



Nigerian Federalism and Agitations for Self-Determination

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ABSTRACT

This paper “Nigerian Federalism and agitations for self-determination” attempts a critical analysis of the incessant self-determination agitations and its consequences on the tenacity of the Nigerian unity and the security of lives and property of her citizens. For example, the 1967 declaration of the Republic of Biafra by the then Eastern Region leading to the Nigeria-Biafra war; the Movement for the survival of Ogoni People (MOSOP), the Indigenous People of Biafra (IPOB); the declaration of Oduduwa Republic in the South Western Nigeria respectively, and other self-determination agitations by minor nationalities in the Nigerian federation. The question is: what are the socio-economic and political factors responsible for these seemingly unending self-determination agitations?; and how can these agitations be put to a final rest? The study adopted the qualitative method of data collection and analysis as its research methodology. It argued that these internal self-determination agitations threatening the Nigerian unity is a long-term after-mat of the incompatible colonial amalgamation of 1914; a reflection of the continuation of the ethnic politics in Nigeria since 1960 and further complicated by the de-structuring/restructuring of the country into six geopolitical zones beside other diversities. It, therefore, recommends inter alia, the constitutional adoption of a new political format of “collegial government” or “collegial presidential system of Government” at the centre comprising four presidents of equal status representing Northern Region, Western Region, Eastern Region, Southern Region (i.e., former Mid-Western Region) or six presidents of equal political status representing the present six geopolitical zones like in Switzerland.

Keywords: Agitation, Self-determination, National Integration, Collegial Government, National Security, Federalism.

INTRODUCTION

The existing literature on ethnic heterogeneity and the structure of government overwhelmingly agree that federalism is the framework for sustainability in a country of Nigeria’s size and ethno-religious, cultural and linguistic diversities. Like India, which is also a federal state that has been rightly described as a land of million mutinies, Nigeria is a deeply divided and plural society (Roy, 2002:2), and its geo-politics is one that is characterized by tension between its various ethnic groupings struggling

for Eastonian positive allocation of national economic and political resources. Nigeria is one of the most ethnically diverse countries in the world with over 350 ethno-linguistic groups some of which are bigger than many independent states of contemporary Africa.

According to Onwujeogwu (1987), at the beginning of the 1960s, there were over 3,000 ethnic groups (tribes) in the world, about 1,000 were found in the geophysical space called Africa and about 445 were represented in the geopolitical space called Nigeria. Based on this number of ethnic nationalities, Nigeria has a unique problem not experienced by any state in the world both past and present. The problem facing Nigeria is that of achieving solidarity in action and purpose in the midst of these hundreds of ethnic nationalities each extending both centripetal and centrifugal forces on the central issues of the nation said to be bound in freedom, peace and unity and where justice reigns (Ojo, 1998:4-5). It is not surprising, therefore, that these ethnic groups are always in conflict and unhealthy competition for national socio-economic and political resources. Indeed, this is not strange especially between and among ethnically defined constituencies (William, 1980:69), probably because they often view their relations in actual or potential antagonistic terms (Cox, 1970:317). This is why national cohesion is more of a mirage in pluralistic, divided and heterogeneous societies like Nigeria than in homogeneous ones. It was in an attempt to weld together its disparate ethno-religious, linguistic and cultural diverse entities that Nigeria opted for a full blown federalism in 1954 when it was officially adopted under the Lyttleton constitution. The assumption being that, federalism is a half-way house between separate independent states and unification (Amuwo, 2000). Transiting from the 1914 amalgamation through 1954 Lyttleton Constitution when the foundation of classical federalism for Nigeria was laid, the system is still convoluting. Thus, Nigeria's ethnic make-up still remains what Furnivall (1948:304) referred to as "in the strictest sense, a meldley (of people) for the mix that do not combine" cited in Joseph (1991:32-3). The obviousness of this fact was vividly recognized in the Nigeria's old National Anthem "*Nigeria we hail Thee, our own Thine Native Land, Though Tribe and Tongue may differ in Brotherhood we stand...*" Hence, the Nigerian project remains questionable and elusive despite several years of federal practice. To



many observers, Nigeria's federalism has remained fragile due largely to the successive political administrations' aversion to true federalism (federalism from below), guided by equity and good governance (Aboro, 2005; Sagay, 2001; Otite, 1990). In view of this age-long friction, tension, competition, ethnic politics among the old regions and the present geopolitical zones, there is an unhealthy rivalry in the sharing of the nation's resources which adversely impedes national cohesion, unity, integration, security and development amidst several and incessant agitations for self-determination.

The content of the concept of self-determination has varied over the years depending on the concrete historical moment, on the material living conditions prevalent in given societies as well as the social and political groups that seek to assert it as a right. Essentially, it entails the right of a nation, a national group, to be independent. However, the concept has in its process of evolution, transcended this limited application and has come to encompass various accommodating arrangements within multinational states and, as well, the right of independent states, often embracing heterogeneous national, ethnic or sectional groups to achieve varying degrees of autonomy or internal sovereignty as experienced in Nigeria and many other African States. In recent time especially since the attainment of external political independence by all African States, the concept of self-determination has transformed into a movement for internal national democratization – the sovereignty of the people – like the case of the various agitations for self-determination in the Nigerian State. Thus, it is true to argue at this juncture that the attainment of formal independence has not laid the issue of self-determination to rest in Africa in general and Nigeria in particular. The conglomeration of different ethnic groups within the same territorial boundaries, or the grouping of different ethnic nationalities within the same state as is the case of Nigeria often leading to the issues of minority or ethnic domination poses problems which do not seem to have been finally resolved. Having attained independence as a sovereign nation, the question now is whether agitations for self-determination by part of its entity either alone or in association with another ethnic group(s) or ethnic nationals that constitute the Nigerian State could be interpreted as importing, as in the present circumstance, the right of secession and can

be tolerated and granted or repelled and suppressed. However, to the extent that it applies to national groups within the Nigerian federalism, the agitations for self-determination raise the question of its validity in the present context. Basically as a system of government, federalism aims at empowering both the central and the component units so as to enhance their coordination and independence without fear of domination by one unit over the other (Onuoha, Ebong and Ufomba, 2019). The Nigerian federalism has, however, not been able to ensure an equitable and harmonious relationship of the diverse elements within it. The practice of federalism as is constitutionally adopted in Nigeria should under ideal situation, be premised on a well-articulated framework which should be geared towards the achievement of effective national integration in the midst of heterogeneous diversities which overshadow the Nigerian polity. As a result, the Nigerian State should be made to adopt the pursuit of national interest as against the pursuit of ethnic interest and cultural chauvinism which has manifested in its years of the practice of federalism, thus, crippling the efforts so far made towards the achievement of national integration and unity.

However, the adoption of federalism has failed to take firm root in Nigeria as a mechanism for national cohesion. This can be attributed to the fact that the constituent ethnic nationalities and geo-political zones in Nigeria are characterized with conflicts and competition or struggle for national resources, ethnic cleavages, a weak sense of nationhood, coupled with imbalances in federal structure, resource control agitations, oppressive, repressive and inequitable allocation formula as well as absence of appropriate devolution of power. Agitation can be explained as public discussion for or against something especially serious political, economic or social issues. Self-determination is the freedom to make one's decisions without intervention from others; a nation's or people's freedom to decide its own government or political relations (Chambers 21st Century Dictionary, 2006). Essentially self-determination entails the rights of a nation or a national group to be independent. The concept has in its process of evolution gone beyond this limited application and has come to encompass various accommodating arrangements within multinational states and as well the right of colonies often embracing heterogeneous national groups to achieve varying degrees of autonomy or



self-governance. Furthermore, apart from its external aspect of sovereignty, self-determination can also be associated with a movement for internal national democratization like we can see in the various agitations and demands for self-determination in the Nigerian state. This is exemplified in the declaration of the Republic of Biafra in 1967 which led to a 3 year Nigeria-Biafra Civil war, and the sister Movement for the Actualization of the Sovereign State of Biafra(MASSOB); as well as the demand by the Indigenous Peoples of Biafra (IPOB); the King Saro-Wiwa led Movement for the survival of Ogoni People (MOSOP); the agitations and demands for Resource control by the Ijaw; the Sunday Igboho led declaration of the Oduduwa Republic etc, all representing different diverse groups' agitations for self-determination in Nigeria. However, it is important to emphasize two points in respect of the rights of self-determination: first, the nation or a national group is the focal point for the exercise of that right; and second, the right of rebellion against autocratic governments, socio-economic and political deprivations, marginalization, oppression, and other forms of national or ethnic injustices is preserved. According to Eze (1984:71), self-determination is not a mere phrase, rather it is an imperative principle of action which statesmen and government will henceforth ignore to their own peril. This paper, therefore attempts, to unravel the socio-economic and political factors responsible for these seemingly unending agitations for self-determination in Nigerian with a view to hypothesizing a political template with which these ethno-geo-political problems can be isolated and put to a final rest.

RESEARCH QUESTIONS

This study is guided by the following research questions;

1. What are the socio-economic and political factors responsible for the incessant agitations for self-determinations in Nigeria?
2. What is the relationship between self-determination agitations and Nigeria`s National integration problem?
3. Is there a causal relationship between agitations for self-determination and the security challenges being experienced in Nigeria?

4. Are there permissible methods and legal constraints for the assertion of the right of self-determination by any group(s) in the Nigeria Federalism?

OBJECTIVES OF THE STUDY

The study aims at achieving the following specific objectives:

1. To find out the socio-economic and political factors responsible for the incessant agitations for self-determination in Nigeria.
2. To ascertain the relationship between agitations for self-determination and the problem of national integration in Nigeria.
3. To determine the causal relationship between agitations for self-determination in the country and national security question.
4. To identify the existing permissible methods and legal constraints for the assertion of the rights of self-determination in Nigeria.

THEORETICAL FRAMEWORK

This study adopted the Relative Deprivation Theory and the Human Security Approach as the theoretical Framework. The Relative Deprivation Theory was propounded by Dollard et al (1939) as part of efforts to link socio-political and economic inequalities and inequities in the society to rebellions, agitations and insurrections. As individual and group based theory of aggression, the relative deprivation Theory argues that when expectation outstrips the achievement regardless of the absolute levels of economic consumption or the provision, protection and preservation of political, economic and social rights, frustration is generated. Thus, the collective frustration turns to anger and violence (Dollard et al, 1939; Davies, 1962; Feierabend and Feierabend, 1966). By application, this theory assists us in tracing the history of conflict, agitations, and the frequent rise of individuals and groups against the Nigerian government. The fundamental assumption of Relative Deprivation theory as used in this study, is that the abysmal failure of Nigerian government to address critically challenges to development in many parts of the country, to tackle the problems of inequity and inequality in the allocation of national resources, ethno-political domination and imbalance etc, may be responsible for the internal agitations for self-determination, resource control, fiscal federalism, restructuring and other antagonisms including outright secession



demands from militia, groups and ethnic nationalities against the federal government. Furthermore, that security threats in various parts of Nigeria particularly in virtually all the geopolitical zones are clear indications that government seems to have failed in its constitutional role of protecting lives and property of the Nigerian people. This is coupled with the fact that Nigerians are still facing the challenges of poverty generally which include poor health status, poor state of infrastructure, high rate of illiteracy, food insecurity, low technological development, high unemployment rate among many others.

Equally, the Human Security Approach was first propounded by the United Nations Development Programme (UNDP) in 1994. The Scholars who propounded the approach include Kalder, Kofi Anan, Thomas and Roberts. The central assumptions of the approach is that security should focus on the individual because a people-centred view of security is required for national, regional and global stability. This is premised on the fact that threats to human life emanates not only from situations of violent conflicts or agitations, but other non-violent and non- conflict sources of threats such as poverty, infectious diseases, terrorism, environmental degradation, socio-political and economic deprivations, marginalization etc. (Ebiziem, Onyemere and Ogbodo, 2019). In other words, Human security is, therefore, concerned with the protection of people from critical and life threatening situations. Human security which is vital to all human lives, enhances human freedoms and fulfillments. However, protecting people from the concept of human security emerged at the end of cold war following the growth of globalization, reduction in the threat of nuclear war, increase in the number of violent conflicts especially in Africa, Asia and Europe, emergence of new threats such as HIV and climate change and presently the COVID-19 Pandemic and the need for a security package and policies from governments to overcome these threatening situations (Ebiziem, Onyemere and Ogbodo, 2019). The relevance of the Relative Deprivation Theory and the Human Security Approach as the framework of this study is underscored by the fact that the Nigerian society as a federal state has been characterized by security threats arising from several agitations, demonstrations, violent conflicts, armed banditory, terrorism, kidnapping, extrajudicial killings, which have not

only seemingly overwhelmed government but threaten the peace, unity, national security, national integration and human development. Therefore, the study was anchored on these theoretical viewpoints.

Historical Origin and Nature of Nigerian Federalism and Agitations for Self-Determination

The origin of federalism in Nigeria is traceable to British colonial rule, though, opinions differ on the basic reason for its introduction. The origin of federalism in Nigeria can be traced back to the amalgamation of the Southern and Northern protectorates in 1914 (Onuoha *et al*, 2019). The federal structure began to form in 1939 under Sir Bernard Boudilion who divided the Southern protectorate into two – the Colony of Lagos and the Southern protectorate. The Richards and Macpherson constitutions of 1946 and 1951 respectively only created a decentralized unitary system of government. The practice of federalism in Nigeria was officially adopted through the Lyttleton constitution of 1954 as it was the first genuine federal constitution for the country (Onuoha *et al*, 2019). The constitution was introduced due to the crisis generated by Macpherson Constitution, especially, the motion for self-government, and the Kano riots of 1953. These events convinced the colonial administrators that considerable regional autonomy must be granted to the regional governments and that only federalism could hold Nigerian together as a nation. However, Nigerian federalism became consolidated at independence, and since then, it has been operating in both political and fiscal contexts, although not fully in consonance with the basic principles of federal practice as is the case of the United States of America. Historically, Nigeria's federal system has dangled between the excessive regionalism that marked the post-independence governments (1960-1966), and the excessive centralization of the military, and relatively the post military era. Nigerian federalism overtime has also undergone structural changes, by which the federation transited from its initial three regional structures, to a four regional arrangement, then to its current six-geopolitical zones with the present thirty-six states structure including seven hundred and seventy-four local governments. These changes have been necessitated by the need for balanced federation that would give all ethnic nationalities that make up the country self-actualization and fulfillment. Yet these changes have rather increased the imbalances and inequities in



the Nigerian federation as demonstrated in the continued centralization and concentration of power at the centre with their attendant ugly consequences. Admitted, state and local government creation exercises have helped to spread development somewhat across the country to some extent. However, it is equally undeniable that in spite of these structural changes, the Northern region remains dominant over other parts (Southern region) so much so that it is the decider on all matters of joint deliberation.

The dominant and domineering posture of the Northern region over other regions is attributable to the advent of the federal system in Nigeria. Extant sources show that the Northern region's 281,784 square miles constitute three quarters of the country's total land mass. Due to this uneven structure, even when new states are created, the North continues to occupy over 50% of States and Local Governments in the country (Onuoha et al, 2019). Also the North's population which has remained consistently greater than that of the South (East, West, Mid-West) put together since 1952 and even in the present six geopolitical zonal structures is also another advantage of the North over the South. For example, the population distribution of Nigeria based on the 1952 to 2006 population census figures is as follows: 1952 – Northern Region 18,00,000; Eastern Region 8,500,000; Western Region 6,500,000 (33,000,000); 1962 – Northern Region 30,200,000; Eastern Region 12,500,000; Western Region 10,500,000 (53,200,000); 1963 – Northern Region 29,777,986; Eastern Region 12,388,646; Western Region 10,278,500; Mid-Western Region 2,533,337; Lagos Federal Capital Territory 675,352 (55,653,821); 1964 – Northern Region 29,758,875; Eastern Region 12,394,426; Western Region 10,265,846; Mid-Western Region 2,535,839; Lagos Federal Capital Territory 665,246 (55,620,268). The same was applicable in the 1973, 1991 and 2006 population figures wherein the North dominated with overwhelming figures and percentages compared to the rest of the South. Thus, the Northern geopolitical zone enjoys certain advantages in terms of resource allocation and federal appointments particularly in a case where state representation and the number of local governments are adopted as criteria. This arrangement is a clear violation of one of the principles of true federalism, especially that of equality of the component units. That arrangement is also a fulfillment of Mill's law of federal

instability which states that no federation can be stable when one part of it constitutes permanently, a majority in joint deliberations. Stemming from the foregone background accounts, Nigerian federalism has not been able and will not be able to adequately promote national integration, unity, peace, security and development as the country continues to face various protests and agitations, for example, for self-determination, resource control, restructuring etc against the current federal structure by groups and ethnic nationalities within the Nigerian federation.

Concerning fiscal federalism, access to political power at the centre is perhaps the most crucial factor in resource distribution and revenue allocation. In such situation, the group that controls political power at the centre ultimately controls revenue allocation and thus has the opportunity to expropriate a larger portion to its own advantage to the detriment of the region or regions where the wealth is produced. This scenario is exemplified by the consistent and systematic relegation of derivation as the principle of revenue allocation in the country since 1951. Expropriation of the larger percentage of national wealth by the various Nigerian governments at the centre, particularly since the advent of military rule, is a clear violation of the federal principle that requires the availability of adequate resources to support both the central government and federating units. As argues Wheare (1967), if the central government is able to finance itself while the regional governments are unable to do so, true federalism will not be possible, no matter how much the latter desire a federal union or enact a federal constitution because the units will soon find it impossible to discharge their statutory functions, or at best can do so by depending on the central government. This viewpoint illustrates one of the grave contradictions in Nigerian federalism whereby the states rely heavily on the federal government that claims the greatest position of national resources. In all, serious contradictions in Nigeria's federal system such as the colonial factor, military constitution/rule, structural imbalance, inequity, over-centralization of power at the centre political domination of the North over the South especially on issues of national deliberation, have overtime perpetuated and will continue to precipitate various issues and challenges within the Nigerian federation particularly agitations for self-determination. Just but very recently, the Southern governors at their third meeting held in



Enugu on 16th September, 2021 reaffirmed their resolve against federal government open grazing policy and for the respective states governments to collect their value added tax themselves. So long as these ethnic colonization, domination and internal neo-colonization in Nigeria are continuous, agitations for self-determination and outright secession will be in perpetuity. The evolution of agitations for self-determination in Nigeria is traceable to British colonial rule and its socio-economic and administrative policies. First was the 1914 amalgamation of the Northern and Southern protectorates which was a coerced marriage of two protectorates with so many uncommon characteristics for colonial administrative convenience. In the beginning, there was no Nigeria. Rather, there were Ijaws, Igbos, Urhobos, Itsekiris, Yorubas, Hausas, Fulanis, Ibibios, Ogonis, Efikes, Idomas among many others. There were also kingdoms like Oyo, Lagos, Calabar, Brass, Benin, Tiv, Bornu, Sokoto Caliphate, Bonny, Opobo etc who had social, cultural, commercial, religious and other relationships with one another. Between the 15th and 19th centuries, European relationships with West African States were in the area of trade/commerce, conducted along the primordial trade routes chiseled out by the autochthonous indigenes (Sagay, 2001; Onuoha et al, 2019). The foregoing suggests the existence of rudimentary federalism in the area(s) later called Nigeria before the advent of colonialism fine-tuned by the British colonial masters to further their commercial, imperialist and political domination.

The agitations for self-determination in Nigeria could be traced to the following incidents: the heroic liberation struggle christened, "The twelve day revolution" by Isaac Boro which commenced on 23rd February 1966 and ended twelve days later with heroic surrender (Onuoha et al, 2019). Although, no one was killed, a seed of consciousness was sown (Sagay, 2001; Onuoha et al, 2019). The 1967 Eastern Region agitation for self-determination by Lieutenant Colonel Chukwuemeka Odumegwu Ojukwu which culminated in the 3 years Nigeria-Biafra civil war of July 1967 – 15th January 1970 (Dae and Oyewole, 1987). The agitations increased with the formation of Movement for the Survival of Ogoni people (MOSOP) in August, 1990 by King Sarow-Wiwa and eight others leading to their execution in 1995. In October, 1990 the Ogoni Bill of Rights was presented to the Nigerian Federal Military Government

which specifically demanded for the right of the Ijaw to control their natural resources. This was followed by an agitation from the Ijaw Youth Council (IYC) in December, 1998 and the issuance of the Kaiyama Declaration which among other things asserted the right of the Ijaw people to control their lives and resources (Onwubiko, 2001). Another was the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) in 1999, by the Raph Uwazuruike led Igbo Youths from the South Eastern geopolitical zone. The agitations for resource control took a legal dimension in 2001 when the Federal Government in a suit filed at the Supreme Court took on the 36 states of the federation in a grand battle to settle once and for all, the raging agitations for control (Onuoha et al, 2019). In this suit, the Federal Government was seeking a determination of the seaward boundary of littoral states within the country for the purpose of calculating the revenue accruing to the federation account directly from any national resources derived from the states. This led to the refusal of the nine oil producing states to sign for their 2001 federal allocations (Onwubiko, 2001).

In a similar development, Sagay (2001), observed that on May 9, 2001, Temi Harriman introduced the courage bill for resource control which mainly sought to amend the 1969 Petroleum Act, praying that oil producing states, local governments and communities be granted ownership and control of resources. The agitation was taken to the National Political Reform Conference (NPRC) in 2005, and it featured prominently in the agenda of the South-South delegates of the NPRC. Agitations for resource control took a militant approach following the formation of Dokubo Asari's Niger Delta People's Volunteer Force (NDPVF) in 2005, and Movement for the Emancipation of the Niger Delta (MEND) in 2006 respectively. The two militant groups adopted similar tactics which included swamp-based manoeuvres, radically improved fire-power, combat training, effective use of system disruption, oil bunkering, pipeline vandalization, effective use of expatriate hostages and oil workers kidnap activities to enforce the demand. In a keynote address in a Pan-Delta Summit in Calabar, David Dafinone, President of Ethnic National Forum for the Niger Delta Area (ENFNDA), while speaking on the socio-economic problems of the Niger Delta as reported in the Guardian Newspaper of October 20, 2001, stated unequivocally,



that the Niger Delta had suffered gross neglect and deprivation over the years despite its numerous contribution to the economic prosperity of the country. As a result of this utter neglect, there is widespread poverty, complete lack of basic infrastructure coupled with high rate of unemployment and crime which have led to a frustrated population, ethnic polarization, communal suspicion and conflicts, anti-establishment agitations and hostility, all of which in turn have created instability and impeded development. Still on the political and environmental problems facing the Niger Delta region, Dafinone observed that the people have suffered undue political manipulations, intimidation, victimization, oppression and injustice without due regard for their loyalty, support and contributions to the Nigerian nation. The unceasing widespread gas flaring, oil spillage, corrosion and leakage from pipeline, flooding and salt water incursion have taken their ugly toll on the social and economic lives of the Niger Delta people (Dafinone, 2001:14).

Other self-determination agitations followed. In 2014 the Indigenous People of Biafra (IPOB) led by Mr. Nnamdi kanu (though later proscribed by the Federal Government) being an offshoot of MASSOB erupted again from the South-East agitating for the recognition of the Biafran republic. In 2021 emerged Sunday Igboho led group agitating for Oduduwa republic in the South-Western geopolitical zone. Yet many other similar agitations for self-determination and resource control have continued to rear up their heads from other ethnic minorities within the Nigerian federation. Recently, there is a clamour for restructuring of the country by the South-South, South-East and South-West geopolitical zones resulting from socio-political and economic domination and marginalization by the Northern region. So many other protest registrations against Federal Government policies have been initiated by the other parts of the federating units of the country. Prominent among them is the anti-open grazing policy, the Federal Government ruga policy etc. The question is: What are the socio-economic and political factors that precipitate these several seemingly unending agitations in the country?; How can these agitations be put to a final rest or can they ever be put to a final rest? The socio-economic and political factors responsible for these agitations be it for outright self-determination, economic

autonomy or resource control or restructuring are traceable to the gloomy picture of the Niger Delta and the South-eastern region due to prolonged neglect, deprivation and marginalization by the Nigerian state through obnoxious laws, policies and manipulation of revenue allocation formula. In other words, whatever dimension these struggles take, the agitations are a derivation of disenchantment of the Niger Delta people, the South-South, the South-East and the South-Western people with the contradictions, domination and beguilement that characterize much of the economic and socio-political relations in the Nigerian federation which depicts imbalance and inequity between the North and the South. Worst still, they preponderance of these injustices tend to tilt more to the South-East and South-South geo-political zones of the country being the crude oil (liquid gold or petroleum) resource base of the country, hence the apparent several agitations for self-determination emanating from these two zones.

Agitations for Self-Determination and National Integration

National integration is a concept that is intertwined with federalism. This is because federalism which is adjudged to be an integrative mechanism seeks to promote unity and harmony among diverse ethnic groups in a plural polity. In contrast, agitation for self-determination in any form it may manifest itself, though a seed from untrue federalism, is antithetical and prejudicial to federalism and national integration in a plural state. It, therefore, implies that the existence of ethnic diversities and cleavages engenders the need for true federalism and integrative efforts. Notably, a major problem facing new states, particularly developing ones, with numerous cultural, religious, linguistic diversities is that of national integration. As it is obvious, the programme of national integration is to be coordinated by the government at the centre but with the cooperation of the federating units. However, when this support is lacking, especially when the component units perceive the activities and policies of the central government to be at variance with their interests, the goal of national integration becomes a mirage. While unity connotes a social and political process, integration is organic (Onuoha *et al*, 2019). Integration is deeper and can be the basis of unity. In a deeply divided society with "babel" of voices exemplified in varied and unending agitations as prominent in Nigeria, integration becomes a sine qua non



task that must be implemented for the purpose of securing stability and adaptability within the state. Without doubt, Nigeria is the most populous black nation on earth and a deeply divided society. Thus, federalism is seen as a political arrangement with the prospects of solving the problem of nation-building. Although in theory, societies with diverse and dichotomous tendencies are said to need federal solution, in practice, no two federal constitutions are the same. Each is conditioned by the character and uniqueness of the federation. The Nigerian case is, of course, a unique one due to colonial experience, protracted military incursion into its politics, ethnic politics, religious differences, complex nature of the federal polity complicated by ethnic and other diversities. These ethnic groups are not only biologically, culturally and linguistically distinct from one another, but often view their relations in actual or potentially antagonistic terms. Thus, Nigerian federalism may not conform to the practice elsewhere. What is responsible for this is the character of the national question. In as much as it may be right to say that federalism remains the solution for the divisiveness in Nigerian federal composition, this may not be sustained given these numerous and seemingly unending agitations for self-determination, economic autonomy, resource control, restructuring, anti-federal government policies among many others.

One of the factors militating against the practice of federalism and national integration since 1954 is the struggle for resource control from the South-South region of the country, repeated agitations for self-determination by the South-East region, the declaration of Oduduwa republic by the South-Western region. Of all these struggles, the most prominent and dramatic was the declaration of the Republic of Biafra in 1967 leading to a three-year civil war in the country with its attendant socio-economic losses and human destruction. Other predisposing factors, however, include the variation in the possession of economic opportunities and potentials, the inequity in the allocation of national resources, the political domination of one region, the ethnic politics in the country leading to unhealthy political rivalries, the reluctance of the naturally endowed areas to share their wealth with other less endowed ones, evolution of the controversial system of revenue allocation formula encapsulated in inappropriate return of money to the states of origin of

the natural resources. Specifically, regions that are rich in a federation such as the South-South of Nigeria and other Niger Delta States from whose bowels of oil is produced, will rather prefer fiscal autonomy and control of their resources, while the poor ones will favour and demand for a system in which national resources are evenly distributed among the federating states. Arguably, the military played a significant role in promoting fiscal centralism in Nigeria. Successive military governments have thus arrogated too much power and resources to the centre and less to the states. For example, it sounds unimaginable and unbelievable that the revenue allocation formula presently applicable in Nigeria between the central government and other constituent units (states and local governments) was last reviewed in 1992 by the National Revenue Mobilization, Allocation and Fiscal Commission. Worse still, the country has been operating on military forged federal constitution which has raised serious controversies and yearnings for amendments. Due largely to these defects, it is widely claimed that Nigeria's federalism has failed. The obvious reason for this perceived failure has been the centralist nature of the protracted military operated federalism which the succeeding civilian governments find more appealing than fiscal regionalism which depicts true federalism in the Nigerian context required to engender national cohesion and integration.

No matter how perceived, the imperfections identified as inherent in the Nigerian federalism as revealed in the context of this paper will not only continue to fuel agitations, but will continue to engender controversies, contradictions, antagonisms that will forever haunt Nigeria's unity, peace, security and national integration. This is because not only that the present federalist ideology is faulty and does not accommodate mechanisms for addressing Nigeria's ethno-political and cultural diversities, it has no provision for the protection of the interest of the minority groups especially on issues relating to resource control and management. However, the most viable option for achieving lasting federalism amidst these diversities, contradictions, antagonisms, dichotomies, controversies in Nigeria is to forge a new political format at the centre that will accommodate, protect and promote the interests of the diverse ethnic nationalities that make up the Nigerian federalism as is the case in Switzerland. Thus, Nigeria's federal government should



deviate from its present arrangement which promotes or seems to promote divisiveness, marginalization, political domination, inequitable allocation/distribution of national resources, ethnicity, nepotism, tribalism, unconstitutionality, democratic fallacy, kleptocracy and personalization of governance and what have you, to one that will accommodate the interests of the old four regions of North, East, West and Mid-West or South-South to be so renamed, or the present six geopolitical zones of North-East, North-West, North-Central, South-East, South-West and South-South at the centre by forming a “Collegial Government” or “Collegial Presidential System of Government”, that is, “a government served or constituted by two or more political presidential executives or equal rank, or government of a country served or constituted by two or more executive presidents of equal rank who where constitutionally elected through an electoral process”. This new political platform will consist of four presidents of equal political status each representing each of the four regions with one from each of the zones acting as the *primus inter pares* (first among equals), to be rotated every four years, and to be elected in a general presidential election. In the alternative, six of such presidents should be elected to represent the six geopolitical zones of the country through the same national electoral process as above and in like manner. With the interest of every group represented at the centre, the fear of suspicion, neglect, marginalization, domination that rocks the boat of Nigeria’s federalism, national integration and security will have rested in peace.

Agitations for Self-Determination and National Security

Security has to do with freedom from dangers or threats to a nation’s ability to protect, preserve and develop itself, promote its cherished values and legitimate interest and enhance the well being of its citizens and it is the constitutional duty of government to guarantee this. Thus, internal security could be seen as the freedom from or the absence of those tendencies which could undermine internal cohesion and the corporate existence of the nation and its ability to maintain its vital institutions for the promotion of its core values and socio-economic and political objectives as well as meet the legitimate aspirations of the people (Imobighe, 1990; Okolie and Onah, 2017; Ebiziem *et al*, 2019). Also, security is the primary responsibility of the state (Hobbes, 1996). The

1999 constitution of the Federal Republic of Nigeria as amended, specifically states in section 14 subsection 2(b) that it is hereby, accordingly declared that security and welfare of the people shall be the primary purpose of government (Constitution of the Federal Republic of Nigeria, 1999). Accordingly, Buzan (1991) analyzed security from three perspectives such as the individual, state and international levels. In the article, new patterns of global security in the twenty-first century, Buzan, also includes other aspects of national security issues as political, military, economic, societal and environmental. These concepts cannot adequately address the issues of security separately, rather they are intricately and complexly intertwined thereby forming a web of information that a security analyst must detangle to comprehend each concept individually in order to ascertain how they affect each other on the whole (Okolie and Onah, 2018; Ebiziem *et al*, 2019). Technically speaking, security is a direct synonym to safety. It signifies absence of, or protection from physical danger including material want (Lerner, 1964:626; Ebiziem *et al*, 2019).

However, Nigerian government seems to have been overwhelmed in fulfilling this constitutional responsibility and has failed to provide a secure and safe environment for lives, property and operations of socio-economic activities. In fact, on daily basis, we hear the news of assorted crimes such as armed robberies, ethnic and religious killings, assassinations, armed banditry, armed insurgency and militancy, terrorism especially the devastating Boko Haram massacres and bombings, Fulani herdsmen attacks, unknown-gunmen and other killings. As observed Iregbenu and Uzonwanne (2015), insecurity has assumed a pervading dimension in the country that government is challenged to do what could be done to avert the menace. Although, advanced countries of the world like France, Britain, Switzerland, Germany, Russia and the United States of America are faced with security challenges on daily basis, the Nigerian security situation has obviously assumed varied dimensions, and are basic and less sophisticated than those of developed democracies and more or less attributable to socio-political and economic deprivations, marginalization, inequity in the allocation of national resources, agitations for self-determination and resource control, fiscal autonomy, ethno-political rivalry and domination, religious intolerance,



poverty etc. For example, between 1966 and 2021, the country has witnessed a consistent and an unprecedented pressure on the government by several agitations which inter alia include: the 1966 Isaac Boro 12 day revolution; the 1967 Eastern religion Biafran Republic declaration led by Chukwuemeka Odumegwu Ojukwu culminating in a 3 year Nigerian civil war; the 1990 late king Saro-Wiwa led Movement for the Survival of Ogoni People (MOSOP); the 1990 Ogoni Bill of Rights demanding the rights of Ijaw to control their natural resources; the 1998 Ijaw Youth Council agitation cum the Kaiyama declaration asserting the right of Ijaw people to control their lives and resources; the 1999 Chief Raph Uwazuruike led Movement for the Actualization of the Sovereign State of Biafra, MASSOB; the 2001 Courage Bill for resource control spare headed by Temi Harrimann seeking an amendment to the 1969 Petroleum Act, further presented to the National Political Reforms Conference (NPRC) in 2005; the 2005 and 2006 Dokubo-Asari's Niger Delta People's Volunteer Force (NDPVF) and Movement for the Emancipation of the Niger Delta (MEND) respectively; the 2001 David Dafinone public speech on the socio-economic problems of the Niger Delta representing the Ethnic National Forum for the Niger Delta Area (ENFNDA); the 2014 Nnamdi Kalu led agitation by the Indigenous People of Biafra being an offshoot of MASSOB, the 2019-2021 agitations for restructuring and constitutional amendment; the 2021 Sunday Igboho led agitation for Oduduwa Republic; the 2020 nation-wide agitations designated 'End SARS' protest; the Southern Governors' Forum protest against Federal Government Ruga-settlement/open grazing policy and agitation for the zoning of the 2023 presidential seat to the South and other ethno-religious and cultural agitations, protests, frictions, demonstrations, formations, gang-ups, increasing spate of kidnappings, killings in all the geopolitical zones etc. These, not only question the integrity of the central government but cast doubt on the viability, stability, formidability and sustainability of Nigeria's national integration and federalism project as well as threaten the peace, unity, development and security of the country.

The gravity of these threats to national security, and increasing waves of crimes placed Nigeria on 14th position in the ranking in the Global Peace Index (GPI, 2018). Again according to news reports, over 691 people

mainly youths were killed in the South-East geo-political zone alone in 2021 (April-August) resulting from IPOB agitations versus government action alone, and 175 security personnel (Vanguard, 2021:8), this is outside other unreported cases. Between 2012 and 2018, $\pm 12,458$ persons were killed with several scores reported injured, kidnapped, abducted, or missing only in 69 recorded cases in the following towns Gombe, Adamawa, Kano, Bauchi, Gambiru Ngala, Bornu, Yobe, Kaduna, Kogi, Mina, Maidugiri, Jos Plateau, Yola, Ogun, Bayelsa, Nassarawa, Zamfara, Benue and Anambra alone (Ebiziem, 2018:178-181). In short, between 1990 and 2021 (32 yrs), the quantum of human lives and property loss in Nigeria arising from various levels of insecurity such as inter-communal and ethnic clashes, ethno-religious violence, armed robbery, kidnapping, assassinations, gruesome murder, gender-based violence, bomb explosions, extra-judicial killings, Fulani-herdsmen attacks, Boko Haram terrorism and insurgency, armed banditry, unknown-gunmen, protest demonstrations, human rights abuses and violence, agitations of all sorts, when quantified is far greater than the losses incurred in the Nigerian-Biafran civil war from 1967 to 1970 (3 years).

Nigeria's ranking in the Global Peace Index has dropped from 125^o in 2008 to 148^o in 2018 due to insecurity such that Nigeria has been identified as the least peaceful country in West Africa (GPI, 2019). Equally, some foreign observers have linked terrorism and other security challenges in Nigeria to a number of factors which include political conflict, unbalanced development that involves inequalities, inequity in the distribution and allocation of national wealth, religio-ethnic distrust/rivalry, poor governance linked to leadership failure, high level of corruption (Oluwatuyi, 2012), kleptocracy and personalization of governance etc. With these situations that characterize the Nigerian federalism there will continue to be agitations from the diverse ethno-political, socio-economic and sectional interests and groupings that constitute the Nigerian nationality either for outright secession self-determination, fiscal autonomy, resource control, true federalism (*i.e.* federalism from below) confederalism or restructuring. Also, since these agitations have lasted longer than the period of Nigeria's attainment of independence, 67 years, (1954-2021), it can be hypothesized that its end is not in view except a new political format that will accommodate the



factional interests at the centre such as “Collegial Government” or “Collegial Presidential System of Government” is forged and operated.

On November 20, 1999, Odi, a sleepy Ijaw Community in Bayelsa State came under attack by the Nigerian military. The attack left on its trail the massacre of innocent and defenseless civilians. A wide range of estimates were given for the number of civilian casualties. Human Rights Watch (1999) cited in Wikipedia, the free encyclopedia, was of the conclusion that “the soldiers must certainly have killed tens of unarmed civilians and that figures of several hundreds dead are entirely possible” (Oparaku, Nwaneri and Njoku, 2019). However, Nnimmo Bassey, Executive Director of Environmental Rights Action, claimed that nearly 2,500 civilians were killed in Odi (Wikipedia, the free encyclopedia). The attack came in the context of an ongoing conflict in the Niger Delta over the rights of the indigenes to their vast oil resources and inhabiting a pollution-free environment, and it was widely believed to be sanctioned by the then President Olusegun Obasanjo. Prior to the massacre, twelve members of the Nigerian Police were reported killed by a gang of militia near Odi town, seven on November 4 and the rest in the days that followed. In revenge, the military invaded the community but reports indicated that the soldiers were ambushed by some armed militia close to the community, who were believed to be using the civilian population as cover. Apparently provoked by the ambush which occasioned exchange of fire between the soldiers and the militia, the soldiers extended their aggression to the civilian population. Not only were lives lost, every building in the town, save the bank, the Anglican Church and the health centre was burnt to the ground (Wikipedia, free encyclopedia).

In a suit brought against the Federal Government by the Odi Community sequel to the massacre, a Federal High Court sitting in Port Harcourt presided over by Justice Lambi Akanbi in its jurisdiction in February 2013, berated the government for a “brazen violation of the fundamental human rights of the victims to life and to own property and to live peacefully in their ancestral home” (Premium Times, November 13, 2018). As compensation, the Court ordered the Federal Government to pay the sum of ₦37.6 billion to the Odi people (Premium Times, November 13, 2018). Also relying on various statements by the

government, National Assembly and inscriptions left on the soil of Odi by the invading soldiers as well as video clips on the invasion which was watched in the open court at a January 17, 2013 session, the Judge described the claims and counter affidavits by the government “as worthless” when he stated that: The destruction of Odi was comprehensive and complete; no aspect of the community was spared by what I saw in the pictures showed here. The respondents violated the fundamental human rights of the people of Odi by the massacre... the destruction of Odi was not as a result of gun battle but clear bombardment, the destruction was malicious” (Vanguard, February 19, 2013). Similarly, the presiding judge referred to an exhibit tendered quoting the soldiers who carried out the destruction as saying: “We go kill all the Ijaw people with our guns. Come to Odi and learn a lesson. Ijaw face, monkey face. Government has given us power to kill. Odi is for soldiers not for Ijaws, Bayelsa will remain sorrowful forever” (Vanguard, February 19, 2013).

In a similar development, the murder of MASSOB and IPOB separatist agitators since 1999 to presently simply on their agitations for self-determination is glaring and a national and even an international phenomenon. In 1999, soon after the inauguration of the Obasanjo-led civilian administration, the ghost of Biafran separatism which seemed to have been finally laid to rest with the defeat and surrender of the secessionist forces, was resurrected by the founding of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) by one Chief Raph Uwazuruike. This jolted the new administration which branded the movement as a violent group on a mission to undermine the country, despite the leaders’ claim that the organization was a peaceful one on a legitimate mission. Expectedly and usually, the government unleashed the full force of the state’s repressive apparatuses on the agitators. MASSOB claimed that the Nigerian Police killed over 1,000 of its members in different confrontations with them (Oladesu, 2017; Oparaku, Nwaneri and Njoku, 2019). With the initial MASSOB fervour having ebbed in the interval between the end of the Obasanjo regime and the inauguration of the Buhari presidency, owing to what some people viewed as capitulation by its (MASSOB) leadership, a splinter-group – The Indigenous People of Biafra (IPOB) – led by a former Director of Radio Biafra under MASSOB, by name Nnamdi Kanu, was established



shortly after President Buhari's inauguration in 2015. The government did not hesitate in cracking down on the group and its leadership and declared it as a terrorist group. Thus, in October 14, 2015 Nnamdi Kanu was arrested by the operatives of the Director of State Security (DSS) and was subsequently charged for treason (The Nation, December 28, 2015). Besides the arrest and arraignment of Kanu, the government, through the security agencies, unleashed lethal violence on IPOB members declaring the organization "a terrorist group", resulting in the extrajudicial killing of a good number of them. A report by the US State Department Bureau of Democracy, Human Rights and Labour (2017:3) on the human rights situation in Nigeria is quite explicit on this when it stated that... the government had not adequately investigated or held Police or military personnel accountable for extrajudicial killings of supporters of IPOB movement in 2016. Also Amnesty International (AI) reported that security forces killed at least 150 IPOB members or supporters and arbitrarily arrested hundreds from August, 2015 to August, 2016.

In another report by the Amnesty International (AI) for 2016 cited in Premium Times (February 23, 2017), it stated that since January, in response to the continued agitations by pro-Biafra campaigners, security forces arbitrarily arrested and killed at least 100 members and supporters of the IPOB group. Some of those arrested were subjected to enforced disappearance. On 9th February soldiers and police officers shot and killed about 200 IPOB members who had gathered for a prayer meeting... in Aba, Abia State. Video footage showed soldiers shooting at peaceful and unarmed IPOB members; at least 17 people were killed and scores arrested. On 29th and 30th May at least 60 people were killed in a joint security operation carried out by the army, police, DSS and navy. Pro-Biafra campaigners had gathered to celebrate Biafra Remembrance Day in Onitsha (Oparaku, Nwaneri and Njoku, 2019). From then on, several of such extrajudicial and gruesome killings of the IPOB members by the Nigerian military and police have continued unabated including ordinary members of the public who were merely suspected to be IPOB members and passersby killed by stray bullets in several of such attacks and operations by the Nigerian security forces particularly in the South-Eastern states of the country up till 2021. This has resulted in the wake of a militia group in the South-Eastern states named "Unknown-gun-men"

resulting in the killing of many Igbo youths and prominent members of the society and security personnel and destruction of property. (Vanguard 23, 2021). In the foregoing cases, there were clear breaches of Section 33 of the 1999 constitution, as amended, which provides under subsection (1) that "Every person has a right to life, and no one shall be deprived intentionally of his life save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria". Although subsection (2)(a), (b) and (c) provide the conditions under which one could be deprived of his life in addition to the proviso in subsection (1), the circumstances of the foregoing cases never justified the use of lethal violence on the defenceless civilians by the security forces. This is not to suggest that the killing of policemen and other security personnel in Odi case and in other cases was justified or should be condoned. As condemnable as the act was, the soldiers should not have taken laws into their hands by embarking on the reprisal attack on the Odi Community. Rather police and military intelligence should have been deployed to fish out the perpetrators of the dastardly act and having them dealt with in accordance with the law. This is the standard practice in civilized societies where adherence to the rule of law has long been deeply entrenched. In the case of the MASSOB, IPOB members and other similar agitating/agitator groups identified in this study nothing would have justified the murderous activities of the Nigerian security agencies against unarmed civilians agitating for a separate sovereign state or resource control or self-determination in their homeland in the face of the obvious marginalization, inequitable allocation of national resources, misrule, ethno-political domination and colonization being experienced in the country since after the end of the Nigeria-Biafra war.

As it is obvious, agitations around Biafra, both past and present, which seemed to have drowned out other separatist agitations in the country giving the wrong impression that Biafra is the only separatist threat in the country, have eventually opened the floodgate for other several of such agitations in recent times thereby giving the impression that agitations for self-determination in the Nigerian federation will continue to rear up its head and from any ethnic majority or minority group within the Nigerian federalism so long as the present socio-economic and political marginalizations and inequity in the country are perpetrated. In other



words, no amount of military might or lethal violence will curb or exterminate these agitations; instead they will continue to increase in sophistication, dimension and strategy, and a threat to national security and integration.

Permissible Methods and Practical Legal Constraints for the Assertion or Exercise of the Rights of Self-Determination

Three basic issues underlie our discussion under this subheading. First, it must be determined who the entity 'self' is that is entitled or agitating or asserting or exercising the right of self-determination. Second, the permissible methods of asserting that right must be ascertained. Third and finally, the extent to which the laws of war, apparently intended to govern relations between states, apply to liberation movements must be delineated. It can be recalled that on the era of independence, most African territories were left with heterogeneous groups lacking a truly national character, hence they comprised mostly national groups, ethnic or racial groups. According to Starushenko cited in Eze (1984:90), a national group is a historically constituted, relatively stable community of people which precedes the formation of a nation. A national group forms on the basis of three elements of a nation which are in the process of formation or development namely common language, common territory and common socio-psychological and anthropological make-up, which manifest themselves in a common culture. The Nigerian typicality of these national groupings is the Igbo nation, the Hausa nation and the Yoruba nation respectively that existed pre the formation of the Nigerian nation by the British colonialists. It has in fact been strongly argued that at least on the eve of independence, African communities transcended the tribal communities and were evolving through national groups to nations which constituted the colonial territories thereby leading to the emergence of multi-national groups (Eze, 1984). The question now is whether the individual national groups, as is the case in Nigeria can claim the right to self-determination as was applicable in colonial or pre independence days. The relevant UN Charter provisions, as well as those contained in other international instruments, specifically refer to the right of nations and peoples to self-determination. However, even if we admitted that the term 'nations' could not apply to colonial territories as such, the concept of peoples embracing that of 'nations' does in fact

apply to the colonial territories. Thus, Starushenko's position that "The subjects of the right of self-determination are usually nations and national groups, as well as peoples consisting of several nations, nationalities and national groups which have a common territory, possess one or more of such common traits as historic, cultural, linguistic, religious, social etc, and strive to achieve a common aim through self-determination (Starushenko, 1963; Eze, 1984). It can be recalled that while the 'peoples' who inhabited specific colonial territories were in general regarded as the subjects of the right of self-determination, pre-independence, certain ethnic or racial groups, often belonging to the same colonial territories, have also sought to exercise that right in both pre and post independence era. For example, the Northern part and Southern part of the British Cameroons merged with Nigeria and the French Cameroons respectively as colonial territories pre independence have all been demerged under the principle of self-determination.

Having ascertained the meaning of 'self' and having determined that the 'self' be it a national group or a peoples within a multi-national group or within a national or ethnic group, has the right to assert, agitate or exercise the right of self-determination in international law, we can now ascertain how that right can be legitimately exercised. It can be recalled that the decolonization process in Africa took essentially two forms: peaceful non-military means and liberation wars. However, independence for most African states came through the former. In the colonies, independence was often won as a result of agitations (underlining mine) by the elite group, often composed of the emerging African politicians, nationalists, colonial functionaries turned politicians, trade unions and other interest and pressure groups. There was often violence in the form of riots or civil disobedience, for example, the Aba women's riot of 1929, leading to the repression by the colonial authorities. These agitations, even though short of armed struggle, were often sufficient, given the changed and changing international environment opposed to colonialism, to pave the way for negotiated independence. In some cases, because of the intransigence of the colonial powers, for example, in the case of Portugal and South Africa, the colonized peoples were left with no option but to resort to armed struggle. Although, the colonial powers and their advocates had reacted very negatively to national liberation wars as



illegitimate, basing their arguments on the fact that they were internal affairs of the colonial powers, deserving of such actions as police action and that they were not acts of external aggression and, therefore, outlawed by international law, these arguments were easily refuted by the recognition of the American War of Independence and the independent struggles against Spain in Latin America which ultimately led to the independence of the colonized territories, Nigeria being one of them in 1960. Additionally, even though neither the UN Charter nor that of the AU provides expressly for armed struggle as a means of asserting the right of self-determination, subsequent developments in the United Nations and the African Union have accorded recognition to liberation movements, and in fact have given them special status, though short of full membership, within their respective organizations globally. As a corollary to the above, the Universal Declaration of Human Rights recognizes the right to resort to armed struggle when in its preamble it provides *inter alia* that "Whereas it is essential, if man is not to resort to rebellion against tyranny and oppression, that human rights should be protected by the rule of law..." (Eze, 1984).

Proceeding from the premise that liberation movements are one of the effective agencies for the assertion of the right of self-determination, and accepting the thesis that colonial acts were not internal matters, then it follows that liberation wars are international wars deriving their legitimacy from the right of self-determination that could be asserted either by non-violent or violent means depending on circumstances. It would have made nonsense of the right of self-determination if colonial powers were to be allowed to use military measures to suppress peoples or nations in the colonized territories seeking to assert that right. Just as colonialism gradually came to be regarded as contrary to the purposes and principles of the UN Charter as well as of international law, the view that colonialism could be regarded as an act of permanent military aggression gained ground. In the same vain Nigeria's permanent military actions against agitations for self-determination can be so deemed. Thus, reasoning on this line provided the justification, based on self-defence, for liberation wars and agitations for self-determination. Therefore, it follows based on the above reasoning that the individual national groups in Nigeria can claim the right of self-determination in the post colonial or

post independence days as was applicable in the pre-colonial or pre-independence days as is presently being experienced in Nigeria and other African countries. As Starushenko (1963) points out, colonial wars were waged in violation of international commitments and at the same time constituted a serious danger to world peace thereby making all colonialist claims that they were police actions or the internal affairs of imperialist powers to be discountenanced and dismissed, but rather construed as a grave international crime and an act of aggression. It can thus be said without fear of contradiction that not only are liberation wars and agitations for self-determination legitimate but also that member states of the UN have undertaken obligations not to use force against liberation movements or self-determination agitations and will in any event be acting in accordance with international law rules, as they evolved within the United Nations, if they gave material or military assistance to the liberation movements. However, it was no secret that the OAU and the progressive socialist countries as at the colonial periods then did in fact give military assistance in the form of hard-wares and training to liberation movements and the imperialist countries did not find any acceptable basis for challenging the legality of such assistance. The extent to which the laws of war were applicable to liberation movements or wars both pre and post independence were or are however, more problematic giving these contradictions. It should be noted that self-determination of nations, national groups or peoples is not limited to the process of political emancipation and independence, it is still relevant post independence. Having won independence on the basis of colonial territories encompassing heterogeneous national, ethnic, racial groups, the new independent nations or states have also at one time or the other had to face the resurgence of nationalism manifested in the desire of certain national, ethnic, racial or regional groups for secession and independence, or for limited autonomy that would ensure self-determination within the multi-national, multi-ethnic or multi-racial states. This is the case of Nigeria.

It is worthy of note that the sanctity of colonial boundaries consecrated in the OAU or AU Charter and the United Nation's Charter and supported on the whole by the practice of these two organizations, has not remained unchallenged (Eze, 1984:100). The crux of the matter is



whether national entities or minorities within an independent state can rely on the right of self-determination to secede and form independent states, or whether ethnic groups forming parts of different or the same state should be regrouped into nation states. It can be recalled that President Kwameh Nkrumah (former president of Ghana) motivated by his claims on Togo and parts of Ivory Coast now Cote D'ivoire, had initially challenged the sanctity of colonial boundaries when at the All African People's Conference held in Accra in December, 1958 he had persuaded the participants, who though were not government officials, to reject artificial frontiers drawn by imperialist powers to divide the people of Africa... particularly ethnic groups... and to call for the abolition or adjustment of such frontiers at an early date. In line with this attitude Nkrumah had also supported the Somalian position for self-determination for Somalis, who were found both in Ethiopia and Kenya, even though these claims were rejected by the governments of these states. For the purposes of achieving political independence vis-à-vis the imperialists powers' interests, ethnic groups in Africa had occasionally been split into two communities, each under a different colonial or imperial administration and control. Thus, the independence of the African countries had rightly been established on the basis of the existing frontiers as drawn by the colonialists. The amalgamation of the Southern and Northern protectorates as well as the colony of Lagos into one political entity in 1914 to form the geopolitical area called 'Nigeria' by Lord Lugard prior to the granting of independence in 1960 was a clear demonstration of this typicality. Unfortunately, the Addis Ababa conference provided an occasion for consecrating the principle of the sanctity of colonial boundaries, and the Charter which emerged therefrom provided in the preamble the purposes in the article as well as in the principles for the preservation of colonial boundaries. It is not surprising, therefore, that both the UN and the AU have rejected any effort to dismember independent African States, and this was the case with Katanga, Biafra, Southern Sudan and Western Sahara as well as with the Somali claims on Kenya and Ethiopia (Eze, 1984:100-101). However, while the position of both organizations can be seen as creating conditions for peaceful relations among African States, the pertinent question must be asked as to whether the matter has been foreclosed; whether the sanctity of colonial territorial boundaries overrides in every

case the right of national groups, ethnic groups or minorities in African States or anywhere to assert their right of self determination. If the majority or a group of ethnic groups abandons its responsibility to ensure that each group's right to self-determination is guaranteed and protected, it might be possible to argue that short of the peaceful accommodation of their interests, the right of secession and independence might accrue. Such peaceful accommodation could take the form of a federal structure that takes into account the interests of the various ethnic groups or nationalities within its federalism; it could take the form of granting some measures of autonomy to ethnic or minority or racial groups as well as the creation of institutions or institutional frameworks and the establishment of laws, effectively enforced, to ensure that one ethnic or racial group or a group of them with a special advantage or by the circumstances of it being the majority does not deny the rest the right of internal self-determination as is the case in Nigeria.

This is the case in Nigeria where one region or geopolitical zone by the circumstances of its population, political and strategic position in the Nigerian federalism has constantly manifested this character, through its domination, oppression, suppression, repression, subjugation, marginalization, inequity and unpopular federal government policies and programmes against the other constituent ethnic groups whenever privileged or advantaged by the political power position at the centre. In spite of the general attitude of the AU and the UN, both essentially opposed to secession, there seems to be growing awareness, at least in respect of the latter organization, that the prohibition of secession is not absolute. This is typified by the UN General Assembly Declaration on Friendly Relations and Co-operations among States (Eze, 1984) when in paragraph 7 of the Declaration it states that "Nothing in the foregoing paragraph shall be construed as authorizing or encouraging any action which would dismember or impair totally or in part the territorial integrity or political unity of sovereign and independent states conducting themselves in compliance with the principles of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed, or colour". It is pertinent to observe that since after the provision of this clause in the UN Charter many



sovereign states have granted independence or have witnessed or experienced dismembering of parts of their territorial integrity, for example, in Africa Eritria moved away from Ethiopia, Southern Sudan also seceded from Sudan etc. presently, Tigris is in engaging in an armed struggle and fight to secede from Ethiopia under the edges of Tigris Peoples Liberation Front.

From the above, one can infer that the sanctity of territorial boundaries, and, therefore, the denial of the right of secession, persists only as long as the right of self-determination of the peoples forming that state is respected. Thus, if the government in any state does not represent all the peoples, or if distinction is based on race, creed, colour or ethnicity, the requirement would not have been fulfilled, the right of self-determination would have been denied and this would apparently justify the secession of the oppressed group(s) (Eze, 1984). Despite the tendency towards the denial of the absolute sanctity of territorial boundaries, as the above suggests, one cannot, in the face of overwhelming opposition to secession, say that the right has emerged on the plane of international law. What is clear and definite, however, is that to the extent that the contents of internal self-determination are jettisoned, there will be increasing demands, agitations, clamouring for the assertion or exercise of national, racial, and ethnic self-determination as is the case in Nigeria and many other African States. It is also clear, from the limited experience in this field, that international law does not prohibit the recognition of a successful secession, even where the justification for it is debatable. General acceptability of legitimate grounds for secession would nonetheless, facilitates the acceptance of the seceding entity as a subject of international law in its own right (Eze, 1984).

CONCLUSION

The purpose of this paper is centered on a critical analysis of the Nigerian Federalism and the incessant several agitations for self-determination and its consequences on the tenacity of the Nigerian unity, national integration, lasting peace and the security of lives and property of the citizens. It sets out primarily to unravel the socio-economic and political factors responsible for as well as other flaws associated with Nigeria`s federal structure and these seemingly unending self-determination

agitations in the country, and how these agitations can be put to a final rest or at least minimized. Arising from the study is that agitations for self-determination is a continuous process and will endure as long as basic human rights are not effectively guaranteed, respected and protected in the Nigerian federalism. In other words this will continue to occur as long as the oppression, repression, marginalization, inequity, ethnic colonization and internal neo-colonization that apparently characterize the Nigerian federalism and the lawfully constituted federal government since the 1914 amalgamation through independence till date are not tamed or terminated. This is most especially giving the fact as established in this study, that the 'self' be it a nation, a national group, an ethnic or racial group (majority or minority) in any society has the right to exercise the right of self-determination in international law, and how that right is exercised or asserted notwithstanding, as there is no prescribed pattern or method – it can be through violent or non-violent means. While Nigerian governments both past, present and subsequent may be basically opposed to the dismemberment of her territorial integrity and boundaries emanating from colonial territorial demarcations, that process can only be arrested if certain ethnic groups whether they be large or small feel that they are part of the instruments or machineries by which decisions affecting them are made and implemented in the Nigerian federalism. Nigeria's federal structure is complex, intricate and unprecedented, and with a multifariousity of nationalities and diversities, it has a unique problem probably not experienced by any nation in the world. It is not surprising, therefore, that these respective ethnic groups have been and will always be in conflict and unhealthy competition for national resources for their respective societies compelled with the suspicions of some ethnic group on the integrity, fairness, equity, equality and justice of the federal central government on matters affecting them over another. The minority question, agitations for resource control, vociferous complaints over marginalization and alienation, ethnic colonization and domination, blazing row over disproportionate political appointments (political exclusion), assertion of fiscal autonomy, self-determination rights and outright secession and liberation movements and wars may not only exert unbearable pressure on the country but overwhelm its sovereignty and territorial integrity as a political entity.



RECOMMENDATIONS

Having clearly and unequivocally undertaking a detailed analysis and clarification on the key issues that formed the sub theme of this discourse such as agitations and self-determination in the Nigerian federalism, the study adduces the following recommendations:

- i. Efforts should be made by the government in ensuring that the principles of federalism are fully applied. To this end, fiscal federalism should be encouraged and every level of government should work together for the common good of the federation in all spheres by entrenching good governance.
- ii. There should be restructuring of the Nigerian society, economy and polity in the direction of allowing states to control their resources and contribute to the central government through an appropriately determined tax structure. This will not only blot off the recurring agitations for resource control but will also lead to substantial economic growth and development through active participation of states in wealth creation.
- iii. The right of self-determination should be guaranteed, respected and protected in the country as a fundamental human right through the practice of the rule of law at all levels of government. In so far as the sanctity of colonial territorial boundaries do not seem to override in every case the right of national groups, racial groups, ethnic groups or minorities in African states and any other colonized or independent peoples anywhere in the world to assert their right of self-determination, it might be possible to state that short of the peaceful accommodation of the interests of the ethnic groups (minorities or majorities) in the Nigerian federalism, their right to agitate for self-determination, outright secession and independence might not only accrue but be persistently recurrent.
- iv. As a corollary to the above, the Nigerian Federal Government should at all times ensure peaceful accommodation of the interests of the diverse ethnic nationalities that constitute its federalism. This can take the form of granting some measures of autonomy to ethnic groups or minority groups as well as the creation of institutional frameworks and the establishment of laws and policies effectively enforced to ensure that one ethnic group with a special advantage, either by the circumstances of it being the majority or any other socio-political and

- economic factor, does not colonize or neo-colonize the others or deny them the right of internal self-determination.
- v. Nigeria's Federal Government should deviate from its present arrangement which promotes or tends to promote divisiveness, marginalization, political domination, inequitable allocation/distribution of national resources, ethnicity and ethno-centricism, nepotism and tribalism, unconstitutionality, democratic fallacy, kleptocracy and personalization of governance, to one that will accommodate on equal balance the interests of the old four regions of East, North, West and Mid-West (or South-South to be so renamed) or the present six geopolitical zones of North-East, North-West, North-Central, South-East, South-West and South-South at the center. This can simply be achieved through the constitutional adoption of a new political format of "Collegial Government" or "Collegial Presidential System of Government" at the center, comprising four or six elected presidents of equal status each representing each of the four regional or six geo-political zonal structures as above, whichever that applies, with one from each of the zones acting one off every four years as *primus inter pares* (first among equals) as is the case in Switzerland. With the interest of every ethnic group and minority represented at the center, the fear of suspicion, neglect, marginalization, domination that rocks the boat of the country's federalism, national integration, unity, peace and security since both pre and post-independence will have rested in peace.

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