in the North; National Council of Nigerians and the Cameroons (later National Council of Nigerian Citizens) in the East and Action Group in the West operated along ethno-regional lines (Ojie and Ewurdjakpor, 2009: 9). The country at independence practised a parliamentary system of government which ceased to exist with the military take-over of government in January 1966. Absolute powers rested in the military head of State unlike a parliamentary system in which the President exercises ceremonial functions while the Prime Minister exercises executive functions and also where the parliament plays crucial roles in stabilising democracy.



It is important to note that federal practice during this period recognised both the national and regional governments as independent and coordinate and power sharing between them truly reflected this. For instance the federal constitutions of 1960 and 1963 which were products of negotiations by the nationalists of the time including Ahmadu Bello, Obafemi Awolowo and Nnamdi Azikiwe gave governments at the regions considerable autonomy to collect their revenues and paid agreed royalties to the national government (Falae, 2017). Regional governments at the time were federating units with full apparatuses of independent governments. In addition to the federal constitution of Nigeria, each region of the North, West and Eastern Nigeria operated its separate constitution and also appointed its Ambassador in London otherwise known as 'Agent General' so as to differentiate them from Nigeria's High Commissioner in London (Falae, 2017). Based on this arrangement, competition became healthy among the regions, development agenda was premised on need and priority and Nigeria's development potentials were enhanced. However, the military threw away this cooperative federal system and replaced it with an over-centralized political structure that has plunged Nigeria into its present socio-political and economic debacle.

Federalism, Military Institution and the Absolutization of Power

The word "federal" is a derivative from the Latin word *foedus*, which stands for, "covenant" (Aliff, 2015: 71). This connotes that there is an element of diversity and plurality in terms of ethnicity, religion, politics, population and size among different groups that make up this diverse territory and these groups operate in covenant within a geographical sphere (Osaghae and Suberu, 2005: 4). The definition of K.C Wheare in his work *Federal Government* first published in 1946 gave federalism a scholarly recognition (Aliff, 2015). He conceived federalism as "a system of government in which authority is divided between national and regional governments so that each remained, within a sphere, coordinate (i.e. legally co-equal) and independent." (Aliff, 2015: 72). This definition reveals the existence of more than one level of government but in actual fact there may not be absolute independence as a level may depend on another tier to carry out some certain responsibilities with each constitutionally enjoying co-equal legal and independent powers.

Khidasheli (1999: 197) further commented on Wheare's definition and emphasized on the need to have formal institutions, constitutional division of powers, bicameral legislature and multi party system. He went on to espouse federalism as 'a legal manifestation of balanced relations between the powers of the central government and the autonomy of the constituent units'. The foregoing obviously points to the need for the tiers of government to operate with appreciable level of autonomy. However, this position is an aberration of military government because of the command structure of the institution. In reality, a particular tier of government under military regime may erode on the power and responsibilities of other tiers.

An appreciable number of countries practice federalism in the world including United States of America, Switzerland, Canada, Australia, Germany as well as India with established democracy and true constitutional division of authority between among their tiers of government (Fenna, 2007: 298). Moreover, in these countries, the powers given to each level of government in the



Constitution are reflections of a key factor: fiscal prowess (Aliff, 2015: 74). In general, there are 24 subsisting federations and the population of such countries makes about 40% of the world's population (Aliff, 2015: 74). Some federations are very big in terms of land mass (Canada and Australia), some are very small in size and population (Comoros) (Aliff, 2015: 74). The coming on board of federal system of government in different countries took effect at different times and stages in their histories. For instance, in the United States 1789; Switzerland, 1848; that of Canada is 1867; Australia, 1901 and Nigeria is 1954 (Nwozor, 2013: 43; Aliff, 2015: 74). These differences in terms of when federalism was adopted in different countries also emphasises why federal practice in each country is always a reflection of the dynamic socio-political peculiarities of each country. However, there exist characteristics that are similar to federal states. Watts (2001: 28) gave the characteristics of federalism as:

- Existence of minimum of two levels of government that act directly on their populace.
- Ensuring autonomy through the availability and allocation of revenue between the levels of government and constitutional distribution of authority between the executive and legislative arms of government.
- Having input from regions on national policy matters through regional representatives in a central legislative chamber.
- Supremacy of the Constitution which can only be amended by joint efforts of national and sub national legislators or through referendum.
- An apex court that settles disputes between and among the levels of government.
- Existence of procedures and public institutions to engender intergovernmental relations.

Of truth, these features are representatives of Nigeria's federal design through the existence of a federal government, and states and local governments that constitute the subnational governments; fiscal policies; National Assembly; Provisions for Constitutional Amendment in the 1999 Constitution; Supreme Court and agencies such as the Revenue Mobilisation Allocation and Fiscal Commission as well as the presidential liaison officer to the National Assembly. However, they do not guarantee that our federal system is a perfect one.

Federalism is appreciated for its elasticity in containing the copious challenges that have to do with governing people of ethnic, religion and social diversities (Omoriegbe, 2015: 6). This is why the rationale for the practice of federal system is the formation of a union without jeopardizing the identity of the different groups that form such a union (Ikeji 2011: 122). This also explains why there are at least two levels of government in a federal setting, one representing the general interest of the nation while the other represents regional interests. Substantiating this, Thorlakson (2003: 4) sees federalism as 'a territorial division of power between at least two autonomous levels of government'. This shows that each level of government has its level of autonomy. In the case of Nigeria, we have the federal, state and local governments (FGN, 1999). The basic question to ask is: how autonomous are these levels of government? A cursory look at the formation of the Nigerian state and the governing of the territory under military rule for long years forms the bedrock to



explain this. A federal state could come to fruition as a result of consensus through elite bargaining or through coercion (McGarry, and O'Leary, 2009: 19). McGarry and O'Leary (2009) further affirmed that the ones formed through coercion experience more upheavals than the ones formed through consensus. That of coercion is formed through external force (especially colonialism) and such is sustained through strong internal fiat. In the case of Nigeria, the coagulation of different unidentical societies to form the state was by British fiat and the post independence take-over of the military have been characterized by application of force which has snowballed into continued subjugation of the subnational units by the government at the centre.

If the merger of the northern and southern protectorates can be excused, it is imperative to examine how the military have usurped powers of the sub national units and ascribed such to the federal government. It is germane to have a look at how a military structure operates and see the ethnic pigments of the Nigerian military, especially during their reign. The Nigerian military is a tripartite force comprising of the Army, Navy and Air force. The military by its constitutional roles is to defend the country, promote territorial integrity and assist the police in cases of internal insurrection (FGN, 1999). These are the major functions of military worldwide of which Nigeria is not an exception. The military operates on a command structure in which instructions are not disobeyed. Instructions given are to be obeyed to the letter by those concerned without an element of complain. However, the military in Africa, Asia and Latin America has stepped beyond its defense responsibility by venturing into politics and governance (McGowan, 2003: 341). Nigeria has equally had its share of military rule. The involvement of the military especially in federal states starves the autonomy expected of sub national units because of the top down way the military operates. In Nigeria, the army has always spear headed military takeover of government, hence, the Head of State or Military President was always an Army General while the Chief of General Staff/Chief of Staff Supreme Headquarters who acted as the Vice-president was always an Army/Naval general.

Abitrarily, the military so much empowers the government at the centre because of its centralized operational procedure. A scrutiny of how decisions are made during military era will be crucial in explaining the fact that military government and federalism represent two parallel lines that cannot meet. The military incursion into politics in 1966 changed the democratic policy process in Nigeria. The military in its essentials adopts an authoritarian style (Oni, 2014a: 9). The military command usurps the powers of both the legislature and the judiciary in addition to its executive powers. From 1966 to 1985, policy making, fiscal matters and executive authority were vested in the Supreme Military Council (SMC), the Federal Executive Council (FEC) and the National Council of States which comprises of the Head of State, the state military administrators and some selected military officers (Koehn, 1990: 23). The SMC was composed of the Head of State and 24 top ranking military officers while the FEC consisted of the Head of State, some top military officers and federal ministers (Koehn, 1990: 23). The input of the bureaucracy in the policy process between 1967 and 1975 was significant but this drastically nosedived between 1975-1979 and 1984 - 1985 military juntas (Otobo, 1999: 297).

The policy process became more centralized during the Babangida regime (1985 to 1993)



with the abolishment of the SMC and NCS and its replacement with Armed Forces Ruling Council (AFRC) (Koehn, 1990: 25). The AFRC comprised of the Head of State and 19 top military officers (Koehn, 1990: 25). The AFRC was subsequently replaced by the Provisional Ruling Council in the Abacha and Abdulsalam regimes (1993 to 1999). The whole gamut of the military rule in Nigeria reflects the fact that the entire policy phase revolves around the directives of the military Head of State who personalized the state (Olaitan, 1997:106). The military policy documents during this period were conveyed in decrees at federal levels and edicts at state levels.

Military rule in Nigeria is structured in such a way that the military ruler appoints the military administrators that overseered the administration of state governments. Hence, they are on military postings as the military head of state holds the prerogative to repost them at will. Hence, they are at his beck and call and the autonomy of states are whittled because what happens in states are determined by the military council at the center which state military administrators cannot challenge but obey with all diligence.

Notably, in situations where power was devolved to the subnational units with concomitant responsibilities, the government at the centre still controlled the bulk of the finance (Aaron, 2015: 169). Ideally, in federal settings, it is an anathema to have chunk of the power, responsibilities and finance concentrate in one of the levels of government. Federalism connotes devolution of power. The autonomy each level of government possesses is what differentiates federalism from unitary system (Thorlakson, 2003: 4). Hence, federalism is very compatible with liberal democracy. It is ironical that since independence in 1960, Nigeria has practiced its federalism under military governments for about 29 years. Military governments by default operate a central hierarchical system which poses a threat to federal practice.

Military Regimes and the Erosion of Sub-national Governments' Autonomy

Enlistment into the military in the post independence period was characterized by ethno regional rivalry of the regions as the north got half of the recruitment while the east and west shared the remaining half (Bappah, 2016: 148). Although this arrangement was an elite arrangement to promote the quota system and guarantee national representation, a lot of qualified Southern applicants were disqualified on this basis (Bappah, 2016: 148). This was the root of ethnic divide in the military and the reason for the counter coup of 1966 which was seen as an avenue to make a point that the North cannot be rubbished and where mostly Igbo officers were killed. This coup brought about the long reign of military rule in Nigeria. Consequently, the Northern military officers have ruled the country for 90% of the total military reign between 1966 and 1999 (Agbibo, 2013: 17). Only J.T.U Aguiyi- Ironsi (1966) and Olusegun Obasanjo (1966-79) are southern military leaders, others that have ruled Nigeria from 1966 to 1999 were northerners (Nwozor, 2013: 38).

Military rule globally has gone through three stages. These are direct take-over of government, self succession of military leaders who later retire and continue as civilian presidents and coming



back to become civilian presidents by erstwhile military rulers who left office several years before then. The first stage had been experienced in Nigeria through the 1966 coups and the 1975, 1983, 1985 as well as 1993 coups. African countries like Mali, Uganda and Togo have equally experienced this (McGowan, 2003: 363). The second phase has never taken place in Nigeria but has been experienced in Sudan through the self succession of Omar al Bashir. The third phase has taken place in Nigeria through the reign of Olusegun Obasanjo (military head of state between 1976 and 1979 and civilian President from 1999 to 2007) and Muhammadu Buhari (military head of State from 1983 to 1985 and democratic President from 2015 till date).

Despite the fact that military rule is antithetical to federalism in theory, in practical terms, military incursion into politics has had its positives and negatives on Nigeria's federal system. It is noteworthy that the military was a significant component of Nigerian politics after independence (Adeakin, 2016: 131). The legacies of military governments, the effects they have and how they have affected the practice of federalism deserves interrogation.

Nigeria practiced a federal system since 1954 and this continued till after independence. However, federalism suffered an initial setback after the military take-over of January 15, 1966. A unitary system was adopted by the government of J.T.U Auigiyi Ironsi in 1966 and this sudden reverse in the federal journey was actualized through Decree 34 of May 24 1966 (Agbibo, 2013: 16). This decree changed the status of Nigeria from a federation to a Republic of Nigeria, turned the civil service into a unified system and made appointments into the service based on merit and not quota system (Teniola, 2017a). Brigadier Korubo, one of the members of the Supreme Military Council at that time recounted that Ironsi announced then that he had the plans to appoint military 'prefects' who will be charged with carrying out government policies at regional level (Tenila, 2017b). This was not only a military feature but a puncture to federalism. The Decree was repealed by Yakubu Gowon on August 31, 1966 (Teniola, 2017c). The north felt alienated and saw these actions as Igbo hegemony of the polity. This led to a counter coup by northern military officers in July 1966 and the 30 month civil war between 1967 and 1970 (Suberu 2009: 67).

The Gowon administration made some changes to the federal structure. This is because the civil war started and ended during his regime. The junta made a move to take care of the fractured federal arrangement. The country was changed from regional structure to state structure and this reflected in the creation of 12 states. This was done in a bid to reduce secessionist agitations and reduce the hegemony the four ethnic groups have over the minorities. All state creation exercises (1967, 1976, 1987, 1991 and 1996) in Nigeria have been done under military administrations. The request for state creation in Nigeria is always a political elite request but always under the guise for national integration (Yongo, 2015: 77). State creation exercises are meant to accommodate minority groups and allow groups hitherto deprived of resources to have access to it (Ejobowah, 2000:33). State creation exercises have made glaring the indigene/non indigene dichotomy and have reduced nationhood but increased allegiance to individual states (Eze *et al.*, 2015: 113). It is seen as a cow that milks resources for the elites through political appointments at state levels but it has failed to achieve national integration objective (Eze *et al.*, 2015: 116).



State creation has made hitherto minorities to assume the position of majority groups in their respective regions and this has led to the existence of new minority groups in such states (Eze *et al.*, 2015: 116). State creation has arguably brought about some level of development to some towns (especially capital cities) and it has also reduced agitations from some quarters. Prior to the adoption of state creation, the regions were financially viable: they depended on agriculture as the mainstay of their economies and they had appreciable level of fiscal autonomy (Ejobowah, 2000: 32). However, the oil boom of the 1970s led to the neglect of agriculture and over dependence on black gold. The surplus increased the over-centralisation of the mineral resources (Osaghae, 2015: 111). The federal government no longer depended much on proceeds from agricultural produce from the regions but now depended on oil (Nwozor, 2013: 45). This made oil the mainstay of the economy constituting over 80% of revenue (Obadina, 1999). This reduced the income of states and weathered their financial autonomy because crude oil exploration was controlled by the government at the centre.

The vertical structure of the military coupled with the fiscal weakness of states weakened the autonomy of the sub national units in inter governmental affairs. The federal government has got not less than 40% of the revenue allocation formula from 1967 till date (Lukpata, 2013: 35-37). The states were fragmented on a continuous basis and the indication is that the meagre amount few states share before become decimated by virtue of creating additional states hence their inability to effectively discharge their roles. There are responsibilities that states could perform that have been taken over by the federal government. These responsibilities come with their revenue generation advantages as well. The juicy functions like resource control have been hijacked by the federal government. Hence, the states have small revenue to take care of its functions. For example, the 1999 Constitution which is a making of the military ascribed 68 responsibilities to the government at the center. Contrarily, the 1960 Constitution allocated 44 of similar responsibilities to the federal government (Kupoluyi, 2017). Nigeria presently has a government at the centre, 36 states and 774 local governments (Agba *et al.*, 2013: 455). Although, the 1994/95 Constitutional conference recommended the existence of six geo political zones, these have never been recognized in the 1999 Constitution but the geographical yardstick is being used for appointment purposes into public offices.

The backdrop of military rule in Nigeria has no doubt affected the autonomy of sub national units especially at the grassroots. The 1976 local government Reforms was a watershed in the local government system in Nigeria. Prior to the reforms, local government matters were responsibilities of the regions as each region operated its system of local government. The coming of board of military in January 1966 led to the dissolution of existing local councils, the appointment of sole administrators and the direct flow of authority from the military government at the center (Wilson, 2013: 139). The federal military government transformed the local government into a unified local government system for the entire country through this reform (Agba *et al.*, 2013: 457). The administrative structure was made uniform. The functions of local government now became that which was solely the responsibility of the government at the local level and those shared with other



levels of government. Services like maintenance of conveniences, motor parks among others became the prerogative of the local governments while matters like health and education were shared by the two levels of government (Olowu, 2003: 45).

This reform no doubt gave local governments recognition as third tier level of government as it became involved in the fiscal affairs of the country with statutory allocation and these provisions have been included in the 1979, 1989 and 1999 Constitutions (Akindele *et al.*, 2002: 558). But in actual sense, local governments were not and have not been given political autonomy (Wilson, 2013: 136). One of the major challenges being faced by local governments is that their ability to generate revenue is low compared to the responsibilities they are meant to perform. This is well captured by Akindele *et al.* (2002: 558) when he noted that 'since the 1976 reforms, however, the councils have been grappling with a plethora of problems, relating, in large measure, to the delimitation of their fiscal jurisdiction and protection of their revenue rights'. Conspicuously, the achievement of the responsibility of providing infrastructure for people at the grassroots is jeopardized (Agba *et al.*, 2013: 455). The fund meant for local governments from the federation account have been a conduit for corruption by state governors. The state/Local government joint account into which the federal allocated funds meant for local governments are domiciled is solely controlled by state governors and they disburse them without recourse to financial guidelines in operating such accounts while only remnants reach the local governments (Agba *et al.*, 2013: 460).

Appointment of sole administrators or care taker committee was the practice during military rule and this has continued till the present Fourth Republic (Wilson, 2013: 139). This has defeated one of the purposes of local governments which is allowing democratic participation of people in government at the grassroots. It has also led to instability and a cog in the wheel of continuity of development at the local level. The military administrators during the military era were on military postings whenever they were sent by the Commander-in-Chief to rule a state. They were equally removed at will by the Head of State. This same structural arrangement has defined local government management since 1999 except on few occasions where elections were conducted into local governments.

The military organized the 1994/95 Constitutional conference. Although the recommendation were not fully considered by subsequent governments after the death of General Sani Abacha but its recommendation on derivation was considered in Section 162(2) of the 1999 Constitution (Federal Government of Nigeria, 1999). Prior to this period the derivation principle inherited by the military had been truncated. The military through the Distributive Pool Account (DPA) Decree No. 13 of 1970 reduced derivation accruing to oil producing states from 50 to 45% (Ejobowah, 2000: 35). Shortly before the creation of seven new states in 1976, Decree No. 6 of 1975 reduced derivation to oil producing states to 20% and this was slashed to 5% and 3% respectively during the Second Republic (1979 to 1983) and the Babangida Administration (Ejobowah, 2000: 36). The implication of this is that the federal government usurped the resources and by extension the revenues accruable to states and this further degraded the autonomy of the states. What worsened the situation was the creation of more states in that the more the state, the less financially



buoyant they became. The 1994/95 Constitutional Conference recommended a 13% derivation benchmark for mineral producing states (Nwozor, 2013: 50). This has been factored into the 1999 Constitution but it has been seen as another domineering tool by the federal government. The federal government shares the remaining proceeds among the three tiers of government. The government at the centre takes the bulk and puts the sub national units at financial disadvantage and obviously less autonomous. These fiscal imbalances have increased mistrust among the ethnic groups and have equally culminated into agitations of different types. The Niger Delta region which produces oil has been experiencing civil protests against environmental degradation and fiscal issues. The inability of subnational units to perform their responsibilities has led to agitations of marginalization and violence in different parts of the country (Aaron, 2015: 173).

Federalism, Nigeria's Fourth Republic and the Re-structuring Debate

The disengagement of the military from politics in 1999 marked the inception of Nigeria's Fourth Republic on 29th May, 1999. Thus, the country returned to a democratic presidential system of government premised on federal arrangement. Though, it has been democratic governance, the country has not been absolved of excessive power arrogation to the federal government and leaving the crumbs of powers to the subnational units. This has created horizontal imbalances between the national government and its component units.

There are events that have brought to question the federal form of the Nigerian state chief among which bothers on fiscal federalism. For instance, the Lagos State government in 2003 created additional 37 local governments in addition to the existing 20 recognized in the 1999 Constitution. Obviously, Section 7 of the 1999 Constitution allows state governments to create local government, the federal government in return refused to dispense the monthly allocation meant for local governments in Lagos State as a result of this. This took long before the Supreme Court ruled that the fund be released. The Obasanjo administration did not release the fund despite court ruling. The fund was finally released after Obasanjo's successor (Umaru Y'adua) came to power in 2007. The creation of local government should not have generated any tension if subnational governments in Nigeria are truly coordinate and independent.

The revenue prowess of the sub national units has remained weak in the fourth Republic. Only the oil producing states and Lagos state have remained relatively viable financially. For example, in terms of internally generated revenue, Delta generated N44.9 billion in 2016, Rivers generated N82.1 billion in 2016 and Lagos generated N301.2 billion in the same year (National Bureau of Statistics, 2017). Most states have low internal revenue generation capacity. For example, Adamawa generated N7.59 billion in 2016, Borno generated N2.52 billion in 2016 and Jigawa generated N3.34 billion in 2016 (NBS, 2017). These financially weak states have had financial crisis especially the challenge of paying staff salaries and pensioners entitlements. Hence, they mostly depend on fund from the federation account which is meagre compared to



the responsibilities placed on them. Sadly, most states have found it extremely difficult to pay staff salaries promptly for over a year now.

At another level, the derivation principle coupled with resource control and environmental degradation matters in the oil producing Niger Delta region is responsible for the emergence and violent acts of militant groups such as the Niger Delta Volunteer Force, Niger Delta Avengers and so on. Youth restiveness in the oil-rich South-south of Nigeria is a response to what they term 'neglect' of the region laying the 'golden egg' that feeds the whole nation. It is not a secret that Nigeria's economy depends largely on proceeds from the sale of crude oil derived from the Niger-Delta area. Yet, the area suffers large scale youth unemployment, environmental degradation as a result of oil spill and the near extinction of agricultural production especially farming and fishing due to oil exploration which consequently renders both old and young unemployed. Worst still, revenues accruable from crude oil are used to finance projects across the nation without commensurate compensation from the oil producing communities and their state governments except for the 13% derivation paid to them and the establishment of the Niger-Delta Development Commission set up to implement special projects in the area. However, these forms of compensations are grossly inadequate given the wanton economic loss of the people of the area. Regrettably, revenues from the crude oil have been deployed to address the huge poverty index in the Northern part of Nigeria to the detriment of the oil-rich Niger-Delta thus fueling reactionary protests from emergent ethnic militias. As at 2014, the African Development Bank's (2014: 8) report showed that the prevalence of poverty in Nigeria's North-East was 78% while that of the North-West was 86%. Political observers and writers have argued that high poverty index in the northern part of Nigeria is partly responsible for the emergence and spread of BokoHaram terrorist organization (Ahokegh, 2012; Onapajo *et al.*, 2012).

Federal government's hegemony over the states on land planning, environmental matters, security planning, agriculture and finances are some of the factors responsible for the current clash between herdsmen and farmers all over the country. For example, the inability to provide good irrigation system and fresh water for livestock by state governments make the clash between farmers and herdsmen over scarce water resources inevitable (Audu, 2013). Fresh water has become scarce because of draught and pollution (Audu, 2013). State governments are unable to create and sustain farm settlements and establish ranches. One of the factors responsible for this is refusal of the federal government to support laws made by state governments to check the framers herdsmen feud. Most recent cases are laws made by Ekiti and Benue states (Daniel, 2017; Ojomoyela, 2016). Available records show that these herdsmen have killed 630 villagers and farmers in 2015 (Institute of Economics and Peace, 2016: 20).

One of the possible ways to address the myriad of challenges confronting Nigeria's federal system was to convene sovereign national conferences where issues of imbalance and lopsidedness will be discussed. This culminated in the 2005 and 2014 National Political Reforms Conference (NPRC) and National Conference (NC). These conferences were put in place at different challenging times to resolve issues bothering on the unity of the country. The



NPRC generated controversies on matters of fiscal federalism, devolution of powers, rotational presidency among others (Owete, 2014a). The conference came to an abrupt end as a result of the 'walk out' staged by South-South delegates over derivation. Delegates to the conference agreed that derivation on oil revenue to the oil producing states be increased to 25% from 13% but the South-south delegates were uncompromising in their demand for 50% (Owete, *ibid*) but this was vehemently opposed by northern delegates (Owete, *ibid*). The 2014 NC recommended that 18 new states should be created, derivation be increased from the present 13% to 17% and revenue allocation should be 42.5% to the federal government, 35% to state governments and 22.5% to local governments (Owete, 2014b). The report of the conference has however not been implemented. The NC also recommended that local governments should no longer be recognised as third tier of government but that states can now create many local governments as desired but that the Constitution should place the tenure of Chairmen of local governments at 3 years (Owete, *ibid*).

The failure of the 2005 and 2014 conferences and even previous ones to address the power imbalance and disunity in the country has further sustained agitations and allegations of marginalisation from different groups as well as secessionist attempts by the South-east. Consequently, within the last one year, there have been renewed calls for 'restructuring' that will see to the implementation of the 2005 and 2014 conferences. Restructuring has implied different things to different groups and people. Some see it as devolving powers so that states are vested with more powers and resources while the federal government is allowed to be in charge of foreign policy, defence and economy (Kupoluyi, 2017). Some political observers see the need to revert to the twelve-state structure of 1967 so that these few states will be viable while some others have relatively different opinions arguing that the state system be abolished and replaced with a six-region structure (Aziken *et al.*, 2017). Momodu (2017) interpreted restructuring to mean returning to regional structure of the first republic (1960-1966) and opting out of presidential system because of the high cost of running it and further suggested that parliamentary system be adopted again as practiced in the First Republic.

What the foregoing suggests is that there are no consensus among Nigerians including political elites, religious leaders and socio-cultural organizations on what restructuring actually connotes and represents. There is also the ethnic dimension to the restructuring debate in contemporary Nigeria. While northern Nigeria has termed agitations for restructuring as a southern Nigeria agenda, the southern Nigeria on its part has always perceived the north as anti-restructuring hence sabotaging efforts at reorganising Nigeria in line with its diverse realities. The ethnic debate around restructuring can be understood within the lopsided structural arrangement of the north and the south. Structurally, the north is made up of 19 states divided along three geographical zones of East, West and central and controls some of the largest local governments in Nigeria. For instance, Kano state boasts of 44 local government areas having calved out two states of Katsina and Jigawa in 1987 and 1991 respectively by the Babangida military regime. On the other hand, the south, divided along geographical zones of West, East, South-south controls 17



states, 2 shorter than its northern counterpart. However, Lagos, which is acclaimed as the most populated state in Nigeria (Nigerian Finder, 2018) and having no state carved out of it since inception controls only 20 local governments. Despite the incontrovertible facts that Lagos state is the industrial and commercial hub of Nigeria's economy and the most cosmopolitan in terms of accommodation, it has lesser local government areas compared to a less viable Kano.

It is worth mentioning that local governments as the third tier of government in Nigeria receive revenue allocations from the federal government purse hence the tensions between the north and the south over the imbalance in the structure of states and local governments. This is one of the bases for the call to restructure the Nigerian federation to reflect these realities. In total, Nigeria has 36 states and 774 local governments (see sections 3(1) and 3(6) of the 1999 constitution respectively). Notably, the structural dichotomy between the north and the south is a military legacy that continues to stare Nigerians in the face. The military regime of Gowon, in a bid to whittle the support base of the Biafran agitators prior to the civil war, remodeled Nigeria from a regional structure to a state structure and consequently created 12 states out of the erstwhile four regions in 1967 (Badamasi and Zuwaira, 2016: 89).

The need to balance the imbalance in the structural arrangement of the north-south dichotomy in Nigeria has exacerbated the activities of the centrifugal and centripetal forces within the federation. The north, through its military and political leadership has sought to preserve its hegemony in terms of its number of states, legislative constituencies in the federal parliament over the south because the region is in a vantage position to attract higher revenue and infrastructural allocations from the national government. For this reason and some others that may be political, the region often antagonises any call to address the imbalance (see Osaghae and Suberu, 2005: 16). Perhaps, this accounts for the failures of the countless constitutional conferences initiated to discuss the myriad of problems plaguing the unity of the federation. However, the south has remained persistent in its continuous push for a restructured Nigeria with many ethnic militias and socio-cultural organizations emerging in the process notable among which are the Afenifere, a pan Yoruba socio-cultural organization; Ohanaeze Indigbo, the umbrella body of the Igbo extraction of Southern Nigeria; Movement for the Survival of the Ogoni People (MASOP); Odua Peoples Congress (OPC) and the Independent People of Biafra (IPOB). Though, these organizations have divergent demands and have employed different modus operandi in pressing for their demands including subtle and violent acts, the indisputable fact remains that they are fall outs of the inequality and imbalance that characterize north-south relations in Nigeria over decades.

It is instructive to add to the foregoing that restructuring is historical in Nigeria, meaning that, it is not a current phenomenon in Nigeria's political lexicon. The demand for the recomposition of the Nigerian council of 1914 created to administer the newly amalgamated northern and southern protectorates that formed the colonial Nigerian state could be interpreted in the light of restructuring. To be sure, the council was composed of 36 members out of which were 23 European officials, 7 European businessmen and 6 Nigerians who were mainly traditional rulers (Mottoh-Migan, 1994:45). It was reported that the Nigerian members of the council were appointed



by the British colonial administrators and were grossly ineffective simply because they did not understand English which was the language of conducting official business. This sparked a persistent call by educated Nigerians to either reconstitute the council to accommodate Nigerians that have the competence to actually represent Nigerians and their interests or outrightly abolish it (Mottoh-Migan, 1994; Adefulu, 2001).

The nature of the demand for restructuring the contemporary Nigeria which started shortly after the commencement of the Fourth Republic in 1999 has assumed different dimensions but can be summarized under two broad levels namely political and economic. At the center of the political restructuring debate is power sharing. Different socio-cultural, political and professional organizations are expressing varied opinions on the forms of power sharing. For instance, at a recent summit on restructuring the Nigerian federation conveyed by the apex Igbo socio-cultural organization, Ohanaeze Indigbo, the body demanded a rotational presidency among the six geopolitical zones of Nigeria and a single tenure of six years for elected political office holders while there should be five Vice Presidents each representing the remaining five geopolitical zones to complement the zone producing the President at a material time (Channels TV News, May 20, 10h00-11h00pm). To them, the model will enhance equity, fairness and justice in the distribution of key political offices thereby correcting the present imbalance that shortchanges some zones of the nation from having a 'taste' of the presidency for a long period of time.

On the contrary, the Yoruba ethnic nation favours a more decentralized political system and a return to the federal regional arrangement of the 1950s and 1960s. To that extent, the central government becomes politically 'light' compared to its present ubiquitous 'Almighty' posture while regional governments become politically and economically viable, autonomous and truly independent. This will afford every region to harness its socio-economic potentials and develop at its own pace thus setting development agenda that is informed by the peculiar needs of the people of each geopolitical region. In sum, the region canvasses for devolution of power in favour of the subnational governments and a fiscal system that empowers the subnational units to control their God-given resources and generate revenues for public service as a panacea for resolving the present over-centralized political arrangement designed by the military 'architects' who presided over Nigeria for 29 years (1966-1979; 1983-1999). The South-south region of the nation has not offered any dissenting position from the Yoruba restructuring agenda. However, the Hausa/Fulani of the Northern region has not presented its articulated position of what context the restructuring process should take. What is reducible from the perceived body language of its leadership through the Northern Elders Forum and the Arewa Consultative Forum is that restructuring that will whittle down the political and economic dominance of the national government may be an exercise in futility. This suspicious position is premised on the fact that the region has controlled the 58 year old independent Nigerian state for more than 41 years under civilian and military regimes. Apparently, changing the status quo may be fiercely opposed by the region. One copious fact remains that whatever restructuring that is achieved at the political level will have implications for fiscal and economic issues especially the revenue sharing formula since revenue allocation is



contingent upon governmental powers and responsibilities. While the debate has no end in sight, the unfolding events toward the build up to the 2019 general elections may provide the platform for a quick fix or a lasting resolution.

Conclusion

The paper has examined the contradictions of Nigeria's federal structure and located them within the defining nature and character of the military organization whose intervention in the political scene of Nigeria not only enlarged federal financial purse and powers but also exacerbated ethnic fragmentation of the Nigerian society. The results were many ethno-religious and resource-based conflicts that have bedeviled the current political dispensation since 1999. Though national conferences have been convened to discuss and analyse Nigeria's lopsided federal arrangement especially issues bothering on resource control, local government autonomy, revenue allocation formula and balanced state structure (Oni, 2014b), the political will to consider and execute many of the far reaching outcomes of those conferences has been lacking.

It is instructive to mention that no alterations or amendments to the constitution of Nigeria can resolve the incessant conflicts that continue to shake the foundations of Nigeria as a federal state. What is needed is the process of renegotiating the basis of our existence where every group becomes important stakeholder in the final outcome of such negotiation. Through the negotiation, the powers and functions of the national government will be downsized and be limited to performing skeletal but important state functions of national security and foreign relations. Subnational governments must be politically and economically strengthened and empowered to encourage inter-regional development initiatives and cooperation, promote comparative advantage and enhance maximum resource utilization thereby stimulating national growth and development. As a matter of policy measure, this study recommends that Nigeria retains the current six geopolitical arrangements of North central, Eastern and Western Nigeria as well as South Eastern, Western and South-south Nigeria which no doubt accommodate the diverse ethnic colourations in Nigeria. Importantly, economic restructuring should be emphasised; governmental powers and responsibilities and the accompanying financial revenues should be devolved to subnational governments thereby empowering them to provide development infrastructure in their respective jurisdictions since they are closer to the people than the government at the center. This will ostensibly remove subnational governments' dependence on federal revenue allocations to function. Subnational governments should be constitutionally empowered to control their God's given natural resources and to raise taxes/revenues to fund development projects thereby reducing the ubiquity of the central government and allowing subnational governments to develop at their own pace in line with their peculiar aspirations.



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