# **FEDERALISM AS A POLITICAL IDEAL: A Critical**

# **Examination of the Nigeria Situation.**

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#### Abstract

Federalism is seen as a model for the proper socio-economic, political governmental principle of administrative organization and management for countries with historical ethno-cultural diversities. In the historical and dialectical history of Nigeria as a social and constitutional entity, with its diverse over 350 tribal semiautonomous entities, the federal system was grafted from Britain in 1960 but the country was amalgamated by Lord Lugard in 1914. Since 1960, successive governments have tried to operate federal institutions under its existing constitutions to accommodate and wield together the country's tribal, cultural, religious and linguistic into one integrated whole with one national consciousness that could build Nigeria as a united, peaceful and stable nation. However, fault lines had been identified in Nigeria's federal practice such as bad governance, inability to establish equitable political arrangements, corruption of the elites, prohibitive cost of governance and violent ethnic and religious conflicts which have threatened the existence of the country. The failure of Nigeria's federal system to manage and settle these problems and differences has led to calls for reforms or outright change of the federal system and structure. The defective federal structure has also promoted an insight from scholars that the failure is traceable to the non-inclusion of the communal values and aspirations of the different ethnic groups that define the Nigerian social reality when the different pre-independent and independent constitutional conferences were organized before independence. These communities that make up the different constituent tribal groups feel overwhelmingly marginalized and alienated from the Nigerian state. This communal exclusion in the construction of the Nigerian constitutional state led to the flawed federal system and constitutes a continous systemic threat to national integration, stability and development. This has also led to and generated the present issues of sub-national crisis such Boko haram religious conflict, resource control, zonal power sharing, violation of citizenship rights and corruption in governance. This paper seeks to examine the dialectical connection between Nigeria's defective fedral practice and the non-inclusion of the communal aspirations, views and goals of the different communities that consitutte its ethnic diversity . The method of the evalauation is dialectical and historical analysis of the concept of federalism and the events that led to the emergence of the Nigerian state.

# **1.0 BACKGROUND**

This article is, in the main, a dialectical and historical study about Nigeria's federalism and its impact on our drive towards nationhood. According to K.C. Wheare the federal principle is the method of dividing powers so that the general and regional governments are, within a sphere, co-ordinate and independent. Federalism is embarked upon by a nation, collection of nations or communities for several reasons. These reasons include the need for military security through a common defence; a desire to be independent of foreign powers; a realization that it is only through such a federal union that independence can be guaranteed; the belief and hope that economic gains can be got from the union; previous political association of the communities (before the union) in a loose confederation or as parts of the same empire; the existence of geographical contiguity; and the presence of similarity of political institutions.

However, we have observed that even when a people enter into federal union, certain factors are necessary for the union to be continuously desirable and maintained. These factors include the retention of reasonable degree of regional autonomy by the component units; none of the units must be so powerful that it could dominate others; the units must have enough economic resources to sustain themselves; they must have enough manpower to govern themselves; each must experience justice in the distribution of national resources and political positions, and they must separately see themselves as citizens of one nation.

We have just delineated what may be described as the socio-political and economic particularities and forces that make federalism a desirable ideal. As a means of socio-political and economic engineering, it has become an ideal which has fallen far below the standard practice. In Nigeria, federalism has failed to bring the desired goal of nationhood. Federalism as practiced in Nigeria is heavily distorted. Several years of military intervention have brought about a unitary twist tour federal evolution that has seen the country embarking upon one constitutional arrangement or the other. The latest attempts at constitutional – restructuring of our federation

is the 1995 Draft Constitution which had been hailed as a document aimed at redressing the imbalance in our federation. Today, rather than implement and operate the 1995 constitution, the new regime is subjecting it to further distortion in the name of public consultations. It is against this background of the militarization of our polity that it has become necessary to review the theory and practice of the federal ideal in Nigeria. In order to give a balanced philosophical critique of federalism as a political ideal in Nigeria, we have profiled our subject matter in the following outline of study.

#### **1.1 INTRODUCTION**

In the introduction to the study, we have observed that since inception, Nigerian federalism has seen many changes with time, spanning both the period of civilian democracy and military dictatorship. Since the concept of federalism is necessarily dynamic with change, Nigerian federalism cannot therefore operate in isolation. Indeed, our history has given federalism a unique conception which is peculiar to Nigeria. The persistence and success of a federation are ascribable to the strengths and advantages of the federal system of government. What those strengths and advantages are should be subject to constant review to ensure equity, justice and fairness in distribution the socio-economic and political gains to the federating units. Authorities of federalism like K.C. Wheare, Schwarz, Cynthia, Nnoli, Awolowo, Zik, Nze, Nwala, Elaigwu and Akpan have seen federalism as a means to bring about the blessings of nationhood like unity and stability in a country composed of highly autonomous and tribal units. Most importantly is the fact that these authorities agreed that for a federal system to be successful, it has to be built, abnitio, from the socio-cultural and communal particularities of the constituent units. Nigerian federalism has shown a prominent lack of this communal content which has robbed the system of any lasting stable values. Today's on-going democratization and transition process demonstrates the failure of the present structure of our federation.

#### **1.2 PURPOSE/OBJECTIVE OF THE STUDY:**

We have discovered that the nature and philosophy of federalism have been a source of enduring confusion to many scholars and the members of the public. In the subsequent debates following upon the public disclosure of some contents of the Nigerian Federal Constitution of 1979, there were a lot of gap in people's grasp of the true nature of a Federal System, its methodology and institutional operations. Even many founding fathers of federations and some prominent writers on federalism often exchange the words federal, confederal, federating, confederation and confederacy as if their meanings are conceptually conterminous. To bride this gap is the basic aim of the research.

Moreover, a lot of people commit the unforgivable error of importing wholesale, one federal model and attempting to hoist to on another with a different socio-cultural particularities. There is no better recipe for the failure of federations than this unnatural super imposition since as I have noticed through my research findings that 70% of the failed federations result from the inability of the framers of federal constitutions to integrate the communal values as cherished by the particular communities that constitute the federation. These communal values, if respected in a federal constitution, usually become the core values that institute a national culture, ideology and way of life that build a collective identity. We shall therefore situate these communal values within the context of Nigeria's federal constitutions, practice and evolution.

#### **1.3 STATEMENT OF THE PROBLEM**

An examination of federations in the world portrays an abundance of numerous problems of practice. Moreover, classical definitions like that of K.C. Wheare have proved quite inadequate in offering explanations why Nigeria's federal system has failed in delivering a nation where non-existed before. Newer modifications in the concept needed to be explored to find the factor that account for the failure of our federation.

To get at the root of these factors, means that one has to delve deep into the philosophy and values of federal system to find out why communalism is in short supply in Nigeria and other failed federal experiments. Probably, a critical look into such a philosophy succeeds to offer us how we can smoothen out the rough edges of our federal system and make it work for Nigerians in building a nation with a stable democratic culture, unity and a prosperous economy.

#### 1.4 SIGNIFICANCE/IMPLICATIONS OF THE RESEARCH

Many scholars who have worked on the problems of the Nigerian federal system have failed to throw enough light upon what I have designated the basic philosophy behind the setting up and practice of federations. To get a better insight into the philosophical basis of federations, Professor Eme Awa assists us tremendously when he makes a sad observation that:



Many who study the problems of federalism both for academic and practical purposes tend to think of this form of government as a mere structural device for linking units of the government to the inclusive whole. I find that students have tended to concentrate attention to the nature of the link and to ignore the problem of whether the federation is effective from the point of view of its ability to assure a balanced development of units<sup>2</sup>

Therefore, the socio-economic and political problems of the Nigerian federation must be critically studied and analyzed with a view to finding an effective approach of solving them. The immediate significance is that we may have to redefine and redraw both the conceptual, constitutional and institutional practices of our federation to validate the system's resilience to withstand challenges to its survival.

Here, philosophy plays a central role since we are compelled to use the processes of linguistic and conceptual analysis to examine such concepts and terms that obtain in our federal lexicon such as federalism, nation-building, democracy, unity, revenue allocation, and stability. This contemporary usage demonstrates the fact that the role of philosophy has indeed expanded in scope from its traditional role of playing static motherhood to a fast maturing children who forces her to interpret their actions and make order out of their unruly behaviour. However, the eternal vigilance of philosophy and philosophers in studying the processes of change, making sense out of a changing world and society makes it inevitable that the philosophical enterprise must continue to be at the vanguard of human development.

The political philosopher, concerned with how an ideal way of organizing human society can benefit man, has offered us ready principles, concepts, values to assist us in our critical search of a better understanding of Nigerian federalism and its problems of practice. The tools of political philosophy have enabled us therefore to examine the federal idea in history as presented by scholars of federalism, nation-building and democracy.

#### **1.5 REVIEW OF LITERATURE**

From our critique of the extant literature of both classical and contemporary works on federalism, it was discovered that for a federal system to be effective as a tool of successful nation-building it must exhibit at least, three basic features:

- a. A power-sharing arrangement that ensures justice to all;
- b. An economic blue-print that allocates justly and equitably the resources of the polity;
- c. A social environment that gives a sense of belonging to all.

Moreover, in my literature review I have attempted to address the handicaps of those authors through a successful critique of their various contributions to the scholarship of the federal concept and its practice in Nigeria.

#### **1.6 METHODOLOGY AND SOURCES**

To collect data for a research of this magnitude could be disenchanting especially in the light of governments' overbearing secretiveness when it comes to sourcing official data. We have had to combine data gathering from secondary official sources with information gathered through the tools of research available to political philosophy such as the normative, empirical, analytical, conceptual and the praxis approach. However, we did not limit our methodology to these tools since we made use of extensive personal interviews, library, newspaper, journals and seminar sources.

#### **1.7 UNIT/FRAMEWORK OF ANALYSIS**

Obviously, the framework and units of our research shall be the Federal Republic of Nigeria and its structures, institutions, its previous constitutions, the state and the local government since these are the forces that, in their inter relationships and interactions, account for the dynamism, successes or failures of Nigeria's federalism. But before we can get to the heart of this constitutional complexity, we must first examine the philosophical concept of federalism.

#### 2.0 THE PHILOSOPHICAL CONCEPT OF FEDERALISM

Here, we shall have the origin and concept of federation, examine its dominant trends, evaluate the comparative studies of federal states and have a critical look at the federal option to national development. The word federalism comes from the word "Federal", which is derived from a Sanskrit word meaning "to unite".<sup>3</sup> A Federal System of Government, according to Leeds, often exists "where the people are not ready to surrender all powers to a central government. It is well adopted to states embracing wide areas, where there are sectional diversities of race, language, nationality, religion and geography"<sup>4</sup>. In a federal system, authority or government

is divided between the federal (central) government and various regional governments. In such a system, the specific powers and functions of each are defined in a written constitution. Fundamentally, the distinguishing characteristic of the Federal System is that neither the central nor regional governments are subordinate to each other, but rather, the two levels of government are co-ordinates and independent autonomy.

What usually determines whether a group of people will come together in a federation are the following factors known as determinants of federalism: Geographical Nearness, Fear of External Attack, Economic and Administrative Advantages, Ethnic and Cultural Similarity, Common Historical Experience and Political Leadership.

However, the dominant trend in federations is to equate the success or failure of a federal system depending upon its reflection or defection of what I have earlier called the spirit and philosophy of federalism. In other words, is the federation a mere convenient administrative structure of government organization or does it cater equitably to the common or communal needs of the federating units. Are all the units happy and contented with the system or are they opting out. Put in another way, is the federal system more integrative or disintegrative of the constituent units of the federation.

A comparative study of global federalism shows that successful federal systems like America are more integrative than disintegrative; they cater for the needs of the people and units than mere institutional balance. Such comparative study will also enable us to discover how to build a balanced and just federation in Nigeria where all the ethnic aspirations will be harmoniously accommodated.

The federal system has unarguably recommended itself as an ideal option to national development since it is an effective structural device that is suited to integrating the various groups in a society that is dominantly pluralistic. Harold Laski has indeed gone as far as saying that "liberty in a state cannot be preserved without a measure of federal structure"<sup>5</sup>. Different countries come together in a federation to realize and reap the advantages of an ideal federal system. But does such an ideal exist per se? This question becomes more pertinent when Nigeria's experience of federalism runs counter to the foundational principles of deliberate choice of its mode and character of running the union between the different states and sections<sup>6</sup>. What is the implication of this deviation can only be well explored as we move ahead into the historical origins of Nigerian federalism. Before then, it is important to look into the linkage between federalism and nation-building in a country.

#### 3.0 FEDERALISM AND NATION-BUILDING

The process of building stable, united and peaceful nation has seen different countries making use of different social-economic and political strategies and tools. Federalism is seen as one of such a device and tool for nation-building. For us to appreciate the place of federalism as a socio-economic and political tool for nation-building, it is first expedient to understand the concept of nation-building as those considered processes, symbolic and non-symbolic, through which elements of national integration and unity are attained. Such elements which include peace, stability, orderliness, prosperity and general sense of belonging to the nation equity should be readily felt by eth different units in a country. The thinking in social science circles is that "federalism is a process - a deliberate process of social and political engineering in a nation"<sup>7</sup>.

When a country has achieved the practical indices of unity and integration such as stability and prosperity governed steadily by the rule of law and democratic principles, without any unit threatening to secede, then it has achieved nationhood. The goals of nation-hood would have been attained. Hence federalism helps countries to articulate, protect and enhance the communal federal qualities of a people. To William Livingstone such a national role is very fundamental to the essential nature of federalism. Nigeria's quest for nation-hood is littered with the debris of quashed ethnic and tribal dreams and aspirations. It is a positive demonstration that federalism as an ideal tool for nation – building has failed to work in Nigeria. What works in other places like America has dipped dangerously in Nigeria. Evidence of that failure are the persistent ethnic crisis, military dictatorship, political instability, the constant threats to secede from the tribes, the Biafra – Nigerian War, the annulled June 12 election won by a southerner, Chief Abiola and the tumour of Igbo marginalization in the armed forces.

The fundamental lesson for nation-building from all these experiences are that a new federalism needed to be formulated which will remove the problems and hindrances of the present structure. Since the civil war, Nigeria's quest for nationhood has been blighted by the fungus of "military federalism" which has imposed the unitary command structure to the federal device and distorted the philosophy and spirit of true federalism. But, before the military struck, was there ever a true federal system in the country?

#### 4.0 THE HISTORY AND DEVELOPMENT OF FEDERALISM IN NIGERIA

The Colonial background to Nigerian federalism has revealed a history of British exploitative interest, greed and mercantile motives in uniting a people with diverse socio-cultural, political, economic and military

levels of development. According to Scholars of Nigerian history, such an imposed and artificial unity was officially brought about by Lord Lugard in 1914 when he amalgamated the North and the South without seeking neither the people's consent nor their choice of mode of the union. The only obvious motive and factor was the furtherance of British administrative control of Nigeria.

Today, Nigerian federation is very epileptic with socio-economic, political, military and communal convulsions because of the weak foundations laid in 1914. As Nze argued, the historical origins of our federalism has shown that the amalgamation rather than lead Nigeria to integration led to disintegration.<sup>8</sup> From the first to the third republic federalism and the military federalism in-between Nigeria has reeled continuously from this weak foundation till today.

#### 4.1 INSTITUTIONS IN NIGERIAN FEDERALISM

Nigerian federalism is anything but federalism. It's history has shown a weak foundation, convoluted military mangling of both it's institutional and constitutional structures and an endless transition programme to civilian democracy which because of the dialectical contradictions inherent in military federalism has failed to midwife a stable democratic policy. Our examination of the historical make-up of our federation also reveals that the historical distortions and foundational weakness have also affected both the institutional concepts and practices of the system. Chief Adekunle Ajasin, the 2<sup>nd</sup> Republic Governor of Ondo State, described such institutional distortion as simply "upside down"<sup>9</sup>.

#### 4.1.1 Constitutionalism

The grundnorm of the federal system is it's blue-print and the working spirit of it's institutional practices. Since independence, Nigeria has had no less than nine failed experiments in constitution-making. Since the constitution is the Bible of any federal system, it is no difficult to locate the causes for failure or successes in a federation in its constitutional weaknesses or strengths. However, we have made the point earlier on that the 1914 socio-economic and political environment of Nigeria had constituted a weak foundation and substructure which if not corrected with a communal and collective federal principles, Nigeria would always subvert the best intentions of any constitution maker. According to Akpan, Nigeria's constitutions were shaped by the socio-cultural realities on the ground before independence<sup>10</sup>. Nigeria's constitutional developments have acted in reverse when juxta-posed to our constant facilities in nation-building. Moreover, the little impact the constitutions would have had on Nigeria's quest for nationhood collapsed as a result of constant military intervention.

Further, our constitutional development till 1993 had been marked by in-built defects which Akpan identified as "imbalanced Regions, weak central government versus stronger regional government, the spoil system of the parliamentary government, lack of concern for the citizen's welfare, and a later presidential system weakened by tribal manipulations and marginalizations"<sup>11</sup>.

The judiciary has become a good example of the institutional distortions in our federal system. With well entrenched values of social justice, equity, fair-play and fine points of the rule of law, defined by the different constitutions, the judiciary has yet to emerge from the comatose brought about by constant military interventions marked by drums and rolls of one decree or the other. When a military intervention occurs, the first thing they do, according to Akinola Aguda, is to suspend the constitution and bring about a regime of ouster clauses which removes the freedom and independence of the judiciary and the courts.<sup>12</sup> Such control of the judiciary is against the spirit and philosophy of successful federations where the autonomy of the judiciary is constitutionally guaranteed and lacked by the authority of the civil and the military members of the society. In Nigeria, it is subverted, thus, taking away one of the pillars of a successful federal system.

#### 5.0 ISSUES IN THE POLITICAL ECONOMIC FRAME-WORK OF NIGERIAN FEDERALISM.

Under this chapter we are going to look at the economy of federalism, under which we shall treat the politics of revenue allocation, the role of the military in the economy and the economic motives behind federations. In the first place, we are going to take a critical look at the link between the political economic framework of federalism and the dialectical interconnections between politics and economics. As Karl Marx once observed "a man must eat, clot and shelter himself before he embarks on the political" <sup>13</sup>.

Furthermore, we shall examine the argument that there is always an economic logic behind the political formation, crisis, and dynamics of federations. Infact, Professor Barnabas Okolo (of blessed memory) in his book *Philosophy and Nigerian Politics* makes a very powerful case on what he considers as the economic motives and ideals that should inform the politics, programmes and practices in the Nigerian federation. We are going to examine these economic ideals more extensively to find out whether our federal practice has brought about a welfare economy or not.

One indicator of our economic failure is the turbulent and controversial issue of revenue allocation and the military's mishandling of the economy. The military, very untutored in the fundamentals of economic management implanted socio-economic policies in an arbitrary manner which do not respect the market forces that make for successful management. We are going to pose and explore further the question, "could it be that the military's arbitrary economic policies have led to fundamental distortions in the institutional ability of the federal system to perform their constitutional roles? For example, civil servants are poorly remunerated, does it account for their easy propensity to take bribes which force them to compromise institutional purity and equity of the system?

#### 6.0 RECAPITULATION/CONCLUSION

In the last six chapters, we have subjected to consistent critical analysis, the topic of my project proposal 'federalism as a political ideal-a critique of the Nigerian experience from our brief critique, we have made fundamental observation about our federal system. The first is that, based on the idealistic expectations of a federal approach to nationhood, we have discovered that Nigerian federalism has become a failure in several respects. Secondly, its failure resulted from a basic structural defect in the 1914 amalgamation which was motivated by sheer British imperial and administrative convenience. Furthermore, as a result of the fact that this foundation did not take cognizance of the socio-cultural and political values of the diverse communities in Nigeria before amalgamation, every institutional and constitutional experiment had been marred by distortion and failure.<sup>14</sup>

Moreover, the epileptic evolution of our federal system was worsened when the deadly fungus of military intervention started in the country's political firmament. This intervention destroyed the systemic resilience and political community of our federal system leading unfortunately to another specie of Acquired Immune Deficiency Syndrome (AIDS) known as military federalism.

We need the injection of new communal values so as to redress the imbalance in our federalism. An examination of the 1995 draft constitution especially as portrayed by T.U. Nwala<sup>15</sup> shows an attempt to redress this imbalance and correct the errors of Lord Lugard. Some features of the constitution which reflect equity, justices and fairness are rotational presidency, the principle of federal character, recovery of ill-gotten wealth, judicial independence, political power sharing and a revenue sharing formula that satisfies all Nigerian Communities. To promulgate this constitution is the only way forward for Nigeria since as Dr. Nwala argues it is the only "path to unity and stability" in the country.

The 1995 draft constitution not only reflects the core values of Professor Okolo's African Personality<sup>16</sup>, the ethos of Dr. T.U. Nwala's Igbo Philosophy<sup>17</sup>, the collective integrity of Professor Onyenwuenyi's projection of the African Muntu<sup>18</sup>, the purity of Okafor's Igbo Legal Philosophy, the positive action of dr. Ebo,<sup>19</sup> but in point of fact, the patriotism of Dr. Chukwuemeka Nze's Communalistic or federal philosophy.

In conclusion, for our federal ideal to be realistic and true to the yearnings of Nigerians, it has to reflect more of the African communistic values, ethos, and principles in its theory, constitutional and institutional behaviours and practices. For without those injections, the federal ideal would fail as a tool for nation-building and Nigeria would continue to totter from one dangerous national precipe to the other.

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