

Whither Nigerian Federalism? Federal Arrangements as Conflict Management Devices

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Abstract: Federalism is accepted by many as a panacea to accommodate diversity and manage conflicts especially in pluralistic societies. It is therefore not surprising that conflict management capacity of Nigerian federal system has been long studied within the federalism literature with most of those studies concentrating on a particular conflict management mechanism of Nigerian federalism. This study argues, amongst other things that, Nigerian policy-makers have adopted three inter-related (federal) conflict management strategies to deal with the intransigent ethno-religious and ethno-regional conflicts prevalent in Nigerian society. Being complementary in their nature, the strategies of proliferation of component units, application of federal character principle and revising revenue-allocation formulae along with its derivation principle mutually reinforced each other. However, this study will reveal that Nigerian federalism is flawed in dealing with those conflicts having their roots in the colonial era.

Key Words: Federalism, conflict, conflict management, Nigeria.

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Nijerya Federalizmi Nereye Gidiyor? Çatışma Yönetimi Aracı Olarak Federal Düzenlemeler*

Öz: Federalizm, pek çok uzman tarafından çeşitliliğin korunması ve özellikle çoğulcu toplumlarda çatışmaların yönetilmesi konularında bir çare olarak görülmektedir. Nijerya'daki federal sistemin çatışma yönetimi kapasitesi de federalizm literatüründe geniş bir şekilde çalışılmış, ancak bu çalışmaların çoğu Nijerya federalizminin belirli bir çatışma yönetimi mekanizmasına odaklanmıştır. Bu çalışma, Nijeryalı karar vericilerin, ülkedeki mevcut çatışmaların çözülmesi yolunda birbirleriyle bağlantılı üç (federal) çatışma yönetimi stratejisi benimsediğini iddia etmektedir. Devlet ve yerel yönetim sayısının artırılması, federal karakter prensibinin uygulanması ve gelir dağılımı sistemini revize etmek şeklinde sıralanabilecek birbirlerini tamamlayıcı nitelik taşıyan bu stratejiler, aynı zamanda birbirlerini sağlamlaştırmaktadır. Ancak, çalışma kapsamında da görüleceği üzere, Nijerya federalizminin kökenleri sömürgeci döneme dayanan ülkedeki bu mevcut çatışmaların üstesinden gelme konusunda birçok eksiği bulunmaktadır.

Anahtar Kelimeler: Federalizm, çatışma, çatışma yönetimi, Nijerya.

* The arguments laid in this article are based on Elem Eyrice Tepeciklioğlu's PhD dissertation entitled "Federalism and Conflict Management: The Cases of Nigeria and South Africa" written under supervision of Prof. Dr. Nazif Mandacı.

1. Introduction

Federalism is a system of “a combination of *self-rule* and *shared rule*” (Elazar, 1991: 5). In other words, it is a specific form of government in which there is at least two levels of government, the federal and state governments having constitutionally-recognized competencies. Nigeria is the only African country that was already federal before independence. However, being also one of the most pluralistic and deeply divided countries in Africa, the country faces intransigent ethno-religious and ethno-regional conflicts. Along with other accommodative principles, Nigerian policy-makers adopted three major conflict management strategies in order to manage those conflicts, the increase in the number of constituent units, the application of the federal character principle and various revisions in the revenue-distribution formulae as well as in the derivation principle. Complementarity of those conflict management strategies requires their analysis as a whole rather than a sole focus on any of these particular mechanisms.

Those mechanisms mutually reinforce(d) each other; state creation has not been only about political/territorial autonomy as the application of federal character principle (FCP) stipulates the distribution of public posts according to state quotas just as the debates revolving around the derivation principle is not only related to the development problems of Niger Delta minorities but also pertains to the “equal rights for all” principle of Nigerian federalism.

Both the state creation exercises and the FCP reflects the desire of Nigerian policy-makers to allay the fears of minorities over majority domination in the composition of public institutions and prevent hegemony of particular groups within those bodies. The increasing discontent of the Niger Delta minorities over the distribution of national resources also led to an increase in the derivation principle. Although the initial response of the federal government against the unrest and conflicts in the oil-producing Niger Delta region was to revise the derivation prin-

principle, the new revenue-distribution formulae also aimed at maintaining “equal” or “fair” transfer of national revenues both to resource-rich and resource-poor regions.

These conflict management strategies have succeeded to a certain degree to manage some of Nigeria’s conflicts and avoid secessionist claims. However, despite all those attempts, continuing tensions in Nigerian society raises questions about the capacity of Nigerian federalism. This article examines the three fundamental conflict management strategies tried by subsequent governments in dealing with various overlapping conflicts as well as the major failures of Nigerian federalism in managing those conflicts.

2. Is Federalism *the* Solution or is it *the* Problem Itself? Managing Conflicts in Nigeria

The Federal Republic of Nigeria is a West African country which comprises 36 federal states and a Federal Capital Territory, Abuja. The country is also divided into six geo-political zones: North-Central, North-East, North-West, South-East, South-South, and South-West. Being one of the most ethnically diverse countries in Africa, Nigeria is estimated to have between 250 to 400 ethno-linguistic groups (Alapiki, 2005: 51; Kirk-Greene, 1967: 5; Mustapha, 2007; Ojo, 2009: 384). The three largest ethnic groups have historically dominated in different parts of the country; Hausa-Fulani in the north, the Yoruba in the southwest and the Igbo in the southeast. As the questions about religion and ethnicity are excluded from national censuses after 1991 census following the decision of the National Population Commission, recent data about the distribution of those ethnic groups among Nigeria population is not available. However, the 1963 census indicates that together they constituted 57.8% of the national population; Hausa, 20.9%, the Yoruba, 20.3%, and the Igbo, 16.6 %. Eleven of the other largest ethnic minorities constituted 27.9% of the population at that time (Mustapha, 2007: 563).

Some of Nigerian ethno-regional groups were historically hostile to each other and were unwillingly united in an artificially demarcated territory. There are some minority and majority ethnic groups within the country. There have been many divisions and conflictual ethnic relations between those majority ethnic groups which compete with each other for preponderance in government. The "tripodal ethnic structure" (Mustapha, 2007) also created cleavages between the members of these groups and minorities.

Nigeria is not only destabilized by ethno-regional strife but also deeply divided along religious lines with Islam dominant in the majority of Northern regions and Christianity in the South and the Middle Belt. The Northern and Southern parts of the country were also historically governed by two different administrative traditions after colonial administrators divided the country into two protectorates which increased the rivalry between those provinces. Partly as a result of different administrative traditions, the North was politically and administratively developed while the South soon became the economic center of the country. In addition to different administrative traditions and sharp cultural differences, the demographic dominance of the North is also a source of conflict between the two regions, compounded by the fact that distribution of state resources and allocation of public posts depend mostly on the populations of Nigerian states.

Economic imbalance also plays an important part in increasing inter-group cleavages, with the distribution of oil revenue being a significant genesis of conflict. This is particularly a problem between the country's major ethnic groups and the impoverished minorities in the Niger Delta region, from whose land Nigeria's oil revenue is derived. Although Nigeria is endowed with abundant natural resources, the oil-producing Niger Delta region remains underdeveloped. Thus, conflicts in Nigeria have various dimensions, including the historical North-South con-

frontation, religious and ethnic divides, and economic disparity, some of which overlap.

In managing those conflicts, the strategies of successive Nigerian civilian and military governments have included the adoption of new federal principles or redesigning existing ones with a combination of affirmative action policies. However, for various reasons, these re-negotiated federal arrangements have been more successful in some periods than the others or they failed in other times. Nigerian governments have chosen various tools of conflict management in order reach a consensus on the rules and functioning of the federal system. As the following part will demonstrate, the major strategy was to increase the number of states cutting across ethnic and regional lines.

2.1. Creating States

When Nigeria gained its independence from the British in 1960, it comprised three regions (the Northern, Western and Eastern regions) but this three-region structure had its roots in the colonial era. During this period, the federal design institutionalized the hegemony of the Northern region and constructed the boundaries of the federation around the three largest ethnic groups while minorities were denied their own constituent units (Suberu and Diamond, 2002). The discontent of the existing units against the imbalance in the design of boundaries led to the Biafran War (1967-1970) and could only be resolved through the creation of new constituent units. The number of regions increased to four with the independence of the Mid-West in 1963, then to twelve states in 1967, nineteen in 1976, twenty-one in 1987, thirty in 1991 and thirty-six in 1996. The number of local governments also increased from 96 to 774 within nearly 25 years (Adedokun, 2004 cited in Adedokun, 2006).

In the first state creation exercise, twelve states were created out of the existing four regions in 1967 considering the complaints of especially Northern influence and demands for subdivisions

from existing regions. Here, the basic rationale was to “balance” the North and the South. Another major drive behind the 1967 state creation exercise was to separate ethnic minorities from majorities so an equal number of states were created from former Northern and Southern provinces. Especially breaking the imbalance in the population and size of the former was deemed imperative given that the uneven distribution of power enabled the North to dictate its own policies (Akinyele, 1996; Odetola, 1978) and the existing federal structure provided three largest groups to hold economic and hegemonic strength. Under this twelve-state structure, both the North and South were given six states while the Western and Eastern Regions were divided into three (Dent, 2000). Although this wave of state creation failed to prevent the civil war that broke out in 1967 due to the Eastern Region’s attempt to establish a separate Biafran state, this measure was able to maintain the unity of other parts of the country during the civil war (Danmole and Aghalino, 1995) as the creation of states for minority groups weakened support for secession in the Eastern region (Suberu, 1991).

The 1976 exercise created an additional seven states, increasing the total from twelve to nineteen. To some extent, both the 1967 and 1976 exercises were able to diminish the fears of ethnic minorities over the dominance of Nigeria’s three major ethnic groups as each of the three regions inhabited by those majority groups were divided into smaller states (Jinadu, 1985). The states, therefore, served as alternative areas to enjoy political power and those having power could disseminate resources to their people through their share from the Federation Account (Suberu and Diamond, 2002). In this way, minorities were enabled to participate in the federal government and had a say in their own internal affairs.

However, the 1976 initiative failed to satisfy the decentralization demands of all groups, so the Nigerian government started to receive further requests for new states. In order to meet some of those demands, two new states were created in 1987 which

was followed by the creation of nine additional states in 1991: four in the South, two in the Middle-Belt and three from the North. Underlying these requests was a demand for rapid development. The 1996 state creation exercise led to the emergence of the current thirty-six state structure through the creation of six more states with the basic rationale of achieving accelerated development (Adamolekun, 1991; Report of the Political Bureau cited in Suberu, 1991; Akinyele, 1996).

The continued demands for state creation has more recently been substituted by an increase in the number of local governments. There were 96 local governments in 1967, this increased to 300 by 1976, while the number more than doubled to reach 774 by 1981 (Adedokun, 2004 cited in Adedokun, 2006). Thus, through local government councils, Nigeria's diverse groups have been given another space for representation. These changes have created the perception that local governments can provide an alternative to states as developmental centers, which unsurprisingly has increased the demand for more local governments (Osaghae, 1992). In this way, not only majority groups but also minority communities also had the opportunity for equal and direct representation by sending their representatives to local councils or to the parliamentary assemblies of their respective states.

However, despite the fact that the demand for new states and local governments is still a contentious issue in Nigerian politics, no military or civilian administration have created additional states since 1996, while the number of local governments has also remained constant in recent years. The intensity of the debates over state creation exercises are mostly related to the fact that statehood has been an important structural means both to provide a range of socio-political opportunities and to gain a considerable amount of wealth from the federal budget (Suberu, 1988 and 1991). The more local government areas (LGAs) a state has, the more revenue it receives from federal government. The creation of local governments satisfied self-

government demands to a certain degree before it was made certain that no additional states would be created. Instead, Nigerian policy-makers mostly concentrated on the application of the federal character principle as a conflict management mechanism.

2.2. Empowering the Federal Character Principle (FCP)

After the 1967 state creation exercise, federal character principle in the form of proportional regional representation was applied to public service appointments, the recruitment of military officers, and admissions to federal secondary and tertiary schools. Proportional representation was even used for selecting Nigeria's judiciary (Adamolekun et al., 1991; Jinadu, 1985). The FCP was institutionalized with the establishment of the Federal Character Commission and FCP. Decree No. 34 of 1996 charged the Commission with "promoting, monitoring and enforcing compliance with the principles of the proportional sharing of all bureaucratic, economic, media and political posts at all levels of government."

Section 4(1)(a) of the FCC (Establishment, Etc) Decree No. 34 1996 requires that "the indigenes of a state of the Federation shall not constitute less than 2,5 percent or more than 3 percent of the officers... at the Head office of any national institution, public enterprise or organization" (12(a), Career posts). Additional provisions under the guiding principles and formulae of the FCC Decree No. 34 include the provision that "each state of the Federation ... shall be equitably represented in all national constitutions and in public enterprises and organizations." The Decree states that if any post is not sufficient to go round 36 states, "the vacancies shall be shared among the zones" but "the indigenes of a particular zone shall not constitute less than 15 percent or more than 18 percent" (12(b), Career posts).

Section 14(3) of the 1999 Constitution also envisaged that the federal government and its agencies should conduct their affairs in a manner reflecting the federal character of Nigeria. The

1999 Constitution stipulates that these bodies ought to comprise one person from each state. The FCC itself is one of the fundamental institutions applying federal character in its recruitment process. In the FCC, each state and the Federal Capital Territory is represented by one person (commissioner). Nigeria's political parties also have to respect the federal character principle in the conduct of their affairs and in appointing their members while Section 147(3) stipulates that the president must appoint at least one minister from each state.

The appointment of the President also reflects the federal character of the country. Section 134(4-b) of the current constitution, for example, requires that the winning candidate should not only have a majority of all votes but should also receive 25 percent of the votes in at least two-thirds of states. In order to resolve the Southern discontent against the fact that the majority of Nigerian leaders have been from the North, a new rotation formula has been introduced, whereby the post rotates between the newly-created geo-political zones (Osieke, 2006). This rotation formula not only involves the appointment of the President but also requires that five other major posts in the federal government, namely the Vice-Presidency, the President of the Senate, the Senate Majority Leader, The Speaker of the Houses of Assembly and the House of Assembly Majority Leader, must all be rotated between the six geopolitical zones (Dent, 2000).

The application of federal character principle has provided important opportunities for Nigeria's ethno-regional and ethno-religious groups, especially on matters of equal representation in political platforms. More importantly, the FCP constitutes a very interesting example of how federal principles of equal representation can be applied in different circumstances. In federalized countries, equal or fair representation of federal units in the executive and legislative branches of the government is common. The Nigerian case is unique in the sense that it provides a wide range of representation opportunities for ethno-regional groups, from admission to universities to the election of the president (Suberu and Diamond, 2002: 421).

The conflict management ability of the FCP is mostly related to its capacity of the management of conflicts in a non-violent way (Ugoh and Ukpere, 2012). Through its representation principle, FCP eases inter-ethnic tensions in various ways especially by precluding the occupation of a greater share of jobs by advanced groups in the government posts (Dent, 2000: 163). Before its application, ethnic politics dominated the distribution of posts while senior officials filled the posts from the people of their origin. In such an environment, the holding of political offices was seen as battlefields among Nigeria's ethnic groups. However, these people now have to respect the FCP. Moreover, complaints of certain groups or people are investigated and evaluated by the FCC, which is an independent body established to address the complaints of either individuals or communities (Bello, 2012: 2; Mustapha, 2007).

However, the application of the FCP is also problematic. At the core of critiques against this principle lays the argument that the application of state quotas sacrifices merit for the sake of representation. It is possible that more skilled and educated people are disadvantaged when this principle is taken as essential in the acceptance to public posts or schools. It is, therefore, argued that although the purpose behind the adoption of federal character principle is "laudable", its operation further divided the country by strengthening loyalty to ethnic or state identities (Bello, 2012). Experts, therefore, point out the need to address socio-economic equalities between Nigerian states and zones rather than focusing only a mere sharing of educational and bureaucratic facilities (Mustapha, 2007).

The application of the FCP becomes more problematic when combined with the controversial issue of citizenship. Nigerian citizenship is based on the indigeneity clause which is specified in the subsequent 1979, 1989 and 1999 constitutions. The indigeneity principle which is the basis of Nigerian citizenship is reflected under Chapter III, 25(1) of the Constitution which

defines citizenship of Nigeria by birth not in terms of residency. It is clear that as a result of this definition, people living outside their place of birth are disadvantaged when being assigned to posts in Nigerian public service given that Nigerian citizenship clause is the basis of the implementation of the FCP.

The concept of representational equality between states through the FCP was designed to satisfy the demands of various ethno-regional groups for equal and/or fair representation. However, Nigerian politicians have also tried to reduce socio-economic inequality between the country's various ethno-regional groups by adopting other measures. This brings us to the debate over the allocation of revenues which is based on two diverging arguments; the resource-rich states advocating that revenues should be allocated to the regions where they are "derived" while resource-poor states defending the application of other criteria as population numbers (Horowitz, 1985).

2.3. Allocating Revenues and the Derivation Principle

Like many federal systems of government, Nigeria uses a revenue-allocation system that determines the rules for the federal government on how to share national revenues with state and local levels. However, this revenue-distribution system is a contentious issue because of the competition between constituent units. Therefore, the major responsibility of Nigerian governments has been to develop a revenue-distribution system that equally, or fairly, allocates national revenues to its six zones, thirty-six states and 774 LGAs. Nigeria's current revenue-distribution system evolved in different phases. Under the former three-region structure, the regions had more control over their natural resources in that both the 1960 Independence Constitution and the 1963 Republican Constitution granted them more fiscal autonomy and less dependence on revenues transferred from the center. In the First Republic, the regions retained control over agricultural products from their own terri-

tory and received 50 percent of the amount accruing to the federation (Ebegbulem, 2011).

However, following the military coup of 1966, the country not only centralized politically but the regions also became highly dependent on the center. Both the 1979 Constitution and the 1999 Constitution (Chapter VI, Part 1(c)-Public Revenue) excluded the 50 percent derivation principle replacing it with narrower provisions on revenue-allocation. The rights of the regions (now states) on acquiring the revenues from minerals extracted from the continental shelves contiguous to their borders were also eliminated, with the federal government gaining ownership and total control over mineral resources.

The major principle behind Nigeria's revenue allocation system and its conflict management capacity is based on the Section 162(2) of the 1999 Constitution, which maintains that, in determining the formula to allocate federal revenues to (federal) states, the National Assembly shall take into account the principles of "population, equality of states, internal revenue generation, land mass, terrain as well as population density." The principle of derivation also ensures that federating units should receive at least thirteen percent of the revenue from resources that they transfer to the Federation Account (Section 162(2-3)). The new revenue allocation system also sought to provide a sense among all Nigerian ethnic groups that they were equally funded no matter if they hold natural resources within their territory. According to this perspective, centrally-collected revenues should be shared without favoring resource-rich states and granting equal opportunities to all Nigerian states for their economic development.

From the re-adoption of the derivation principle until 1992, states could receive only 1.5 percent of the derivation from the revenues that they transferred to the Federal Account, before it increased to 3 percent until 1999. During this period, state representatives insistently demanded more derivation and a new

revenue-allocation system (Ikelegbe, 2001). The principle of thirteen percent derivation, therefore, was praised by its adherents for providing a fair share of national revenues while, at the same time, for precluding the likely hegemony of oil-rich states over the rest of Nigeria's population. The increase in derivation from three to thirteen percent also represents the Nigerian government's response to increasing minority conflicts in the oil-rich Niger Delta region. Although Niger Delta minorities initially asked for the creation of their own states in order to eliminate their political marginalization, these demands were later combined with the protests over the reforms on the existing revenue-distribution policy in order to overcome their economic problems. The prevalent economic devastation, unemployment and poverty despite the region's capacity on wealth generation resulted in the discontent and anger among the Niger Delta region against the central government neglecting their problems.

However, the development problems of Niger Delta people remains unresolved (Ayokhai, 2009) and minority ethnic groups in the region have therefore continued to agitate for more control and/or financial autonomy over the exploration of natural resources extracted from their territory and ownership of the mineral sources. These groups, therefore, force the federal government to find a balance between the principles of equivalence and derivation. In theory, Nigeria's revenue-allocation system deserves credit because its derivation principle allows resource-rich states to be compensated for resource extraction while the application of further criteria, such as population and the number of LGAs, provides an equal or fair distribution of national revenues to other states. However, the derivation principle could be a more effective conflict management strategy if its application did not disadvantage South-South states where most of the oil deposits are located. The real problem, here, mostly stems from the fact that in reality, Nigeria's oil-producing states have not been compensated for the suffering caused by all the ecological and economic problems

associated with resource extraction. For conflict management institutions to be effective, all dimensions of conflict must be considered. Otherwise, federal systems remain unable to manage those escalating conflicts.

Conclusion

Since first adopting a federal system, Nigerian policy-makers have negotiated and re-negotiated the implementation of federal principles in order to manage country's various conflicts. State creation exercises in particular have tried to reduce the (political) hegemony of the three regions, especially the North, while the application of FCP has tried to eliminate the dominance of the Southern regions in recruitment to public posts and the socio-economic life of the country. However, the major problems in the operation of Nigerian federalism precluded the ability of the conflict management devices.

Nigerian federalism and its conflict management mechanisms are therefore occasionally criticized because of flaws peculiar to power-sharing systems, such as fossilizing ethnic differences, substituting ethnic belonging for eligibility in appointments to the public posts, and empowering a supposed tyranny of the ethnic elite. The principle that each component should enjoy "equal status, power and access to resources" (Ayokhai, 2009: 4) increases the discontent of particular groups claiming that inter-unit equality is not bringing good to every segment of the population. For example, the two dimensions of the federal character principle, equitability, (irrespective) referring "fair and just allocation" and equality (irreducible) connoting "mathematically exact allocation" (Kirk-Greene, 1983: 465) creates tensions between Nigeria's various ethno-regional and ethno-regional groups.

The application of federal character principle in the distribution of governmental posts takes into account mostly the equality principle while the revenue-sharing system, which can be taken as an extension of federal character principle or as another ac-

commodative strategy reiterating the principle, is equitable in essence. Both principles are criticized by particular groups. At the core of critiques against the FCP is the argument that it sacrifices merit for the sake of representation. As the distribution of public posts is based on state quotas, the principle does not ensure that each time the most-qualified candidate is selected. Niger Delta people also complain that the criteria of the current resource-distribution formulae and the existing derivation ratio disadvantage them. The introduction of zoning and rotation principles leads one to question if the best strategy is to develop a geographical distribution requirement for the appointment of high executives in order to satisfy inter-group demands. Instead, Nigerian policy-makers should seek to appease the concerns of different groups that appointment to such senior posts would be the easiest way to access state resources. Nigerian politicians should also create an acceptable revenue-distribution formula with an increase in the derivation principle, concentrate on the development problems of Niger Delta people and find a balance between merit-representativeness dilemma.

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