

FEDERAL CHARACTER VS. EXECUTIVE AUTOCRACY: THE RAPE OF TRUE FEDERALISM IN NIGERIA FROM 2015 -2022

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Abstract

This paper examined the beleaguered nature of the federalism in practice in Nigeria under the current administration of President Muhammadu Buhari, from the binocular of federal character vis-à-vis executive autocracy in Nigeria. Tracing the evolution of federalism in Nigeria and espousing its legal, political and governance antecedents, the paper unravelled the undercurrent for the lingering conflicts and agitation associated with the practice of federal character principles between the centre and the component units. The paper critically analyzed the impacts of executive autocracy on the composition and the current nature of predatory power that the centre currently wields, much to the detriments and marginalization of certain component parts in the federation. The paper found substantial evidences to prove that the present administration has persistently arbitrarily abused the provisions of the federal character principles in major federal appointments; this indeed is a sign of impunity and autocracy. If anything, a mutual suspicion between the North-dominated Federal Government and the Southern component units became a logical end. It is concluded, among others, that notwithstanding the ample provisions of the 1999 Constitution to advance equity and justice in all major federal appointments, the administration has in practice sent a signal that some parts of Nigeria are second class citizens. There is therefore need for political will to induce proper constitutional implementations.

Keywords: Federal Character, Executive Autocracy, True Federalism, Administration

Introduction

Federalism has been variously conceptualized thus defeating any ambitious and holistic definition. No wonder Neumann (2006) argued that defining the term 'federalism' as a generic term is the best attempt that can be suited to describe the multiplicity and, indeed, duplicity of the present 'federal states'. For the most part, a Federal system is such that the centre exercises supremacy of power on issues that concern the whole nation while the federating units are semi-autonomous in their own rights. Usually, in most if not all federal systems some powers of national concerns are exclusively reserved for the centre, while concurrently sharing some classified legislative powers with the federating units. In the case of Nigeria, there are myriads of reasons for the adoption of federalism, all aimed at promoting unity in diversity.



However, the evolution of federalism in Nigeria was first to ensure easy administration. As some writers argued, the British colonizers began a journey to federalism as a political expediency or mechanism to manage the system, and this culminated in the introduction of the Lyttleton Constitution of 1954 that formally gave vent to true structure of federalism in Nigeria (Konga.com, 2015, Okolo, 2014). Prior to the Lyttleton constitution of 1954, Osifeso (2011) has argued that the British by virtue of the 1914 amalgamation merged the northern and southern protectorates together but summarily failed to unite its different peoples. It was a merger or marriage of strange bedfellows. Hence the British policies of indirect rule cum divide-and-rule further polarized the people along not only tribal and linguistic lines but also spilled into social life with Christianity and western educationally disposed south, while the north was "quarantined against possible contamination by the south" (Osifeso, 2011). A historical exploration into the distant past reveals that at the terminal period of colonialism, Nigeria saw a relative self-government in the three administrative provinces - Eastern, Northern and Western provinces and the colony of Lagos. The Lyttleton Constitution of 1954 stipulated the sharing of powers between the central and provincial (regional) government and at independence; these provinces became regions and formed the basic federal administrative structure of an independent Nigerian state, because the 1960 Independent Constitution inherited the federal structure of the Lyttleton Constitution of 1954 (konga.com 2014).

Over the years the federating units continued to increase since after independence. Precisely in 1963 on attainment of Federal Republican status, one additional region was created increasing the regions to four. The federating units further increased to 12 states in 1967 under General Yakubu Gowon; 19 states in 1976 under Major General Murtala Mohamad; 21 states in 1987; and 30 states in 1991 both under General Ibrahim Babangida and finally 36 in 1996 under General Sani Abacha (Elaigwu, 2002; Edingin, 2010; Konga.com, 2015). More recently, following the outcome of the national conference 18 more states were recommended due to unending demands and agitation for more states to equilibrate and recalibrate the lopsided and unequal geopolitical configuration in the country. Relying on the above evidence therefore, it is apt to affirm that since independence, in 1960 federalism has remained Nigerian's form of government except for a short period (January - July 1966) under the first military regime headed by Major General Johnson Thomas Umunnakwe Aguiyi Ironsi that attempted a unitary state; with some minor modifications. The move failed as it was largely miscalculated and misconstrued. Indeed, federalism in Nigeria was a conflict regulating mechanism. Endorsing the above viewpoint, Osaghae (2002) asserts that "the management of Nigeria's ethnic, language and religious diversity, which necessitated the adoption of federal system of government has been rendered less effective by intense politicization of these cleavages" hence, the rise of "affirmative action policies to consolidate elite domination by ethnically-



based fractions of the country's political class. Earlier adopting the same line of thought, Jinadu (1985) submitted that this ineffectiveness is due partly to the character of competition to control the Nigeria state taking advantage of some inherent cleavages of inequalities, hence the introduction of the federal character principle as a mechanism for the promotion of national integration and equity.

Whether the principle per se has been effective in fostering national integration, equity as well as promoting national development in Nigeria has been one of the most controversial issues in our political, social and economic discourses. The concern is that despite the adoption of the federal character principles since 1979, achieving national integration has remained more daunting today more than ever before. In all intents and purposes, meritocracy and equality which are fundamental ideals of federalism elsewhere eluded Nigeria. The reoccurrences of ethno-religious crisis, group insurgencies, terrorism and other related agitations in various parts of the country are glaring indications of the failure of the system in Nigeria. The above situation is worsened by the high-handedness of the present administration led by General Muhammadu Buhari, who evidently has sidelined the federal character principles with impunity in most major and strategic appointments of his administration.

The questions seeking for answers therefore are; whether the problem is that of the kind of federalism Nigeria is practicing or is it as a result of faulty implementation of the federal character principle resulting from executive autocracy? What could be the consequence(s) of the manifest executive autocracy precedent of the Buhari administration vis-à-vis federal character principles under future administrations in Nigeria? Could it be conclusively taken that federal character principles have outlived its usefulness and thus should be expunged from the extant laws of the Federation of Nigeria and what is the way forward? These questions informed the rationale for this study.

Methodology

The study is a documentary research. It derived its data from secondary sources i.e. books, journals, official documents of the government, newspapers and magazines and related information downloaded from the internet. The data collected were analyzed by content analysis method.

Theoretical Framework

This study adopted the Group Theory, which has its intellectual foundation in the doctrines of pluralism as developed by early twentieth century English writers, namely John Figgis, Maithland and G. H. Cole (Verma, 1975). The group theory emerged as a result of the limitations associated with the Elite Theory. The focus of the social scientists was directed



to pluralist model in which power, instead of being concentrated in the hands of a group of class, is treated as diffused among many interest groups competing with each other for power. However, the main proponent of the Group theory was Arthur F. Bentley (1908) to whom behaviourism was credited. In Arthur F. Bentley's attempt to highlight the basic importance of group theory as cited in Varma (1975) he elaborated the importance of the group in politics. Bentley observed that society consists of dynamic processes (actions) rather than specific institutions or substantive contents (values). More so, that society, nation and the government are all made up of "groups of men (people)", each group cutting across many others. Bentley further explained that these groups, are in the state of perpetual interaction with each other, and politics consisted in the "shunting by some men of other men conduct along changed lines, the getting of forces to overcome resistance to such alterations or the dispersal of one grouping of forces by another grouping".

The doctrine of pluralism is pivotal to the group theory. Thus the pluralist theory of interest groups according to Nowaczyk (2015), states that "politics is mainly a competition among groups, where each interest group presses for its own policy preferences but where all interests are represented". The fact remains that modern society has a large number of groups which remain engaged in a perpetual struggle for power and domination over each other. There is emphasis on the group as the basic unit in the study of politics. The theory view power as diffused among many interest groups which are competing against each other for power; and that groups is a mass of activity directed by interest and the social system. It is the interest which leads to the organization of groups. The theory also views the activity particular to a group as more important than its structural composition since the same individual can belong to various groups. Most demands and support for policy are manifest through organized group. The most influential group will be decided by the amount of competition and the quality of the competing groups.

Pluralism and group theory capture Nigerian politics well. All legitimate groups are able to affect policy by one means or another. The fact remains that the current expression called Nigeria today hitherto existed as either centralized, semi centralized or fragmented entities in the form of Kingdoms, Empires, Caliphates and Autonomous societies before they were systematically "unified" under one administration by virtue of amalgamation in 1914 (Asaju et al, 2014; Arowolo, 2011). Today, different groups within the federating units of Nigeria are contending for their own share of the power at the centre the 'national cake' and this has brought to the fore the suitability and effectiveness of the various national policy interventions especially federal character principle toward ensuring national stability in the Nigerian body polity. Therefore, an understanding of this interplay and group dynamism will lead to an understanding of the peculiarities, and realities of the practice or implementation of federalism and federal character principle in Nigeria.



Review of Literature

Federalism

The term federalism is used to describe a system in which sovereignty is constitutionally divided between a central governing authority and constituent political units (which may be called regions, states or provinces as the case may be). It is a system based upon democratic rules and institutions in which the power to govern is shared between national and provincial/state governments, creating what is often called a federation (wikipedia.org/wiki/federalism, 2020). Federalism is a principle of government that defines the relationship between the central government and the regional (state) or local levels. Under this principle of government, power and authority is allocated between the national and local government units, such that each unit is delegated a sphere of power and authority only it can exercise, while other powers must be shared. More so, Chukwuma (2014) defines federalism as "a system in which two levels of government - federal and regional (or state) exist side by side, with each possessing certain assigned powers and functions". The most widely acceptable definition of federalism was given by Wheare, (1968) who in Monahan (1997) described federalism or federal principle as "the method of dividing powers so that the general and regional governments are each within a sphere coordinated and independent".

From the definitions given above, there are some basic features that distinguish a true federal system from other political system, namely: There should be at least two levels of government as well as the division of power and authority between the two [i.e. federal (central) and regional (state) governments]; Each of the level of government is coordinated and independent; Both the federal and state government derives their powers from the constitution which is not only written but also rigid; The supremacy of the constitution. Also, in amending the constitution, no level of government should have undue advantages over the other; Existence of bicameral legislature; Existence of independent judicial institutions to interpret the constitution to justly and fairly settle disputes, among other functions. There must also be duplication of organs of government at both levels (Anyaele, 2003; Chukwuma 2014).

If Wheare's definition is anything to go by and some indices of true federalism outlined above are sacrosanct, it is arguable therefore that, Nigerian brand of federalism is still far from the ideal. Hence, Mato (2010) and Chukwuma (2014) both agreed that current trend of Nigeria federalism is an aberration from the kind of federalism inherited from the British colonialists. According to Mato (2010), the Nigeria of 1960 was a better federal arrangement than it is now. In 1960, there were three regions that exercised some measure of authority within the federation. The regions had some liberty and politics was thus both regional and national. The capacity of the federating units was high as a lot of aspirations



of both the citizen and even member of the political class were at regional level without insisting on getting the attention of the centre. Each region was governed independently without undue interferences from central government at the top. This propelled socioeconomic development then as the regions mobilized their available human and material resources for their developmental objectives. This as well was made possible because each has a relative autonomy to control its revenue. However, the pattern of politics played then as well as the issue of citizenship was shaped by many factors. Prevalent among them were religion and ethnic identity. These two factors (ethnicity and religion) have been the basis for making political demands and seeking political power. Hence, "political parties, voting in elections, appointment to government positions, admissions into government educational institutions, distribution of state resources, creation of more states and local government areas and so on, have been influenced and compromised by ethnic and religious identity" (Osaghae, 2002).

True federalism therefore, is the most appropriate mechanism for multi-ethnic national cohesion. Thus aligning with the above Duchacek (1973) posits that the objective of federal constitution is institutionalizing balance between national unity and subnational diversity. The implication of the above assertion is that in a federation people are united irrespective of their religious and ethnic diversities; the electoral process must be free and fair, no god-fatherism or politics of patronage, and more importantly political appointments must be purely based on merit, promotion in the civil service are done purely on performance and merit; there must be judicial autonomy, freedom for the press, a clearly spelt out separation of power among the executive, legislature and the judiciary, the different tiers of government must have their fair share in revenue generation, allocation and resource control (Chukwuma, 2014). Unfortunately, however, the Nigerian federal system under the Buhari led administration has declined on the altar of ethnicity or tribalism and religious affinity. Thus as Osifeso (2011) earlier alluded,

Nigeria political elites, the traditional heirs of our societies, show no inclination to fostering national integration, and national identity in the country, they are always in "the business of elevating their ethnic group over and above the national interest, and they exploited these factors in their bid to capture power at the federal level. As a result the mobility of power dynamics, ability to adjust was deliberately frozen in the interest of power elites..., the competitive struggle was manipulated by these political elites without permitting the shearing of political power by all the social political forces of the society...the North, for instance, was hell bent on retaining political control of the centre as this, in their permutation, was the only way of counter balancing southern monopoly of bureaucratic and economic power in the country.



It was in the quest to abate the overbearing influence, power and self-interest of the ruling elites and foster national integration and equity that the adoption of the federal character principle became germane. Unfortunately, the present administration, which is characterized by executive autocracy, has proved that despite the adoption of the federal character principles, achieving national integration and equity remains impossible. Meritocracy and equality which are fundamental considerations in a federal state have eluded Nigeria. The reoccurrences of ethno-religious considerations in major political appointments under the present administration are clear indications of impunity and nepotistic intents of the administration.

Federal Character Principle

Suffice to align with the submission of Ammani (2014) that the federal character principle is arguably seen as the best solution to solving some of the defects and fundamental problems of Nigerian lopsided federal system. Some of these problems were neither realized nor envisaged by some of the nationalist leaders. Nevertheless, successive administrations made several efforts to manage the challenges as they occur so as to promote national integration, equity and stability. For instance, Alhaji Abubakar Tafawa Balewa as the prime minister of Nigeria introduced the Quota System which has been used by successive governments for admission of students into government schools, recruitment of military personnel and public (civil) service among others. It was the Late General Murtala Mohammed that muted the idea of introducing the Federal Character principle in his address to the opening session of the Constitution Drafting Committee (CDC) on Saturday the 18th of October 1975 (Ammani, 2014; Okolo, 2014). For the purpose of this study therefore, it's imperative to adopt the definition of Federal character, according to the CDC's report of 1977 as cited in Ammani (2014), which defined Federal Character as

"the distinctive desire of the peoples of Nigeria to promote national unity, foster national loyalty and give every citizen of Nigeria a sense of belonging to the nation notwithstanding the diversities of ethnic origin, culture, language or religion which may exist and which it is their desire to nourish, harness to the enrichment of the Federal Republic of Nigeria".

Osman (2004) described it as an effort to re-address the unbalanced structure and ethnic domination in government in order to achieve national integration. The federal character principle was evolved out of the need to reduce ethnic conflict arising out of competition for political power, government appointments, citing of public industries and institutions, employment into public organizations etc. (Edigin, 2010). Evidently, since its incorporation into the 1979 constitution, successive Nigerian constitutions (1989 and 1999 as amended) have retained the federal character principle as an integral part of their major provisions. To that effect, former head of state late General Sani Abacha established the



Federal Character Commission for the effective implementation of the policy in Nigeria. The underlying import of the federal character principle was to protect the right of the minority, accommodate the disadvantaged and ensure equity in major federal appointments and the distribution of resources among the various federating units as provided in Section 14 Subsection 3 of the defunct 1979 Constitution, reads thus:

the composition of the Government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few states or from a few ethnics or other sectional group in that government or any of its agencies.

The above provision of the constitution has remained one of the most controversial provisions of the Nigerian constitution till date, which has generated a lot of attention in Nigeria administrative and political discourse. For instance, Osaghae (1989) believes that federal character has helped in consolidating national stability by reducing ethnic competition for political position and ethnic politics and makes it difficult for an ethnic bigot to take over power and subdue other ethnic groups. He further expressed confidence that the principle is not only desirable but also inevitable in a severely-divided society as Nigeria. Taking Osaghae's assertion further, Ammani cited in Chukwuma (2014) summarized the merits of federal character principle in Nigeria;

the principle provides an equitable formula for the distribution of socioeconomic services and infrastructural facilities; provides modalities for redressing imbalances; ensures equitable admission into federal universities; ensures that no one section of the society unduly dominates the elective or appointive positions; provides equal access into Armed Forces, the police, etc. protects the interest of minority ethnic groups, ensures even spread in the recruitment into federal civil service among civil servants, has ensured the corporate existence of Nigeria and has douse the centripetal agitations...

Despite the above enumerated noble merits of the federal character principle, it is rather worrisome that since the emergence of the Buhari administration that a section of the constitution is only observed in breach, which has once more brought to question the need and essence of that constitutional provision and the consequences on the Nigerian federal system

Federal Character Principle and Executive Autocracy in Nigeria

Following the emergence of federalism and in fact the introduction of federal character principle there was high hope that a solution to the numerous challenges facing Nigerian



federalism has finally been found. But no sooner than later that hope was dashed as the problems gradually became more and more complicated with the assumption of power by President Muhammadu Buhari on May 29, 2015. So far, the application of the federal character principle under the Muhammadu Buhari administration has shown that it is not capable of resolving the several problems of national suspicion among the ethnic groups in Nigeria. The implementation of the federal character principle has failed in its objective of redressing the imbalance in the structure and ethnic domination in government and other public institutions and this portends great danger to already fragile polity.

It is important to bring to the fore the fact that under the leadership of the present Federal Government of Nigeria, the southern part of Nigeria and particularly Southeast geopolitical zone comprised of five Igbo speaking states of Abia, Anambra, Ebonyi, Enugu and Imo states with the highest percentage of educated professionals in all fields have been deliberately schemed out of major and strategic appointments. In the security agencies comprising of the military and para-military (Army, navy, air force, police, customs, immigration, correctional service, civil defense, DSS, EFCC, NNPC, etc.), even with federal character principle in place, the present administration has stubbornly sidelined the southeastern Nigeria. This no doubt is a clear sign of executive autocracy, impunity, nepotism and deliberate intent to suppress, repress, marginalize and deny a section of Nigeria representation in strategic sectors of national life. This act of executive autocracy is a gross violation of the constitution regarding equity in all major government appointments, which is not limited to ministerial positions. Federal character was supposed to benefit the "underprivileged states" in terms of representation and appointments into public positions but as Ojo (2009) opined, it has continued to benefit mainly the ruling class in the Nigerian context, resulting in the further disempowerment of powerless groups and ethnics. Hence, Suberu cited in Osifeso (2011) lamented that it made nonsense of the checks and balances embedded in the original arrangement resulting in geometric diffusion of mediocrity, public service ineptitude, and manifest decline in public morale.

Echoing the defect in this policy, Osifeso (2011) argued that the principle is "engendering federal instability rather than integration that it was intended to serve. Thus, the policy has merely promoted ethnic and sectional consciousness. He argues further that "no unity can result where the application of the principle discriminates against one group and favours another... the principle is even predicated on false premise. Its objective is to achieve distributive justice, the equality of states". This according to Ojo as cited in Osefo (2011) amounts to injustice because it is not feasible. "States are not equal in population and they are far from being equal too in the size of the pool of eligible candidates for appointments. There is no greater inequality than the equal treatment of unequal". Another factor that militates against the effectiveness was fear of domination arising from competition for



political power at the centre and control of administrative system leading to the institutionalism of federal character principle with the intention of ensuring fairness in public service and addressing ethnic domination. But its application has appeared to be incapable of resolving the problem it was meant to solve.

Despite the deficiencies in the implementation of federal character principle resulting from executive autocracy of the Buhari led government, there seems to be wide consensus among social scientists that federalism in its true nature provides a linkage of peoples and institutions based on mutual consents, without the sacrifice of their individual identities such as tongue and tribe as well as their religion. No wonder, federalism is considered to be the most appropriate framework for governing a pluralistic state like Nigeria. According to Mar and Heraud in Osifeso, (2011) "federalism and ethnicity form a solidarity couple". This view agrees with Duchacek (1973) who opined that the aim of a federal constitution "is an institutionalized balance between national unity and sub-national diversity." It could be safe to deduce here that true federalism is a cure for the problem of dissension, disintegration and friction arising in a multi-ethnic state like Nigeria. Federalism is reputed to be an effective political and constitutional design for managing governmental problems usually associated with ethnic and cultural diversity (Chukwuma, 2014). Hence, if considered from merit and result oriented perspectives, it is obvious that the federal character principle is counter-productive, in fact a dilution. The dilution here is that, the principle of federal character which is supposed to stimulate the ideals and aims of federalism in a pluralistic Nigerian society has failed because both the Nigeria's federal system and federal character principle in Nigeria have not being able to "encourage genuine power, they have sparked dangerous rivalries between the centre and the constituent parts. The fall-out from this has been sporadic violence, ethnic strife, inter-communal tension and no holds-barred struggles between the various rival interest groups jockeying for the nation's power and purse" (Osifeso, 2011). Therefore, the two political ideal which are supposed to be complimentary in terms of ensuring equality, unity and national cohesion and integration are in diffusion today as a result of executive autocracy under the Buhari administration.

Recommendations

Bearing in mind the issues raised in this study, the following recommendations are apt:

- 1. Present and future Nigerian political leaders must be exemplary in promoting accommodation, integration and uniting the people rather than manipulating religion, tribe, language or place of origin for their political gains.
- 2. There is need to place merit first before federal character principle in consideration for appointments or employment into public services.



- 3. The Federal Character Commission needs to strengthen to make it more viable, immune to sectionalism, religious bigotry and tribal sentiments.
- 4. There is need to reconsider reversal to regional structure of the first republic as there is urgent need to redefine the current Nigeria's federal system to reflect the ideals of true federalism.
- 5. There is need to reduce and effectively checkmate the overbearing power of the Federal Government by building strong institutions. To achieve this there will be need to review the constitution to reflect such reality.

Conclusion

Whereas federal character principle is not bad in itself in the case of Nigeria, its implementation has remained faulty. Federalism as one of the most effective mechanisms to managing a pluralistic society like Nigeria; one would have expected that with the introduction of federal character principle the system would have been more cohesive and balanced in its operations rather than generating more problems by the day. However, findings reveal that beside the lopsided structures inherited from the colonialists 'mistake', religion, ethnicity among other factors remain tragic cogs militating against the success of federalism in Nigeria. In addition to the above, it is important to note that our leaders both past and present have not done much in praxis to promote the spirit of one Nigeria. The pronounced autocratic impunity perpetuated by the Buhari led administration with respect to adherence to the federal character principle has dealt a big blow on the nation's unity as it has exacerbated all sorts of agitations within the polity. It is not out of place therefore to conclude that the application of Federal Character principle in Nigeria was as a clear indication of the failure of quasi-federalism imposed on Nigeria by the military after the First Republic. Consequently, the Federal Character principle has to a great extent, failed in its objective especially in strengthening the ideal of federalism i.e. equal and fair representation and participation as well as the distribution of state resources. Despite the noticeable defects of Nigeria's federal system and the faulty implementation of federal character principle in Nigeria, these political techniques especially true federalism still remain one of the best political frameworks for governing pluralist state.



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