

## **True Federalism and Resource Control in Nigeria: The Niger Delta Experience**

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### **Abstract**

The focus of this paper is to examine the issue of true federalism and resource control in Nigeria, with particular reference to the Niger Delta region. Within Nigeria's governance structure, the argument over resource control and real federalism continues to be one of the most divisive political and economic topics. Nigeria has a federal government, but the centralisation of resource distribution has caused conflict, especially in the Niger Delta region, where the majority of the country's crude oil wealth is derived. The reason for this is the told and untold load of injustice and underdevelopment meted out to area due to the refusal of government to allow for true federalism and resource control despite being agitated for by the people. They have been brutalized and traumatized by chains of injustices from the federal government in conjunction with the multinational oil prospecting companies operating in the region. Given this scenario, this paper exposes and examines the historical development of Nigerian federalism, the concentration of power over natural resources, and the ensuing environmental and socioeconomic difficulties that the Niger Delta communities face. The study argues that the existing federal arrangement contradicts the principles of true federalism, where federating units should have greater autonomy over their resources. The

paper also analyses the struggles of the Niger Delta people for resource control, highlighting legal battles, militant activism, and government responses. Furthermore, it evaluates the implications of resource control on national unity, economic development, and political stability. Lastly, the study recommends a constitutional review to grant resource-producing states greater control over their resources while ensuring equitable revenue-sharing mechanisms that benefit all regions as a way of promoting justice, fairness and sustainable development not only in the Niger Delta, but also in the country in general.

**Keywords:** True Federalism, Resource Control, Niger Delta, Justice, sustainable development.

### Introduction

In January 1956, Shell-BP discovered oil in Oloibiri in Ogbia district of Ijaw-area of the present day Delta state after the first attempt which was halted by the civil war. Around 1958, commercial oil exploration had begun in full scale and about 6000 barrels were produced daily. After this, many companies joined in the exploration and license was given to many Nigerians by the government in order to ensure the maximisation of the oil wealth. As a result, the federal government adopted open-door economic policies that gave right to both local and international companies to explore and produce oil in Nigeria. The standard and control of the regulation gave rise to other companies joining such as "Mobil Oil in 1960; Texaco 1961; Chevron Nigeria 1961; ELF 1962; Agip Oil 1962; American Petroleum 1963" (Raji and Abejide 24-25). Consequently, in 1970, the end of the civil war which came with the rise in oil prices increases Nigeria's economic wealth. Besides, in 1971, Nigeria joined OPEC and created the Nigeria National Petroleum Company (NNPC). Currently, the companies operating in Nigeria include Shell, Chevron, Total, Agip, Exxon, Oando, etc.

However in the face of this oil boom, Nigeria very unfortunately abandoned its robust agricultural and light manufacturing foundations. Before the discovery of oil in 1957, each component region of Nigeria had its main source of economy, for instance, the North was known for the production of groundnut such that the region was mostly known by the groundnut pyramid. The West was known for cocoa production; Palm oil was produced in exportable quantity by the Eastern region, while the South was known for sea food.

During this time, Nigeria was engaging in international trades from this agrarian background. But after the discovery of crude oil, everything took a different turn in favour of crude oil at the detriment of other sources of economy. The focus was now on the revenue that came with crude oil. Politicians started playing the politics of revenue allocation and resource control which became serious problems in the nation. As a result of this issue, Nigeria's economic growth became stunted. In fact, the dimension in which the agitation for resource control and revenue allocation has taken is shaking the Nigeria state to its very foundation and even threatening its continued coexistence due to the negligence of the Niger Delta area that produces this oil. At this point, the oil seems more of a curse than a blessing. More excruciating is when one recalls that the wealth from cocoa produced mainly in the West was used to develop the Western part of Nigeria before the discovery of oil, while the wealth from the

flourishing groundnut pyramids in the 1960's was used to develop the Northern part of Nigeria. But the Niger Delta experience is different; a situation which renders them marginalized and unhappy as a minority people. In their reaction to such situations Udo and Essiet observed that; "life is so vulnerable to misfortunes that someone struck by tragedies may be said to be anything but happy".

This paper therefore identifies the philosophical issues embedded in the discourse on true federalism and resource control in Nigeria, especially as it affects the Niger Delta region and also proffers possible solutions to this societal quagmire that is hindering the peace and unity of the nation. It is pertinent to note that the states that make up the Niger Delta are: Bayelsa, Rivers, Akwa Ibom, Delta, Edo and Cross River. These areas by their location are susceptible to the horrors of the sea and other aquatic threats. However, that may be, the very interesting thing about the Niger Delta area is that for now it is the goose that lays the golden egg for the Nigerian economy. Her crude oil is presently the main hold of Nigeria's economy.

### **Meaning of Federalism**

The word 'Federalism' is etymologically derived from the Latin word *foedus*, which means 'covenant'. It denotes "a political concept in which a group of members are bound together by covenant with a governing representative head" (Majekodunmi, 108). The term is also used to describe a system of government in which sovereignty is constitutionally divided between a central governing authority and constitutional political units. This system is designed to balance the need for unity and cooperation among different regions while also respecting their autonomy and diversity. Federalism is often contrasted with other forms of governance, such as unitary system and a confederal system, each with its own strengths and weaknesses.

According to Wheare (187),

federalism is the method of sharing powers so that the central and regional governments are each within a sphere coordinate and independent. This definition has remained the benchmark for the practice of federalism in all nation-states structured using its principles. Its principles are to coordinate, independent and on different levels of government, promote the concept of separation of powers between the central government and the component units within a given territory.

From the above, it can be deduced that federalism is an organisational structure that encourages the division of governmental authority within a nation. For Tamuno (13), federalism is "a form of government where the component units of a political organisation participate in sharing powers and functions in a cooperative manner through the combined forces of ethnic pluralism and cultural diversity among others, which tends to pull people apart". This implies that "federalism is a device for dealing with the problem of unity in a plural society" (Dickson and Asua 2).

The defining features of federalism are highlighted by Appadorai (495). Among these are the presence of state or provincial administrations with the authority to enact laws and carry out administrative functions within the bounds of the Constitution, as well as the existence of a

central authority that speaks for the whole and acts on its behalf in matters of public interest both domestically and abroad. The inference is that the national government and the governments of its component entities have different roles, responsibilities, and tasks. Usually, a strict written constitution is the instrument that makes provision for the dividing. Vertical distribution of governmental powers and resources to two tiers of authority; the existence of a written and rigid constitution; presence of a central authority side by side authority at the level of component units constitutes the fundamental attributes of federalism as identified by Eremie (82). Amah (289) identifies two primary theoretical interpretations of federalism. On one hand, federalism is seen as the unifying factor or link that causes multiple countries to merge into one by sharing administrative and governmental positions. Anywhere this idea is implemented, the consequence is a robust and stable federal government. In contrast, the other interpretation of federalism sees it as a means of uniting disparate states into a single statehood with significantly fewer goals, while simultaneously allowing each state ample room to exist independently of the others and to exercise unrestricted autonomy within their respective territorial jurisdictions. This specific idea might be more suited for the federalism of Nigeria. This, however, anticipates the growth of a constrained central government.

In Nigeria, the quest for true federalism entails the equitable distribution of power and responsibility among the three tiers of government. Eremie (82) argued “that Nigerian federalism, like federalism elsewhere, is evolving; and evolution is what federal systems are known for”. This means that federalism should not be seen as static, rather as being evolutionary. Unitarianism and loose confederation are the two extremes of the never-ending process, that is, federalism. This position was earlier captured by Johari (282) when he avowed that:

Modern federal system falls somewhere between a unitary government and a loose association of sovereign states. It has developed a difference of kind with a confederal model, it has brought about a difference of degree with a unitarian system.

The exact direction or evolutionary path it adopts at any given time depends on many factors such as finance, constitutional amendments, etc. Eremie (83) argued that “rather than call for true federalism, the debate should be on how to restructure Nigerian federalism for it to meet the changing expectations of its citizens”. He notes that meeting the needs of citizens is paramount; and when the existing structures fail to meet the expectations and needs of the citizens, then the search for appropriate measures has to be undertaken.

### **The Concept of Resource Control**

Resource control like any other concept of social discourse, has no exact or unanimous meaning. As rightly observed by Roberts and Oladeji (277),

While one group conceives it as the total takeover of the resources located in the resource-producing states by the people of those states, others understand it to mean that the stakeholders in the resource-bearing area should manage greater proportions of the resources harnessed in those areas.

This suggests that the notion is mostly defined by academics and even agitators from disparate and individualistic viewpoints. Accordingly, Dickson and Asua (5) cites Ifedayo (2010), who opines that “resource control involves the access of communities and state governments to natural resources located within their boundaries and the freedom to develop and utilise these resources without reference from the federal government”. From the above definition, what is evident is that resource control is characterised by the call or an agitation for regions or states to manage their resources and pay royalty to the federal government.

According to Adegbami, “resource control is the power and right of a community or state to raise funds by way of taxation on persons, matters, services and materials within its territory” (144). In other words, it involves the right of the state's governing body to administer and exercise control over the resources that are created and natural on its territory. To Ojo (16), it is “the right vested on the communities or state of derivation to levy customs and excise duties on goods manufactured in its territory”. It is the power of states or regions to manage and utilise the natural resources found within their territories. In Nigeria, this debate is particularly intense due to the country's rich deposits of oil and gas, primarily located in the Niger Delta region.

The politics of resource control often involve tensions and conflicts between the central government and resource-producing regions, as they compete for control and distribution of resources and revenues. This can lead to agitation, protests, and even violent conflicts in some cases (Editors, *steemit.com*). Nigeria, endowed with vast natural resources such as oil, faces significant challenges in distributing wealth equitably among its diverse population (Ignatius and Umotong, 12).

In recent times, states and some sections of the country have on one occasion or the other agitated for resource control for a number of reasons. For instance, the continued agitation for resource control by the Niger Delta region is, perceived as one of the manifestations of the struggles to redress perceived injustices and inequalities in fiscal relations among ethnic nationalities, regions and political units within the Nigerian federation (Dickson and Asua, 8).

Additionally, it is viewed as an inevitable consequence of the central government's disregard for their circumstances and the deterioration of their surroundings, which is thought to be serving the interests of the ethnic majorities at the expense of the minority. People in the Niger Delta have experienced immense poverty and loss of inheritance, which has sparked demands for resource management. It is pertinent to add here that “the agitations by the minority group in the Niger Delta over the control of oil revenue, compensation for environmental degradation arising from oil exploration appear to be the greatest challenge to nation-building and national stability in Nigeria in recent times” (Dickson and Asua, 8).



## **The Challenges of True Federalism and Resource Control in Nigeria**

### **The Challenge of Revenue Allocation**

The issue of resource control brings with it the problem of revenue allocation. This problem of how to share resources has created a great deal of heat that is nearly stifling the entire country. This is because the core issue of Nigeria's fiscal relations is who receives what share, when, and how of the country's cake. Given that Nigeria is a monolithic economy with the overdependence on oil to the detriment of other areas of economy, there are agitations, reactions and demonstrations among different ethnic groups in Nigeria, to the point that "some people have taken up arms in order to get their share of oil booty" (Adegbam, 144). The agitation lies on the question of which state should benefit more or benefit less.

Therefore, political factors have been linked to resource control in order to influence the distribution of wealth from the federation account. While the northerners want to receive equal allocation given to the oil-producing states from the federal government, the oil-producing regions argue that such cannot be the case since the Northerners are not the goose that lays the golden egg for the Nigerian economy. And more so, they (northern states) do not share in the pollution that is caused by oil exploration. Even the southerners go as far as accusing the Northerners for ownership of oil blocs and sharing it with their Northern cronies (Adegbam, 143).

The aforementioned debate has led some resource control opinion leaders to hold the sentiment that the states producing these resources should control their resources and pay an agreed upon percentage to the federal government as against what is in vogue. Counter opinions are that the current 13 percent derivation fund from oil produce is not enough; after all, before the discovery of oil, when we had the groundnut pyramid in the North, what the state paid to the federal government was 50 percent and not 13 percent. In response to the Northerners' agitation for increased revenue, the Southerners, particularly those in Nigeria's South-South geopolitical zone, accused the Northerners of being ungrateful. As a result, the South-South is now demanding complete control over the resources within their territory.

To strengthen their debate, the South-south geo-political zone of Nigeria based their argument on the premise of "True Federalism" which implies that the component of a federal nation should pursue their own developmental programmes at their own pace, using resources within their territory (Adegbam, 146). Unfortunately in Nigeria this is not the case as the federating units are still exerting pressure on the South South resources. There can be no significant progress in the area due to this pressure. For example, Egugbo (188) wrote:

From the words of former Governor James Ibori of Delta state, the agitation for resource control is not about total ownership of the oil found in the Niger-Delta region but the increment in the derivation fund from 13 percent to about 50 percent without offshore and onshore dichotomy. The agitation for resource control can be said to be a call for the restructuring of the Nigerian Federation in such a way as to ensure fiscal federalism whereby each state would have the autonomy to generate resources and use internally while paying adequate taxes to the central government.

According to Eminue (165),

Resource control became a prominent issue in Federal-State relations in Obasanjo's Nigeria, with the littoral states (Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Ogun, Ondo and Rivers) claiming that the natural resources located offshore ought to be treated or regarded as located within their respective states. The claim by the littoral states was more so accentuated by Decree No. 106(1992) which abrogated the onshore/offshore dichotomy for the purpose of calculating the amount of revenue accruing directly from any natural resources derived from any state pursuant to Section 162(2) of the Constitution of the Federal Republic of Nigeria 1999.

As Dickson and Asua note (8), it is also important to observe that Section 162(2) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) states that:

- (a) the natural resources located within the boundaries of any State are deemed to be derived from that State;
- (b) the seaward boundary of each of the littoral States is the low water mark of the land surface thereof or inland waters within the States;
- (c) the natural resources located within the territorial waters of Nigeria and the Federal Capital Territory are deemed to be derived from the federation and not from any State; and that
- (d) the natural resources located within the Exclusive Economic Zone and the Continental Shelf of Nigeria are subject to the provisions of any treaty or other written agreement between Nigeria and any neighbouring littoral foreign State, derived from the federal and not from the State.

### **The Challenge of Economic Justice**

The issue of economic justice and resource control is a central philosophical and practical challenge in the Nigerian federal system. Agitations for the restructuring of the Nigerian federation are fundamentally driven by demands for distributive justice within the public space. The Nigerian federation has been plagued by an imbalanced and centralised structure that has undermined the autonomy and self-determination of the constituent states. This has fuelled persistent demands for a more equitable distribution of resources and power benefits (Kwuamaeze and Dukor, 75).

Theories of distributive justice, such as those proposed by John Rawls and others emphasize the importance of fair and impartial allocation of societal resources. However, in Nigeria, the practice of resource control and revenue allocation has fallen short of these principles of justice (Ugandan, 48; Kwuamaeze and Dukor, 75). The over-centralisation of power and resources at the federal level has led to a perceived unfair distribution, with some regions feeling marginalised and deprived of their fair share of the national wealth. This has contributed to simmering tensions, violent agitations, and even threats of secession in certain parts of the country (Vande, 13).

Ultimately, the quest for economic justice and fair resource control is a fundamental philosophical and practical issue that must be addressed to ensure the stability, unity, and progress of the Nigerian federation. A more equitable distribution of resources and power, guided by principles of distributive justice, could help to foster a sense of inclusion and shared

prosperity among the diverse regions and communities of Nigeria. To address this challenge and achieve greater economic justice, there have been calls for a restructuring of the Nigerian federation that would devolve more powers and resources to the constituent states (Kwuamaeze and Dukor, 78). This would allow the states to have greater autonomy in managing their resources and development priorities, in line with the principles of true federalism.

### **Autonomy vs. Centralisation**

Another challenge is the balance between state autonomy and national unity. Federalism as we have already established is the distribution of power between a central authority and constituent political units (states or regions). True federalism involves significant autonomy for these units, allowing them to govern themselves in certain areas independently of the central government. However, true federalism advocates for significant state control, but in practice, Nigeria has often leaned towards centralisation, creating tension between the central government and states (Dickson and Asua, 8). Resource-rich areas such as the Niger Delta argue for a greater share of revenue to address historical neglect and environmental degradation. Calls for resource control often advocate for more autonomy in managing resources and retaining a larger share of revenues generated within their territories. True federalism is seen as a means to promote equity by allowing states to address local needs more effectively. However, uneven resource distribution and governance capabilities could lead to greater inequality and regional imbalances.

### **Ethical Implications of the Plight of the Niger Delta Region**

The exploitation of the Niger Delta's resources with little benefit to local communities raises ethical questions about justice, fairness, equality and restitution. From a justice perspective, resource control in Nigeria raises questions about who benefits from the exploitation of natural resources. Historically, oil revenues have not always translated into improved living conditions for all Nigerians, leading to perceptions of injustice. Regions like the Niger Delta, which bear the environmental and social costs of oil production, often feel marginalized and unjustly treated compared to other parts of the country. People in these regions are exposed to environmental hazards caused by oil spillage and its exploration, yet they are given a paltry 13 percent derivation allocation. This is not justice. It stands in contradistinction with the principle of subsidiarity, which holds that "matters ought to be handled by the smallest, lowest, or least centralized competent authority, supports local resource control". Conversely, the principle of solidarity emphasizes mutual support and sharing of resources to ensure collective well-being. This principle can justify more centralised control to redistribute resources and support the less wealthy regions. Striking a balance between these two is a *conditio sine qua non* for national unity and economic development.

In the areas of fairness and equality, the federal system in Nigeria allocates a significant portion of oil revenue to the central government, which then redistributes funds to states and local governments. However, disputes over the formula used for revenue allocation persist, with some people arguing that it does not adequately reflect the contribution of resource-rich states.



## Evaluation

The plight of the Niger Delta dwellers is the told and untold tales of injustice meted out to them in the conspiracy between the federal government of Nigeria and the multinational oil prospecting companies in Nigeria. The Niger Delta people are suffering due to the degrading effects of oil exploration and exploitation. What makes their case pitiable is that God has blessed the area with so much, but all they are left with, of the blessings are marginalization, underdevelopment and destruction of their land, etc. In line with the above, John Odey averred:

Today those living around the oil producing area of the Niger Delta have been subjected to the worst neglect in the history of Nigeria. Of all the wealth that accrues to the country from the Niger Delta, all the inhabitants get as reward is the devastation of their land, the pollution of their water and environment and the killing of their illustrious sons. (102)

Despite efforts to address these issues through policies like the Niger Delta Development Commission (NDDC) and the 13% derivation principle, challenges still remain. Corruption, mismanagement of funds, and lack of transparency in resource allocation continue to undermine efforts to achieve justice, fairness, and equality. In order to fully address the issue of resource control in Nigeria, there is need for a multi-faceted approach that includes constitutional reforms on revenue allocation formulas, enhancing transparency and accountability in resource management, empowering local communities, and addressing the environmental and social impacts of resource extraction. Achieving these goals would contribute to greater justice, fairness, and equality in Nigeria's resource control framework owing to the oil-producing communities have remained marginalised, deprived, exploited and underdeveloped.

Worst still, apart from environmental devastation brought on by oil drilling, the people are constantly exposed to gas flaring, which has severely damaged their farming and fishing industries. As a result, the Niger Deltans were forced to live in poverty without access to basic facilities like clean electricity, water, schools, hospitals and good roads, etc. In the words of John Wangbu "the whole region is today nothing but a Sahara Desert of poverty" (xi). Furthermore, the extent of material and human losses resulting from the ongoing conflict in the oil-bearing communities is concerning because every time the federal government sends troops to the region to put an end to civil disobedience, it always results in losses, not just of property but also of lives (Adegami 147). A typical example was the hanging of the environmental rights activists Ken Saro-Wiwa and eight (8) other minority rights campaigners on Friday Nov 10<sup>th</sup> 1995 in a prison surrounded by tanks and heavily armed soldiers. His last words were "Lord take our soul. The struggle continues". Therefore, it is recommended that for a peaceful and progressive country, there must be the willingness by the country's political leaders to bring everybody on board in the administration of the country by allowing the different producing areas to reasonably control their resources, as they know their problem, since the very structure of the federation is no longer practicable.

## Conclusion

Nigeria is a diversified, multicultural country that is best suited for federalism as a system of governance. Its objective is to allow each group to govern itself in topics of local concern without interference or control from the others. Central management will handle matters of common interest, while concurrent administration will handle matters of both local and national relevance. This allows for the accommodation of the various interests and situations of the constituent groups while also ensuring the nation's peace and stability and its continued existence in the face of the forces of conflict and division that are inherent in the diverse nature of the society. This of course requires high sense of morality from our leaders because as observed by Udofia and Udo (2018);

Leadership anchors on decision-making and taking of action for the individual and on behalf of the led. The rightness or wrongness of choices and acts are determined within the precinct of morality, hence the essentiality of morality in charting the principles that ought to be employed in making morally sound decisions (60).

In a truly federal system, the federal government receives a specific percentage of the resources' revenue, which are geographically distributed and constitutionally controlled by the component states. However, this is not the situation in Nigeria, and the violent conflict that exists in some sections of the country, especially the Niger Delta, is a result of the Nigerian federal state's structure, which violates the principle of real federalism. It is our informed and candid opinion that the present government will set in motion, a system that will make our present democracy truly a government of the people, by the people and for the people to reflect true federalism where the oil producing areas (and of course other regions) are allowed to reasonably control their resources for the sake of peace, justice, equity, fairness, democracy and sustainable development.

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