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Federalism and Group-Based Inequalities in Nigeria

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I. INTRODUCTION

Nigeria is one of Africa’s most diverse and deeply divided states. The decision in 1914 to merge Northern and Southern Nigeria, largely for administrative purposes, created a single political entity from two regions with limited common history and cultural ties. Colonial rule exacerbated these differences, solidifying religious and ethnic identity as salient political distinctions and creating conditions for persistent instability.¹ The North–South divide continues and is marked by serious variations in economic development and access to basic social services. Contestation about religion has periodically provoked tensions between the regions and within communities, especially since the rise of more fundamentalist strains of Islam during the 1980s.² Below this level, Nigeria’s regional structure has also fuelled competition between ethnic groups.³ The designation of the Yoruba, Igbo and Hausa/Fulani as dominant ethnicities within their respective regions has generated

tensions with minority ethnic groups.⁴ The strong association of communities with particular territory has also created conflict between “indigenes” claiming nativity within a given area and other Nigerians, who are viewed as internal migrants, denied equal rights and granted limited access to land.⁵ Competition for control of state institutions, abetted by corruption, and conflict over the spoils of Nigeria’s natural resources (especially oil) have further contributed to these sources of instability.⁶

Despite Nigeria’s somewhat tumultuous history, observers point to Nigeria’s ethnic “federal character” as having mitigated more serious violence.⁷ From this perspective, multi-state federalism has localized conflict, and created a balance between major ethnic groups that precludes any one group from seizing control of state authority. It has also preserved a degree of diversity in each of the regions. The “Federal Character” principle in the 1979 and 1999 Constitutions captures the aspiration to use a federal political

This paper is part of a new publication series from the **Global Centre for Pluralism** called **Accounting for Change in Diverse Societies**. Focused on six world regions, each “change case” examines a specific moment in time when a country altered its approach to diversity, either expanding or eroding the foundations of inclusive citizenship. The aim of the series – which also features thematic overviews by leading global scholars – is to build global understanding of the sources of inclusion and exclusion in diverse societies and the pathways to pluralism.

structure as a resource to transcend group differences by specifying that the composition and conduct of government entities must promote national unity, and avoid the predominance of persons from a few states or from a few ethnic or other groups.⁸ At the same time, the application of a federal system to economically and culturally diverse regions has created powerful incentives to engage in winner-takes-all politics, encouraged redistributive tendencies on the basis of group identity and systematically failed to address large gaps in living standards across the country. These deep inequalities have in part fuelled the rise of Boko Haram and the continuing conflict in the Niger Delta.

Against this backdrop, this paper explores how well Nigeria's federal model has promoted pluralism in accordance with the current constitution's desire to recognize diversity, and promote a sense of belonging and loyalty among all the people of the Federation.⁹ To what extent have federal arrangements since 1966 mitigated inter-group grievances rather than serve as a site for rabid ethno-religious competition? In light of persistent regional socio-economic inequalities, and the emergence and reach of "homegrown" religious radicalization in northern Nigeria, how effectively has the Nigerian federal state coped with, or adapted to, new challenges?¹⁰

The paper begins by tracing the development of Nigeria's original colonial three-region federal system, with particular attention to its inherent flaws, i.e., ethno-regional cleavages. It then explores efforts to rework Nigeria's ethno-regional federalism from an unstable unit of three unwieldy

ethnic regions into a more integrated multi-ethnic federation comprised of 36 units. This is followed by an impact assessment of the series of reforms that were carried out since 1966. In conclusion, the paper examines whether, and to what extent, attempts to create inclusive institutions, build inter-ethnic accommodation and promote pluralism in Nigeria have been successful.

II. THE ORIGINS OF THE STATE AND NIGERIAN FEDERALISM

Federalism remains the single most dominant and influential feature of the postcolonial Nigerian state. Although much of the pressures associated with the notion of federalism stem from elite perceptions and interests, and their specific articulation of their priorities, the issue of federalism has become the litmus test not only of citizenship, but also of group rights and national integration. Every national government devotes a substantial portion of its efforts to the search for a workable structural arrangement that can keep the fragments of national life together in the face of divergent regional, local, religious, class and sectoral interests. These differences not only permeate and define Nigerian socio-political life, but also stand ready to rip the state apart in the absence of the dominant cohering influence of the centre. The key question facing Nigeria remains: how to structure the Nigerian federation in order to accommodate different groups and guarantee access to power and equitable distribution of resources? Fifty-five years after achieving political sovereignty, the chronic political instability and economic under-

performance of the Nigerian state reflect both the unresolved nature of this national question, as well as the deep structural problems that underlie and belie the country's political economy.¹¹ These problems include: the effects of the dominance of oil; profound lines of societal segmentation; distorted federal system of government; and the resultant damaging impact on societal norms and political culture that now characterize the country. Together, these factors have coalesced to create persistent social and political problems in Nigeria, including political instability, communal violence, ethno-religious conflicts and militancy, pervasive corruption, weak economy, decaying economic and social infrastructure, moral turpitude and increasing linkages with and entrenchment of international criminal networks. Moreover, there has been cross-fertilization between political tensions and poor economic circumstances on the one hand, and the emergence and growth of non-state armed groups on the other. These groups include: the Oodua People's Congress (OPC) (a pro-Yoruba organization); Movement for the Survival of Ogoni People and Ijaw youth groups in the Niger Delta (MEND); the Arewa People's Congress (a pro-Hausa-Fulani organization); and Boko Haram (the radical Islamist sect from northeastern Nigeria).

Nigeria's vast ethnic, linguistic, religious and regional diversity has been an abiding source of societal tensions and conflicts. With a population of nearly 200 million, Nigeria is a very large country, which was created by colonial diktat. The country is composed of over 300 ethnic groups, divided by religion as well as ethnicity and history. There are over 250 languages spoken in Nigeria and three major ethnic groups: the Igbo in the southeast;

the Hausa-Fulani in the north; and the Yoruba in the southwest. These three ethnic groups have dominated Nigeria's political landscape since independence in 1960. The northern Hausa-Fulani consist of 30% of the country's total population; the western Yoruba make up 20%; and the eastern Igbo constitute 17%, with the rest being the so-called "minorities." These three dominant ethnic groups can be further divided into sub-groups. Twenty-nine distinct divisions can be identified within the Hausa-Fulani community, 12 within the Yoruba and 32 within the Igbo.¹² The mixture serves not only as a source of national strength and potential, but also as a seam threatening to tear at the core of national unity and posterity. More than anything else, Nigeria's deep divisions have not only served as a decisive factor in driving instability in its political economy, but have also, in part, rendered fruitless all efforts at institutionalizing democratic values within the country. Since gaining independence in 1960, Nigeria has had a major civil war, with over a million deaths, as well as conflicts including those in the Delta region, involving Boko Haram in the North, settler/indigenous clashes in the middle belt and several military coups.¹³ All these conflicts help to explain why Nigeria is consistently ranked as the "least cohesive country" in the Social Cohesion Index (SCI) and the Social Cohesion Index Variance-Adjusted (SCIVA).¹⁴ For example, in 2012 Nigeria had the lowest SCI score (0.183) of 19 African countries, due largely to low trust in others (0.120), growing inequality (0.183), and emphasis on group rather than national identity (0.141).

An assessment of the underlying causes of Nigeria's apparent political instability and lack of social cohesion can be traced to the historical origins of

the Nigerian federation. Bolaji Akinyemi points out that, “There was no Nigeria before Flora Lugard coined the name... there were Fulani, Hausa, Tiv, Idoma, Igbo, Ogoni, Ijaw, Urhobo, and Yoruba nationalities before there was a Nigerian nation.”¹⁵ In essence, the Nigerian state was a colonial construction that ignored the large number of different and competing nationalities. As O. Ochocha observes, “the British colonial masters super-imposed the amalgamation on the diverse peoples of Nigeria, not out of consideration for the future welfare and political stability of Nigeria, but for the economic wellbeing of Britain and also for its own administrative convenience.”¹⁶

Nigeria’s ethnic and linguistic diversity remains an abiding source of communal, regional, and national tensions and discord.¹⁷ Although three “majority” ethnic groups—Hausa Fulani, Igbo and Yoruba—combine to make up about two-thirds of the national population, some of the so-called “minority” groups constitute important (numerically and otherwise) segments of the political economy. The incessant minority agitations for recognition, their refusal to concede the political terrain to majority groups and their divisive battles for national control and supremacy, serve to both enrich and complicate the ongoing struggles to resolve the national question and re-institute democracy in Nigeria. According to Rotimi Suberu, the minority grievances are deeply rooted in complex historical and structural processes of pre-colonial and colonial incorporation, and the consolidation of diverse ethnic segments, federal territorial evolution and reorganizations, revenue allocation, and political competition and representation.¹⁸ By nurturing and entrenching the hegemony of the three major ethnicities in

Nigeria, these colonial processes legitimized the expropriation of the resources of oil-producing communities as part of an official strategy of centralized national cake-sharing.¹⁹

Nigeria’s first post-colonial rulers inherited a state made up of three regional structures, which had been configured by the British to use the majority ethnic groups as anchors for regional governments: the Muslim Hausa-Fulani of the northern region; the religiously bi-communal Yoruba in the southwest; and the Christian Igbo in the southeast. In an arrangement that could be described as “non-centralized” federalism, the colonial expectation was that the three-unit federal structure would grant regional autonomy and hegemony to these three major ethnic groups. Unbeknown to the architects, there were critical flaws embedded in this ethnic tripod structure, which would become enduring sources of conflicts.²⁰ The wide territorial, demographic and economic power disparities between these major regions—in other words, the explosive contradictions and imbalances built into the tri-regional colonial federal system—quickly proved politically damaging. Aside from the differences in the level of social and economic development of the ethnically based regions, there was a severe imbalance between the political power of the Muslim Hausa-Fulani of the north, the socioeconomic power of the Yoruba in the industrial southwest and the Igbo of the oil-rich southeast.

There were a number of assumptions behind the British decision to adopt Nigeria’s ethnic ally-driven regionalism as the organizing principle for the state. The assumptions were simple and, as it turned out, inherently flawed. First, was the belief that although the dominant ethnic groups in each

region would dominate their respective regional governments, no ethnic group would be sufficiently powerful to dominate the centre. However, with about two-thirds of the land mass and over half of the population, the Northern region dominated the centre. A critical issue in this regard was that Northerners dominated the army, due to colonial policy. Second, was the belief that each region would develop a multi-party system, which would help to temper the possibility of parochial dominance at the centre by any ethnic group. The reality was that the regions became one-party monoliths. The Northern People's Congress (NPC) used its narrow ethnic majority in the north (16 million out of 31 million northerners were Hausa-Fulani) to control and dominate the entire country. Third, that the constitutional machinery at the centre would ensure the emergence of effective national governing institutions. The problem was that the regional governments had advantages over the centre due to established jurisdictional legacy. They not only preceded the federal government by more than a decade, but had also established bureaucracies that were more Nigerian in character, had self-contained economic systems with control of the marketing boards, direct access to the international economic system and had residual powers through the Independence Constitution. Finally, the British assumed that there would be no discrepancy between political and economic powers that could not be easily tackled by the new federalism. A perusal of the 1961 statistical figures on regional revenue and personal taxes demonstrate built-in problems. For that year, the total regional revenues (exclusive of federal allocations) from the 58.5% from the West, 25.7% from the East and 15.7% from the North. In regard to national aggregate of collected taxes, the West contributed

67.7%, the East, 27.2% and the North, 9%.²¹ These imbalances were also substantiated by educational enrolment figures. In 1965, the North, with more than half of the national population, had only 10% of the all primary school population. In higher education, Northerners made up 8% of total student population, 48% from the East, 5% from Lagos and 39% from the West.²²

The inherently flawed regional system, combined with the equally problematic Westminster majoritarian model bequeathed by the British (complete with its winner-takes-all and dual executive arrangements), nurtured deep social and political tensions in Nigeria. Far from fostering national unity in diversity, Nigeria's regionalized political arrangements fanned the flames and intensified the thrust and impunity of centrifugal forces as driven by the ethnic majorities.²³ In the absence of colonial mediating influences, independent Nigeria gravitated rapidly towards political bedlam (1961–66), military coup (1966), counter-coup (1966) and civil war (1967–70)—all these within a decade of independence. These events—specifically the advent of military rule in January 1966 and the 1967–70 civil war—had profound consequences for the evolution of the federal system. Ladipo Adamolekun argues that the abortive attempt by the first military head of state to replace the federal system with a unitary government in 1966 was followed by the secession of the Eastern region (due partly to pogroms against Igbos in the Muslim north), the self-proclaimed “Republic of Biafra,” in 1967.²⁴ The result was a two-and-a-half year civil war fought by the federal forces under the rallying slogan: “To keep Nigeria one is a task that must be done.”

III. THE TRANSFORMATION OF NIGERIAN FEDERALISM UNDER MILITARY RULE

After the civil war, Nigeria instituted major political reforms in an effort to ameliorate interethnic relations within the institutions of the federation. Many Nigerian statesmen, among them General Olusegun Obasanjo, saw the failures of the 1960s as a result of leaders who, in their inordinate pursuit of power, emphasized the part rather than the whole, allowing “regionalism, tribalism, sectionalism and ethnicity” to undercut the political process.²⁵ Shehu Shagari, Nigeria’s first nationally-elected president, noted that the 1960s’ system of autonomous regions had established a national culture of “ignorance and unfamiliarity, and therefore fear and mistrust.”²⁶ Not surprising, following the civil war, Nigeria’s federalism became primarily “ethno-territorial,” in an effort to balance the protection and recognition of minorities by dividing the largest ethnic communities among multiple states.²⁷ To contain the pervasive tensions and conflicts that resulted from the flawed regional federal structure, nearly every Nigerian government has devoted attention to issues related to the structure of the federal state. As William Graf notes, “it is a truism of Nigerian politics that the country’s continuing existence as a nation-state hinges on its capacity to evolve and maintain an adequate system of federalism.”²⁸ This resonates with Larry Diamond’s point that Nigeria’s cultural pluralism “defies successful management through any but democratic and rigorously federalist principles.”²⁹

Proliferation of States

Nigeria has been carved up over the years from the original three-region structure to the present 36 state alignment that began with the creation of the Mid-west region from the Western region in 1962. When this initial arrangement turned out to be inadequate, the government of Lieutenant Colonel Yakubu Gowon, a northern minority Christian, who seized power in the second 1966 military coup that unseated Major-General Aguiyi Ironsi,³⁰ reworked the country’s federal structure to a 12-state arrangement (six in the North, six in the South) in 1967. Although this 12-state structure was too late to prevent the imminent withdrawal of the Igbo-dominated Eastern region as the Republic of Biafra, it nevertheless helped to dilute the hegemony of the north, curtail the chauvinism and secessionism of the three major groups, and alleviate ethnic minority grievances.³¹ The success of this arrangement both as a protection from the weight of rabid regionalism, and as a conduit for extending the web of beneficiaries for the massive amount of oil revenue to flow after the 1973 oil shock, resulted in further clamouring for new states.³² In 1976, General Murtala Muhammed expanded the number of states to 19. General Ibrahim Babangida further expanded these to 21 states in 1987 and 30 in 1991. In 1996, General Sani Abacha expanded the number of units yet again to the present figure of 36 states. During the same period, the third tier of governance in the federation, the local government authority, rose from about 330 units to 775.³³

Whatever their political benefits, the state creation exercises may have transcended their optimal level of usefulness. For one thing, the fact that

they were often pursued either during or because of deepening fiscal crisis has had a net effect of dangerously fragmenting, distorting and weakening the Nigerian federal system.³⁴ Far from curbing ethno-regionalism, the state creation process simply restructured it: “Without their regional institutional backbone and now split into many states, hegemonic ethnoregional elites adopted other symbols and rituals as rallying points, leaving the tripolarity of the political system almost intact.”³⁵ Thus, the creation of 36 component states and 776 local government areas has not solved the problem of minority ethnic group under-representation. This is especially so given the formal use of these entities—rather than population figures and need—as the basis for allocating national financial resources. Furthermore, as some critics have maintained:

[The Nigerian national] revenue distribution formulas have been repeatedly revised under the pressure of state and sectional interests. While federalism has shown itself to be a valuable instrument for managing ethnic conflict in Nigeria, genuine federalism has been in tension with the central role the federal government plays in distributing oil-generated revenues and the centralizing tendency of military rule since 1983.³⁶

Introduction of Quotas

As part of a wider nation-building effort made under the 1979 Constitution, state-based quotas were introduced including in the military and in education. In the educational system, the new quota system aimed specifically to alter the structure of elite recruitment.³⁷ This was set in motion through two policy packages: (1) the nationalization of

existing regional universities and the extension of educational institutions to all parts of the country; and (2) the establishment of state quotas for the intake into these federal institutions.³⁸ Critics are of the view that the quotas in the education and military sectors have been largely unproductive. For instance, many southern candidates seeking particular placements have tended to manipulate their state of origin in order to gain a place, thus casting a shadow over “the development of a common Nigerian citizenship based on equality of opportunity.”³⁹ Moreover, despite the quota system, many people in the south continued to see the military as northern dominated.

The “Federal Character” Constitution and Re-defining Citizenship

The term “federal character,” was first used in 1976 by General Murtala Muhammed at the initial meeting of the Constitutional Drafting Committee (CDC). In his speech, General Muhammed referred to “... 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 in the nation.”⁴⁰ The crux of the federal character principle is to facilitate a visible balance in public life, ensuring that “no community could claim that they had been unfairly excluded by those in power.”⁴¹ The drafters of the Constitution felt that the fear of domination or exclusion were salient aspects of Nigerian politics, and that it was essential to have provisions to protect against the predominance of persons from a few states or ethnic or other groups in the composition of the government and its agencies.⁴² This objective was reinforced in various aspects of the Constitution,

which charged the federal government with ensuring that no regional, ethnic or other groups controlled major areas of administration, and provisions which required that the executive committees of all political parties should represent at least two-thirds of all the states comprising the Federation.⁴³

However, ensuring the fair allocation of government positions and opportunities along state lines necessitated a legal definition of state citizenship. To this end, indigeneity became the litmus test for rights under the post-colonial state. In colonial Africa, only natives were regarded as belonging to ethnic groups; non-natives had no ethnicity. Thus, in turning to the colonial doctrine of nativeness to legally define state citizenship in Nigeria, the drafters turned indigeneity into a test for justice, and thus for entitlement under the postcolonial state, in the process illustrating the extent to which colonial institutions shaped the agency of the colonized.⁴⁴ The 1979 Constitution, for example, specified that major federal institutions including universities, civil service and indeed, armed forces must reflect the federal character of Nigeria.⁴⁵ What it meant was that entrance to federal universities, the civil service and the army were to be driven by a quota system for each state and only Nigerians indigenous to a particular state would qualify for a quota. The implication is that all Nigerians living outside their ancestral home are considered non-indigenous in the state in which they reside. Thus, under the Second Republic, Nigerian citizens had no right to indigeneity outside the state ascribed to them on the sole basis of their genetic antecedents no matter how deep their ties to the community may be.⁴⁶ As Mahmood Mamdani argues, “the effective elements of the Nigerian federation are neither

territorial units called states, nor ethnic groups, but those ethnic groups that have their own states.”⁴⁷ The result of the ethnic nature of the Nigerian federation reinforces two tendencies:

First, given the way ‘federal character’ is defined, every ethnic group in Nigeria is compelled sooner or later to seek its own ethnic home, its own native authority, its own state in the Nigerian federation. Second, with each new state, the number of Nigerians defined as non-indigenous in all its states continues to grow. The cumulative outcome is to intensify the contradiction between economic and political processes.⁴⁸

Thus in making cultural identity the basis for political identity, the law inevitably turned ethnicity into a political identity.⁴⁹

In 1996 the Federal Character Commission (FCC) was established to enforce federal character provisions in Nigeria. Based on its mandate, the FCC maintains supervisory jurisdiction over the hiring processes of all bureaucratic, economic, media, and political posts at all levels of government, and ensures the fair and equitable distribution of socio-economic amenities and infrastructural facilities throughout the federation.⁵⁰ Since states received 50% of the national revenue as budgetary support under the 1978 Constitution (since 1999, it has changed to 36%), majority ethnic communities in Nigeria have increasingly pushed for further subdivision into more states, each of which would receive its own allocation.⁵¹ As Brandon Kendhammer puts it, “the largest ethnic communities had cracked the code of state creation, recognizing that by demanding more states they could capture a greater overall share of federal

resources, undermining the spirit of the entire exercise in the process.”⁵²

It is small wonder then that the federal character has evolved into the single most important concept in Nigerian public life, a logical framework into which nearly every demand on state resources is fitted and through which every grievance is expressed.⁵³ Following the fall of the Second Republic, the use of federal character justification to rationalize access to patronage opportunities expanded appreciably.⁵⁴ While some from the North have praised the policy as the “cornerstone of ethnic justice and fair government,” others from the South condemned it as “geographical apartheid,” with many southern civil servants viewing the policy as “a tool for depriving them of their jobs.”⁵⁵

Centralization of Power

The upper hand of the federal government was reinforced by a number of policies put in place by the military between 1966 and 1979. These included the centralized redistribution of oil revenues (which increased dramatically from 1973–74), the creation of a local government system and the declaration of the centripetal Constitution of 1979 for the Second Republic.⁵⁶ The 1979 Constitution replaced the Westminster parliamentary system of the First Republic, which was seen as inadequate for ensuring the unity and stability of the country with an American-style presidential model and transferred many of the legislative powers of the former regions to the federal government.⁵⁷ The federal government now had the power to intervene in virtually every matter of public importance. In effect, the power of the states was dependent on what the federal government voluntarily chooses

to leave to the states.⁵⁸ The 1979 Constitution also barred the formation of parochial political parties and made it necessary that the “federal character” or multi-ethnicity of Nigeria be reflected in the rules for electing the president. All successful presidential candidates were required to win at least 25% of the vote in at least two-thirds of the states, ensuring that demographic shifts could not swing control to any particular ethnic bloc.⁵⁹

Ordinarily, federalism is a system of government that allows for a constitutionally mandated division of authority between the centre and the constituent parts in such a way that each exercises formal responsibility for specific functions and maintains its own institutions for the purpose of discharging those functions.⁶⁰ The frequent overlapping of jurisdictions and functions in federal systems not only render them complex and cumbersome, but also have the net effect of fostering tensions between authorities at the centre and the constituent local parts. In Nigeria, however, frequent political instability and the protracted rule of military governments between 1966 and 1999 have had the overall effect of strengthening the centre at the expense of the component states and local government system. Further, the dependence of the Nigerian states and localities (since the 1970s), on central oil revenue transfers, for an average 80% of their budgets, is a particularly striking indication of the over-centralization of Nigerian federalism.⁶¹ This over-centralization also had the associated effect of eroding the powers of the judiciary, which under federalism plays the key role of adjudicating disputes between the centre and local authorities. In short, Nigeria’s over-centralized federal system has resulted in:

The virtual abrogation of authentic federalist institutions and values, the destructive competition for the control of the central government machinery (especially the federal presidency), the loss of financial coherence and discipline at the federal level, the extreme dependence of the states and localities on federal developmental patronage and financial largesse and, consequently, the persistent communal pressure for new, federally-funded units of state and local government.⁶²

Ethno-regionalism and the Military

In many ways, the ethno-regional strains, which divide Nigerians and their politics today, were entrenched under the military. Since General Johnson Aguiyi-Ironsi's brief tenure in power in 1966, all five of Nigeria's military regimes have been more or less dominated by northern officers, drawn heavily from the Hausa-Fulani elite. In fact, the last three military rulers, Muhammad Buhari, Ibrahim Babangida and Sani Abacha, have all been northern Muslims. Given this context as well as the domination in the First and Second Republics by northern political oligarchy, southern Nigerians were openly sensitive in the run-up to the 1993 presidential elections to the issue of equity in the distribution of political power. While the Nigerian military has often seized power through extra-legislative means, they have justified their actions by claiming them to be corrective. For instance, after the coup that ended the Second Republic, General Buhari rationalized it by saying: "The corrupt, inept and insensitive leadership in the past four years has been the source of immorality and impropriety in our society, since what happens in any society is largely a reflection of the leadership of that

society."⁶³ New Nigerian military leaders often claim that their regime is a child of circumstance and necessity, whose short reign is designed to arrest the drift into chaos, to restore national peace, order and stability, improve the economic well being of society and leave behind a prosperous, democratic nation. However, as an illegal authority structure, the military suffers from the trauma of legitimacy and credibility.⁶⁴

The Military's Effect on Federalism

Noted observers of Nigerian federalism have argued that the military's substantial reworking of the original colonial ethno-regional federal system (1966–79) ensured that the kind of ethnic and regional polarization that savaged the First Republic would not emerge in the Second Republic.⁶⁵ According to R.T. Suberu, the first generation of military rulers in Nigeria (1966–79) could claim some credit, not only for replacing the First Republic's lopsided regional federalism with a more horizontally balanced, albeit vertically centralized, multi-state federal system, but also for leaving the country more united than they had found it in 1966. Nonetheless, several excesses of the military served to degrade Nigerian federalism as politicized soldiers ruled in a complacent, corrupt and institutionally destructive manner, severely compounding many of the pathologies already inherent in Nigeria's centralized, oil-fueled, multi-state federalism.⁶⁶

On balance, military interventions in Nigerian politics have done more harm to the Nigerian political economy than any other single factor. The military has demonstrated it is incapable of the kind

of profound and sustainable self-reform needed for it to lead the evolution of democratic practice in Nigeria. Obafemi Awolowo noted as much in 1975 when he argued that military rule should be only under exceptional conditions, essentially as a corrective regime, and that it would be too much of a task for it to attempt the massive and never-ending task of rebuilding or reconstructing the body politic.⁶⁷ An elongated and largely meaningless military dominance of the Nigerian political landscape merely served to precipitate the state's collapse into unfettered prebendalism, and the emergence of an increasingly predatory and self-interested military class.⁶⁸ Thus, by weakening the structures for rational government, accountability and democratic participation, Nigeria's military governments inadvertently fortified the institutions for arbitrary, oppressive and insensitive personal rule.

Moreover, the multiplication of states under the military as well as its penchant for control has had the effect of simultaneously strengthening the centre while emasculating the federal character of the Nigerian state. A federal system is directly at odds with the unified command structure of a military. As such, the military is incapable of accepting the essence of federalism—that a state government, which it considers to be hierarchically subordinate to the federal government, could have domains over which it is sovereign. In this respect, one of the most destructive policies of the military government was the proliferation of constituent state administrations, as stated earlier. This arrangement served as a recipe for “hyper-centralization.”⁶⁹ As Larry Diamond explains, “the greater the number of states, the weaker and less

viable individual states will become,” with the direct consequence that the centre would actually gather more powers and initiative.⁷⁰ Relatedly, between 1984 and 1999, the central military authorities financially weakened the already fiscally impotent sub-federal units through the systematic diversion of revenues due to these units under the national revenue allocation system.⁷¹

The stability of Nigeria's federalism was eroded by the military's constant manipulation and trivialization of the proposed “transition without end” to a third Nigerian Republic.⁷² Given the military's nature and structural rigidities, it is not surprising that military planners have stringently dictated the Nigerian political transition processes. A process that ordinarily should have been consultative and reflective of the broad-based input of civil society and other stakeholders was usually initiated with military decrees after little or no consultation with persons or groups outside the highest military circles. For instance, under General Babangida, the military assumed absolute control over the content and pace of the transition program, essentially imposing rather than democratically negotiating change.⁷³ In fact, criticizing the transition program by the military authorities was made punishable with imprisonment.⁷⁴ In his arrogant and authoritarian conception of his role as the executor of the transition process, Babangida even sought to define and redefine who was qualified to participate in the political process leading to democratic transition. The Abuja declaration in October 1989 abolishing all 13 political parties aptly illustrates the extent to which the military stage-managed the Nigerian transitional processes. In place of the

abolished parties, Babangida imposed a two-party structure and created the two new parties: the Social Democratic Party, “a little to the left,” and the National Republican Convention, “a little to the right.” The regime also obligated both parties to specific ideological platforms and dependence on state funding. Although the Nigerian political class adjusted to, and worked within, the government-directed process under Babangida, the military eventually annulled the elections at the very end of a process that would have seen Moshood Abiola, a southerner, emerge as the presidential victor for the first time in the nation’s history.

Despite wide claims by local and international observers that the elections were free and fair, there were many problems with the voting process and voter manipulation. Nonetheless, Babangida’s annulment of the 12 June 1993 presidential election may be one of the most important turning points in Nigerian political history. It opened the doors for Sani Abacha to eventually emerge and impose what many believe to be the most devious and dictatorial regime in Nigerian history.⁷⁵ The annulment may also have paved the way for an unusual level of militancy and parochialism among the Nigerian masses. Given the intense and charged atmosphere in the run-up to the elections, a more sensitive government, arguably, may not have decided to annul the elections given the broad local and international perception that they were reasonably free and fair. Predictably, the annulment of the election plunged Nigeria into an ethnically and regionally inflamed crisis despite the installation of Ernest Shonekan—a Yoruba and southerner—as the head of an Interim National Government (ING). Many Nigerians from the south

of the country believed that the military did not allow Abiola to assume office simply because of his ethnicity and region of origin. As Oyeleye Oyediran and Adigun Agbaje noted, “most of the country’s previous elected and unelected political leaders had come from the North gave credence to popular perceptions of the annulment as the handiwork of a Northern cabal intent on not handing over power to a Southerner.”⁷⁶ The perceived ethnic and regional dimension of the failed transition contributed to a resurgence of sectarian sentiments and resentments that Moshood Abiola’s nationwide victory appeared to have momentarily transcended.⁷⁷ The excess of the northern-dominated military provoked a bitter southern-based campaign for a power shift from the North to the South, for the decentralization and restructuring of the federation and for the creation of a Sovereign National Conference (SNC) to decide on the desirability and modalities of Nigeria’s existence as a multi-ethnic political community. While this southern-led campaign failed to materialize, profound agitations in the region were mediated by the May 1999 installation of a southern-led democratically elected president (Olusegun Obasanjo) under an updated 1979 Constitution. Since this democratic transition, Nigeria’s political trajectory has undoubtedly underscored the significant successes and inherent contradictions of the country’s multi-state federalism.⁷⁸

IV. THE ROLE OF FEDERALISM IN THE GOVERNANCE OF DIVERSITY: SUCCESSES AND CONTRADICTIONS

Since surviving the civil war, Nigeria's federal system has managed to hold together and govern its diversity by achieving a reasonably effective compromise of ethnic interests. Its over-centralization notwithstanding, one of the key achievements of Nigeria's multi-state federalism has been to "fragment, cross-cut and sublimate" the three major ethnic groups, which are now dispersed amongst roughly 22 states.⁷⁹ This has limited the risk of capture of the centre by any one ethnic group. Notably, out of the 36 federal subunits in Nigeria, 14 have an ethnically heterogeneous identity and fall directly under the control of ethnic minorities whose voice has been amplified in federal matters. These arrangements were a deliberate attempt to avoid the conflation of ethnic and administrative boundaries, thereby circumventing the problems that might have resulted from demographically unequal ethno-territorial units.⁸⁰ Further, the set-up has facilitated the relations between states (be it cooperation or competition) in a way that does not necessarily reinforce Nigeria's ethnic fault lines.⁸¹ In this respect, it may be argued that federalism in Nigeria has: moderated the possible hegemony of major ethnicities; strengthened smaller ethnic minorities while defusing ethnic conflict; and increased the spread of economic resources and opportunities by generating cross-cutting territorial divisions.⁸² In so doing, Nigeria's multi-state federal

system has transformed ethnic diversity into an integrative asset, rather than a liability to national survival.⁸³

To explore the role of federalism in the governance of diversity in Nigeria, two cases are discussed here: provisions regarding Sharia Law; and the distribution of oil revenues.

Sharia Law

A prime example of the relative success of Nigeria's multi-state federalism in regards to governing diversity, i.e., managing subnational identities and interests, is the constitutional recognition of the rights of states to establish customary courts. Of particular note here is the political autonomy to establish a Sharia Court of Appeal with civil jurisdiction on questions of Islamic personal law.⁸⁴ This has enabled Nigeria's Muslim-dominated northern states to give public recognition to the Islamic religious heritage of their constituents without derogating from the cultural integrity and autonomy of non-Muslim states, or violating the basic secularity or religious neutrality of the federal government. Perhaps, the critical test to this constitutional accommodation of Sharia Law coincided with Nigeria's transition from Northern-dominated military rule to a Southern-led civilian regime in 1999. This transition revived fierce debates on what the status of Sharia should be in an independent, secular state. The issue attained even higher importance when Zamfara became the first state to extend Sharia from personal status issues into the domain of criminal justice and to establish Sharia courts with corresponding criminal jurisdiction. After Zamfara showed the

way, 11 other Northern states soon followed with similar legislative programs. The extension involved the enforcement of strict Islamic sanctions like floggings, amputation and death by stoning.⁸⁵

Since the Nigerian federal Constitution allows for the creation of state Sharia Court of Appeals, it can be argued that the Constitution has implicitly conferred discretion to the states to create their own Sharia courts to act as courts of first instance. However, the constitutionality of extending Sharia Law into the purview of criminal justice remains questionable.⁸⁶ The Constitution allows state National Assemblies to legislate on any matter not specified as falling under federal jurisdiction. However, when it comes to the application of Sharia Law, the Constitution qualifies this relative legislative freedom of both the federal and state National Assemblies to specific issues of personal law. Any expansion in scope would require constitutional amendment, which could only be passed with two-thirds of the votes in the *federal* National Assembly along with the approval of at least two-thirds of all states. Given that the majority of the states are predominantly Christian, a constitutional amendment on the extension of Sharia would be a hard nut to crack under the present amendment procedure. Nevertheless, against the backdrop of recurrent sectarian violence and contention around the issue of Sharia, the *status quo* has prevailed in a dozen Northern states.

It has also been argued that the enforcement of Sharia infringes on the rights and freedoms of Nigerians, including the right to move about freely and to be treated equally in their chosen place of

residence. While the Constitution envisages the application of Sharia Law only to Muslims, non-Muslims are also subjected to it in the affected Northern states. For instance, Christians have long been punished for such otherwise lawful activities as consuming alcohol due to the prohibition under Sharia.⁸⁷ Although non-Muslim Nigerians in the affected Northern states continue to hold the same citizenship as their counterparts in the other 24 states, in practice they are unable to enjoy their rights and freedoms equally, for instance when women are prohibited from sharing taxis, buses or commercial motorcycles (*okadas*) with men.

Yet, for all its criticisms, the extension of Sharia Law in northern Nigeria may actually “exemplify the efficacy of Nigerian federalism in responding *innovatively, constitutionally and democratically* to popular pressures for ethno-religious self-rule in the northern Muslim states.”⁸⁸ In this respect, Suberu outlines five important factors that illustrate the relative success of Nigeria’s federalism in accommodating and mediating the extension of Sharia in northern Nigeria:

First, the expanded Sharia system has been extended from state to state in a creative and innovative way, ranging from Zamfara’s strict conservative model of Islamic law to Kaduna’s liberal version. Second, a multiplicity of appellate avenues are available in Sharia cases, ranging from the lowest Islamic courts through the state-level Sharia Court of Appeal to the federal Supreme Court, as evidenced by the reversal of several sensational Islamic death-by-stoning sentences by Sharia Courts of Appeal. Third, the sharia-implementing states have formally acknowledged

the supremacy of Nigeria's federal constitution and thereby maintained a system of 'superior' secular common law courts and substantially excluded resident non-Muslims from the application of the Sharia. Fourth, the implementation of the Sharia system is being undertaken, often reluctantly or because of powerful pressures from below, by relatively moderate Muslim political leaders, who are apparently committed to Nigeria's federal democracy, rather than by northern Muslim fundamentalists, who seek to impose an Islamic theocracy on the entire federation. And finally, any excesses on the part of the sharia-implementing states can ultimately be curtailed by the strong unitary features of Nigerian federalism, including the centralisation of policing and revenue-sharing arrangements and the inclusion of evidence on the federal exclusive legislative list.⁸⁹

Overall, Nigerian multi-state federalism has given a greater voice to the country's so-called ethnic and other minorities. With roughly one-third of the states in the federation under their direct control, "the minorities now constitute a substantive, although heterogeneous and fractious, political bloc in the federation."⁹⁰ Thus, the genius of Nigeria's tripartite federalism in accommodating ethnic minorities and mitigating conflict is reflected as follows: (1) "The partial compartmentalisation or decentralisation of conflicts in separate, multiple, sub-federal arenas (rather than a few large regional centres), thereby reducing the capacity of such conflicts to polarize or destabilize the entire federation; (2) The fragmentation and relegation of each of the three major ethnic groups into several states, thereby promoting the political accommodation and empowerment of communities

that were previously disenfranchised under the defunct regional structure; (3) The establishment of several more or less heterogeneous ethnic minority-dominated states; (4) The moderation and sublimation of ethnicity through the promotion of intergovernmental alignments that cut across ethnic fault-lines. Constituent states are not exactly isomorphic with ethnic boundaries, and both cooperate and compete along functional lines of interest, including issues of states' rights and constitutionalism; and (5) The promotion of some form of distributive justice through the devolution and redistribution of resources to multiple sub-federal jurisdictions as well as the representation of diverse sub-federal elites in national government institutions, as concretized in Nigeria's revenue sharing and federal character policies, respectively."⁹¹

Distribution of Oil Revenues

Despite its relative successes, Nigeria's multi-state federalism, which rests on the redistribution of resources from the oil-rich Niger Delta to the rest of the federation, has precipitated violent struggles for resource control (local and regional) in the oil-rich sections, especially among the Ogoni and Ijaw minority groups. Given Nigeria's relatively centralized federal structure, it is no surprise that political processes at the Centre have revolved largely around the accommodation of the interests of the majority ethnic groups, at the expense of the interests of the more fragmented ethnic minority groups. The heart of the problem is that the federal government has centralized the ownership and control of oil resources in such a way that nearly all component states and local government areas

depend primarily on transfers. As a result, ethnic minorities in the south often adjudge the transfers to be done so partially that the north—with apparent control of political power and, as such, resource sharing power—is unduly favoured.⁹²

The disillusionment with majoritarian democracy amongst ethnic minority groups in the Niger Delta can be understood against the backdrop of oil revenue allocations. A case in point is the gradual reduction in the derivation principle of oil revenue allocation. The derivation principle provided for revenue allocation in proportion to the contribution to the federal purse by each state. The introduction of the Distributive Pool Account (DPA), or federation account, instead emphasized the allocative principles of population size and need (and de-emphasized derivation). This change was viewed as an injustice by the ethnic minorities, particularly in the context of decades of marginalization and neglect of the Niger Delta by past governments. It was also strongly felt that the principle of derivation which gave 50% of revenues to the old regional governments controlled by the dominant ethnic groups was abandoned in order to enable these same groups to control the oil wealth produced from the oil minority states. Hence, the struggle between the oil minorities/states of the Niger Delta and the non-oil producing ethnic majority groups/states/federal government became the object of the politics of controlling revenue or resource control.

For ethnic minority communities, majoritarian democracy has served both to legitimize and to facilitate their political marginality/underrepresentation and the associated economic

exploitation, poverty and underdevelopment. This has led some to argue that Nigerian majoritarian democracy represents an instrument of oppression for minority groups.⁹³ Ben Naenan suggests the framework of “internal colonialism” to understand the manner in which majority ethnic groups have come to acquire political power on the basis of their numerical advantage and used this power to transfer resources away from oil producing ethnic minority territories towards themselves. The application of a federal system to regions with dramatic economic and cultural diversity, has created powerful incentives to engage in winner-takes-all politics, refreshed redistributive tendencies on the basis of group identity, and systematically failed to address large gaps in living standards across the country. These deep inequalities have not only contributed to continuing conflict in the Niger Delta, but fuelled (at least in part) the rise of Boko Haram in northern, especially northeastern, Nigeria.

Nearly every indicator puts northern states at the bottom of Nigerian socio-economic performance. One legacy of disunity bequeathed to Nigeria by the British colonialists is the unequal educational development of the North and South.⁹⁴ At independence in 1960, Northern Nigeria had been only loosely administered by the British colonial authorities and had not approximated the Southern economic and educational development.⁹⁵ By 1958, only 9% of the children of primary school age were enrolled in the North; compared to 80% in the south.⁹⁶ The cumulative effects of the educational and economic inequalities continue to plague Nigerian society to this day. Given the level of deprivation of the North, the Boko Haram insurgency is been used as a form of protest to

draw attention to the region's plight, as well as bait to draw the most impoverished into the group.⁹⁷ It would also appear that Boko Haram is infusing religion into a long-churning brew of grievances about corruption, injustice and unfair distribution of wealth and power in Nigeria. It is the perceived sense of "relative deprivation" in the North that has progressively de-legitimized the secular Nigerian state, and made Sharia increasingly attractive to a significant section of the alienated northern population.⁹⁸ In this regard, I share Jeffery Seul's view that "religion is not the cause of religious conflict; rather for many... it frequently supplies the fault line along which intergroup identity and resource competition occurs."⁹⁹

V. NIGERIA THROUGH A PLURALISM LENS

Since 1966, efforts to reform Nigeria's interethnic relations and create inclusive institutions have met with limited success. Although significant reforms since the civil war have transformed the Nigerian state, the problem of personalized use of political power, ethnic mobilization and conflict persists. In fact, Nigeria's distributive federalism holds a number of pathological outcomes: first, it has enhanced the ability of the party already in power to enrich itself, precipitating authoritarian political centralism and the collapse of democratic pluralism.¹⁰⁰ Second, it has had a snowball effect on persistent conflict over revenue sharing amongst the states and between the states and the federal government. Third, it has stimulated the rise (by the division of existing sub-units) of economically non-viable states, which exist only in order to

obtain access to federal financial handouts.¹⁰¹ This has had the effect of narrowing the geographical space within which a Nigerian citizen can claim full citizenship rights as an indigene of a particular state.¹⁰² Fourth, by giving states the opportunity to spend centrally allocated funds, it has reduced the incentive for state governments to generate revenues internally (i.e., through various kinds of taxation). And finally, it has resulted in monumental levels of corruption, waste and mismanagement for which post-colonial Nigeria is deservedly notorious.¹⁰³ In this light, it has been relatively easier to broaden ethnic representation in the executive and legislature than to create genuine structures of social inclusion.¹⁰⁴ The incidence of primordial sentiments led Justice Chukwudi Oputa, the chairman of the Human Rights Violation Investigation Commission (HRVIC), to agitate: "Where is Nigeria going? Indigenisation of politics didn't solve problems. State-creation did not solve anything. Everybody still clings to his ethnic group. It is either you are Hausa or Kataf or Yoruba or Igbo. What will become of Nigeria?"¹⁰⁵

Despite its federal deficits, it is fair to say that Nigeria today is a more integrated country than it was in the 1960s. The country's current multi-state federal system has proved itself a relative success by managing and moderating what Suberu calls the "ethnic chauvinism" of majority ethnicities, while giving ethnic minorities a greater voice in central matters.¹⁰⁶ In this way, Nigeria's federalism has fostered "national unity in diversity" and prevented a repeat of the ethno-secessionist civil war.¹⁰⁷

Viewed through the Pluralism lens, Nigeria's experience has been mixed. Reforms in the political domain, regarding "law, politics, and recognition"

have succeeded remarkably in promoting a level of ethnic political inclusion and incorporation. At the same time, in the economic domain relating to “livelihoods and well-being” and the social domain relating to “citizens and civil society”, axes of exclusion and inequality, including radical agitation and violent mobilization, have compounded.¹⁰⁸ This suggests that Nigeria’s federalism story contains several contradictions partly because almost every policy has some advantages, but also contains some disadvantages from a pluralism lens. Put differently, what is noteworthy about the Nigerian case is that some of the drivers of inclusion are also drivers of exclusion. For example, the evolution of federalism moving from an “ethnic” federalism to one in which states are more numerous and more inclusive of different ethnicities, is in some ways an inclusive policy. Yet it created new minorities within the states that, in turn, are excluded in a variety of ways. Similarly, the Federal Character principle is intended to be inclusive—to give all groups a feeling that they belong and that they can influence political decisions—so no one of the dominant ethnic groups dominate federal structures. Yet it results in the exclusion of those outside the big three ethnic groups. This is also true of the formulae for distribution of oil revenue. Reducing the proportion accounted for by the derivation principle and distributing partly according to population size, and inversely with income, is indeed inclusive of deprived areas, but is regarded as exclusionary by the oil-producing states. Another instance is the treatment of Sharia Law. In one way it is highly inclusive, allowing Muslims to run (in part) their own legal system. Yet non-Muslims in these states, especially the more secular Muslims and women, may suffer exclusion.

Emerging Lessons from the Nigerian Experience

The foregoing discussion underscores five key lessons emerging from the Nigerian experience: (1) the need for well-designed federalism in the context of ethno-pluralism. (In this respect, Nigeria’s post-1966 federal reforms reflect its growing commitment to the idea that building inclusive institutions and recognizing (even amplifying) minority voices, is perhaps the only path to popular political legitimacy and effective governance of diversity). (2) Privileging certain groups, i.e., for employment and education, may prevent national catastrophe (such as the civil war), but excludes some groups, entrenches difference and can provoke resentment, essentially ethnicizing politics and identities. (3) The critical need to correct horizontal inequalities, both economic and political. Nigeria has to some extent succeeded in the political sphere, but hardly at all in the economic. (4) The special problems of an oil economy, particularly its economic effects (undermining local production) and giving so much power and patronage to decision-makers as well as giving rise to opportunities for corruption and rent-seeking, which can both create incentives to control the state and lead to disaffection from the state by non-beneficiaries; and (5) the destructive role of the military in government.¹⁰⁹

NOTES

¹ A.R. Mustapha (2007), “Institutionalising Ethnic Representation: How Effective is the Federal Character Commission in Nigeria?,” CRISE Working Paper no. 43. June; Daniel E. Agbiboa and A.E. Okem (2011), “Unholy Trinity: Assessing the Impact of Ethnicity and Religion on National Identity in Nigeria,” *Peace Research: Canadian Journal of Peace and Conflict Studies* 43 (2): 98–125.

² D.E. Agbiboa (2013), “Why Boko Haram Exists: The Relative Deprivation Perspective,” *African Conflict and Peace-building Review* 3 (1): 144–57.

³ R.T. Suberu (1993), “The Travails of Federalism in Nigeria,” *Journal of Democracy* 4 (4), October; R.T. Suberu (1996), *Ethnic Minority Conflicts and Governance in Nigeria* (Ibadan: Spectrum Books Limited).

⁴ W.D. Graf (1988), *The Nigerian State: Political Economy, State Class and Political System in the Post-Colonial Era* (Oxford: James Currey).

⁵ M. Mamdani (2001), “Beyond Settler and Native as Political Identities: Overcoming the Political Legacy of Colonialism,” *Society for Comparative Study of Society and History* 1: 660–61.

⁶ U.O. Uzodike, F. Allen, and A. Wetho (2010), “Making Nigerian Federalism Work: Fixing the Democracy Deficit,” *Loyola Journal of Social Sciences* 34 (2): 161–83.

⁷ Federal Character Commission [FCC] (2000), *Consolidated Manpower Statistics: Federal Civil Service* (FCC, Abuja).

⁸ Federal Republic of Nigeria (1977), *Report of the Constitutional Drafting Committee*, vol. 1 (Ministry of Information, Lagos).

⁹ Constitution of Federal Republic of Nigeria (1999).

¹⁰ GCP Nigerian Problem Statement.

¹¹ E.E. Osaghae (1998), *Nigeria since Independence: Crippled Giant* (London: Hurst and Company), 351; P. Agbese (2003), “Federalism and the Minority Question in Nigeria,” in *Federalism in Africa: The Imperative of Democratic Development*, edited by A.T. Ghana and S.G. Egwu (Trenton, NJ: Africa World Press), 237–62; A.R. Mustapha (1986), “The National Question and Radical Politics in Nigeria,” *Review of African Political Economy* 13 (37): 81–96.

¹² Agbiboa and Okem (2011).

¹³ Mustapha (2007).

¹⁴ A. Langer, F. Stewart, K. Smedts, and L. Demarest (2015), “Conceptualising and Measuring Social Cohesion in Africa: Towards a Perceptions-Based Index,” Centre for Research on Inequality, Human Security and Ethnicity (CRISE) Working Paper No. 83, November, <http://www3.qeh.ox.ac.uk/pdf/crisewps/workingpaper83.pdf>.

¹⁵ Bolaji Akinyemi (2001), “Devolution of Power: A Prerequisite for National Unity—The Need For Dialogue,” accessed 26 April 2016, http://www.nigerdeltapeoplesworldcongress.org/articles/devolution_of_power.pdf.

¹⁶ O. Ochocha, cited in K. Omeje (2006), *High Stakes and Stakeholders: Oil Conflict and Security in Nigeria* (Aldershot: Ashgate), 64.

¹⁷ Graf (1988).

¹⁸ Suberu (1996), xi.

¹⁹ Suberu (1996), xi. Yet, it would be impossible to correct any of the regional inequalities, if the producing regions were able to keep all the profits from oil.

²⁰ Uzodike *et al.* (2010), 164.

²¹ Graf (1988), 29–30.

²² Graf (1988); Mustapha (2007).

²³ Uzodike *et al.* (2010), 165.

²⁴ L. Adamolekun (1991), “Federalism in Nigeria,” *Publius* 21 (4): 5.

²⁵ Brandon Kendhammer (2014), “Citizenship, Federalism and Powersharing: Nigeria’s Federal Character and the Challenges of Institutional Design,” *Ethnopolitics* 13 (4): 405.

²⁶ A. Kirk-Greene (1983), “Ethnic Engineering and the ‘Federal Character’ of Nigeria: Boon of Contentment or Bone of Contention?,” *Ethnic and Racial Studies* 6 (4): 457–58.

²⁷ See Kendhammer (2014), 405.

²⁸ Graf (1988), 133.

²⁹ L. Diamond (1991), “Nigeria’s Search for a New Political Order,” *Journal of Democracy* 2 (2): 5.

³⁰ The instability of civilian rule led to a military coup by largely Igbo officers in January 1966 and the assumption of power by Aguyi Ironsi. The attempt by Ironsi, an Igbo, to revoke the federal arrangement and replace it with a unitary system raised hostile reactions in the North, resulting in a counter-coup led by northern officers in July 1966. Mustapha (2007), 18.

³¹ R.T. Suberu (2006), “Federalism and the Management of Ethnic Conflict: The Nigerian Experience,” in *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective*, edited by D. Turton (Oxford: James Currey), 70.

³² P.A. Beckett (1997), “Legitimizing Democracy: The Role of the Highly Educated Elite,” in *Dilemmas of Democracy in Nigeria*, edited by P.A. Beckett and C. Young (Rochester, NY: University of Rochester Press), 116–17.

³³ Mustapha (2007), 7.

³⁴ Suberu (1996), 356; Diamond (1991), 209–26.

³⁵ Mustapha (2007), 7.

³⁶ L. Diamond (1999), “The 1999 Elections and the Future of Nigeria,” Conference Report, <http://www.ned.org/forum/reports/nigeria99/session2.html>.

³⁷ S.E. Oyovbaire (1983), “Structural Change and Political Processes in Nigeria,” *African Affairs* 82 (326): 24; Mustapha (2007), 34.

- ³⁸ R.T. Suberu (2001), *Federalism and Ethnic Conflicts in Nigeria* (Washington, DC: United States Institute of Peace Press); Mustapha (2007), 34.
- ³⁹ Suberu (2001); Mustapha (2007), 34.
- ⁴⁰ Kirk-Greene (1983), 460–62.
- ⁴¹ Kendhammer (2014), 406.
- ⁴² Federal Republic of Nigeria (1977), *Report of the Constitutional Drafting Committee*, vol. 1 (Lagos: Ministry of Information), cited in Mustapha (2007), 38. See also René Lemarchand (1983), “The State and Society in Africa: Ethnic Stratification and Re-stratification in Historical and Comparative Perspective,” in *State versus Ethnic Claims: African Policy Dilemmas*, edited by D. Rothchild and V. Olorunshola (Boulder, CO: Westview Press).
- ⁴³ Federal Republic of Nigeria (1977); Kendhammer (2014), 406.
- ⁴⁴ Mamdani (2001): 652, 657. As I will show later, this ethnic federal character in Nigeria illustrates the “dilemma of indigeneity” as the legal basis for entitlement (Mamdani 2001, 660).
- ⁴⁵ Mustapha (2007); Mamdani (2001).
- ⁴⁶ D. Bach (1997), “Indigeneity, Ethnicity and Federalism,” in *Transition Without End: Nigerian Politics and Civil Society under Babangida*, edited by L. Diamond, A. Kirk-Greene and O. Oyediran (Boulder, CO: Lynne Rienner), 337.
- ⁴⁷ Mamdani (2001), 661.
- ⁴⁸ Mamdani (2001), 661.
- ⁴⁹ Mamdani (2001), 661.
- ⁵⁰ Federal Character Commission (2011), *Federal Commission 2011 Annual Report* (Abuja: Government Printer), 11; Kendhammer (2014), 409.
- ⁵¹ E.E. Osaghae (1998), *Nigeria since Independence: Crippled Giant* (London: Hurst and Company), 249. Here, “majority” is used in a different way—as majority in particular localities, not national ones.
- ⁵² Kendhammer (2014), 407.
- ⁵³ Kendhammer (2014), 407.
- ⁵⁴ P. Lewis (1996), “From Prebendalism to Predation: The Political Economy of Decline in Nigeria,” *Journal of Modern African Studies* 34 (1): 79–103.
- ⁵⁵ Suberu (2001), 111; Mustapha (2007), 39.
- ⁵⁶ Suberu (2006), 70.
- ⁵⁷ Oyovbaire (1983), 21–22; Mustapha (2007), 36.
- ⁵⁸ Suberu (2001), 36.
- ⁵⁹ See Sections 125 and 126 of the 1979 Constitution in the formation of political parties (Oyovbaire 1983: 22–23; see Sections 201 to 207 of the 1979 Constitution), and in the composition and conduct of public agencies (Kendhammer 2014: 406; Mustapha 2007: 36–37; D. Horowitz [1979], “About-face in Africa: The Return to Civilian Rule in Nigeria,” *Yale Review* 68 (2): 197–98). The

Federal Electoral Commission insisted that each party have functioning offices in at least two-thirds of the states. A similar number of functioning offices is stipulated for the local government in each state (Mustapha 2007: 37). Despite the Federal Character Principle, the political party system was increasingly personalized, with ethnicity serving as an *instrument*, rather than a *basis*, of party political mobilization (Mustapha 2007: 43).

⁶⁰ Uzodike *et al.* (2010); W. Kymlicka (2006), “Emerging Western Models of Multinational Federalism: Are They Relevant for Africa?,” in *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective*, edited by D. Turton (Oxford: James Currey).

⁶¹ Suberu (2006), 72.

⁶² Suberu (1996), 67.

⁶³ *West Africa* (1984): 56–57, 9 January.

⁶⁴ *West Africa* (1984).

⁶⁵ L. Diamond (1997), “Postscript and Postmortem,” in *Transition Without End: Nigerian Politics and Civil Society Under Babangida*, edited by L. Diamond, A. Kirk-Greene, and O. Oyediran (Boulder and London: Lynne Rienner Publishers), 469; see Horowitz (1979).

⁶⁶ Suberu (2006), 70–71.

⁶⁷ R. Joseph (1977), “Democratization Under Military Rule and Repression in Nigeria,” in *Dilemmas of Democracy in Nigeria*, edited by P.A. Beckett and C. Young [1997] (Rochester, NY:

University of Rochester Press), 138.

⁶⁸ Mustapha (2007). In his book *Democracy and Prebendal Politics in Nigeria*, Richard Joseph uses the term “prebendalism” to identify patterns of political behaviour in Nigeria that rests squarely on the justifying principle that state power should be treated as “congeries of offices which can be competed for, appropriated and then administered for the benefit of individual occupants and their support groups.” Richard Joseph (1987), *Democracy and Prebendal Politics in Nigeria: The Rise and Fall of the Second Republic* (Cambridge: Cambridge University Press), 8.

⁶⁹ Suberu (2006), 71.

⁷⁰ L. Diamond (1987), “Issues in the Constitutional Debate of a Third Nigerian Republic,” *African Affairs* 86 (343): 211.

⁷¹ Suberu (2006), 71.

⁷² A.R. Mustapha (1999), “The Nigerian Transition: Third Time Lucky or More of the Same?,” *Review of African Political Economy* 80: 277–91.

⁷³ Mustapha (1999).

⁷⁴ A. Gboyega (1999), “Intergovernmental Relations,” in *Nigeria: Politics of Transition and Governance, 1986–96*, edited by O. Oyediran and A. Agbaje (Dakar, Senegal: Council for the Development of Social Science Research in Africa), 244.

⁷⁵ Osaghae (1998).

⁷⁶ O. Oyediran and A. Agbaje (1999), “Introduction,” in *Nigeria: Politics of Transition and Governance, 1986–96*, edited by O. Oyediran and A. Agbaje (Dakar, Senegal: Council for the Development of Social Science Research in Africa), 19.

⁷⁷ R.T. Suberu (1997), *Ethnic Minority Conflicts and Governance in Nigeria* (Ibadan: Spectrum Books Limited), 285. Beyond the sectarian issues, the problems surrounding Babangida’s transition process also exacerbated other problems within the Nigerian political economy such as the escalation of corruption and criminality as well as armed robbery, fraudulent schemes known as “419” in which Nigerians and foreigners were indiscriminately duped, and the rise of Nigerian drug trafficking through private couriers and diplomatic channels. A. Apter (1988), “Death and the King’s Henchmen: Ken Saro-Wiwa and the Political Ecology of Citizenship in Nigeria,” in *Ogoni’s Agonies: Ken Saro-Wiwa and the Crisis in Nigeria* (Trenton, NJ and Asmara, Eritrea: Africa World Press, Inc.), 146.

⁷⁸ Suberu (2006); Uzodike *et al.* (2010).

⁷⁹ Suberu (2006), 73.

⁸⁰ D. Turton (2006), “Introduction,” in *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective*, edited by D. Turton (Oxford: James Currey), 7.

⁸¹ Suberu (2006), 70.

⁸² Suberu (2006); see also Turton (2006).

⁸³ Suberu (2006), 65.

⁸⁴ Constitution of Federal Republic of Nigeria (1999), 104.

⁸⁵ D.E. Agbiboa (2015), “Sharia and the Nigerian Constitution: Strange Bedfellows?,” International IDEA, *ConstitutionNet*, 16 April, <http://www.constitutionnet.org/news/sharia-and-nigerian-constitution-strange-bedfellows>.

⁸⁶ Agbiboa (2015).

⁸⁷ Agbiboa (2015).

⁸⁸ Emphasis added. Suberu (2006), 73.

⁸⁹ Suberu (2006), 73.

⁹⁰ Suberu (2006), 74.

⁹¹ E.E. Osaghae and R.T. Suberu (2005), “A History of Identities, Violence and Stability in Nigeria,” Centre for Research on Inequality, Human Security and Ethnicity (CRISE) Working Paper, no. 6, January, 20–21.

⁹² Uzodike *et al.* (2010), 166.

⁹³ Uzodike *et al.* (2010), 170.

⁹⁴ Agbiboa (2013).

⁹⁵ Mustapha (2007).

⁹⁶ Mustapha (2007), 8.

⁹⁷ Agbiboa (2013).

⁹⁸ Agbiboa (2013); A.R. Mustapha (2014), *Sects and Social Disorder: Muslim Identities and Conflict in Northern Nigeria* (Oxford: James Currey).

⁹⁹ Jeffrey R. Seul (1999), "Ours is the Way of God: Religion, Identity and Inter-Group Conflict," *Peace Research* 36 (5): 564.

¹⁰⁰ Turton (2006), 8; Suberu (2006), 77.

¹⁰¹ Turton (2006).

¹⁰² Mamdani (2001).

¹⁰³ Suberu (2006), 79.

¹⁰⁴ Mustapha (2007), 43.

¹⁰⁵ L. Akaruese (2003), "Beyond Ethnic Militias: Re-Constructing the Nigerian State," in *Urban Violence, Ethnic Militias and the Challenge of Democratic Consolidation in Nigeria*, edited by T. Babawale (Lagos: Malthouse Press), 217.

¹⁰⁶ Suberu (2006), 77.

¹⁰⁷ Turton (2006).

¹⁰⁸ "Defining Pluralism" (2012), Pluralism Papers No. 1, Global Centre for Pluralism, January, accessed 26 April 2016, http://www.pluralism.ca/images/PDF_docs/defining_pluralism_EN.pdf.

¹⁰⁹ I am indebted to one of the peer-reviewer's of this paper for drawing my attention to these points.

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