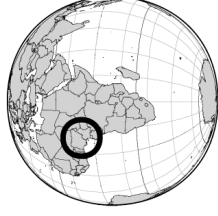


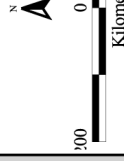
Federal Republic of Nigeria

Capital: Abuja

Population: 146.2 Million
(2008 est.)



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



Sources: ESRI Ltd, CIA World Factbook



Nigeria

ROTIMI T. SUBERU

Nigeria's size, oil wealth, and federal structure stand out in Africa. With an official population of 140 million (according to the 2006 census), Nigeria is Africa's most populous country and the world's fifth most populated federation (after India, the United States, Brazil, and Russia). It is Africa's biggest oil producer, and one of the continent's four largest economies, although the country's GDP per capita is only about US\$1,401, and more than half of its population lives on less than US\$1 per day.¹ Nigeria is Africa's most established federation, having instituted a three-region federation in 1954 to hold together its three major ethnic groups (the Muslim Hausa-Fulani in the north, Christian Ibo in the Southeast, and religiously bi-communal Yoruba in the Southwest), hundreds of smaller ethno-linguistic communities (the so-called ethnic minorities), and roughly equal numbers of Muslims and Christians. Today, the federation consists of a central government based in the federal capital territory of Abuja, thirty-six constituent states, 774 constitutionally designated local government areas, and six quasi-official geopolitical zones (the Northwest, Northeast, and Middle-Belt in the north, and the Southwest, Southeast, and South-South or Niger Delta in the south).

In terms of its primary rationale of preserving the country's territorial integrity and unity in diversity, Nigeria's current federalism has been relatively successful in preventing a recurrence of the type of large-scale ethno-secessionist conflict that ravaged the federation during the 1967–70 civil war. This is mainly due to the transformation of Nigeria undertaken by successive military rulers since the civil war moved Nigeria from a federation of three major ethnic regions to a union of multiple, smaller constituent units. This restructuring has helped to crosscut major ethnic identities, promote inter-group equilibrium, enhance interregional integration, and generally cauterize centrifugal challenges to Nigeria's survival as a single political community. At the same time, the federation's rampant political corruption, which is significantly associated with the intergovernmental

sharing of the country's oil wealth, has distorted democratic politics, impeded socio-economic development, strained national integration, and fuelled considerable agitation for altering the country's federal constitution.

CONSTITUTIONAL PRINCIPLES

Nigerian federalism is de-aggregative or "holding together" in origins, symmetrical in constitutional design, largely territorial or administrative (rather than explicitly ethnocultural) in rationale, and highly centralized in practice.² The system's constitutional principles were originally stipulated under the 1954 British colonial Lyttelton Constitution, which established the foundations of ethno-regional federalism by instituting a centrifugal federation of three regions, each of which was dominated by a major ethnic group and controlled by a party based on that group. These principles have been developed and transformed through five phases of the country's turbulent post-independence history.

- 1 The First Republic lasted from independence from Britain in October 1960 until the military coup of January 1966. Like other British-created federations in Canada, Australia, and India, Nigeria's First Republic was a constitutional hybrid, juxtaposing a Westminster-style parliamentary system with a federal system of three (later four) large, and constitutionally powerful, but demographically unequal, regional governments built around the major ethnic groups. The three initial regional units were the Hausa-Fulani-based Northern Region, the Yoruba-controlled Western Region, and the Ibo-dominated Eastern Region, while the minority-based Mid-West Region was added in 1963. A major development in this period was the inauguration of the 1963 Constitution, which formally proclaimed Nigeria as a republic by replacing the British monarchy with a Nigerian non-executive president as the country's head of state.
- 2 The First Phase of Military Rule (1966–79) witnessed the fragmentation of the regions into smaller and more demographically balanced constituent states (twelve in 1967 and nineteen in 1976), several of which subdivide each of the three major ethnic groups. This was part of a sweeping process of political and economic centralization mounted by Nigeria's politicized soldiers in order to contain the centrifugal pressures that had destabilized the First Republic and contributed to the outbreak of civil war. As a part of this process, the centrally located city of Abuja was designated as Nigeria's administrative capital in place of the Yoruba-dominated southwestern city of Lagos. In essence, Abuja (which effectively became Nigeria's capital city in 1991) would acquire enormous political and administrative powers at the expense of the old ethno-regional headquarters (i.e., Enugu, Ibadan, and Kaduna) and the different state capitals.

- 3 The Second Republic (1979–83) was based on the military's centrist political blueprint, including the nineteen-state structure, an American-style presidential system, and a requirement for 'federal character' (i.e., equitable representation of constituent state 'indigenes' in the country's centralized political institutions). The 1979 Constitution established the jurisdictional primacy of the central government, proclaimed the indissolubility of the federation, prohibited sectional parties, confirmed the military's centralization of the local government and police systems, denuded the constituent units of their own separate constitutions, and brought their judiciaries and electoral administrations under closer federal regulation. The new, post-military framework helped to contain ethnic and regional divisiveness, but the republic was degraded by breathtaking political corruption.
- 4 The Second Phase of Military Rule (1984–99) continued the integrationist centralization of the first era of autocracy, including an expansion in the number of states from nineteen to thirty-six and the exclusion of ethno-religious questions from the national census. The three major features of this era were hyper-centralization, a propensity toward exclusionary ethno-military (northern Muslim-based) rule, and the military's sabotage of its own elaborate program of transition to the Third Republic, following the annulment of the civilian presidential election results in 1993.
- 5 Based on the 1999 Constitution (an updated version of the 1979 Constitution), the Fourth Republic (1999 to date) has witnessed the longest period of civilian rule in the country's history, including an unprecedented transition from one civilian president to another, following the 2007 elections. Yet, massive political corruption, including gross electoral malfeasance, casts grave doubts on the legitimacy and survivability of Nigeria's current federal democracy. What is more, the Fourth Republic has witnessed considerable agitation for the replacement of the over-centralized and military-superintended 1999 Constitution with a more decentralized and democratically crafted constitution.

CONCEPTS OF DIVERSITY

Nigeria's transformation from a centrifugal to a centripetal intergovernmental structure as well as cyclical shifts between civilian and military regimes have framed five interrelated themes that dominate current concepts and conflicts about federalism, unity, and diversity in the country. The first involves the aforementioned crystallization of political opposition to the military's legacy of political over-centralization, producing a vociferous campaign for the abandonment of the current system of "unitary federalism" for a decentralized or "true federalism."³ Nigeria's current 1999 Constitution does assign all residual powers to the states and endows them

with concurrent powers over twelve specific items, including revenue collection; post-primary education; local government electoral law; and industrial, commercial, and agricultural development. Nonetheless, the Constitution's assignment of sixty-eight specific and incidental powers to the centre under the exclusive federal legislative list, as well as its broad definition of the extent of the federal government's concurrent powers, have generated broad criticisms in Nigeria regarding the over-centralization of the federal system.

Yet, there are conflicting regional and political perspectives on how to reform or decentralize the country. Christians in the south and lower north (Middle-Belt), for instance, are deeply suspicious of pressures to expand the use of Islamic law in the Muslim far north; the latter, in turn, see southern demands for fiscal decentralization as an anathema, given northern economic dependence on southern-based oil revenues.

A closely related theme focuses not just on the substantive content but also on the procedural modalities of federal reform. Nigeria's current constitutional framework is often berated not only as over-centralized but also as an illegitimate and undemocratic imposition by the military and its civilian advisers or supporters. However, constitutional reform debates have involved conflicting strategies for constructing a more democratic constitution. These range from suggestions for piecemeal constitutional amendment, to proposals for comprehensive constitutional review, to southern-based advocacy for the convocation of a Sovereign National Conference of ethnic nationalities, to popular organizations wanting to revisit and restructure Nigeria's federal compact.

A third theme involves the tensions between policies that are designed to integrate or sublate Nigeria's ethnic, regional, and religious diversities, and practices that recognize and reinforce those divisions. Aside from the Constitution's simultaneous prohibition of a state religion and underwriting of religious institutions (including Islamic sharia courts), the classic expression of this contradiction remains Nigeria's federal character principle, which prohibits sectionalism (including ethnic political parties), while mandating the effective representation of state indigenes (defined not residually but by descent from parents or grandparents belonging to a community indigenous to a state) in the political parties and federal institutions. In essence, discriminatory practices by states and local governments that exclude non-indigenes (i.e., Nigerians resident in states outside their ancestral communities) from opportunities available in such states (e.g., educational admissions, bureaucratic placement, political offices, and federal projects) have engendered a monumental crisis of internal citizenship in Nigeria.

A fourth theme of federalism and diversity involves the contradiction between Nigeria's politico-administrative decentralization, in which the constituent states enjoy significant policy discretion and expenditure authority, and

its fiscal hyper-centralization, in which the federal and sub-federal governments are funded almost exclusively by the centralized redistribution of oil and gas revenues derived from the minority-populated Niger Delta region in southern Nigeria. Although officially justified on the grounds of equitable inter-regional development, the centralized redistribution of oil rents has promoted fiscal irresponsibility and political corruption, failed to redress inter-regional socio-economic inequalities, and provoked a militant campaign in the Niger Delta against the region's perceived economic expropriation, ecological neglect, and political marginality.

A final theme relates to the broad dissatisfaction with the "faltering" performance of Nigeria's current system of federalism as a mechanism for achieving unity in diversity, as well as the interrelated national goals of development and democracy.⁴ Although it has sustained the country's territorial integrity and prevented a recurrence of large-scale secessionist warfare, Nigeria's current federalism has fuelled violent settler-indigene conflicts and associated communal antagonisms while failing to effectively advance political democracy and good economic governance as potentially robust bases for promoting unity in diversity.

SOCIO-ECONOMIC, DEMOGRAPHIC, AND SPATIAL DIVERSITY

The creation of states in Nigeria has been designed to eliminate the existence of a core or geopolitically hegemonic region, make the constituent units of the federation as equal in population as possible, break down the country's largest ethnic groups into smaller administrative units, and promote equitable inter-regional development through the more or less equal distribution of centrally collected revenues to demographically equivalent constituent units. Unlike in the First Republic, when the northern regional government alone comprised some 54 percent of the federation's population (and more than two-thirds of the national territory), the two largest states in the federation today (Kano and Lagos) each contain about 9 million people or less than 8 percent of the federation's total population. Twenty-eight of the country's thirty-six states have populations of 2 million to 4 million each; four states have populations of 5 million to 6 million each; and the two smallest states (Bayelsa and Nasarawa), along with Abuja, have populations of over a million.⁵ Consequently, no single constituent unit of the federation today is large enough to challenge the authority of the federal government, threaten secession, or dominate other states.

The administrative subdivision and political fragmentation of the three principal ethnicities of Hausa-Fulani, Yoruba, and Ibo (which collectively account for nearly two-thirds of the country's total population) is especially remarkable. The Muslim Hausa-Fulani are distributed across the far northern

states of Bauchi, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto, and Zamfara. The part-Muslim, part-Christian Yoruba are spread across the south-western states of Ekiti, Lagos, Ogun, Ondo, Osun, and Oyo, as well as the neighbouring Kwara state in the Middle-Belt. The Christian Ibo predominate in the southeastern states of Abia, Anambra, Ebonyi, Enugu, and Imo. This distribution of the core population of each of the major groups into at least five states has not eliminated the cohesion of these groups as they compete with each other in bidding for powers and resources in the national arena. However, it has produced significant intra-ethnic mobilization and competition, thereby diluting the violent ethnic separatism that had developed around the old regional system and provoked a civil war over the attempted secession of the Eastern Region as an independent Republic of Biafra.

Minority Enclaves

Nigeria's ethnic minority (i.e., non-Hausa-Fulani, non-Yoruba, and non-Ibo) groups are concentrated in the South-South (Niger Delta), Middle-Belt, and Northeast geopolitical zones. Yet, although the country's ethnic groups are territorially concentrated, the federation's constituent states are primarily organized not as ethnic units but as sub-ethnic or micro-ethnic and multi-ethnic entities. In addition, the states function as administrative conduits for the devolution of centrally collected oil revenues, which are allocated to the states mainly on the basis of the dual principles of inter-unit equality and relative population. But militants, including the Movement for the Emancipation of the Niger Delta (MEND), in the oil-rich, minority-populated states of Delta, Bayelsa, and Rivers are campaigning for the transfer of natural-resource control from the federal government to the states. They reject as financially inadequate and politically defective the concession, under the 1999 Constitution, of 13 percent of centrally collected resource revenues to the oil-bearing states on a derivation basis, as well as the establishment of the centrally coordinated Niger Delta Development Commission. However, other leaders and spokespersons of the Niger Delta have been less insistent on the radical principle of sub-national resource control and more amenable to relatively modest compensatory policies, including the creation in 2007 of a separate federal ministry for the Niger Delta, as well as proposals to expand (beyond the current 13 percent minimum) the derivation-based revenue transfers from the centre to the region.

Economic Divergences

Aside from fuelling inter-regional conflict between resource-rich and resource-constrained regions and stimulating political corruption, Nigeria's oil-centric economy has aborted the country's initial hope of broad-based

economic development in agriculture. Prior to the oil boom in the 1970s, Nigeria was one of the world's leading exporters of groundnuts, which were cultivated in the savannas of northern Nigeria, as well as cocoa and palm oil, which were grown in the rainforests of the Southwest and Southeast, respectively. But the advent of ample and easy revenues from oil transformed Nigeria from an economy with a regionally diversified agricultural export base to an oil monoculture. From accounting for one-third of the value of all Nigerian exports in 1966, oil revenues expanded dramatically to provide 90 percent of export earnings and 80 percent of public revenues by the mid-1970s.⁶ Output of commercial agriculture fell precipitously over the same period, leading eventually to the virtual disappearance of Nigeria's traditional agricultural commodities from the export list. Yet, as a purely extractive enclave sector, the oil economy has not generated broad-based socio-economic opportunities in the federation and particularly in the Niger Delta, "from which much has been taken but little has been returned, except environmental disaster, economic destitution, and political repression."⁷

Although the oil wealth of the Niger Delta makes its underdevelopment especially provocative, the incidence of poverty is worse in the demographically and politically dominant northern states than elsewhere in the federation. With a poverty incidence of 63.9 percent, 67.3 percent, and 63.3 percent in the Northwest, Northeast, and Middle-Belt zones, respectively, poverty rates for the north are higher than the national average of 54.7 percent. In contrast, poverty rates in all three southern zones are lower than the national average, with the Southeast recording the lowest incidence of poverty (34.2 percent), followed by the Southwest (43.0 percent) and the South-South (51.1 percent).⁸ Indeed, the country's ten poorest states are all in the north, while the ten states with the least incidence of poverty in the federation are all in the south. Basic social indicators like life expectancy, maternal mortality, access to primary health care, nutritional health, school enrolment, literacy rates, industrial employment, volume of bank savings and deposits, energy availability and consumption, access to potable water, communication facilities, gender equity, and non-religious associational life are worse for northern than southern Nigeria.

Internal Migration

Although it is not a country of international immigration, Nigeria has witnessed tremendous internal movements of groups. This migration expanded in the wake of economic opportunities and a common political identity created by British colonization and 'amalgamation' of northern and southern Nigeria in 1914. Such migration eventually produced a northernization policy by which the government of the Northern Region sought to protect northerners from competition by more-educated migrant southerners for socio-economic

opportunities in the region (in education, bureaucracy, and commerce). With the creation and proliferation of states, the northernization policy has been succeeded by state and locality practices that discriminate between indigenes and non-indigenes.

Discrimination against non-indigenes occurs in virtually all the states of the federation (not just those in the north) and between ethnically and/or religiously similar as well as dissimilar groups. However, the groups hit hardest by discrimination against non-indigenes have included Hausa communities in the Middle-Belt state of Plateau, Tiv groups in Taraba state, and Ibo migrants across the federation generally and in the northern states especially. Although legitimized by the constitutional principle of federal character, indigene-based discrimination violates constitutional guarantees of non-discrimination and equal citizenship rights across the federation, relegating millions of Nigerians to second-class status in their own country.

Because the concept of indigene-ship is poorly defined constitutionally, violent disagreements have developed in many areas of the federation over claims to indigenous status. Given the common belief that the indigenes of any given locality are those persons who can trace their roots to the ethnic community whose ancestors originally settled the area, some Nigerians are labelled non-indigenes of communities in which their families have lived for more than a century, even though they no longer remember from where their ancestors are supposed to have migrated.⁹ In many states, including the Middle-Belt states of Plateau, Nasarawa, and Taraba, horrendously fatal communal violence has developed over attempts by indigenes to exclude large, but ostensibly non-indigenous, resident communities from economic and political opportunities controlled by state and local governments.

To be sure, the discrimination against non-indigenes has attracted routine or rhetorical denunciations from successive Nigerian presidents as well as more concrete proposals. Some state governments (e.g., in Abia and Niger), constitutional review bodies, and groups of legislators in the National Assembly call for a national policy that would replace indigene-ship with residency in the states (over a specified number of years) as the basis for obtaining full legal membership and socio-economic entitlements in Nigeria's constituent units. Given the entrenched local interests (at elite and mass levels) benefiting from indigene-based socio-economic discrimination, these attempts to address Nigeria's crisis of internal citizenship have proved completely ineffective. Ultimately, an effective, long-term solution to the indigene-ship issue, and to divisive sectional competition for public resources more generally, would require economic development, which would expand socio-economic opportunities to individuals and groups in the private sector outside of the ethno-politically fraught government sector.

CULTURAL-IDENTITY DIVERSITY

Settler-indigene cleavages have been extremely violent in the states where they have reinforced, rather than crosscut, underlying ethno-linguistic and/or religious identities. These ethnic and religious identities, along with the historic north-south fault line, have been the most destabilizing cleavages in the federation. While successive censuses have shown the north (which comprises nineteen of the country's thirty-six states) to have a slight population majority over the south, there are no current or reliable census data on the country's ethnic and religious composition. In fact, the last relatively reliable census to include ethnic and religious questions was the 1952 census. The ethno-regional acrimony and egregious fraud that plagued the post-independence censuses of 1962–63 and 1973 eventually led to an official decision to exclude ethnic and religious questions from subsequent counts in 1991 and 2006.

Religion

Current estimates put the percentage of Nigerians of Muslim (mostly Sunni) faith at 50 percent. Christians are estimated to constitute 40 percent of the population, while indigenous African beliefs make up the remaining 10 percent.¹⁰ Not only are these estimates hotly disputed, their validity is also undermined by the existence of considerable theological, denominational, or ethno-sectarian diversity within each of the three religious orders.

Nonetheless, the Christian-Muslim cleavage, almost always aggravated by ethnicity and/or regionalism, has gained prominence in recent Nigerian history as a major source of violent conflict. A major flashpoint of this conflict involves the debates over whether constitutional recognition for Islamic sharia should be confined to personal-status issues only (e.g., marriage) or expanded to embrace civil proceedings generally and even penal matters, and whether sharia courts should be limited to the local and state arenas or be extended into the federal arena.

Momentous reforms in the application of Islamic law to the penal system in the Muslim-dominated North preceded the inauguration of the First Republic (1960–66). These reforms culminated in the establishment of the northern Nigerian Penal Code, which, unlike the more secular criminal code used in southern Nigeria, incorporates some concessions to Islamic sensibilities, including the criminalization of adultery. Nearly two decades after the reforms, a proposal to create a Federal Sharia Court of Appeal emerged as the most contentious issue in the constitutional debates leading to the establishment of the Second Republic in 1979. Following the enactment of a military decree-law that expanded the jurisdiction of the State

Sharia Court of Appeal from personal status to all civil matters, the sharia issue produced another major constitutional fiasco during the failed transition (1986–93) to the Third Republic. However, by far, the most violent conflict over sharia has involved the constitutionally contentious enactment of full-fledged Islamic penal codes by Zamfara and eleven other northern Muslim-majority states since the inauguration of the Fourth Republic in 1999.

For its proponents, full-fledged recognition of sharia (in the civil and criminal domains and at the sub-federal and federal levels) as the applicable law for Muslims will restore their pre-colonial Islamic heritage, reinforce Nigeria's democratic federalism, enhance the religious freedoms of Muslims, ensure inter-religious equity by redressing Muslims' marginality under the country's British-oriented legal system, promote moral and cultural rebirth, stimulate popularly accountable and transparent governance in Muslim-majority states, undercut extremist political Islamism, and ultimately secure the country's unity and stability. The mainly non-Muslim critics of sharia disagree. They condemn the application or extension of sharia as fundamentally unconstitutional, inherently abusive of human rights, and a recipe for ethno-religious domination, sectarian conflict, and national disintegration.

Plans to extend sharia in the ethno-religiously volatile northwestern state of Kaduna led to bloody clashes that claimed some 2,000 lives in February and May 2000. There were subsequent outbreaks of religious violence, directly or indirectly related to sharia, in the northern states of Bauchi, Gombe, Niger, Sokoto, Kano, Borno, Jigawa, Plateau, as well as Kaduna.¹¹ At the same time, conflicts over sharia have been partially contained by the crosscutting fluidity of a relatively centralized, multi-unit federal system, which distributes Muslims across several centrally funded states, many of which have either completely resisted or heavily curtailed or modified the application or extension of sharia.

Ethno-linguistic Identities

Language is the primary marker of ethnicity in Nigeria. Current estimates put the number of ethno-linguistic groups in the country at more than 200, with the largest groups being the Hausa (29 percent of the population), Yoruba (21 percent), Ibo (18 percent), Ijaw (10 percent), Kanuri (4 percent), Ibibio (3.5 percent) and Tiv (2.5 percent).¹² Despite intensive ethnic competition for economic opportunities and political advantage, Nigeria has not witnessed violent conflicts over language rights at the national level. This is because of the broad support for English as the country's main official language and as a largely "neutral linguistic bridge between all groups" despite historic regional differences in modern education attainments.¹³ The overwhelming

dominance of English as Nigeria's effective official language has largely overshadowed and defused the controversial policy that seeks to promote Hausa, Ibo, and Yoruba, along with English, as the country's official languages.

POLITICAL DIVERSITY

Political Culture and Ideology

Despite the persistence of significant ethno-religious and regional animosity in the country, the Nigerian federal system's management of ethno-linguistic and religious diversity is contributing to the development of multiple identities in the federation. Afrobarometer surveys, for instance, suggest that Nigerians feel just as strongly about national identity as about their ethnic group identity. Hence, "while the potential for group chauvinism is high, it is offset by an equally strong commitment to national [Nigerian] identity."¹⁴ About three-quarters of Nigerians support the maintenance of the federation and strongly disapprove of dismemberment of the country.¹⁵

At the same time, it is important to recognize that while a majority of Nigerians in all six geopolitical zones affirm national unity, significant ethno-regional differences exist in levels of identification with the federation. The greatest level of identification with Nigeria's federal unity is found in the nineteen northern states, which are collectively the most populous, the most resource-constrained, and, therefore, the most dependent (on central funding) sections of the country. Seventy-nine percent of surveyed respondents in the Northwest, 82 percent in the Middle-Belt, and 87 percent in the Northeast strongly affirm Nigerian unity.¹⁶ The weakest level of identification with Nigerian unity is found among the states of the Southeast, or the former secessionist Biafra (58 percent) and the oil-rich Niger Delta (64 percent). Although they share the resentments of the Niger Delta and the Ibo about northern political domination of, and economic dependence on, the south in a centralized federation, the relatively more cosmopolitan Lagos (where 85 percent of respondents affirm national unity) and the other Yoruba-dominated southwestern states (65 percent) benefit significantly from the current systems of revenue distribution and power-sharing and are, therefore, somewhat less centrifugally oriented than their southern counterparts.

Structures of the Party System

From their origins in the colonial period, through their development and subsequent disintegration in the ill-fated First Republic, to their resuscitation and reconstruction under subsequent redemocratization attempts, Nigerian parties have been organized more or less around the country's

ethnic, regional, and religious fault lines. The dominant party in the First Republic, the Northern Peoples Congress (NPC), was originally formed to curtail southern Nigerian domination of the anti-colonial movement, and it explicitly restricted its membership to persons of northern origin. The NPC's main rivals, the National Council of Nigerian Citizens (NCNC) and the Action Group (AG), were also largely based among the southern Ibo and Yoruba peoples, respectively.

In the Second Republic, despite the remarkable introduction of constitutional regulations and electoral incentives for the formation of polity-wide parties, the NPC, NCNC, and AG were more or less revived, complete with their ethnic or regional domination, as the National Party of Nigeria, Nigerian Peoples Party, and Unity Party of Nigeria, respectively. However, a major advance toward the formation of truly federation-wide, multi-ethnic parties took place under the 1989 Constitution (for the abortive Third Republic), which restricted political competition to only two state-funded and designated parties, namely, the centre-right National Republican Convention and the centre-left Social Democratic Party. Although the democratic aberration of a compulsory two-party system was jettisoned under the 1999 Constitution, the Fourth Republic has witnessed a continuation of the trend toward the establishment of an integrative party system with the emergence of the ruling Peoples Democratic Party (PDP) as a robustly multi-ethnic, cross-regional, and inter-religious, although internally decentralized and fragmented, political organization.

The constitutional and electoral requirement for the formation of multi-ethnic party organizations has not reduced the primacy of ethno-regional and religious factors in politics. Rather, it has re-channelled such sectionalism, now making it more intense within parties than between them. For instance, the PDP – which proclaims itself to be Africa's largest party and is in fact impressively multi-ethnic – remains a fractious congeries of state and zonal branches dominated by political bosses or so-called godfathers, whose great common enterprise is the doling out of patronage along ethno-regional lines. Consequently, "the PDP ... is divided on virtually every public issue ... It is difficult to know where the party stands on such ... issues as the sharia, resource control, fiscal federalism, or even the much talked about issue of a national conference."¹⁷ For instance, even though the PDP federal government opposed sharia implementation, PDP state governments in the Muslim north followed the lead of the states under the control of the opposition northern-based, All Nigerian Peoples Party, to expand sharia implementation.

Political Participation and Interest Groups

The military's constant interruption and destabilization of party politics, the tight constitutional regulation of political parties, and massive electoral corruption have produced a party system that is superficially de-ethnicized,

ideologically and intellectually bankrupt, institutionally shallow and fragile, and prone to single-party dominance. Consequently, various social movements and associational groups have taken up much of the space for autonomous political organization and participation in Nigeria. These groups have consisted mainly of ethnic, regional, and religious associations – including organizations such as the Christian Association of Nigeria and the Nigerian Supreme Council for Islamic Affairs – designed exclusively to defend the respective interests of the country's Christian, Muslim, and diverse cultural communities.

In addition to such local or parochial associations, Nigeria has several organizations in civil society that have Nigeria-wide memberships and promote civic, non-sectarian agendas even though some of them are internally organized on a regional or state basis. Aside from their crucial role in crosscutting the ethnic, regional, and religious fault lines that have vexed Nigerian politics and society, these federation-wide organizations have often functioned variously to restrain the excesses of governments; defend human rights and political freedoms; stimulate civic political participation; disseminate information; develop leadership skills; promote economic and governance reforms; and advance dialogue, tolerance, and respect for opposing viewpoints. For instance, since 1999, several of Nigeria's civic organizations have coalesced into a Transition Monitoring Group to coordinate the observation of the country's notoriously corrupt elections and into a Citizens Forum for Constitutional Reform (CFCR) to promote a non-sectarian agenda for constitutional change, including the entrenchment of gender and residency rights, and the advancement of the principle of participatory constitutionalism.¹⁸

DIVERSITY OF INSTITUTIONAL ARRANGEMENTS

Under Nigeria's presidential system, the federal executive presidency tends to dominate or even "subvert" other institutions, including the bicameral National Assembly, the independent unified judiciary, the thirty-six state governments (with their governors and unicameral legislatures), and the 774 local government bodies.¹⁹ However, although the president is constitutionally endowed with extensive powers (including the controversial powers to proclaim a "state of emergency in the federation or any part thereof" and to modify existing laws in order to bring them into conformity with the Constitution), these other institutions, along with the constitutional guarantees of fundamental human rights, constitute a veritable source of institutional pluralism and potential restraints on the federal executive.²⁰

Second Chambers

The Senate, the second federalist chamber of the bicameral National Assembly, represents a powerful mechanism for restraining the hegemony of

the federal executive and for tempering majoritarian rule. The Senate consists of 109 members, namely, three senators elected separately by a simple majority from three single-member senatorial districts in each state, and one member elected from Abuja. The other chamber of the National Assembly, the House of Representatives, consists of 360 members elected from single-member constituencies “of nearly equal population as possible, provided that no constituency shall fall within more than one state.”²¹

Although it is not directly responsible to state governments, the Senate, by representing the states equally, gives voice to smaller, mostly ethnically heterogeneous, minority states. The Senate’s anti-majoritarian role is enhanced by the enormous powers of the chamber, especially its exclusive responsibility to confirm major federal appointments, including those to the judiciary. In one of the most remarkable demonstrations of legislative independence in Nigerian history, the Senate in May 2006 resoundingly defeated a constitutional amendment proposal that would have given President Olusegun Obasanjo and the governors a third four-year term in office.

Constitutional Amendment Rules

The constitutional amendment formula is relatively onerous, requiring the concurrent approval of legislative supermajorities. The formula requires that a proposal to change the Constitution be approved by not less than two-thirds of all the members of each house of the bicameral National Assembly or by a four-fifths majority of these members if the change concerns the amendment formula itself or the provisions of the Constitution on fundamental human rights, boundary adjustments, and the creation of new states and localities. In both cases, the amendment must be approved by resolutions of the houses of assembly of two-thirds of the states.²²

This relatively rigid formula, coupled with the absence of broad consensus on the substantive and procedural details of reform, has stymied moves to alter the Nigerian Constitution since 1999. Groups like the CFCR, the proponents of a national conference (PRONACO), and several other ethnic organizations welcomed the Senate’s May 2006 defeat of the controversial Constitutional Amendment Bill, which included over one hundred specific constitutional changes developed by the National Assembly Committee on the Review of the Constitution. These groups, while espousing conflicting visions of constitutional reform, have rejected the official strategy of constitutional amendment as detracting from a truly comprehensive and inclusive approach to restructuring Nigeria’s federal Constitution.

Symmetry and Asymmetry

All thirty-six states enjoy formally symmetrical powers under the federal Constitution. A strong commitment to both formal and informal symmetry

has developed in response to the destabilization engendered by the disproportionate size of the Northern Region in the First Republic. Not only do the states enjoy similar constitutional prerogatives, the idea of making the states as equal in population as possible is a primary consideration in the demarcation of new state boundaries. Furthermore, the principle of state equality has featured prominently in the distribution of federal revenues, infrastructure facilities, and bureaucratic and political positions.

Yet, it has been impossible to avoid actual asymmetries in the power and resources of the states. Although all the states enjoy the constitutional autonomy to craft criminal laws and set up customary or Islamic courts, in practice only the northern states have incorporated Islamic law into their penal codes or established a Sharia Court of Appeal. Additionally, the Constitution implicitly promotes forms of economic asymmetry. Section 162 (2) of the Constitution, for instance, provides for the reallocation, on the basis of the derivation or constituent-unit-of-origin principle, of “not less than thirteen percent of the revenue accruing to the Federation ... directly from any natural resources.” This rule has led to the payment of billions of dollars in oil revenues exclusively to the oil-rich states in response to the militant agitations for resource control in the Niger Delta.

Judicial Power

Nigeria operates a unified judicial structure in which federal courts (the Federal High Court and the Court of Appeal) and the most important state courts (namely, the state High Court and the Customary and Sharia Courts of Appeal) are part of a single appellate hierarchy, with the federal Supreme Court at the apex. The Supreme Court exercises original jurisdiction in federal-state as well as inter-state conflicts. The states do not play a direct role in the appointment of the justices of the Supreme Court. Rather, the president appoints the Court’s chief justice and sixteen other justices, subject to confirmation by the Senate (where the states are equally represented), on the basis of the recommendations of the National Judicial Council (NJC), a newly established institution under the 1999 Constitution. The NJC receives advice or nominations from the Federal Judicial Service Commission (FJSC) in respect of appointments to federal courts, and the State Judicial Service Commission regarding appointments to the state courts. Both the NJC and FJSC are headed by the chief justice and composed of some of the most senior members of the Nigerian bench and bar, plus some representatives from outside the legal profession.

The NJC and FJSC operate to constrain presidential discretion and to promote merit, seniority, and/or balanced regional representation in the elevation of judges to the Supreme Court. Specifically, all recent appointees to the apex Court have been elevated from the Court of Appeal (the next most

powerful court in the federation) rather than recruited from lower courts, such as the state High Court, or from outside the judiciary. All of this is remarkable because the only constitutionally stipulated requirement for a seat on the Supreme Court is qualification as a legal practitioner in Nigeria for at least fifteen years, but with all justices subject to a mandatory retirement age of seventy (up from sixty-five under the 1979 Constitution).

The activism of the Supreme Court since 1999 is evident in its bold and balanced arbitration, during Obasanjo's two civilian constitutional terms (1999–2007), of fifteen different federal-state litigations over offshore oil resources, revenue allocation, local governance, and public order. The Court affirmed federal ownership rights over offshore oil resources, but validated national political legislation that assigned portions of those resources to the littoral states in order to assuage grievances in the Niger Delta. It upheld the broad powers of the federal government to craft the parameters for the intergovernmental distribution of centrally collected revenues, but affirmed the rights of the states to a transparent, non-arbitrary, and potentially decentralized national revenue-sharing scheme.

The Supreme Court affirmed the authority of the states over local government, despite the partly contradictory and partly centrist constitutional provisions on the status of localities in the intergovernmental maze. The Court's approach to the explosive disputes between the federation and the states over policing was to uphold the broad powers of the federal government on public security, while avoiding the premature insertion of the premier judiciary into the more partisan or sectarian aspects of the conflict. In all, reflecting the inherent centralism of the 1999 Constitution, seven of the Court's fifteen federalism decisions buttressed federal supremacy. But the Court tilted toward the states in four other declarations, and simultaneously underwrote federal authority and state autonomy in the remaining four decisions.

The Supreme Court has functioned more as a trusted interpreter of the Constitution than as conservative protector of federal hegemony or an activist promoter of state autonomy.²³ However, in addition to its direct federalism decisions, the Supreme Court, along with the Court of Appeal, has played a pivotal role in adjudicating electoral disputes in the federation, as evidenced in the judiciary's overturning of the PDP's fraudulent 2007 governorship victories in Anambra, Edo, and Ondo states in favour of opposition parties.

Formal and Informal Consociation

The institutionalization of formal and informal power-sharing practices has been one of the most creative ways in which Nigeria has sought to accommodate diversity and ease ethno-regional tensions over the control of the presidency and other political opportunities. Under the federal character rules

enshrined in the Constitution, a candidate for president or governor is not only required to enjoy a geographic spread in electoral support to be elected but is also expected to exercise his or her “powers of appointment” with due “regard to the federal character of Nigeria” or “the diversity of people within the state” and the need to promote national unity.²⁴ The president is specifically required to “appoint at least one minister [member of the federal cabinet] from each state, who shall be an indigene of such state.”²⁵ An indigene of each state of the federation must also be represented in several other important federal executive bodies, including the National Economic Council, the Revenue Mobilization Allocation and Fiscal Commission (RMAFC), and the Federal Character Commission.

Civilian political elites have informally, but extensively and creatively, transformed the federal character mandate into a general principle of power-sharing known as *zoning* or *rotation*. This refers to the principle that Nigeria’s multiple states and ethnicities may be profitably aggregated into a smaller number of more or less demographically equivalent geopolitical zones for the purposes of sharing and rotating political positions, including the presidency, vice-presidency, and the leadership positions in the federal bicameral legislature.

A major attraction of this power-sharing arrangement is its relative informality and flexibility. This helps to avoid the kind of ethno-sectarian gridlock that tarnished more rigidly entrenched power-sharing arrangements in Lebanon and the former Yugoslavia. Yet, Nigeria’s federal character and power-sharing practices can be criticized for promoting the hegemony of an inter-ethnic cartel of corrupt elites, entrenching the country’s divisions, and detracting from the common citizenship of Nigerians, while failing to engender true inter-ethnic equity at the mass level.

Citizenship

Issues concerning citizenship, naturalization, and aliens belong to the exclusive list of federal government legislative powers under the Constitution. The Constitution utilizes *jus sanguinis* as the overriding principle of Nigerian citizenship. Citizenship is bestowed primarily to any persons whose parents or grandparents are Nigerian citizens and/or belong “to a community indigenous to Nigeria.”²⁶ But the Constitution provides for presidential grants of citizenship by registration (to foreign wives, but not husbands, of Nigerians) and naturalization (to any deserving expatriates).²⁷ Among other requirements, such expatriates must demonstrate “good character,” must have resided in Nigeria for not less than fifteen years, and, in the opinion of the governor of the constituent state or local community in which they propose to “live permanently,” must be “acceptable to the local community ... and assimilated into the way of life of Nigerians in that part of the Federation.”²⁸

Although they have generated hardly any controversy because they are never strictly enforced in practice and because Nigeria attracts very little external immigration, these naturalization laws seem to perpetuate the rigid indigene-ship rules that have engendered a profound crisis of internal citizenship in the country. It is still easier for a non-Nigerian to acquire citizenship of Nigeria than for a Nigerian to assume indigene-ship of a constituent state other than that of his or her presumed ancestral community.

Human and Minority Rights

Although it does not include any specific provisions for minority rights, the Constitution guarantees the fundamental rights of “every person” in the country to life, dignity of the human person, personal liberty, fair hearing, private life, freedom of expression and conscience, and peaceful assembly and association.²⁹ It also guarantees the rights of “every citizen of Nigeria” to freedom of movement, freedom from discrimination, and freedom to “acquire and own immovable property anywhere in Nigeria.”³⁰ The Constitution gives the state High Court special jurisdiction to determine any contraventions of the guarantees of these fundamental human rights.³¹

Yet, the Constitution dilutes many of the guarantees by providing explicitly for their derogation under “any law that is reasonably justifiable in a democratic society in the interest of defence, public safety, public order, public morality or public health; or for the purpose of protecting the rights and freedom of other persons.”³² In essence, Nigerian citizens and groups have faced systematic violations of their rights from various sources.

First, in the name of public order and security, the federal government has unleashed violence indiscriminately on communities linked with the activities of militant groups. The key examples are the Odi community in Bayelsa state, in November 1999, and Zaki-Ibiam in Benue state, in October 2001. Both communities suffered physical destruction and the killing of many of their inhabitants by the Nigerian security forces after militant groups in these communities attacked members of the security agencies.³³ Second, as we have seen, the Nigerian states continue to implement policies that discriminate against non-indigenes.

Third, the sharia-implementing states have legislated stringent penal laws, such as stoning to death for adultery and amputation for theft, that violate the constitutional guarantees of human dignity, life, and freedom from inhumane punishment. Judicial redress for victims of sharia penalties has been facilitated by non-governmental human rights organizations rather than the federal government, which has invoked its lack of direct legal standing and/or the principle of state autonomy to justify a policy of non-interference in rights abuses perpetrated by the states.

Fourth, the advent of sharia in the Muslim north has involved the explicit criminalization of non-heterosexual or unconventional sexual practices, producing discrimination against gays, lesbians, bisexuals, and transgendered persons. However, given the difficult standard of proof under sharia for many sexual offences (such as the eyewitness testimony of four pious male Muslims), the new sharia laws “do not seem to have suppressed the gays and lesbians.”³⁴

Fifth, and finally, the constitutional guarantees of rights have been undermined by a general culture of impunity, lawlessness, corruption, and criminal politics, including the unrestrained use of the police and armed thugs by the politically powerful to circumvent the law, violate the rights of the weak, or disenfranchise the electorate.

Electoral Systems

Nigeria has been wedded to the British first-past-the-post (FPTP), single-member district electoral system since before independence in 1960. This simple plurality electoral system has been combined since the 1979 Constitution with a geographic distribution rule that requires the president and state governors (but not the legislators) to win not less than one-quarter of the votes cast in at least two-thirds of the constituent units (states or localities) in their respective districts.

The FPTP system has been blamed for the tendency toward single-party dominance of the federation, as evidenced in the PDP's victories in twenty-eight state governorships and more than two-thirds of National Assembly constituencies in the 2007 elections. This dominance has produced pressures for the creation of a coalition of opposition parties formidable enough to challenge the PDP politically. There have also been calls for the introduction of proportional representation as well as a return to parliamentary governance as potential solutions to the majoritarian, zero-sum character of current Nigerian politics. Yet, the primary source of the PDP's hegemony is its gross manipulation of the electoral process, which is facilitated by the absence of genuine political insulation, financial independence, and administrative autonomy for the so-called independent electoral commissions in the federal and state arenas.³⁵

The administration of President Umaru Musa Yar'Adua took a potentially crucial step toward rectifying Nigeria's corrupt electoral administration when it appointed a twenty-two-member Electoral Reform Committee in August 2007. However, it is unlikely that the PDP administration will fully implement the committee's proposals, including the political insulation of the electoral commission and the introduction of proportional representation, which could lead to the party's political decline or displacement.

Secession

The major post-independence changes in the structure of Nigerian federalism (including the creation of states, the centralization of resources and powers, and the prohibition of sectional parties) have been designed to prevent a recurrence of the centrifugal ethno-regionalism that culminated in the Ibo-led Biafran secessionist attempt from 1967 to 1970. Although they are illegal and generally do not pose a credible threat to Nigeria's continuity and territorial integrity, significant secessionist or quasi-separatist movements have persisted in the country.

The most important secessionist movement today is the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), which seeks to revive the failed 1967–70 secession attempt. Although it has been linked with some thuggish violence, MASSOB has engaged in mainly peaceful and symbolic activities (such as disseminating a proposed map of Biafra and enjoining Ibo throughout the federation to observe work-free days in homage to the ideals of the movement). Some of its pronouncements suggest that MASSOB primarily seeks redress for the perceived marginality of the Ibo in the Nigerian federation, rather than a separate country *per se*. Moreover, while MASSOB enjoys considerable symbolic appeal at the mass level, it is less popular among the Ibo political elites, including the state governors of the five Ibo states, whose main ethnic organization, Ohanaeze, does not espouse secession.

Although it is far more violently disruptive than MASSOB, MEND is even more conflicted about its self-determination goals than the Ibo-based organization. MEND officially seeks "resource control," ecological rehabilitation, and political empowerment for the Niger Delta within a restructured or decentralized Nigerian federation. Yet, prominent MEND activists and leaders have called for the dissolution of Nigeria and the creation of an independent Ijaw nation-state. Many of its leading members combine this political agenda with lucrative criminal activities, including the theft of oil (oil bunkering) and the capture of hostages, mainly expatriate oil-company workers and local notables, for ransom.

Among the Yoruba, factions of the Oduduwa Peoples Congress (OPC) similarly vacillate between advocating for a politically reformed and decentralized Nigerian federation and proclaiming support for an independent Yoruba-based Republic of Oduduwa. Finally, since 2002, a group of so-called Talibans in northern Nigeria has been mobilizing, sometimes violently but often covertly, for an Islamic revolution in Nigeria.³⁶ Even more than MASSOB, MEND, or the OPC, the Talibans represent a fringe movement on the margins of Nigerian civil and political society.

POLICIES FOR MANAGING DIVERSITY

Overall, Nigerian policies for managing the country's deep divisions have sought to emphasize unity over diversity, national integration over cultural recognition, federal primacy over state autonomy, and micro-level (small-scale) over macro-level (large-scale) sub-national identities. The strategy has been to promote mechanisms facilitating identification with the common symbols and institutions of the federation, rather than the distinctive cultures of its component parts. At the same time, it has been impossible to pursue a purely integrationist approach to Nigeria's problems as a deeply divided society. Hence, significant policy concessions have been made to accommodate Nigerian diversity. These have taken the form of the federal devolution of resources and competences to mostly sub-ethnic or multi-ethnic (rather than purely ethnic) constituent units, and provisions for a "federal character" or the equal representation of indigenes of these units at the federal level. Although it has produced mixed and controversial outcomes, the Nigerian approach to managing diversity has been significantly successful in averting the tragedy of state collapse that has afflicted other large multi-ethnic African states like Sudan and the Democratic Republic of Congo.

Fiscal Policies

Nigeria derives about 90 percent of its public revenues and foreign-exchange earnings from the oil wealth of the Niger Delta. The Constitution formally upholds the principle of economic solidarity and uniformity by providing for the centralized collection and redistribution of the oil revenues through the Federation Account, which is the repository for major, centrally collected revenues like mineral, import, and company taxes. The account is then shared, according to a law of the National Assembly (based on proposals submitted to the Assembly by the president on the advice of the RMAFC), between the centre, the states, and the localities, and also among the states and localities.

Currently, revenues in the Federation Account are distributed vertically in the proportions of 48.50 percent, 26.72 percent, 20.60 percent, and 4.18 percent to the federal government, states, localities, and centrally controlled special funds, respectively. Horizontally, the Federation Account revenues devolved to the sub-federal governments are respectively shared among the states and among the localities on the basis of the following indices and percentage weights: Equality (equal shares to each state or locality designated in the federal Constitution), 40 percent; Population, 30 percent; Social Development Needs, 10 percent; Land Mass and Terrain, 10 percent; and Internal Revenue Generation Effort, 10 percent.

Although formally designed to promote equal development nationwide, the revenue-distribution scheme has not contributed to the alleviation of inter-regional inequalities in social welfare, health care, and other socio-economic sectors for various reasons. First, several important revenues remain outside the general redistribution scheme. These include the personal income tax (collected and retained by the states under a uniform national personal income tax law), the value added tax (collected centrally, but shared according to a distinct allocation rule, vertically and horizontally), external loans (which are autonomously negotiated by the states, but guaranteed by the federal government), and the 13 percent oil-derivation revenues, which are paid exclusively to the oil-rich areas.

Second, the absence of current, accurate, and/or broadly acceptable population and socio-economic data casts serious doubts on the reliability of the revenue-allocation indices designed to promote redistribution.

Third, insofar as it has been impossible to make all the states or the localities nearly exactly equal in population, the substantial weight assigned to the horizontal principle of inter-unit equality produces significant per capita disparities in the access of the sub-federal governments to federal revenues, while unleashing strong pressures for the proliferation of new sub-national state and local administrations.

Fourth, partly as a result of the scheme's focus on a politicized allocation formula rather than on actual need and the overall consequences of the federal fiscal regime or the effectiveness and quality of public and fiscal policy, human development indicators and regional socio-economic disparities in Nigeria remain among the worst in the world.³⁷

Fifth, given the disproportionate amount of revenues retained by the federal government, there has been concern about the effects of actual or potential maldistribution of the spatial pattern of federal government discretionary spending (the so-called federal presence) in the states.

Finally, the automatic access of governments to oil revenues that are not generated from the taxation of the population has promoted grand corruption and patronage, including the theft of "more than \$380 billion in public funds ... by those in government between 1960 and 1999."³⁸ The revenue-allocation system has been more successful in promoting accumulation among an ethnically and regionally diversified elite group than in ensuring mass-based social equity across the regions of the federation. A challenge of fiscal federalism in Nigeria is how to mitigate this structurally embedded culture of corruption through laws and programs to encourage fiscal responsibility and efficiency in all governments.

The second term of the Obasanjo Administration (2003–07) witnessed some major initiatives designed to enthrone a culture of fiscal prudence, integrity, transparency, and accountability in the management of oil revenues. The measures included the establishment of the Nigeria Extractive

Industry Transparency Initiative (to promote the reporting and disclosure of all revenues paid or payable to government by oil companies), the Excess Crude Oil Account (to save windfall oil revenues above a predetermined budgetary benchmark), and the Fiscal Responsibility Act (to promote budgetary discipline). Among other dividends, by 2007, these reforms resulted in the expansion of Nigeria's external reserves to an all-time high of US\$50 billion, the rapid accumulation of US\$17 billion in windfall oil revenue savings, and the reduction of Nigeria's external debt to US\$3.63 billion, thereby potentially freeing resources for investment in poverty alleviation.³⁹

But implementation of economic reforms has been conflicted and inconsistent. Consequently, corruption and mismanagement remain rampant and endemic features of Nigerian federal governance, which has failed to expand economic opportunities for average Nigerians, but has facilitated the privatization of public revenues by federal, state, and local ethno-political bosses.

Language Policies

According to § 55 of the 1999 Constitution, the "business of the National Assembly shall be conducted in English, and in Hausa, Ibo and Yoruba when adequate arrangements have been made therefore." The proposal to use the three major languages in the National Assembly has been condemned as a form of cultural imperialism and chauvinism not only by the country's numerous minority ethno-linguistic groups but also by a broad range of advocates for constitutional reform. Given the resentments of the minorities, the rivalries between the three major ethnic groups, the relative proficiency of Nigerian elites (including national legislators) in English, and the unwieldiness of using three languages for legislative business, there is very little possibility that any of the three indigenous languages will ever be used to conduct business in the National Assembly. Nonetheless, official federal recognition for the three dominant indigenous languages has been maintained, especially in the languages curriculum for secondary education, in the broadcasts of the major national television and radio network, and (more recently) in the design of the nation's currency.

According to § 97 of the Constitution, legislative business in state and local governments "shall be conducted in English, but the House [of Assembly of a state] may in addition to English conduct the business in one or more other languages spoken in the State as the House may by resolution approve." In effect, English is widely used as the official language of legislative business in Nigeria's states, including the more homogeneous states where legislative sessions are also sometimes informally conducted in

the dominant local language. In the more heterogeneous states, however, state-owned radio and television stations (rather than the state assembly) have been the key arenas for accommodating linguistic diversity, with some stations broadcasting news and programs in ten or more local languages or dialects.

Overall, despite the formal recognition of Hausa, Yoruba, and Ibo as national languages, English remains the working language of the federal, state, and local governments, and there is no formal requirement for multilingualism among government employees or officials. However, a long-standing federal policy requires that junior staff of federal civil establishments in the states be recruited exclusively from among the indigenes of the respective states. While it perpetuates the alienation of non-indigenes, this policy enhances the opportunity for local citizens to use their vernacular language in their contacts with national authorities. It is also not uncommon for federal agencies in the states to disseminate publicity in local languages, along with English.

Citizens' opportunity to use local languages in official matters is further enhanced by the recruitment of state and local government employees from among local indigenes, and by the freedom the states enjoy to adopt any local languages (along with English) for official business. State-established sharia, customary, and magistrate courts use local languages extensively, and Hausa is particularly popular in sharia courts. There is a specific right, under § 36(6) of the Constitution, to language interpretation in dealings with the police and in court proceedings.

A federal government policy in the 1990s to promote the exclusive education of students in their mother tongue at the early primary-education level was abandoned due to operational difficulties. English remains the language of instruction at all levels of education, although students are encouraged to learn an indigenous language (usually Hausa, Ibo, or Yoruba, depending on availability of instructors) aside from their mother tongue as a subject of study in primary and junior secondary schools. They have the option to obtain certification in an indigenous language at the senior secondary school and university levels.

As with officialdom and education, the "dominant media language in Nigeria is English."⁴⁰ Within the print media, which is predominantly privately owned, English is used by an estimated 90 percent of newspapers and magazines, with Yoruba and Hausa as the only languages with any significant surviving newspapers.⁴¹ There is a more extensive and diverse use of indigenous languages in the electronic media, which is dominated by the radio and television stations of the federal government and each of the thirty-six states. Nonetheless, more than 60 percent of the programs on Nigerian radio and television stations are in English.⁴²

Policies on Religion

Although it explicitly prohibits the federal and sub-federal governments from establishing “any religion as State Religion,” the Constitution does not proclaim the country as a secular state.⁴³ Rather, the Constitution, § 17, commits public authorities to the provision of “adequate facilities for ... religious and cultural life,” thereby providing some legitimacy for extensive government involvement (at federal and sub-federal levels) in the sponsorship of religion, including the construction of churches and mosques, the subsidization and coordination of pilgrimages to the holy lands, and the appointments of official chaplains or imams. The Constitution specifically entrenches the right to voluntary religious instruction in public schools, and establishes a Customary and/or a Sharia Court of Appeal (with jurisdiction in mainly personal status issues) “for any State that requires” such courts.⁴⁴

The constitutional injunction forbidding the adoption of a state religion at the federal and sub-federal levels is not understood as establishing a separation between state and religion in this deeply religious country. Rather, it is understood that the various governments will respond appropriately to the diverse interests and needs of the nation’s different faith communities, while refraining from giving an official status to one organized religion over another.

The policy for the pragmatic and pluralistic engagement of the state in religion has produced multiple contradictions and controversies. First, the policy has invariably engendered mutual allegations of government favouritism for one faith community over another. Conflicts over perceived government partiality in the sponsorship of faith communities have become a staple of Christian-Muslim rivalry. Largely excluded from such conflicts are adherents of indigenous religions who, unlike Muslims and Christians, are not proselytizing or expanding their faiths; instead, they adhere to communal traditions having little or no political ambitions.

Second, especially in the more homogeneous states, including most of the sharia-implementing states in the north, official support for religion has degenerated from mere sectarian favouritism to the de facto adoption of a state religion. In many of the country’s twelve sharia-practicing states, the state maintains officially funded agencies and ministries that cater exclusively to Muslim affairs, including the Sharia Commission (responsible for the overall development of the Islamic legal system), Council of Ulamas (government-designated advisory board of Islamic scholars and clerics), the Zakat Commission (for coordinating the Islamic system of wealth redistribution from the rich to the poor), and the Hisbah Board (a form of Islamic vigilante for monitoring compliance with sharia).⁴⁵

At the same time as the sharia-implementing states are providing extensive official support for Muslims, Christian minorities in these states have complained of continuing or increasing official obstruction of their attempts to acquire public lands for religious purposes, ensure Christian religious instruction for Christians in public schools, and obtain time for Christian programming in state-owned electronic media. What is more, although non-Muslims are generally not subject to sharia, they have been affected by some of its social restrictions, including a general ban on the public distribution or consumption of alcohol and on un-Islamic dressing. Muslim minorities in Christian-dominated states complain of similar political deprivations or restrictions.

Finally, the extensive involvement of the state in religion has produced profound human rights concerns for adherents themselves. The initial period of sharia extension in the north, for instance, was dominated by abuses that threatened the rights of Muslims subject to sharia due to the implementation of inhumane and degrading sentences and the disrespect for due process and defendants' rights in sharia courts.⁴⁶ Nonetheless, much of the initial controversy and anxiety over these abuses has been contained by the workings of Nigeria's centralized federalism, including reviews of the decisions of lower sharia courts within the appellate system of the country's highly integrated judiciary.

Health Policies

Under Nigeria's National Health Policy, the federal government is assigned exclusive authority for the regulation of drugs and primary responsibility for the establishment and maintenance of teaching and specialist hospitals (so-called tertiary health care). The state and local governments are charged with funding and managing general hospitals (secondary health institutions) and local health centres or clinics (primary health care). In practice, the intergovernmental division of responsibility for health care is quite fluid as evidenced in the federal government's establishment of a National Primary Health Care Development Agency and the growing involvement of state governments in tertiary health care through the funding of teaching and specialist hospitals in state-owned universities.

In general, however, the primary, secondary, and tertiary public health institutions suffer from official neglect, mismanagement and corruption, the absence of basic equipment and amenities, and overcrowding and delays. All of this has nudged citizens toward the more expensive private health sector and the poorly standardized traditional medicine sector, both of which now account for some 60 percent of health-service provision in the country.⁴⁷ The failure of the health sector is further illustrated by the country's parlous health statistics, including average life expectancy of

48.6 years, infant mortality rate of 109.5 per 1,000 live births, immunization coverage for measles of only 35 percent of one-year-olds, an average density of 0.282 physician per 1,000 Nigerians (reflecting the emigration of doctors and other health workers abroad), an HIV/AIDS prevalence rate of about 5 percent, and the pervasiveness of waterborne diseases because less than half of the population has access to safe water.⁴⁸

More important, there is considerable regional and spatial inequality in the health-care system, with significantly higher mortality ratios and disease and epidemic burdens in the north than the south, where an estimated 80 percent of hospital beds are located.⁴⁹ In addition, according to official statistics, less than half (47.8 percent) of the population in rural communities has access to medical services, as against 70.9 percent in urban areas.⁵⁰ The federal government's National Health Insurance Scheme, which was launched in 1999, has failed to address these inadequacies because it is still inaccessible to the overwhelming majority of Nigerians and it has been poorly implemented. In essence, the dismal state of the health sector is symptomatic of the socio-economic and developmental failure of the country's federal governance, despite its relative success in preserving the country's territorial unity.

CONCLUSION

Since the collapse of the First Republic, Nigeria has shifted from a fundamentally decentralist to a radically centrist approach in managing its deeply divided society. The country continues to grope for a more viable formula for promoting the federation's stability. However, current efforts by official and non-governmental groups to achieve comprehensive constitutional change have proved unproductive in a context of rigid constitutional amendment rules and deep ethno-regional divisions over the precise modalities and specifics of reform. What is more, present proposals for mega-constitutional change often underestimate the real achievements of the current, relatively centralized, multi-unit federalism in sustaining Nigeria's unity in diversity, and also fail to appreciate the potential advantages of more incremental constitutional reform or of non-constitutional renewal as alternative paths to political reform.

For all its failings, Nigeria's current thirty-six-state federal system has been successful in crosscutting ethnic identities, enhancing national integration, averting a return to large-scale ethno-secessionist violence, and promoting a broad commitment to maintaining the country's unity in diversity. Not surprisingly, the 2005 federal government-sponsored National Political Reforms Conference rejected many grand proposals that would have returned Nigeria to the destabilizing, centrifugal federalism of the First Republic, including a suggestion to replace the present states with the six geopolitical zones as the primary federating units.⁵¹

The major failings of the current system include its perceived over-centralization in some respects (the unification of policing and the local government system is especially contentious), its perpetuation of indigene-based discrimination, and, more crucially, the rampant corruption of its electoral administration and revenue distribution. These failings are best addressed not by the pursuit of mega-constitutional change, but by the prioritization of key constitutional and statutory changes, including fiscal and electoral transparency reforms.

The implementation of electoral reforms, along the lines recommended by the ERC, in particular, could significantly enhance the achievements of Nigerian federalism in managing and accommodating ethno-political diversity, while also creating the basis for greater transparency and accountability in the management of the country's oil wealth. This is because, in a democracy, fiscal discipline, official transparency, and good governance are essentially "a function of competitive electoral environments where politicians have incentives ... to constrain the abuse of public resources."⁵² Ultimately, the key challenge for Nigeria is whether the country's leaders can consolidate the significant achievements of the federal system in promoting unity by making the system work for democracy and development, without which unity will remain precarious.

NOTES

- 1 See "Nigeria: Country Brief, September 2009"; <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/NIGERIAEXTN/o,,menuPK:368906~pagePK:141132~piPK:141107~theSitePK:368896,00.html> Accessed 4 January 2010.
- 2 For in-depth analyses of various facets of Nigerian federalism, see the following chapters on Nigeria in previous global dialogue book series: Ignatius Akaayar Ayua and Dakas C.J. Dakas, "Federal Republic of Nigeria." In *Constitutional Origins, Structure, and Change in Federal Countries*, eds. John Kincaid and Alan Tarr (Montreal & Kingston: McGill-Queen's University Press, 2005), 239–75; J. Isawa Eliagwu, "Federal Republic of Nigeria." In *Distribution of Powers and Responsibilities in Federal Countries*, eds. Akhtar Majeed, Ronald L. Watts, and Douglas M. Brown (Montreal & Kingston: McGill-Queen's University Press, 2006), 207–37; Ebere Osieke, "Federal Republic of Nigeria." In *Legislative, Executive, and Judicial Governance in Federal Countries*, eds. Katy Le Roy and Cheryl Saunders (Montreal & Kingston: McGill-Queen's University Press, 2006), 198–223; Akpan Ekpo, "Federal Republic of Nigeria." In *The Practice of Fiscal Federalism: Comparative Perspectives*, ed. Anwar Shah (Montreal & Kingston: McGill-Queen's University Press, 2007), 204–34; and Habu Galadima, "Federal Republic of Nigeria." In *Local Government and Metropolitan Regions in Federal Systems*, ed. Nico Steytler (Montreal & Kingston: McGill-Queen's University Press, 2009), 234–66.

- 3 Ladipo Adamolekun, "The Nigerian Federation at the Crossroads: The Way Forward," *Publius: The Journal of Federalism* 35 (Summer 2005): 388–405.
- 4 International Crisis Group Africa Report No. 119, *Nigeria's Faltering Federal Experiment*, 25 October 2006.
- 5 See Federal Republic of Nigeria, "Legal Notice on Publication of the 2006 Census Report," *Official Gazette* 94, 4 (19 January 2007), B47–B53.
- 6 See Tom Forest, *Politics and Economic Development in Nigeria*. (Boulder, CO: Westview Press, 1995), 133.
- 7 See Larry Diamond, "Foreword." In Rotimi Suberu, *Federalism and Ethnic Conflict in Nigeria* (Washington, DC: United States Institute of Peace Press, 2001), xv.
- 8 National Bureau of Statistics, *Poverty Profile for Nigeria* (Abuja: Federal Republic of Nigeria, 2005), 15.
- 9 Human Rights Watch, *They Do Not Own This Place: Government Discrimination Against Non-Indigenes in Nigeria* (New York: Human Rights Watch, 2006), 8.
- 10 See World Fact Book, "Nigeria," <https://www.cia.gov/library/publication/the-world-factbook>, 4. Accessed 5 June 2008.
- 11 See Shehu Sani, *The Killing Fields: Religious Violence in Northern Nigeria* (Ibadan: Spectrum Books, 2007). See also J. Isawa Elaigwu and Habu Galadima, "The Shadow of Sh-aria Over Nigerian Federalism," *Publius: The Journal of Federalism* 33 (Summer 2003): 123–44.
- 12 World Fact Book, "Nigeria," 4.
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