

Federalism and State Creation in Nigeria

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Abstract

The conundrum on the Nigerian Federal structure has continued to be a source of worry to many Nigerians despite the fact that Federalism as a prescriptive ideology has an ancient pedigree. This paper took a panoramic view of state creation and Nigerian Federalism with a view to proffering solution on Nigeria's National unity. Secondary data was employed in this study as data were collected from available literature. While adopting review and trends analytical approach, the paper revealed that state creation exercise though brings even development, it has also been responsible for the major political absurdities in Nigeria such as ethnic crisis inter and intra party crisis, religious bigotry, boko haram and secession and so on. It therefore recommends among other things that the challenges of geo-political balancing can only be resolved by enthroning inclusive democratic governance. The implication of this is that there is no stability unless credible leadership is witnessed in the polity.

Keywords: State Creation, Federalism, Ethnic minorities, National Integration.

Introduction

Nigeria gained political independence from British Colonialists on October 1, 1960 and opted for Federal system of government and the multi-party system. Importantly, it should be noted that the factors that gave rise to a federal system of government in Nigeria were, among other things, the desire for political independence with the belief that it can only be gained through unity, the hope for economic advantage, the desire for administrative efficiency, the need to accommodate diverse groups, the shared historical experiences coupled with similarities and differences in colonial and indigenous political and social institutions, and the influence of the British government in constitution making in the ex-colonies which was aimed at closer association between colonies and British policies (Awolowo 1947). The above factors played a very significant role in the establishment of a federal system of government in Nigeria in 1954 which was eventually ratified by the 1960 independence constitution. Essentially, the post-independence politics that triggered off could not sustain democracy sequel to political malnutrition, competition, struggle for power, inter and intraparty crisis and the electoral malpractices which eventually led to the termination of the shaky democratic governance under the weight of the military on January 15, 1966, barely five years after independence (Nkwede, 2010).

The military presence in the governance of the country was observed for thirteen years between 1966 – 1979 during which it plunged Nigerians into a 30-year civil war (Akaakuma, 2005). The military terminated its first outing in governance of the country and handed over power to a seemingly democratic set of civilian rulers on October 1, 1979 but again collapsed after four years under another military *coup d'état* on December 31, 1983. The military junta despite their failed promises to hand over power to democratically elected civilians ruled the country for another sixteen years (1983-1999) before returning power to civilian regime.

Empirically, the political competition arising from the experiment of governance so far eloquently indicated that Nigerian federalism generally is not actually free from centrifugal and petrifugal pulls. The persistent demands for

state creation among other things have become one of the most intractable problems bedeviling Nigerian federalism. It has thus been characterized by intense conflicting struggles for socio-economic and political development of all sections of Nigerian political system.

Successive regimes and leaders have attempted to implement programmes and strategies geared towards instituting and stabilizing democracy in the quest and pursuit of national integration in Nigeria but these efforts have not been able to enthrone sustainable national unity in the country. It is against this backdrop that the cardinal purpose of this article therefore, is to essentially understand and analyze federalism and state creation in Nigeria; and its implication on Nigerian's unity and national development. However, the specific objectives are;

- To ascertain whether state creation triggered off the problem of National disunity in Nigeria.
- To investigate whether state creation has implication on Nigerian federalism.
- To proffer solution on Nigeria's national integration.

Conceptualizing Federalism

A federal system of government therefore is a series of legal and administrative relationship established among units of government providing varying degrees of real authority and jurisdictional autonomy (Nkwede, 2008). Federalism has evolved into different forms in different countries as a form of political association in which a common government, but which the member states retain a measure of autonomy. In some countries, particularly in new states, federalism is regarded as regionalism, ethnicity being the distinctive features, which delineates the units (Awa, 1994). The above definition suggests that federalism exists, in a society which contains elements of diversity within its fold. This diversity to a large extent may be due to differences of economic interest, religion, race, nationality, language, variation in size, separation by great distances, differences in historical background, previous existence as separate colonies or states, and dissimilarities of social and political institutions (Oji 1995, Nkwede, Eze and Uwabunkonye, 2012).

Apparently- federalism had been described as “Federal equilibrium” which later came to be known as the theory of “dual federalism” (Ebenezer, 2006). It should be noted that the fundamental and distinguishing characteristics of a federal system is that neither the central nor any of the state government is subordinate to each other, but rather the two levels of governments are coordinate and

independent. Essentially, in the new and emerging federal states, the political, social and economic needs of the society and the character and orientation of the leaders are also important for the survival of the federal system of governments. It is having this reality in mind that Barker (1963:181) asserts thus: “This new federalism is not directed toward the integration of small states into a larger whole but rather towards the disintegration of the great state into smaller units on which large powers are conferred by devolution”.

Corroborating the above, Anyanwu (1997) argues that in such multilevel system, powers are vested in both central and lower-level government vis-a-vis the federal, state and local. Federalism generally is conceptualized as a method of dividing power so that the general and the regional governments are each, within a sphere, co-ordinate and independent. What is germane to this conception of federalism is the independence of the centre and the regions or states in a federal arrangement. This type of arrangement is suitable for those countries in which different ethnic and cultural diverse groups occupy reasonably distinct areas. Equally, this type of political marriage enables these groups to maintain their identity and progress in their own ways, while still cooperating with each other. Between these two extremes, different degrees of cohesion may be found (Bhatia, 2006). Depending upon the circumstance which brought the federation into existence, and the development of the relationship between the central and the state governments, it is crystally possible that in some federations, the limits of powers are defined for one layer of the government and the balance goes to the other tiers.

Contemporaneously, the constitution of a federation demands that no such layer of the government is able to change its rights and obligations vis-a-vis the other layers unilaterally. Since the word “federation” is derived from the Latin word “feodus” which means an “agreement”, federalism therefore refers to that system of government based on written or unwritten constitution among and between the federating units whereby the units come together to surrender some of their powers to the central government for national unity and common good but retain some other powers for themselves over certain areas in order to preserve their autonomy (Oyinlola, 2009:12).

In a federation, there are usually at least two levels of government (center and regional or state) with each having legislative powers over certain spheres and with neither being subordinate to the other (Adiele, 1991, Nkwede, Nwali and Orga, 2013). In a nut shell, federalism is therefore a combination of shared rule for general purposes and some kind of self-rule for state or local purposes in countries with so much diversity among its people (Livingston, 1956). It is reasonable to state unequivocally that federalism is based on the recognition of diversity that exists within a country or states so that many countries adopt federalism as a method of governance in multi-ethnic contexts. Countries with diverse population in the form of tribes, languages, cultures, traditions, religious belief and practices are usually better served with federalism as a form of government as seen in Switzerland, Belgium, Canada, Spain, India, USA, Australia, Brazil, Germany, Nigeria, and Mexico (Elaigwu, 2013).

State Creation and the Changing Patterns of Nigerian Federalism

The amalgamation of Northern and Southern protectorates in 1914 was the major road map for Nigerian federalism, even though the process was designed and tailored to aid the consolidation of the British colonial rule of the hitherto two Nigerias. Because the amalgamation was designed to bring

Nigerians under one administrative rule, it unwittingly caused some serious dislocation and contradiction in the structure of the traditional Nigerian society (Chukwu, 2002). As a corollary of this, then, came the brewing of nationalism spirit in a people that now saw themselves more as Nigerians with different cultures, religions and level of development were forced into a socio-political tango without consultation or preparation by the British and with little or no fallback options for the people involved.

In order to resolve the problems that inevitably reared their heads, the British colonialists, who were mostly astute in political treachery and subterfuge divided the country into three regions following Arthur Richard's Constitution of 1946. The rationale for the adoption of regionalism was not to rectify the consequences of their odious machinations but rather to pacify the natives to enable them continue to enjoy the latitude to continue the exploitation of the abundant resources (Ezechukwu, 2013).

The fact that fusing such entities with equally proud and self-accounting cultures, religions and administrative ideologies was disaster waiting to happen, did not bother the British overlord. In point of fact, the amalgamation and subsequent subdivision of the country into regions became an extension of what had happened at the Berlin Conference of 1885 where and when European powers merely carved out and shared Africa on a map among themselves.

At independence in 1960, power over the regions was given to Nigerian-born citizens, and that immediately sparked-off agitations for more political accommodation. Agitations to address the imbalance in the polity led to the creation of Mid-Western region from the already existing Western Region in 1962 making Nigeria a federation of four regions in accordance with the 1954 Lyttelton Constitution.

It was not long before the cracks became yawning canyons and the pretentious efforts of the post-independence leaders who had mounted slogans of "Unity" caved in under the impact of differences that were becoming impossible to manage. The political turmoil, imbroglio and tatty that surrounded the first republic (1960-1966) gave the military the impetus to intervene in the governance of the country on January 1, 1966. After the first coup and under the shortlived military government of Aguiyi Ironsi, the country was reorganized under a unitary or central system of government.

- Following the counter-coup of 29th July 1966, which resulted in Aguiyi Ironsi's deposition and assassination, Nigeria was reorganized as a federal country, with the federating regions being divided into newer entities and all first-level subdivisions being renamed as states by General Gowon in 1967.

The subdivision of the four regions into 12 states in 1967 by General Gowon is hereunder recapitulated;

1967:

- Eastern Region was divided into East-Central (Enugu), Rivers (Port Hereout) and South-Eastern (Calabar) States;

- Northern Region was divided into Benue-Plateau (Jos), Kano (Kano), Kwara (Ilorin), North-Central (Kaduna), North-Eastern (Maiduguri), and North-Western (Sokoto) States;
- Western Region was divided into Lagos (Lagos) and western (Ibadan) States; Mid western region Bendel (Benin).

The subdivision of the four regions into 12 states in 1967 did not go down well with some regions and this culminated in the Mid-Western and the States of former Eastern Region to call for secession from Nigeria as the states of Biafra and Republic of Benin, resulting in the Nigerian Civil War which lasted for 30 months and ended in 1970.

1976

In 1976, six years after the end of the 30 months Nigerian Civil War, the states, state boundaries and names were further reorganized thus:

- Benue-Plateau state into Benue (Makurdi) and Plateau (Jos) states;
- East-Central State divided into Anambra (Enugu) and Imo (Owerri) States;
- Federal Capital Territory (Abuja) formed from parts of Niger and Plateau States;
- North-Eastern State divided into Bauchi (Bauchi), Borno (Maiduguri) and Gongola (Yola) states;
- Niger (Mina) State split from Sokoto;
- Western State divided into Ogun (Abeokuta), Ondo (Akure) and Oyo (Ibadan) States.

1987

- AkwaIbom State split from Cross-River;
- Katsina State split from Kaduna

1991

- Abia State split from Imo;
- Bendel State divided into Delta and Edo;
- Enugu State split from Anambra;
- Gongola State divided into Adamawa and Taraba;
- Jigawa State split from Kano;
- Kebbi State split from Sokoto;
- Kogi State formed from parts of Benue and Kwara;
- Osun State split from Oyo;

- Yobe State split from Borno.

1996

- Bayelsa state was split from **Rivers**;
- Ebonyi State was formed from parts of Abia and Enugu;
- Ekiti State was split from Ondo;
- Gombe state was split from **Bauchi**;
- Nasarawa state was split from Plateau;
- Zamfara state was split from Sokoto.

Consequently, the 1996 state creation exercise brought the total number of Local Governments within the federation to 774 and Nigeria became a federation of 36 states including Federal Capital Territory, FCT, Abuja. Despite the creation of Nigeria into 36 states, Nigerians have been cacophonously demanding for the creation of more states. Similarly, irrespective of the 774 existing Local Governments in the country, the demand for more local government creation has been on the increase. However, since the 1996 state creation, no new states and local governments have been created. Though, the 1999 constitution part II section 8(1) made provision for state creation subject to an act of the National Assembly approved by simple majority of all the states of the federation supported by a simple majority of members of the House of Assembly and approval by a resolution passed by two third ($\frac{2}{3}$) majority of members of each House of the National Assembly.

Arguments for State Agitations in Nigeria

Several reasons have been adduced for the agitations for more states. One of the building blocks which has indeed, sustained the quest for state creation is the belief that development will obviously accompany state creation. The extent to which this logic is evidently amenable is a matter of checklist of artifacts since the meaning of development has not been comprehensively understood by many, hence the common man has been brainwashed and convinced to believe that economic dimension alone constitutes development. It has been argued that the creation of states focuses on the distribution process to the neglect of the production aspects thereby militating against the mobilization of the creative energies of the population toward growth through the transformation of the productive forces of the society (Oji, 1995).

Another argument advanced for the creation of states is that political stability cannot be achieved without it. But a veritable question that comes to mind is, has political stability been guaranteed in spite of the increase from twelve to 36 states? Obviously, political stability of any nation is strongly championed by the unity of the groups of people in such a country. Unity of purpose addresses the issues of stability but when the people are not united, probably because of tribalism, statism, ethnic chauvinism and religious bigotry, and craze for power, political stability is wished away in such a country.

Similarly, the minority problems and political domination have been spelt out as one of the factors for demand for more states. Evidently, federalism advocates for the right of minorities to be identified as corporate units of the body politics of the nation. Unfortunately, the creation of states

based on minority problems has led to the unlimited demands for states as more minorities have continued to emerge. This was basically observed in Nigerian situation when 12 states were created in 1967, and by 1975 more minorities have emerged and were clamouring for states of their own. Awolowo (1975) disturbed by the minority problems and coupled with the 1952 Census-Report, identified fifty one (51) minorities based on linguistic groupings. Implicitly, if states were to be created on the basis of minority problems, by 1975 we would have had fifty one (51) states, but only 19 were created based on the submission of Awolowo thus:

It is clear, therefore, that under the linguistic principle, the number of states in the country cannot in the long run exceed 51. Having regard to the size and wealth of the country, this should not by any manner of means be a worrying prospect. In the mean time, however, I have advocated eighteen states, simply because, from my knowledge of the minorities, I had thought that most of them would not be viable. And viability, in my considered view, is a matter of administrative relativity. Consequently, I have grouped together minorities which are geographically contiguous, and which, I believe being together, would be administratively viable, and free from the fear of majority ethnic domination (Awolowo 1975:167).

From this stand point, therefore, minority areas which fear domination by others opine that the more the number of states into which an ethnic group is split, the better for that group taken as a whole since revenue is allocated to the states on the basis of equality and population. However, the baseline is that all will be well if ethnic groups are divided. Advocates of the dichotomy are basically the elites who cannot accomplish their political ambition in their present state of residence and hence the division of the state would be a viable option for carving out political empires for them.

Furthermore, state creation has also been connected to the impact on the equitable distribution of resources. But has been dismissed as untrue on the basis that the concentration of the country's Banking system has been in the urban centers except pockets of banks located in the rural areas. Ake (1979), rightly observed that the creation of states in 1976 led to new growth points in the already relatively overdeveloped states.

Another argument penciled down is that in order to bring the government nearer to the people, there is need for creation of more states. Supporters to this reason believe that the distribution of important amenities obviously bring those areas closer to the seat of government. This argument is far from the truth because, in spite of the creation of 36 states structure from 2 regions, the country has continued to witness an unprecedented period of crisis of development, irresponsible and inefficient representation, particularly at state and local levels. More so, the government white paper on Irikefe panel of 1976 pointed out that agitation for states led to bad governments and the second republic of 1979 is a living fact in Nigeria. Unarguably, the endless demands for more states should not be the only instrument of democratic government process in a federal system; rather an efficient and strict adherence to the democratic tenets and governance system that has the interest of the people in mind will be a better instrument for achieving this purpose.

It is therefore, reasonable to maintain that most of the arguments advocated for the creation of states are not quite convincing and leaves many questions unaddressed and as such may not be taken for granted. This is essentially so because these reasons are mere masquerading of the class interests in

order to partake in the sharing of the national Cake and the booty of power. For Nnoli (1978), they are mere rationalizations of the interests of certain segments of the population which cannot be openly and publicly advocated.

Justification for State Creation in Nigeria

Historically, the North and South divide is the major reason for state creation in Nigeria. This is so because prior to Nigerian independence in 1960, the North and South conflict led to the creation of regions in 1946. The post independent crisis between the North and South again led to the creation of 12 states in 1967 which had a strategic significance. Ayida (1987:11) observed that:

The most sensitive political threat to the stability of the Nigerian federalism was North/South confrontation and it was of strategic significance that the number of Northern states should be seen to be equal to the number of southern states. This was the important consideration which could not be made explicit in the days of "gathering storm" in early 1967.

The above statement provokes a lot of criticism while retaining its substance of truth as the issue was laid bare during the second republic when the Southern states agitators reacted vehemently against the imbalance posed by the 19 states structures.

Paradoxically, the essence of federalism is equality of states. Moreover, the historical frictions and constant/conflicts with high level of suspicions and fear of domination that characterized the relationships between and among component units of Nigerian federation in the past certainly make the provisions of section 126 (2-4) of the 1979 Nigerian Constitution and section 8(1) of 1999 Nigerian Constitution *functus officio* that a presidential candidate is elected only if he satisfies a minimum number of votes cast in 2/3 of the states. Implicitly, the number of states in each of the geo-political area acquires political relevance. For this reason, those agitating for more creation of states should tread with caution with a view to ensuring that the North and South have equal number of states.

Another justification for state creation is the economic significance of the role of states in a federal system. Experience has shown that if a particular state is split into two, more resources would be allocated to the area. The federal allocation or resources are evenly distributed to states on the basis of 50% federal equality and 50% on population. Economically, the state that is split into two would be entitled to these resources at the peril of the other state that is left behind.

Importantly, additional states would offer opportunities for political participation through representation or through appointments. Politically, this stems from the fact that a state like Ebonyi if divided into two states would get more representatives in the National Assembly since each state has equal representation in the National Assembly. Again, the creation of new states would mean accelerated promotion of the civil servants and bureaucrats of the newly created states and massive contract awards, and eventually led to proliferation of elite formation (Oji, 1995, Ogunlola, 2013).

Furthermore, additional states as noted by scholars would lessen the resources base of states and make them financially nonviable and solvent. This has been noticed in the past state creation. For

instance, Eastern Region accounted for 65.4% of the output of oil by 1967 and the Mid-west 34.6%. The bifurcation of the former Eastern region in 1976 into 3 states, drastically reduced the output of the oil producing areas thus; Rivers 57%, Bendel 34.6%, East central state 2.8% (Oji, 1995). With the new arrangement, East Central state had its resources base adversely eroded, while the new rivers state acquired more resources and its eldorado.

Implications of State Creation on Nigerian Federalism

Nigeria adopted federalism due to its size as well as ethno-linguistic, cultural and religious diversity of the country. Despite the acknowledged diverse nature of the country and adoption of federalism by the country since 1954 however, the past and present leaders of Nigeria continued to run the country as a unitary state with too much power concentrated at the center and, no resemblance of autonomy for the component' federating units (states) or any respect for the people that constitute the federation. The consequence is that the country remains a federation only on paper but a unitary state for all practical purposes. Nigeria is operating a federal system both political and fiscal in a terribly awkward manner which is regrettably backed by a lousy, unpopular and military imposed national constitution (Ogunlola, 2013, Elaigwu, 2011).

Momentarily, in an effort to make the centre strong enough to overcome the component parts, it has unwittingly become too strong for the good of a federal system of government. The components of the federation-the states today, depend almost entirely on the centre for security, finance, roads, schools, health facilities, power, employment, water, industries etc. The situation is so pervasive such that if the centre delays in releasing funds due to the states to them, there is tension, chaos and doubt because the states cannot even pay salaries, let alone prosecuting their development programmes on their own.

The federal government's powers are too sprawling and it is carrying out functions it has no business executing. Its power should be curbed to allow the federal system to breathe a new lease of life from the squeeze imposed by years of militancy rule.

The current practice where the centre (the federal government) exclusively reviews and amends the constitution such as the aborted six year term for Nigerian President and State Governors and the elimination of state Independent Electoral Commissions etc while the states looked from the sideline as mere spectators, is not acceptable and definitely not in the interest of a true federalism. There is need to divest the federal government of massive overbearing powers currently being used to oppress and intimidate political opponents or to destabilize the federating states of Nigeria. Nigerians should tread with caution in their bid for proliferation of states otherwise what happened in the pre-independent era will regurgitate itself. It could be this that forced Belewa (1947:236) in the legislative council debate to declare thus:

Since 1914 the British Government has been trying to make Nigeria into one country, but the Nigerian people themselves are historically different in their backgrounds, in their religious beliefs and do not themselves show any sign of willingness to unite. Nigerian unity is only British creation for the country.

Without doubts, the present gross imbalance that characterize the power-sharing and resource allocation formula between the center and the federating states in Nigeria must be promptly addressed and reversed if the prediction by the United States National Intelligence Council regarding end of Nigeria as a nation-state in 2020 is to be averted (Ogunlola, 2013).

As a matter of urgent pragmatic solution towards achieving a better Nigerian federation therefore, we need to invent a new constitutional order that will not only reduce the power at the center but one that will also embrace regionalism as an institutional strategy for the political accommodation of our diversity. The need for acceptable fiscal federalism in Nigeria also cannot be over emphasized.

It logically follows that the first step in our quest for a better federalism is to produce a peoples constitution that is truly deliberated upon, agreed to, and made by "we the people" through a national conference and a national referendum, otherwise known as sovereign national conference. This is because the durability of a constitution necessarily depends on the extent to which the people have been involved in its making.

The divergent nature and differences had earlier been noted by the colonialists before the invitation of Nigerians for Federal Constitution. It would be recalled that the then colonial secretary, Mr. Oliver Lyttelton informed the British House of Commons on May 20, 1953 that:

Recent events in Nigeria had shown that it was impossible for the three Regions of Nigeria to work effectively in a federation so closely knit as the existing one, and that the British government would invite representatives from each of the Regions to visit London to discuss the redrafting of the Nigeria Constitutes and that the Constitution would be redrawn in such a way as to provide for greater regional autonomy and for the removal of the powers of intervention of the centre in matters which would be placed within regional competence (Olusanya, :536).

From the above, it was clear that Nigeria, if it was to be a nation, must be a federation, with as few subjects reserved for the central government as would preserve national unity.

This is so because evidence abound that the creation of states is more of a process of elite formation in Nigeria than a means of either ensuring even development or correcting regional imbalance, or even as a means of achieving national integration. This logic become clearer when one looks at the allegation put forward by the proponent of these new states. The nexus between the creation of new states and the strengthening of the elites is so clear that in the present Fourth Republic of Nigeria (1999-date), there have been more than 40 movements for the creation of new states in Nigeria. This stems from the fact that the leaders of such movements have failed to achieve their political objectives, now demand their own states, where if they *are amenable*, they could establish their own political kingdom for the maximum exploitation of the masses. Ultimately, since federalism has been understood to mean managing conflicts in a diverse society, all Nigerians need is to initiate an idea and process that would launch the system into proper adjustment of the federal pendulum as it gyrates around the forces of centripetal ism and centrifugal ism.

Conclusion

It was observed that state creation has often expressed itself in terms which are opposed to national unity and integrity, and sometimes challenging to the legitimacy of the state. It is crucial to understand that state creation greatly consolidates federalism in mature democracies of the world. More importantly, state as a political structure is more compatible with the empowerment of a multiplicity of ethnically diverse groups. *Ipsa facto*, it may be true to some extent that the popular clamour for state creation in Nigeria is deeply rooted in manifest diversity of languages, tribes, cultures, religions and nationalities, which are fuelled by a sense of deprivation. It must equally be noted that the brain box of state creation is strongly supported by Nigerian foremost political leaders, progressive and scholars of unquestionable patriotic integrity, because of the consensus that state is a necessity in Nigerian political engagement.

In ensuring that our tomorrow becomes better than our today and our yesterday, Nigerians and their institutions must gird their lions to believe in ourselves and stop apportioning endless blame and compunction on Lugardian contraption. The civil war that erupted between Biafrans and the rest of Nigerians should perhaps be a wake-up call, which Nigeria needed to value the contraption and re-examine its promises. We should all rather make up our minds to make this political marriage, which like most Catholic marriages, have become almost indissoluble. We should all strive to make it a marriage that would not be that of the Jonah in the belly of the Whale but that of the marriage in Canaan. While that of Jonah's brings about excrement, the other brings about offspring and progress. I subscribe to this because governance is a *sine qua non* in effecting the compromises that the federal process demands.

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