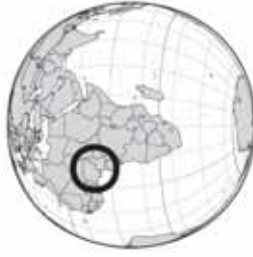


# Federal Republic of Nigeria

Capital: Abuja  
 Population: 132.7 Million  
 (2002 est.)



Boundaries and place names are representative only and do not imply any official endorsement.



Sources: ESRI Ltd, CIA World Factbook



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# Nigeria (Federal Republic of Nigeria)

FESTUS C. NZE WITH PAUL KING\*

## 1 HISTORY AND DEVELOPMENT OF FEDERALISM

Nigeria is a federal republic in West Africa. With an estimated population of about 130 million people, Nigeria is the most populous country in Africa. It spans an area of just under 925,000 square kilometres and has a landmass extending inland from the eastern end of the Gulf of Guinea deep into the western savannah. Nigeria lies between the Cameroon on the east and the Republic of Benin on the west; to the north is Niger and to the northeast is Chad. Although the country is rich in mineral resources – particularly oil – the per capita income in Nigeria is only about \$800 per year.

The territory that is now Nigeria was formerly made up of various states, empires and smaller territories. The largest and the most influential of these was the Fulani Empire which extended over most of northern Nigeria in the nineteenth century. In the more forested south which could not be easily penetrated by Fulani cavalry were the Oyo (Yoruba) and Benin states. East of the Niger lived the Igbo and Ibibio communities. The earliest authentic records date European influence in the coastal areas of Nigeria from 1472, when Portuguese ships landed in Benin. Until the arrival of the Europeans, the coast was of little international political significance. Before the Portuguese sailors came looking for gold and slaves from West Africa, contact with the outside world was undertaken across the Sahara.

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\* The revisions to the article for the second edition of the Handbook (2005) were done by Paul King.

When the British arrived in the area a century later, it marked the beginning of a new period in Nigerian history.

At the Berlin Conference of 1885 British interest along the River Niger was given official recognition. In 1900, the British Crown took over the administration of the territory from the Royal Niger Company and declared protectorates over Northern and Southern Nigeria. In 1914 a Nigerian Council of 30 Europeans and six Nigerians was inaugurated. This Council was not given any legislative or executive powers – its function was advisory in character. The constitution of 1922 (known as the Sir Hugh Clifford Constitution) expanded and reconstituted the Legislative Council. It now had 46 members, 10 of whom were elected, and made laws for the colony and the Southern Provinces. The Governor continued to legislate for the Northern Provinces.

The constitution of 1946, called the Richards Constitution after Sir Arthur Richards who masterminded it, set up a Legislative Council for the entire country and divided the country into three regions – north, west and east. The Council had 45 members, 28 of whom were Nigerians (four of the 28 were elected and the remaining 24 were nominated). The constitution also established three regional legislatures. The regional legislative bodies considered matters referred to them by the Governor and advised him accordingly.

In 1951, the constitution was changed to make necessary provisions for a Council of Ministers of 18 members (12 Nigerians and six other members who were ex-officio members from the colonial bureaucracy). The Council of Ministers was made up of equal representation from each of the three regions and the nomination of regional representatives was by the Regional Legislature. A House of Representatives was created consisting of 142 members, of this number 136 were Nigerians. The regional legislative bodies had powers to legislate on a limited number of local matters, but the laws made by them were subject to reference to the Governor. In a fundamental sense, the “regional” concept introduced by the Richards Constitution provided the building-blocks for a federal system of government in Nigeria.

In 1954 another constitution was adopted. This constitution strengthened the federal character of Nigeria even further. It declared Nigeria a federation, recognized the limited autonomy of the regions, and continued the regional representation on the Council of Ministers. While the centre presided over foreign relations, defence, the police, etc., the regions were responsible for primary and secondary education, agriculture, public health and local government. The judiciary, the Public Service Commission and the Marketing Boards were regionalized. Responsibility for economic development, labour matters and higher education was shared between the centre and the regions. Thus, Nigeria

achieved federation by disaggregation. Between 1954 and 1960, the three regions achieved self-government. On 1 October 1960, the Nigerian federation was granted full independence by Britain. Three years later, on 1 October 1963, Nigeria became a federal republic (the "First Republic"), with a republican constitution.

The Republican Constitution of 1963 gave exclusive powers to the federal government in areas such as defence, external affairs, immigration, passports, currency, railways, post and telecommunications, aviation and meteorology. In addition, the federal government could legislate on any matter outside its exclusive legislative list during any period of national emergency. The Concurrent List in the 1963 constitution contained subjects on which the federal and regional legislatures could initiate legislation, including undertaking a census, industrial development and antiquities. The residual powers left to the regional legislatures contained matters such as primary and secondary school education. Regional legislatures could legislate on these items as deemed appropriate.

Nigeria is a multi-ethnic country and by the 1960s the various ethnic groups were in constant competition for control of the central government and power within their own regions. This led to demands for more regional units, and in 1963 in response to this, the Western Region was split, creating the Mid-Western Region. This marked the beginning of a process which has increased the number of constituent units in the country from three to 36.

In January 1966 there was a military coup led by Major Chukwuma Nzeogwu, an Igbo. Killed in the coup were the Prime Minister of the federation, the Premier of the Northern Region, the Premier of the Western Region, and a number of senior military officers. The plotters of the coup failed to secure Lagos and eventually Major-General Aguiyi-Ironsi, the most senior officer in the Nigerian Army, and an Igbo, took control and ordered the arrest of the coup perpetrators. Most of those involved in the coup were Igbos and because of this, it was wrongly described as an Igbo coup, even though one of the main participants was a Yoruba major. After taking control of the federal government Ironsi abolished the federal system and opted for a unitary system. This action abolished the regions.

Northern civil servants felt threatened by the highly trained and educated southerners. The north reacted. Igbos in the north were attacked and thousands were killed. In July 1967 there was a second coup staged by junior northern military officers. Many Igbo officers were killed in this coup. This redressed the balance of power in favour of the north and brought Lieutenant-Colonel Yakubu Gowon to power. From this time the Igbo leaders wanted secession, and this demand was further fuelled by a second wave of massacres of the Igbos in

September 1967. Having lost confidence in the Nigerian political system, more than one million Igbos from all parts of the country fled to their homeland. Attempts at striking a compromise with the Igbos failed and on 30 May 1967, the former Eastern Region was declared an independent sovereign state of Biafra by Lieutenant-Colonel Odumegwu Ojukwu. Civil war broke out between Nigerian and Biafran forces and ended only in January 1970 with Biafra's surrender.

Despite the massive wealth generated by Nigeria's oil industry in the 1970s, political unrest continued. In 1975 General Gowon was overthrown. His successor, General Murtala Mohammed, initiated a number of political reforms, but was killed in an unsuccessful coup attempt in 1976. Lieutenant-General Olusegun Obasanjo succeeded him. In mid-1976 the military government appointed the Aguda Panel to look at alternatives for reform. The panel recommended that the federal capital be moved from Lagos to Abuja and that seven new states be created. In 1979 a general election was held. Shehu Shagari, leader of the National Party of Nigeria (NPN), won the presidential elections in 1979 (and again in 1983). General Obasanjo handed over power to Shehu Shagari and he became President of the Second Republic, inaugurated in October 1979.

The inauguration of the Second Republic was preceded by the adoption of a new constitution entitled "The 1979 Constitution of the Federal Republic of Nigeria." The 1979 constitution introduced the presidential system of government, and stated that "Nigeria shall be a Federation consisting of states and Federal Capital Territory" (Section 2(2)). The 1979 constitution recognized local governments as constituting the third tier of government within the Nigerian federation, with defined functions (Schedule 4).

In December 1983, citing corruption and economic inefficiency, the military overthrew the civilian government. Another coup by military leaders occurred in 1985 and Major General Ibrahim Badamosi Babangida took over. Babangida announced that he would allow the country to return to civilian rule but then annulled the results of the June 1993 presidential elections. An interim national government (ING) was implemented by the military. (This is usually referred to in official circles in Nigeria as the "Third Republic.") The suspended 1979 constitution was to be reviewed during this period. During this time the National Assembly was revived with limited powers and there were some elections for government officials. Babingida's government was overthrown in November 1993 by General Sani Abacha who then dissolved the National Assembly and dismissed all elected officials. Abacha died suddenly in June 1998 and General Abdulsalam Abubakar became President. Abubakar announced that elections would be held, and in 1999 Nigeria elected a

civilian government, headed by Olusegun Obasanjo (now a civilian). A new constitution, “Constitution of the Federal Republic of Nigeria 1999,” ushered in the Fourth Republic in May 1999.

## 2 CONSTITUTIONAL PROVISIONS RELATING TO FEDERALISM

The 1999 constitution retained the provisions of the 1979 constitution of the Federal Republic of Nigeria, with some amendments. The constitution made specific provisions relative to the constituent units of the federation and the representation of these units in the central government.

Section 2(2) of the constitution states that Nigeria is a federation now consisting of 36 states and a Federal Capital Territory. Section 4(1) vests the legislative powers of the Federal Republic of Nigeria in a National Assembly, consisting of the Senate and the House of Representatives. The Senate consists of three Senators from each state and one from the Federal Capital Territory, Abuja. Section 49 stipulates that the House of Representatives will consist of 360 members representing constituencies of nearly equal population as far as possible, provided that no constituency falls within more than one state.

The constitution empowers the National Assembly to make laws for the peace, order and good government of the federation or any matter included in the Exclusive Legislative List. This list includes 68 items on which the federal government can legislate, including, for example: the accounts of the federal government and of the offices, courts and authorities thereof; aviation, including airports; bankruptcy and insolvency; banks, banking, bills of exchange; defence; and nuclear energy. The National Assembly can also legislate on any of the 12 items on the Concurrent Legislative List, such as the allocation of revenue, antiquities and monuments, archives, collection of taxes, electoral laws and electoral powers.

Section 6 vests state legislative powers in the House of Assembly of that state. The House of Assembly of a state has powers according to Section 7(a-b) of the constitution to make laws for the peace, order and good government of the state. Each state can make laws on any matter not included in the Exclusive Legislative List. States can also legislate on matters included in the Concurrent List as set out in the second schedule of the constitution.

Regarding fiscal arrangements, Section 162(1) of the constitution states that the federation shall maintain a special account to be called the “Federation Account” into which are paid all revenues collected by the government of the federation. The only exceptions according to

the constitution, are proceeds from the personal income tax of members of the armed forces, the Nigerian Police Force and the External Affairs Ministry. One other exception is the proceeds from the personal income tax of the residents of the Federal Capital Territory, Abuja. Subject to the approval of the National Assembly, amounts standing to the credit of the Federation Account can be disbursed among the federal, state and local government councils in each state. In allocating monies from the Federation Account, certain allocation principles are used, namely population (and population density), equality of states, internal revenue generation, and land-mass. In applying these principles, Section 2 of the 1999 constitution stipulates that the “principle of derivation shall constantly be reflected” and this should be “no less than 13 per cent of the revenue accruing to the Federation Account directly from any natural resources.”

The constitution makes provisions for the executive offices of President and Vice-President (Section 130(1)). All executive powers of the federation, subject to the provisions of the 1999 constitution, are vested in the President. The President is the Head of State, the Chief Executive of the Federation and Commander-in-Chief of the armed forces of the federation. In addition, Section 153(1) provides for the establishment of 14 “federal executive bodies,” like the Code of Conduct Bureau, the Council of State and the Federal Character Commission, to name a few. Section 5(2) of the constitution vests executive powers of a state in the Governor of that state.

Like most federations, Nigeria’s constitution sets out procedures for the resolution of constitutional disputes. Sections 230(1) and 237(1) provide the constitutional basis for a Supreme Court and a Court of Appeal. The Supreme Court, to the exclusion of any other court, has original jurisdiction in any dispute between the federation and a state, or between states. The Supreme Court has jurisdiction, to the exclusion of any other court, to hear and determine appeals from the Court of Appeal.

The Court of Appeal has wide powers, including original and appellate jurisdiction, and it can hear appeals from the lower courts on all matters. In addition, it has, to the exclusion of any other court of law in Nigeria, original jurisdiction in matters touching on the validity of an election of any person to the office of President or Vice-President. It has jurisdiction to hear and determine any question as to whether the “term of office of the President or Vice President has ceased; or the office of the President or Vice President has become vacant.”

Section 9(2) of the constitution states that an act of the National Assembly for the alteration of the constitution “not being an Act to which Section 8 of this Constitution applies shall not be passed in either

House of the National Assembly unless the proposal is supported by the votes of not less than two-thirds majority of all the members of that House and approved by resolution of the Houses of Assembly of not less than two-thirds of all the states.” To alter Section 8 of the constitution, which deals with fundamental human rights, the proposal must be approved by the votes of not less than a four-fifths majority of all the members of each House. It must also be approved by resolution of the Houses of Assembly of not less than two-thirds of all the states.

The “federal character” of the country is entrenched in the 1999 constitution. Thus, Section 14(3) states that the composition of the government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity.

### 3 RECENT POLITICAL DYNAMICS

An important principle of federalism is that power in a federal arrangement “should be so weighted as to maintain a fair balance between the national and regional governments.”<sup>1</sup> Stated differently, federalism “presupposes that the national and regional governments should stand to each other in a relation of meaningful independence resting upon a balanced division of powers and resources.”<sup>2</sup> For a long time in Nigeria these principles were breached. As a result, Nigeria masqueraded as a federation when in reality it operated as a unitary system of government. The return to civil rule, after many years of military dictatorship, has provided the right atmosphere for an unrestrained discussion of Nigerian federalism by Nigerians.

On 10 October 2000, the Governors of all the states in the southern part of Nigeria (i.e., South-East and South-South zones) met for the first time at an historic summit in Lagos. One of the issues discussed during the summit was the state of Nigerian federalism. The summit called for the entrenchment of “true federalism” in Nigeria, in which “the component parts should control their resources.” This kind of federalism in the view of one of the southern Governors would ensure “value-added federalism” in Nigeria. At the time of writing, phrases like “true federalism,” “cooperative federalism,” “principled federalism,” “economic federalism” and “value-added federalism,” have become part of the vocabulary for discussing Nigerian federalism.

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1 B.O. Nwabueze, *Federalism in Nigeria Under the Presidential Constitution* (London: Sweet and Maxwell, 1983), p. 2.

2 *Ibid.*



Whether Nigeria will achieve these brands of federalism remains a matter for conjecture.

The April 2003 elections in Nigeria – the first civilian-administered elections in over two decades – were a major milestone in the country's history. Although there were serious irregularities, the elections were truly historical in that they marked the completion of the term of one democratically elected civilian administration and the commencement of a second term following an election. The incumbent, President Olusegun Obasanjo won with 62 per cent of the vote, and his party, the People's Democratic Party (PDP), scored huge victories in both the National Assembly and the State Assembly elections. The impact the April 2003 election will have on the practice of federalism in Nigeria remains to be seen, but the most obvious effect is that the election gave the PDP the necessary political numbers to undertake constitutional change, if it so desires.

Significantly, the PDP secured more than a quarter of the presidential vote in 32 of Nigeria's 36 states – a trend that was repeated in both National Assembly and State Assembly elections. There are two competing interpretations of this. First, given Nigeria's diverse ethnic composition, this result could be seen as indicating that Nigeria is beginning to overcome its ethno-regionalism. However, while State Assembly elections resulted in the PDP winning 28 states, the All Nigeria People's Party (ANPP), led by Mohammadu Buhari, won seven states, all of which are conservative Muslim states of the North. Thus, the second possible interpretation of the election results is that ethno-regionalism has, in fact, been reinforced. The increasing sectarian violence in the north and central areas of the country indicates that claims to have overcome ethno-regional tensions may be premature. What is clear is that, although the election was a positive milestone for the country, inter-party competition is at its lowest point of any of Nigeria's previous democratic regimes. It has already been claimed that the local government elections set for 27 March 2004 are unlikely to be "free and fair" as most parties (besides the PDP) are not well organized and the rules for the elections have not fully been set and disclosed. This raises the question of whether inter-party competition is being replaced by the emergence of one "super party" and intra-party competition.

The introduction of Sharia law (the law of Islam) in the northern parts of Nigeria could potentially become a source of serious disagreement in the country. There has been increasing conflict between Christians and Muslims in some states, and by late 2003 religious conflict was a fairly regular occurrence in the north. The federal government has taken a low key approach to the issue because any action would further upset the regional tensions which the April 2003 federal

elections underscored. So, although the federal government *could* rule that the adoption of Sharia law in some states is unconstitutional based on the claim that all citizens should be treated equally under the law, it has not. Both the Muslim states and the federal government acknowledge that there is little to be gained from major conflict over this issue – and much to be lost – and in this spirit they have developed informal mechanisms to ease tensions.

An on-going source of conflict between the federal government and some states (specifically those in the oil-rich Niger Delta region) has recently been resolved. In February 2004 President Obasanjo signed into law the onshore/offshore dichotomy abrogation bill. Prior to this the federal government had refused to allocate the agreed upon 13 per cent derivation formula for “onshore” oil to those states which had “offshore” reserves. This dichotomy was particularly frustrating for certain states in the federation which had greater amounts of oil reserves in offshore sources when compared with those onshore. With this agreement, however, for the purpose of the application of the principle of derivation, it is immaterial whether the revenue accruing to the Federation Account from a state is derived from natural resources located onshore or offshore.

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Table I  
Political and Geographic Indicators

Capital city	Abuja
Number and type of constituent units	36 States: Abia, Adamawa, Akwa Ibom, Anambra, Bauchi, Bayelsa, Benue, Borno, Cross River, Delta, Ebonyi, Edo, Ekiti, Enugu, Gombe, Imo, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Lagos, Nassarawa, Niger, Ogun, Ondo, Osun, Oyo, Plateau, Rivers, Sokoto, Taraba, Yobe, Zamfara 1 Territory: Abuja Federal Capital Territory
Official language(s)	English
Area	923 768 km <sup>2</sup>
Area – largest constituent unit	Borno – 70 898 km <sup>2</sup>
Area – smallest constituent unit	Lagos – 3 345 km <sup>2</sup>
Total population	132 785 000 (2002)
Population by constituent unit (% of total population)	Lagos 6.5%, Kano 6.5%, Kaduna 4.4%, Katsina 4.2%, Oyo 3.9%, Rivers 3.8%, Jigawa 3.2%, Benue 3.1%, Anambra 3.1%, Bauchi 3.2%, Delta 2.9%, Borno 2.8%, Imo 2.8%, Akwa Ibom 2.7%, Sokoto 2.7%, Niger 2.7%, Abia 2.6%, Ogun 2.6%, Osun 2.4%, Adamawa 2.4%, Enugu 2.4%, Plateau 2.4%, Kogi 2.4%, Edo 2.4%, Kebbi 2.3%, Zamfara 2.3%, Ondo 2.2%, Cross River 2.1%, Ekiti 2.0%, Taraba 1.7%, Kwara 1.7%, Gombe 1.7%, Yobe 1.6%, Nassarawa 1.3%, Bayelsa 1.1%, Ebonyi 1.1%, Abuja Federal Capital Territory 0.4%
Political system – federal	Federal Republic
Head of state – federal	President Matthew Olusegun Fajinmi Aremu Obasanjo (2003) People's Democratic Party (PDP), elected by popular vote to serve for no more than two 4-year terms. Election last held 19 April 2003 (next to be held 2007).
Head of government – federal	President Matthew Olusegun Fajinmi Aremu Obasanjo, Federal Executive Council (Cabinet). Cabinet is appointed by the President with the consent of Senate.
Government structure – federal	Bicameral: National Assembly <i>Upper House</i> – Senate, 109 seats. Senators are elected for a 4-year term in 36, 3-seat constituencies, and 1 in a single-seat constituency (Federal Capital Territory). Elections last held 12 April 2003 (next to be held 2007).  <i>Lower House</i> – House of Representatives, 360 seats. Members are elected for a 4-year term in single-seat constituencies. Elections last held 12 April 2003 (next to be held 2007).

Table I (continued)

Number of representatives in lower house of federal government of most populated constituent unit	Lagos – 24
Number of representatives in lower house of federal government for least populated constituent unit	Abuja Federal Capital Territory – 2
Distribution of representation in upper house of federal government	Each of the 36 states has 3 seats in the Senate. The Federal Capital Territory, Abuja, has 1 seat.
Distribution of powers	The central government has exclusive powers over 68 areas including defence and internal security, foreign affairs, commerce, banking, natural resources, customs, nuclear energy, transportation and communication. The states have powers over areas such as state public order, intra-state trade and commerce, provision of education, state health policy, science and technology, state highways, and public transit. The Concurrent Legislative List includes 12 items, including, for example, antiquities and monuments, archives, electoral laws. In the event of conflict between federal law and provincial law, the former will prevail.
Residual powers	Residual powers belong to states.
Constitutional court (highest court dealing with constitutional matters)	Supreme Court, which comprises a Chief Justice and up to 15 associate justices.
Political system of constituent units	House of Assembly. Both unicameral and bicameral legislatures depending on the state.
Head of government – constituent units	Elected Governors for the states and for the Federal Capital Territory, a minister appointed by the President.

Table II  
Economic and Social Indicators

GDP	US\$112.9 billion at PPP (2002)
GDP per capita	US\$850.6 at PPP (2002)
National debt (external)	US\$29 billion (2000)
Sub-national debt	N/A
National unemployment rate	3.6% (2000) <sup>1</sup>
Constituent unit with highest unemployment rate	Lagos – 9.6%
Constituent unit with lowest unemployment rate	Bauchi 0.1%, Borno 0.1%, Gombe 0.1%, Nassarawa 0.1%, Osun 0.1%, Oyo 0.1%, Plateau 0.1%, Yobe 0.1%
Adult literacy rate	65.4% (2001) <sup>2</sup>
National expenditures on education as % of GDP	0.6% (1994–2000)
Life expectancy in years	51.8 (2001)
Federal government revenues – from taxes and related sources	US\$395.57 million (2001)
Constituent units revenues – from taxes and related sources	US\$620.33 million (2001)
Federal transfers to constituent units	US\$7.2 billion (2001)
Equalization mechanisms	Each state receives a share from the Federation Account based on a formula relating to, for example, population, population density, internal revenue generation and land mass.

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*Notes*

1 Unofficial sources estimate real unemployment rate at 50% (1999).

2 Age 15 and over.