

## **The Origin and Practice of Federalism of Federalism in Nigeria**

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### **ABSTRACT**

*Federalism is a political philosophy meant to 'integrate people in a society who are diverse ethnically, culturally and even religiously'. The system in Nigeria is not without complexities and problems. The federal system is a mechanism for solving the burning question of public power domination by a certain group in a multi-cultural society. Therefore, this paper attempts an assessment of the practice of Nigerian federalism. To achieve this, the paper considered the pluralist nature of Nigeria as a framework for analysis and relies essentially on qualitative data. The theory focuses on the diversity of competing group and the commitment to the principles among the group leaders. Since it is fundamental that the challenges of fiscal federalism, federal character, nation building and minority interest are enormous that negates the basic principles of system Nigerian, the paper concludes by arguing that there is a prospect of a stable federal system if anchored on arrangement rooted in equity, fairness and justice among the various nationalities in the polity.*

Keywords: Federalism, practice, Nigeria

### **INTRODUCTION**

The federation of Nigerian comprises 36 states with a single Capital Territory and 774 local government areas. The country was also informally divided into six geo-political zones by the military between 1989-1992. As a heterogeneous polity with over 400 ethnic groups, is one of the most complex countries in Africa. This ethnic complexity made the introduction of federal structure by the British colonialist as inevitable (Babalola, 2013). In this regard, Nigeria can have said to be a pluralist, complex and sophisticated nation state densely populated with an intimidating size, and wealth in terms of human and natural resources. The country occupies a large

geographical area with a land mass of about 924,000sq km. (Alkali, 2003). However, the country is lacking in terms of appropriate good leadership and governance to convert its potentialities both human and material into opportunities for all citizens. Thus, poverty is still wide spread, and the state continued to experienced decline in terms of its capacity to meet up with the basic needs (Adekoye, 2016). So many problems are associated with the country ranging from poverty, bribery & corruption, ethnicity & tribalism, insecurity and bad governance, lack of accountability and political violence which weaken the country's development and transformation into an ideal state.

This tendency made it difficult for our young democracy to strive and accommodates all citizens for unity, peace and progress of the nation. This could be rooted and expressed Principally from the colonial antecedents through which the Nigerian state derived its basic characteristics-cultural pluralism; and the strategic role of the state in the process of primitive accumulation which defines the class character and the orientation of the predatory political elites (Amstrong, 2011).

Against this background, this paper tries to look at the Nigerian federalism and its complex nature and how it affects fiscal federalism, federal character, minority interest and nation building. To achieve this, the paper is structured into seven parts. Section one is the introduction about Nigeria origin, section two focus on brief background to Nigerian federalism and series of constitutional development that led to the formation of Nigeria's federal system, section three focuses review on federalism, section four looks at feature of Nigerian fiscal federalism, the principle of the federal character, minority interest, federalism and nation building, the nature of its problems and conclusion.

## **FEDERALISM IN NIGERIA: THE ORIGIN PERSPECTIVE**

The present-day Nigerian came into existence with the forceful amalgamation of northern and southern protectorates in the year 1914, by the British colonial powers (Adamolekun, 1989).

Prior to the amalgam exercise and the colonialism, the various communities that made up of the country lived in kingdoms, empires, caliphates and separate communities with a long historical socio-cultural and economic relationship which dated back to 1500C (Odofin, 2004). Even though these communities were independent of one another, but there was existence of mutual form of interactions among them, through trading & marriages and other socio-cultural practices.

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The 1914 amalgamation under the Governor General Fedrick Lugard marked the beginning of Nigerian entity with series of constitutional practices at different stage of the countries development as a British colony. For instance, the first constitution was fashion out in 1922 and then 1946, 1951, 1954 and 1959. These constitutions were developed and practiced for administrative conveniences of the Nigerian colony in a centralized unitary form.

Nigeria is one of the few surviving if not the only country in African continent that has established a federal system of governance. The system in the country has grown after about a century of British colonial presence, and followed by a just four decades of the country's independence. A chronological event in the country's political endeavor led to the "formal adoption" of the system in 1954 Littleton constitution against the background of long unitary administration of British rule (Terry-Andrew, 2016)

This federation of 1954 Littleton constitution had established Eastern, Western, Northern region and national governments. These separate regional governments became self-governing in 1957 and 1959 respectively followed by the national independence in 1960. At independence, the federal system was retained as well as the subsequent constitutions of 1963, 1979, 1989 and 1999 till date.

The creation of the Nigerian state was inextricably linked with the European rivalry on their imperialist motive between 1914-1945. The complaint by the minorities on the faith of their identity, history and cultural values and the activities of the nationalist led to a series of periodic adjustments in the various pre-independence constitutional practices in the country to balance up their agitations. It was because of that, three unequal regions (North, East and West) were created out of the existing provinces by Arthur Richard in 1946 (Ikeanyibe, 2016). This inequality (in size) was the beginning of the structural problem in Nigeria's federalism. Each region was created around the dominant ethnic group that led the problem of minority agitations. The North was created around the Hausa/Fulani ethnic group, the East around Igbo ethnic group and the west around Yoruba majority. Since then, demand for the creation of more regions or states by the minority groups increased. With the attainment of independence in 1960, the Mid-Western region was carved out from the western region in 1963. In 1967, 12 states were created and this continue till present 36 states and still the demand for the creation of more states continue.

TABLE 1

	Chronological events in Nigeria's political endeavor, 1954-1999
1954	Adoption of federal constitution, one central government (Headed by the British governor-General) and three regional (headed by premiers and a British governor) governments.
1957	Eastern and western regions self-governing with full executive powers, A Nigerian (Balewa, prime minister) to head government with governor-general head of state.
1959	Self-governing for northern region.
1960	Independence year, federal arrangement with Nigerian both of state and government
1962	Unsuccessful census exercise
1963	Republican federal constitution, another census exercise and mid-western region was created making federation of four regions
1964	General election and the two Nigerians maintained their positions.
1965	Regional elections, breakdown of law and order in the western region.
1966	Military intervention through coup de tre in January, counter coup de tre in July (formation of federal military government).
1967	Abolition of regions and creation of 12 states by the federal military government, Bloody civil war 1967-1970.
1970	End of civil war.
1973	Census exercise with controversy
1975	Another military coup d tre
1976	Unsuccessful coup d tre, creation of local governments as third tier of government and new capital territory was proposed.
1978	New federal constitution for the upcoming democratic rule, election and
1979	Installation of new democratic government.
1983	Another round of election both federal, states and local government.
1983	Another successful coup d tre against the democratic government.
1985	military coup against military government.
1987	Creation of additional two states.
1989	Additional 149 local government.
1990	Unsuccessful coup d tre.
1991	Creation of nine more states, relocation of the federal capital to Abuja, elections at both states and local governments, establishment of interim national government and another military take-over.
1993	self-declaration as president by a candidate.
1998	death of military head of state.
1999	election and return to democratic rule till date.

## **FEDERALISM: A THEORETICAL CONCEPTION**

Philosophers and political theorists tend to present the concept of federalism in different perspectives. Like other political concepts such as politics, power, democracy and socialism that mean different thing in different socio-cultural milieu (Egunjobi, 2016). Federalism presupposes the socio-political structure in which entities such as provinces, states or regions share governmental power with the national government. United states of America are a good example of a federation and federalism in practice. It is important here to note that a good number of federations especially in developing world and Nigeria for instance, had a peculiar feature and circumstances upon which the system came into practice. In United states, the system evolved through “come together” from independent separate states while, in Nigeria it was adopted or created known as “hold together” from a formerly subjugated single unit. Also, the 1946 division of Nigeria into regions has put the northern region to be greater than the east and west combine. In Nigeria, the system was adopted as a political device to minimize ethnic conflict and tension in the polity due to multi ethnic complexities. It was argued that federalism provides a unique way of organizing political power at various units. In an “evolved or come together” federation, the center and the periphery enjoy a separate domain of power which is clearly spelt out in the constitution (Chandler, 1987). but the reverse is the case in most “adopted/ created or hold together” federation like Nigeria. The essence of federalism as argued by (Ugoh and Ukpere, 2012) lives not only in the institutional structure of society, but also as a means of solving the problem of social diversity to most countries with nature of complexities which varies from one country to another (Livingstone 1999). The division of governmental powers between the national and the sub-nationals in Nigeria are explained in the 1999 constitution under exclusive, concurrent and residual functions for the three tiers of government.

Vernon (1988) sees federalism from the classical perspective in terms of constitutional law “as a system in which power are divided between national and regional authorities each governing directly and independently within its own defined sphere and neither being able to modify the division of power unilaterally”. Accordingly, decision making under the federal framework is rigidly divided and safeguarded by political institutional and constitutional device between the subnational units. In relation to Nigeria’s “created or adopted” federation, all mineral resources and land are controlled by the national government at the expenses of the states or regions.

Ray (1999) defines federalism from the modern perspective of dynamism in socio-economic environment. Accordingly, federalism is concerned with a mechanism for identification of the social and economic forces and factors which contribute to integration in a variety of ways.

Dicey (1939) conceives federalism as a political apparatus intended to reconcile national unity and power with the maintenance of state rights and the distribution of force of the state among several coordinate bodies, each originating and controlled by constitution. Therefore, according to Dicey, the federal idea is built up with the goals of funding and equilibrium between the centripetal and centrifugal forces reflecting the societal desire for union. Specifically, Wheare (1963) argued that a system is only a federal if:

“the powers of government are divided substantially between one general and other regional authorities, with each, function within its sphere in coordination to the whole in respect of some matters and are independent and not subordinate to the other within its own prescribed”.

Federalism can evolve through proliferation, when a country, either due to political exigency, resolves to create new political units while preserving the unity of the country as in the case of Nigeria's experience, the amalgamation exercise of 1914, the 1939 provinces, the 1947 regional division were preceding events of unifying and preparing for the introduction of the system in Nigeria. Until 1954, when a full pledge federalism was introduced by the Littleton Constitution and the subsequent proliferation of state creation by the military in 1964, 1967, 1987, 1991 and 1996 (Dunmoye 2002).

While Ibrahim (2011) submits that the desire to constraint the excess use of political powers especially the executive, the need to protect group identities, rights and the fear for the political minorities have extended control or aggression and the calculated expectation of economic advantage through large economic scales are important factors in the process of formation of Nigeria's federal union.

Constitution, democracy and multiparty are the life wire of federalism. Wheare (1963) argues that federalism will not be practicable outside liberal democracy. Wheare observed that if government is to be federal there must be a rigid and a written constitution that clearly contains and explains the terms of agreement and relationship which establishes the general and sub-national government and distribution of power. Thus, constitution is a logical necessity of the federal framework.

In Nigeria and many other federating states such as Ethiopia and South Africa, the practice of “true federalism” is lacking, this is because the fundamental aim of the system was to hold together by the desire to achieve ‘unity in diversity’. The sudden presence of military in the political terrain of the country has inadvertently gravitate all powers to the center at the detriment of the states, these over centralization of power has been a major

source of inefficiency and lack of productivity in Nigeria's federal system. Scholars in Nigeria such as Oyovbaire (1985), sees Federalism as a problem-solving device of Nigeria's heterogeneity. The system also creates its own problem of indigenization that generate tension and controversies often rooted its historical antecedents and emergence, because it divides so many ethnic groups to different states or sub-national units which hitherto were one nation. In addition to the above, and in Nigeria for instance, create the problem of unequal size of the constituent units, the degree of heterogeneity of the people, distribution of power and responsibility between the national and sub-national units, fiscal federalism (revenue allocation) and system of leadership recruitment (Odofin 2005)

The system could be use as a solution to the problem of disunity in a multi cultural society like Nigeria. Tamuno (1998) views federalism as a form of government where the component units of political organization participate in sharing of powers and functions in a cooperative manner through the combined forces of ethnic pluralism and cultural diversity among others.

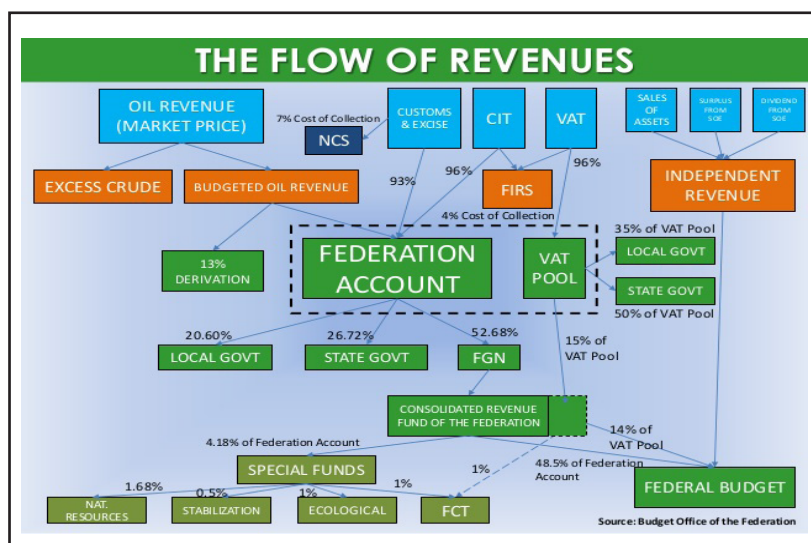
### **FEATURES OF NIGERIAN FISCAL FEDERALISM**

As mentioned earlier, Nigeria is a byproduct of British experiment, which product have been described by Adetoye, (2016) as a mere geographical expression. By 1954, the colonialist converted the country from unitary to federation of three unequal regions, although the federal system varies in practice, every state select among its possible institutional features. Fiscal federalism relates the financial relationship between and among units of government in Nigeria's federation. It is a set of principles for assigning functions between levels of governments and appropriate fiscal instruments to carry out the functions. Fiscal Federalism in Nigeria is faced with the following challenges, these are:

- I        The issue of power sharing among the various sub-nationals (or tribes as in Nigeria) at the center.
- II       The problem of bureaucratic representation or equitable employment for members of all sections of the federation.
- III      Allocation of infrastructures and projects funded by the Federal Government and IV The sharing of what are regarded as 'Federal resources', otherwise known as 'revenue allocation'. Each of these mentioned is a crucial factor and a challenge to the operation of federalism in Nigeria. Politics in Nigeria has not been based on ideology of economic prosperity and development but in the main, and essentially on the fair issues listed above, particularly on revenue allocation and distribution of political power (Dunmoye, 2002).

Revenue allocation is part of the processes of fiscal federalism. Fiscal federalism is defined as a division of fixing an expenditure function among the levels of government in a federation. A federal system of administration allows both a centralized and decentralized collection of revenue to be met by each tier of government. It therefore refers to intergovernmental 'financial relations' as enshrined in the constitution Okunroumu in (Dunmoye, 2002). Revenue sharing formula (revenue allocation) on the said 'federal resources' is another major problem in the Nigerian federation between the national and sub-national units, with each demanding for more resources from the federation account. It is always a controversial issue between and among the levels of governments on the accepted formula to adopt in sharing and distributing national cake among them. This problem arises due to unequal contributions of the sub-nationals in the revenue generation, some states contribute larger than others due to uneven development among the sub-nationals. Thus, the demand for more arises when it comes to distribution. It is important to note that Nigeria is an oil based economy which account for over 70%, derives only from six states out of 36, and by constitution is under national government. The principles formula used over the years were: (a) Derivation (b) Need and (c) National interest / even development. Others but with less emphasis are (i) Population, (ii) Geographical peculiarities (iii) Absorptive capacity, (iv) Internal revenue efforts, (V) Equality of states, (VI) continuity, (vii) fiscal efficiency, (viii) National minimum standard for national integration (ix) Land mass, and (x) Financial comparability ( Wani and Suwirta, 2016).

### **Total Revenue to the federation account and revenue allocation formula**





THE REVENUE ALLOCATION FORMULA	
VERTICAL ALLOCATION FORMULA	
BENEFICIARY ALLOCATION (% Federation Account)	
1 Federal Government	52.68
2 State Governments	26.72
3 Local Governments (Including Area Councils)	<u>20.60</u>
	<b><u>100.00</u></b>
HORIZONTAL ALLOCATION FORMULA	
PRINCIPLE/FACTOR ALLOCATION	(% )
(i) Equality	40
(ii) Population	30
(iii) Internal Revenue Generation Effort	10
(iv) Landmass and Terrain	10
(v) Education	4
(vi) Health	3
(vii) Water	<u>3</u>
	<b><u>100</u></b>

Table 1.1

*Summary of Revenue Allocation Principles committees in Nigeria and their recommendations on the adopted formula (1947 – 2007)*

S/No	Year	Author Commissions	recommendation
1.	1947	Phillipson	a. Derivation b. Even Progress
2.	1951	Hicks Phillipson	a. Derivation b. Need c. National interest
3.	1954	Chick	a. Derivation b. Fiscal Independence
4.	1957	Raisman	a. Derivation b. National unit c. Fiscal Independence
5.	1964	Binnss	a. Derivation b. National Interest c. Fiscal Independence
6.	1968	Dina	a. Equality of states b. Population c. Derivation

<b>S/No</b>	<b>Year</b>	<b>Author Commissions</b>	<b>recommendation</b>
7.	1977	Abayode	<ul style="list-style-type: none"> <li>a. Equality of access to development opportunities</li> <li>b. National minimum standard for national integration</li> <li>c. Absorptive capacity</li> <li>d. Independent revenue efforts</li> <li>e. Fiscal efficiency</li> </ul>
8.	1981	Okigbo	<ul style="list-style-type: none"> <li>a. Minimum Responsibility of Government</li> <li>b. Social development</li> <li>c. Internal revenue factor declared ultra-vires by Supreme Court.</li> </ul>
9.	1989	Danjuma	<ul style="list-style-type: none"> <li>a. Equality of states</li> <li>b. population</li> <li>c. Social development</li> <li>d. Internal Revenue factor</li> <li>e. land mass</li> </ul>
10.	1999		<ul style="list-style-type: none"> <li>a. Federal Government 48.5%</li> <li>b. States 24%</li> <li>c. Local Government 20%</li> <li>d. FCT 1%</li> <li>e. Ecology 2%</li> <li>f. Stabilization 0.5%</li> <li>g. Derivation 1%</li> <li>h. OMPADEC 3%</li> </ul>
11.	2001	Federal (Democratic Government.	<ul style="list-style-type: none"> <li>a. Vertical Allocation</li> <li>b. Federal Govt. 41.3%</li> <li>c. State – 31%</li> <li>d. Local Govt. 10%</li> <li>e. FCT 1.2%</li> <li>f. Ecological Fund 1%</li> <li>g. Special Fund for national resource 1.5%</li> <li>h. Basic Education 7%</li> </ul>

Source: Adapted from Agiobenebo 1999 and Fajana,1996) in (Dunmoye, 2002)

Revenue allocation formula is an unending issue in Nigerian Federation, up till today there is no single formula to be used that satisfy different part of the country but rather a combination of formulas at a time depending on the existing situation. Arowolo (2011) has stressed that the importance of fiscal

relation can never be over-emphasized in Nigeria's federation. Despite long history of federal structure, until recent time of democratic rule, it is hard to truly consider Nigeria as decentralized due to long military incursion where democratic institutions and officials are replaced with appointees. Under military, sub-nationals are accountable to the central military authority. Hence, effective political and fiscal decentralization is greatly distorted within 1967-1978 and 1983-1999.

## **THE PRINCIPLE OF FEDERAL CHARACTER**

Federal character is a policy of bureaucratic representation of different ethnic groups from sub-nationals into national service, where vacancies are filled not only on merit, but also by the peculiar nature of ethnic plurality in the federation. In Nigeria's federation, the term "federal character" became popularized by the 1975 Constitution Drafting Committee. It was later transformed into a political and constitutional structure by the 1979 Constitution the [principle was silent until 1995 when the then military Administration of Abacha became serious about it. Since then it became a doctrine in the Nigerian political process. But as a phenomenon, it is as old as Nigerian federalism itself. Indeed, federal character is a feature of all federal systems of government (Report of Political Bureau, 1987) in (Salami, 2011). This policy of equal representation 'federal character' in the Nigeria's federation has been affected by two factors: Firstly, the unequal advancement in western education among the states has affected the policy because bureaucratic positions at the national level tend to favor the educationally advance states than less advanced. Secondly, some ethnic-groups are large in population than others, this gave them opportunity to be in different states of the federation and be over represented in the national bureaucracy over the minorities. (Arowolo, 2011).

This idea of federal character was meant for healthier cooperation in intergovernmental relation, since the middle of 1980, the policy has been affected by the issue of indigenes and settler's dichotomy due to complexities of tribes and religion. Terry-Andrews (2016) has expressed that the federation is facing several threats from the gradual imposition of a hierarchy of rights in line with 'indigenes and settler's saga' in which one category of people are defined as indigenes and have superior rights over the other category defined as settlers. This has created serious problem of contestation for social, legal and political authority as indigenes and settlers contest to impose their might over the other or define their rights to full citizenship (Ibrahim, 2011).

A Discriminative colonial policy of divide and rule and the insincerity of the political leadership is another factor responsible for settler

indigene dichotomy crisis in Nigeria. The policy did not encourage uniformity on social issues such as residency or settlement pattern. For example, it was colonial settlement pattern policy which created the existence of Government Residential areas (GRA) and Sabon Gari for the colonialist and southern settlers in the northern part of the country (Armstrong, 2011). This policy has later created settlement policy problem between indigenes and settlers.

## **THE FEAR OF THE MINORITIES AND STATE CREATION**

The British colonialist had set up Sir Henry Willink Commission in 1957 as a response to the complain of the minority tribes for the fear of been dominated. This led to the subsequent partitioning and division of the country by creating more states after independence (1964, 1967, 1987, 1991 and 1996).

Minority fear of domination by the then three powerful regions (divided along major tribes) in 1946, was first expressed at the 1953 Constitutional Conference. The report of the Willink commission in 1958 was not given much consideration during Constitutional Conference of 1960 (National Conference Report, 2014). The recommendations include: the incorporation of human rights protection in the constitution, establishment of minority council in each community to foster cultural being and the development of special area board scheme to supplement normal development. These recommendations suffer a setback as it bring together large number of different tribes under one classification and failed to go deep into the boundaries of such tribes.

According to Ugoh and Ukpere (2012) the pressure for reform by the ethnic-minorities continue after independence till date, this provided ground for the subsequent restructuring of the federation to create more sub-units in 1963, 1967, 1976, 1987, 1991 and 1996 to ensure even development and participation for nation-building among all Nigerians. The demand for state creation is a contentious issue in Nigeria's federation till date, as different tribes continue to push for self-autonomy for either state or local government unit.

## **FEDERALISM AND NATION BUILDING**

Basically, there are three models through which constitutional federalism can evolve as either strong federalism, weak federalism and balance federalism i.e by consensus and agreement of various nationalities e.g. (USA) or by

cooperating as confederation e.g. Senegambia or through imposition without the genuine consent of the people e.g. Nigeria. In Nigeria, it was neither a voluntary union of the existing empires, kingdoms, villages or communities and nor a contact between the leaders of the old empires. This is because they were not involved in ushering the project. After the conquest and the amalgamation of the pre-colonial entities, the British administrators, for their economic, commercial and administrative conveniences decided to form a federation and applied the politics of 'stick and carrot' to draw various separate communities into it (Oyovbaire, 1985).

Furthermore, the competition and struggle for political power among political parties and political gladiators immediately after independence, in their bid to capture state power 'at all cost' both at national and sub-national further polarized the Nigerian people and enslaved the essence of federalism. (Chandler, 1987) consequently instead of promoting understanding cooperation and tolerance for nation building; violence, killings and counter killings, insecurity, kidnapping and intimidation combined to heat up the polity till date.

State creation was another means of nation building employed by the military leadership. Although it helped in providing even development and bringing governance at the doorstep of the people especially the minor ethnic groups entrapped under hegemony of major ethnic ones. However, states creation has generated a lot of negative impact on nation building. The federation continued to experienced perpetual disunity and lack of cohesion among the indigenes of various states, loyalty is therefore, first to state of origin rather than the nation at large (Nanufe, 1999).

The socio economic and political challenges to national development make interconnected demands on the Nigerian state and its people, the need to set in motion and make an acceptable constitution and the imperative to establish the much needed structural and institutional mechanism would facilitate the urgent attainment of critical people-centered economic growth and development (National Conference Report, 2014). The constitution has provided a relative autonomy for the levels of government in their respective areas. However, this autonomous entity has never been found easy in Nigeria federation and this has continued to affects the political stability in the country.

Dunmoye (2003) argues that, the independent Nigeria has inherited a weak socio-political structure, a defective and unbalanced federation, intensified ethnic rivalry and conscience, a subverted indigenous philosophy of government and cultures inexperience and parochial political leaders and

above all a dependent economy. However, it will be tantamount to intellectual laziness and trick to continue to blame colonialism for the country social – political and economy predicaments more than fifty years of independence.

## **CONCLUSION**

The federation of Nigeria has experienced lots of ups and downs, from centralization in the first place to decentralization; regions and states, parliamentarianism to presidentialism, democracy and military, two level of governance to three tiers (federal, states and local government), if properly practiced based on its required principles and offers social groups an opportunity to defend social gains by having a say on how broad decisions are made and by providing a framework for rules and institutions to be periodically tested and upgraded without resorting to violence. Professor Nwabueze has viewed Nigeria, as not really a nation but a country with ‘unitary federal system of government’. Creation of states has not provided protection for minorities identity, regions, religions and tribes. We must however continue the struggle to improve it by rebuilding our federalism, deepening our democracy and dealing with the leadership and marginalization.

Nation building is a complex task and a continuous process. It is difficult to achieve it in multi ethnic societies like Nigeria. The basic objective of federal society is to harmonize and balance the diverse interest of various cultures, traditions which will serve their common needs. Government should undertake a fair sharing of natural resources and allocation of economic and social project across the country.

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