



Resource Control: A Panacea to True Federalism in Nigeria

¹Dakusuk Markus Jimwan, ²Mundi Freejob, ³Christiana Lekshak & ⁴Zaku Amina

¹Youth Network for Peace & Good Governance, Nigeria

²⁶³Department of Public Administration, Plateau State Polytechnic, Barkin Ladi, Nigeria

⁴Department of Public Administration, Federal University Wukari, Taraba State, Nigeria

Abstract

The quest for resource control and true federalism has generated a serious debate particularly within the academic and Nigeria body polity. The struggle gained momentum with the returned of Nigeria to democracy in 1999. The well-known oil producing states have been making calls for the control of resources to give room for a clear federalism internationally. This paper specifically discussed resource control; its meaning, agitation as well as its manifestation as one of the key contentious issues to achieve a true federalism in Nigeria. The paper adopts a historical and descriptive approach to generate data particularly from books, journals, newspapers, magazines and the internet. A careful analysis of the variables was carried out and qualitative data analysis was conducted. The paper discovered that the major control and utilization of oil revenue derived from the oil producing state for the development of Nigeria has only succeeded in favouring the non-oil producing states compare to where the exploration takes place. The paper recommends among others, the states in the North should see resource control as a major call to the realization of true federalism and not base on political aggrandizement.

Keywords: Resource Control, oil, Federalism, Nigeria, Democracy & Governance

Introduction

It is evident that Nigeria is a conglomeration of different ethnic groups having a diverse system of beliefs, customs and traditions. The Willinks Commission of 1957 and the Lagos Conference of 1958 was to ascertain the fear of the minorities in Nigeria. The 1960 independence and the 1963 Republican Constitutions respectively enshrined some fundamental principles of fiscal federalism and elements of resource

control in view of the level of derivation percentage that the regions enjoyed. The political changes that took place during the colonial and post-colonial era resulted in the suspension, modification and repealing the various constitutions by the colonial masters and the military rulership and the country tilted to a unitary system with a very strong centre.

The returned of Nigeria to democratic rule in 1999 pave way for the Niger Delta region to continue the agitation for the control of their resources. Owing to the fact that democracy gives room for freedom of expression, contrary to the repressive nature of military rule that bedevilled the country for decades (Ekuri and Etim, 2017). Consequently, the Niger Delta States became more united in the quest for the control of wealth naturally deposited in their lands (Kasim, 2000). Their continue agitation stem from the fact that, since democracy gives room for freedom of expression, this will be the right time for their struggle for resource control and for true federalism to be actualized. This is adequately in line with the principles of federalism where jurisdictional powers are shared between the central government or federal and the federating units. Federalism is a system of political arrangement in which political power is shared between the federal or central government and the federating units which may be called regions, states, provinces, etc. This paper seeks to ex-ray the critical issues concerning resource control and true federalism.

Theoretical Framework

To form the theory that will suit this study, the Relative-Deprivation Theory was adopted in this paper to explain the cause of serious agitation and violence among Nigerians, particularly the Niger Delta people on resource control. The central tenet of this theory according to Gur (1970) cited by Falehi (2000) is that relative aggression is always the result of frustrating and accordingly, when a group of people feel prevented in their attempts to get what they want, they are likely to become angry

and when they become angry the most satisfying response is to strike out at the source of their frustration (Verna, 2006). This theory therefore explains how frustration leads to a very dangerous and hostile behaviour against some groups Anifowose (1989)

Challenges of Nigeria's Federalism

The greatest problem of federalism in Nigeria today as the lack of proper understanding among the leaders and the general public of the nature of federal relationship as manifested between the federal and state governments. In the Nigerian experience, the autonomy of each tier of government is misconstrued to mean competition and confrontation with each trying to frustrate the other whereas the conception underlying the system is that the federal and state governments are mutually complementary parts of a governance mechanism. To him, federalism demands cooperation between each level of government in order to promote the welfare of the people through their combined powers (Nwabueze, 1982). Nwabueze goes further to examine what he calls the six different principles involved in his definition of federalism namely: separateness and independence of each government, mutual non-interference of inter-government immunities, the question of equality between the regional/state governments, the number of regional/state governments whom a federal government can meaningfully exist, techniques for division of powers and a supreme constitution. He proffers some answers as to why revenue allocation has evoked intense controversy in Nigeria. According to him, the main reason is that federally collected revenue is the mainstay of

the finances of the state governments accounting for over 90 percent of the total revenue and their entire developmental initiative is embodied in this. The Nigerian federalism originated from an existing unitary state devolving some of its power to the newly created governmental units based on the three regions of the country. Had the federation been formed by the coming together of existing independent states with already developed sources of revenue of their own, the question would have been how much of such sources of revenue should be surrendered to the new federal government. Another problem associated with Nigeria's federalism lies in what Okoko calls "internal colonialism in Nigeria".

He observed that there shall be paid by the federation to each region a sum equal to 50% (a) the proceeds of any royalty received by the federation in respect of any minerals extracted in that region; (b) any mining rents derived by the federation from the region (Okoko, 2002:12). He opined that the central or federal government has subsequently become increasingly dominant at the expense of the oil producing states. Looking at the aspect of ethnic balancing in terms of state creation, Okoko observes that out of the 36 states and the Federal Capital Territory which now assumes the status of a state, only 6 states are created in the oil producing minority areas and when the fact that these states are not viable, and that they all depend on the Federation Account built around oil revenue for survival and the fact that the prevailing revenue allocation formula lay emphasis on population, landmass, need, equality of states over and above derivation, one begins to appreciate the fears and concern of oil producing

communities in the Niger Delta. Ibaba S. Ibaba in his work, "Understanding the Niger Delta Crisis", renders account of the contradictions which have caught up with the crisis of development and general state of instability in the Niger Delta region. He describes the Niger Delta as an "old paradox" in many respects because, in spite of its evident and abundant resources both human and materials, including oil wealth of the country alongside its potentials for economic growth and sustainable development, the area represents one of the extreme situations of poverty and underdevelopment. He blames the situation largely on the nature of Nigerian federalism as defined by ethnic based political domination. He posits that "it is ethnic based political domination that is used to expropriate the resources of the oil communities for the dominant groups and the alliance between the dominant groups, the oil companies and the state enterprises, restricts the minorities access to the modern and more rewarding sectors of the economy" (Ibaba, 2011). The author blames the government and the oil companies operating in the region for the long neglects. He cites what he calls the poor state of infrastructure and high unemployment of the indigenes as major indices to substantiate his proportion.

He also links the myriads of problems faced by the region to what he describes as "internal factors" such as weak socio-economic foundation of the region, compradorial leaders (elites, chiefs, and opinion leaders), social disintegration, educational backwardness and lack of entrepreneurship coupled with the difficult geographical terrain of the area. In

concluding this section of literature review, one can say that the problem of Nigeria's federalism is associated with the creation of economically unviable states especially from the North. This has become a burden to the federal government which spends huge revenue to sustain the unviable states. Related to this is the question of overbearing powerful centre, politicization of population census, neglect of minority fears and agitations, bitter ethnic rivalry, corruption and poor leadership, lopsided revenue allocation and demand for fiscal federalism, federal character and military intervention in politics. The advent of military intervention in the political process of Nigeria was a major problem to Nigeria's federalism. The military sacrificed Nigeria's federalism on the altar of centralization (Ebegbulem, 2010).

UNDERSTANDING THE CONCEPT AND NATURE OF FEDERALISM IN NIGERIA

The term 'federalism' is derived from the Latin word *foedus* which means treaty or agreement. Hence federation means a union of state based upon treaty or agreement. Federalism did not begin as a concept that has to do with social or political organization. Writers on federalism interchangeably used such terms as federal, confederacy, federation and confederation but that these terms are not the same in their modern usages (Awa, 1976; Ugwu, 1998).

The concept of federalism is a system where two levels of government, federal and regional (state) exist side by side with each possessing certain assigned powers and function (Okolo, 2011). Federalism has also

been seen as situation whereby geographical distribution of power to govern is desired or has been achieved in a way of giving several governmental units of the system, some degree of security – some guarantee of continues existence as organization and shareholders of power (Sawer, 1968). For Karl (1968), federalism is a situation whereby the federal and regional (state) governments are limited to their spheres and within those spheres should be independent of the other. Dicey on the other hand sees federalism as a political arrangement meant to reconcile national unity and diversity with the maintenance of the rights of the state and also to allay the fear of minorities.

Okolo (2011) said that federalism is a type of society operating a constitution, which works at two levels of government as a national and as a collection of related but self-standing units. Federalism is that form of government where component units of a political organization participate in sharing powers and functions in a cooperative manner though the combined forces of ethnic pluralism and cultural diversity among others tend to pull the people apart. Furthermore, in federalism there are two or more levels of government: one at the centre level and the other at the level of the units. The latter are not subordinate to the former, both derive their power from the same source that is the constitution, which is usually written and is the supreme law of the land. Demarcation of power between the centre and the units is enumerated in the constitution. Balance of power between the two levels differs from federation to federation. Thus while the USA, constitution clearly gives more importance to the units (i.e. the state), the constitution

of Canada provide for a stronger federal (i.e. central) government.

Wheare (1953), an exponent on contemporary federalism discuss, saw federalism as:

a constitutional arrangement which divides the lawmaking powers and functions between two levels of government in such a way that each within its respective spheres of jurisdiction and competence is independent and coordinate. This constitutional form is brought about by circumstances, where people are prepared to give up only certain limited powers and wish to retain other limited powers to be exercised by coordinated authorities. He observed that coordinate supremacy of all the levels of government with regard to their respective functions remains a cardinal principle of federalism.

This means that federalism has emerged as a particular kind of functional arrangement between states for living and working together nationally, while presenting a measure of separate identity (Wheare, 1953).

Kapur (1986) averred that federalism is a dual government where powers are divided and distributed by the constitution between a central government and regional or state governments. Such powers are original and derived. The component units i.e. the regional or state governments are coordinate independent authorities within their allotted sphere of jurisdiction. These component units must also be left with adequate economic resources to run their administrations and perform the functions assigned to them satisfactorily without being

dependent on the peanuts that come from the national government.

Babawale (1998) defines a federal state as:

One in which there is an: explicit and constitutional demarcation of powers and functions among national and sub-national units. Moreover, the powers and responsibilities are distributed in such a manner as to protect the existence of authority of both levels of polity each of which is independent within its own sphere... federalism refers to the doctrine which advocates and promotes the form of organisation of a state in which power is dispersed or decentralized by contract as a means of safeguarding local identities and individual liberties.

He further states that federalism describes not only the structure of a state; it also designates its political culture and political process. An important characteristic, which distinguishes federal system from non-federal systems, is non-centralization of power. For in a federal polity, there is division of power between the central and component units. It is pertinent to note that in Nigeria's federal experience, the reasoning propounded by Wheare (1953), Babawale (1958) and Kapur (1986) does not hold in practice. This is because the Federal Government has usurped virtually all the powers, which were formerly exercised by the state governments. Corroborating this line of thought, Akindele and Bassey (2001) defines a federal state as a political entity or country where powers and indispensable decisions are exercised and made at two or multilateral levels of government in accordance with the strict mutually agreed constitutional provisions of the country concerned. Eggebulem (2011) argued that

these positions formed the basis of the claim that federalism is anchored on considerable tolerance of diversity and willingness to take political action through conciliation even when the power to act unilaterally is available.

Wheare (1953) adopts United State of America as the model federal state. Following his preferences for American style federalism, he chose to call other constitutions that do not make the component units autonomous as quasi-federal states. For example, Wheare's concept of federalism regarding the pre-1966 Nigerian constitution as quasi-federal because section 66 allowed the Federal Government to declare a state of emergency on any region and to take over the running of the government of that region for a specific period of time. Ekpo and Enamidem (2003) equally observed that protagonists of resource control began to push forward the argument that the country cannot be said to be a federation when the elements of federalism are lacking – elements such as state police, control of natural resources by the federating unit. Although, Nigeria is supposed to be a federation, nothing in its structure and administration lends credence to this claim. Ekpo and Enamidem (2003) further assert that the manifestation semblance of a federation in Nigeria is merely the 36 states – otherwise the country is to all intents and purposes – a unitary state. The government at the centre is stronger than the states, with latter depending mostly on allocations from the former for survival.

Wheare's (1953), Kapur's (1986), Babalawe's (1988) and Akindele (1995) definitions and

analysis, it could be concluded that in any true federalism, the regions or states have the constitutional right to control their resources without much interference from the central government. They have also established that the basic principles of true federalism given by Nwabueze (1982) which include separateness and independence of each government; mutual non-interference of inter-governmental immunities; equality between the region or state governments; ascertaining the number of regional or state governments which a Federal Government can meaningfully co-exists; mode for the division of powers and the supremacy of the constitution are glaringly lacking in Nigerian federalism.

History of Nigeria's Federalism on Contemporary Federalism

Both Tamuno and Olusanya (1980) have traced actual British administration in Nigeria in the twentieth century to 1898, which marked an epochal attempt by the British Government to establish and maintain colonial state. To ensure the central direction of policy and to pull economic resources together, the British Government then adopted the policy of gradually amalgamating various administrative units in Nigeria which culminated in the 1914 episode of amalgamation of the Northern and Southern protectorates. From this period they maintained that Nigeria developed constitutionally till 1954 when the Lyttleton Constitution introduced Federal principles into her body politics with the adoption of four (4) regions.

Nigeria federalism has been through four phases, namely, colonial, civilian, military and post-military. Between May and July 1966, it briefly ceased to be a federation and became instead, through military fiat, a unitary system of government. Each of these phases has left its mark on both the nature and the operation of the country's federation. Each phase put it through some stress that, in some cases, forced some adjustments to the character of the nation's federalism. Our colonial masters responded to the peculiar problems of the country in various ways, notably through constitutional development. They wrote four constitutions for the country between 1922 and 1954 (Clifford, Richards, McPherson and Lyttleton). Each of these constitutions served its immediate and limited purpose but none produced the formula for an effective management of the great rainbow coalition in the Nigerian federation.

The kind of pre-military federal system that Nigeria operated in the period now known as the First Republic was fundamentally different from the post-military federal structure. In the former, the three and later four regions 1963, were fully autonomous federating units. Each region, with a premier as head of government, operated its own laws and constitution. Each of them had native authority police while the federal government maintained the Nigeria Police. Each region was allowed to have its representatives in some foreign countries. They were designated agents, not ambassadors although they functioned practically in that capacity. Each region also had the symbol of its own authority. None of them was totally or near totally dependent on the centre for its fiscal and

other needs. Each region was strong enough and rich enough to take care of itself. The main criticism of this arrangement was that the regions were too powerful and the centre was too weak for a meaningful federal system and national unity. The regions, given the degree of their autonomy, tended to treat the federal government with disdain. The federal government could not impose its will on the federating units. It was generally felt that if this continued, things would eventually fall apart.

Basically, from January 15, 1966 to October 1, 1979, Nigeria had a military government. The military administration effected some fundamental changes in the nation's political and administrative system of governments. The first of such fundamental changes was Decree 34 of 1966 promulgated by the first military head of state, the Late Major General Aguiyi-Ironsi. Under that decree, Nigeria operated a unitary system of government. Given the political crisis at the time and what was clearly perceived as serious threats to the federation, General Ironsi felt that what the nation needed was a unitary form of government with an overbearing centre. By the time the military quit the stage on October 1, 1979, in the first instance, they had succeeded in changing the character of the federation in response to the nation's historical problems of fear and domination. The centre became, and remains, powerful and the constituent units became and remain weak.

Concepts of Resource Control

The concept of resource control has been discussed in different fora by scholars over the years particularly when Nigeria returned

to democracy in 1999. According to Henryik (2009) defined resource control as the control and management of resources by State or Local Governments from whose jurisdiction the resources are extracted. The State or Local Governments would manage the resources from their territories under federal guidelines (especially, environmental ones), and then remit prescribed percentage to the federal centre. Ofeimum (2005, cited in Dickson and Asua, 2016) further opined that resource control is the principle that every federating unit must be empowered to be self-governing. It amounts to an expression of self-determination by the zone which places a collaborative duty on other parts of the country to assist the zone in the realization of their objectives.

Afoyemi (2013, cited in Dickson and Asua, 2016) observed that resource control is the way and manner the government revenue is shared among the various tiers of government – the Federal, State and Local Governments, as well as how resources available are harnessed and determined. Ya’u (2001, cited in Dickson and Asua, 2016) said resource control may be taken to mean the substantive power for the community to collect monetary and other benefits accruing from the exploration, exploitation and use of resources in their domain and deploy same to its developmental purposes. The seventeen South Governors Forum as cited in Dafinone (2001), explicitly defined resource control as the practiced of true federalism and natural law in which the federating units express their rights to primarily control the natural resources within their borders and make agreed contribution towards the maintenance of the

common services of the government at the center.

Roberts and Oladeji (2005) pointed out that, 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 implies that scholars and even agitators define the concept largely from different and individualistic perspectives. Ifedayo (2010, cited in Dickson and Asua, 2016) affirm that resource control involves the access of communities and State Governments to natural resources located within their boundaries and the freedom to develop and utilize these resources without reference from the federal government.

Albert Okumagba, an environmentalist and a strong advocate for resource control views resource control as:

The desire of every state in the federation of Nigeria to control and manage the natural resources located therein... we do not want to seize the oil, but to participate. By no stretch of imagination thereof can the concept of resource control be equated with crude oil only. It surpasses same in a million fold (Okumagba, 2002).

For him, resource control transcends the narrow confines of crude oil to include coal, hides and skin, tin, limestone, groundnut, rubber, cotton, palm oil and solid minerals on earth. Consequently any state that is endowed with any of these resources will be empowered to control and manage same upon payment of taxes to the federal government. Above all, he says that resource

control will stimulate the healthy competition among the states and eventually lead to even development of the country. New barriers will be broken; more resources will be discovered and managed for the benefit of the Nigerian federation. The fact is that resource control will lead to diversification and revamping of solid minerals sector which has been neglected. To this end, the belief is that the practice of resource control will improve the pace of economic development of the whole country in general and particularly make the respective states to identify their comparative advantages which best serves the country.

The overdependence on oil has resulted in the abandonment of the solid mineral sector, thus illegal miners in collaboration with some unscrupulous businessmen, are now having unhindered access to these minerals and exploiting same illegally. However, as succinct as the points raised by the advocates for resources control, mostly the elites from the South-South geopolitical zone of the country, their northern counterparts have consistently kicked against the agitation, seeing any attempt to allow states to control their own resources as a “recipe for disintegration”. Presenting the Northern elites position in an article caption “States Cannot Control Resources” and published in *The Punch Newspaper* of April 6, 2001, Alhaji Umar Tukur Dangaladima, a one-time Commissioner in Zamfara State dismissed the demand as unrealistic, adding that “the people of oil bearing States only migrated to settle in their present abode” and that they “met the land and everything there and therefore, cannot claim the resources to be their own”.

Similarly, a prominent Northern political leader, Alhaji Tanko Yakassi, has expressed the unfortunate posture of the North to the resource control issue. In an article published in *The Guardian Newspaper* of May 20, 2001, he noted that all the constitutions that had been operational in Nigeria from the colonial dispensation to date have placed the control of natural resources in the hand and control of the federal government. He also argued that all over the world, things like oil mineral deposits and so on are naturally controlled by the central government and wonders why Nigeria should deviate from such acceptable standard. He reminded the Niger Delta states that when the defunct Biafran Republic was declared over the area in 1967 by Colonel Odumegwu Ojukwu, the entire people of Nigeria sacrificed to liberate them. To this end, he creates a justification that other Nigerians deserve to share from the resources derivable from the Niger Delta area. This *Day Newspaper* of Sunday, April 15, 2001 presented the position of the 19 Northern State Governors on the issue of resource control. The paper quoted the communiqué issued at the end of one of the Northern Governors’ meeting in Kaduna as rejecting the “true federalism” stance of the Southern Governors, insisting that the actualization of such demand would have accompanying grave implications for the country.

From the aforementioned definitions, it is obvious that resources producing areas ought to have control over resources located in their areas, with minimal intervention from the federal government, as it is the practice in the United States of America, Canada and Switzerland amongst others.

Relationship between Resource Control and True Federalism

It has been adjudged that there exist a fundamental relationship between resource control and true federalism. These concepts mutually complement each other. A true federal state practices resource control, while resource control functions vibrantly in a true federal state. Put together, resource control is an indication of the practice of true federalism (Odje, 2000).

Azaiki (2003) observed that one key trait of the Nigerian union which was to persist for many years was that the three regions of the North, West and East retained control of their natural resources. This was one positive aspect to the practice of federalism in Nigeria. Azaiki went further to say that while resource control is a basic economic theory grounded in the fact that land (rent), labour (wages), capital (interest) and entrepreneurship (profit) are factors of production within the context of federation, it implies that the component states within a federation have a right to primarily control the natural resources within their borders, and to make an agreed contribution towards the maintenance of common services at the centre. This was the case with Nigeria until the military struck in 1966. With the advent of the military in 1966, federalism suffered in Nigeria. The independence of the regions was compromised as a hierarchical command structure emerged. A very powerful central government came into being and it only encourages, promotes and sustains subservience and domination of the component strata by the center.

The failure of Nigerian state to uphold the principles of true federalism is responsible for the persistent call for resource control. This is because true federalism guarantees resource control. True federalism protects the fundamental rights of both the individual and the federating states. It affords states the benefit of deploying their resources for their own development. Davidson (1992), notes that Nigeria is currently operating a defective and fallible federalism because the Nigerian federal system has consistently undermined one of the most cardinal philosophical principles of federalism. He says the relative autonomy, independence and self-determination of these units must be appreciated and guaranteed in clear terms. Advocates for resource control have argued that in any true federalism, powers are shared between the federating units and the central government in such a way that each government has its own apparatus for the conduct of its own affairs. They stress that in any true federalism, the oil, gas or any other mineral found in any state belongs to that state. They maintained that the fact that the areas that provide the national wealth are the poorest in the country is provocative. The condition of these areas like the Niger Delta States and their people is aptly captured by O'Neill (2007) who posits that the cruelest twist is that half a century of oil extraction in the Delta has failed to make the lives of the people better. Instead, they are poorer and lack basic infrastructure and amenities of life.

Okumagba (2002) pointed out that resource control transcends the narrow confines of crude oil to include coal, hides and skin, tin, limestone, groundnut, rubber, cotton, palm

oil and solid minerals on earth. Consequently and state that is endowed with any of these resources will be empowered to control and manage same upon payment of taxes to the federal government. Above all, he says that resource control will stimulate the healthy competition among the states and eventually lead to even development of the country. New barriers will be broken; more resources will be discovered and managed for the benefit of the Nigerian federation. The fact is that resource control will lead to diversification and revamping of solid minerals sector which has been neglected. To this end, the belief is that the practice of resource control will improve the pace of economic development of the whole country in general and particularly make the respective states to identify their comparative advantages which best serves the country.

Conclusion

In conclusion, this paper reveals the critical issues contributing to challenges of resource control and how they could be tackled to foster true federalism in Nigeria. To have a true federalism, the federating unit ought to have a political and jurisdictional power to control and manage the resources that are naturally situated in their zones. The south-south struggles remain a major point of consideration when true federalism and resource control is mentioned in a forum. If the agitation for resource control is won, it will definitely benefit all the states in Nigeria. All states in the federation are endowed richly with different natural resources that are yet to be exploited.

Therefore, the struggle for resource control remains basically a political theory founded

on the fact that land, labour and entrepreneurship are key factors of production that are owned by different individuals and hence be controlled by them. Generally, when resources are control and manage by individual states, it will foster even development and have a tremendous benefit on the Nigeria state.

Recommendations

To have a strong and united federation, the federating units that made up the federation need to be sufficiently empowered by enabling the activities to conform to the philosophy of federalism. Based on this, the following recommendations were made which when accepted, will address the challenges confronting a resource control and true federalism.

- a. A major constitutional reform should be in place to make all states autonomous and self-independent to an extent.
- b. Any element of unitary system of government should be expunged from Nigeria's federalism and states should be given the degree of freedom and autonomy consistent with federalism.
- c. There should be better conflict resolution mechanism for the resource control agitators rather than violence and armed struggle to demand for their legitimate right.
- d. The revenue allocation formula should be review in order to increase the share of the federating units to facilitate the discharge of the additional responsibilities devolved to them.
- e. The states in the North should see resource control as a major call to the realization of a true federalism and not base on political and economic aggrandizement.

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