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Thematic Analysis of Crisis in Nigeria and Consociational Democracy

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Abstract
Nigeria is a creation of the British colonial rule, which amalgamated the Northern Protectorate, Southern Protectorate and the Colony of Lagos to form one entity. Since attaining independence, nonetheless, Nigeria continues to suffer from one form of constitutional, political and administrative crises or the other. However, a thematic study of these crises appears to suggest that the deeply-rooted interests existing in the polity account for these recurring crises. The paper therefore examines these crises from an historical standpoint, with a view to analysing reasons for the recurring crises as well as proposing consociationalism as a solution.

Keywords: Crisis, Consociational Democracy, Nigeria

1. Introduction

Historically, most independent African states seem to be enmeshed in "chains of political and boundary crisis, civil strife, conflicts, and wars."[1] Nigeria is not insulated from these crises. Recent events in Nigeria may compel analysts interested in the Nigerian polity to wonder what has gone wrong with the self-proclaimed'giant of Africa', an alias which appears to have been coined owing to Nigeria's "remarkable achievements in the [African] continent in the past three decades."[2] For keen observers of Nigeria's constitutional, political and administrative developments since independence, the present crises-ridden nature of the country would not be a big surprise.[3]

Historically, Nigeria has been riddled with various constitutional, political and administrative crises,[4] often traceable to the religious segmentations, political interests and heterogeneous nature of the country, amongst other factors.[5] This has manifested in the form of BokoHaram insurgency in Nigeria,[6] Niger Delta militancy,[7]clamour for secession by persons from

[1] BO Egb and OO Ibiang, 'Pre-Colonial Inter-Group Boundary Relations in Africa: The Nigerian Experience" *Lwati: A Journal of Contemporary Research* (2018) 15(1) 64, 65.
[2] CC Ojukwu and JO Shopeju, 'Elite Corruption and the Culture of Primitive Accumulation in 21st Century Nigeria" *International Journal of Peace and Development Studies* (2010) 1(2) 15.
[3] HN Mkirk-Greene, *Crisis and conflict in Nigeria*, (Faber and Faber 1971) 6.
[4] IkelegbeAustine, 'State, Ethnic Militias, and Conflict in Nigeria' *Canadian Journal of African Studies* (2005) 39(3) 490; J R Ikechukwu, 'A Historical Survey of ethnic conflict in Nigeria' *Asian Social Science* (2012) 8(4) 25.
[5] AE Nyong, 'Religious and Political Crises in Nigeria: a Historical Exploration' *Journal of Humanities and Social Science* (2017) 22(9) 65, 66.
[6] Nnorom Kingsley, 'Boko Haram and Rising Developmental Crises in Nigeria: Overview and Sociological Implications" *International Journal of African Renaissance Studies-Multi-, Inter-and Transdisciplinarity* (2021) 16(1) 83.
[7] DialokeIkechukwu and Marshall SE, 'Effects of Niger Delta Militancy on the Economic Development of Nigeria (2006–2016)' *International Journal of Social Sciences and Management Research* (2017) 3(3) 25-27.

the South East, amongst others. [8] Therefore, this paper contains a thematic study of constitutional, political and administrative crises in Nigeria. The work focuses on pre-colonial, colonial and post-colonial constitutional, political and administrative crises in Nigeria, including a discussion of the successive coup'sd'état in Nigeria as well as the Nigerian Civil War. The paper finds that conflicting and competing interests within the Nigerian polity appear to be the causal factors of these lingering crises in Nigeria. Some recommendations are suggested in the latter part of the work.

2. Definition of Terms

2.1 Democracy

Although democracy itself is a contested concept, in general, definitions and measures of democracy are often drawn from the canon and experiences of the global North.[8a] Democracy seeks to collate the majority decision within a polity. That is, providing majority rule.[8b] The New Oxford Companion to Law Dictionary states that "democracy involves inverting the long-standing idea that the ruler's job is to govern, and the people's role is to obey. It suggests instead that everyone affected by a decision has a right to participate in the decision-making process."[8c]

According to the Black's Law Dictionary, democracy refers to a "government by the people, either directly or through representatives elected by the people."[8d] Garner's Dictionary of Legal Usage describes democracy as "meaning literally 'government by the people."[8e] Merriam-Webster's Dictionary of Law defines democracy as "a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usu. involving periodically held freeelections."[8f]

2.2 Consociationalism and Consociation

Consociationalism suggests a package of proportionality, a grand coalition of communal leaders, group autonomy, and mutual vetoes to protect vital interests within a polity. The underlying philosophy is one of inclusion, representation, and power sharing.[8g] Consociationalism, as proposed by Arend Lijphart proposes consociationalism as a framework to establish democracies in ethnically divided societies through political institutions that accept community differences and manage conflict. Consociationalism therefore governs consociations.

According to Gamer's Dictionary of Legal Usage, "...consociation is a political regime for power-sharing among competing groups within a given geographic area; it involves a coalition of political leaders from all segments of a pluralistic society."[8h])

As a formal system to promote government through power-sharing, consociationalism has been successfully employed in plural nations such as The Netherland and Switzerland. Consociationalism explains a type of political system that is "willing to accommodate a variety of groups of divergent ideas in order to achieve the goal of unity. It is essentially a system of compromise and accommodation."[8i]

3. Pre Colonial Crises in Nigeria

Nigeria is a country with a very rich history. The country is a 'British creation fashioned out between 1861 and 1914. The 1861 annexation of Lagos gave Britain a firm foothold in Nigeria; and, between that year and 1903, virtually every Nigerian nation capitulated to British imperial rule.'[9] Before the arrival of European colonial powers, Nigeria was home to a complex web of pre-colonial societies, each with its unique customs, beliefs, and social structures. This article provides an overview of the pre-colonial society in Nigeria, shedding light on its rich history and the significant characteristics that defined it.

In pre-colonial societies in Nigeria, there were various independent administrative set ups within the various ethnic groups, albeit these groups also appear to have had some links between them.[10] Hence, it has been suggested that:

> . . These relationships . . . sometimes took the form of war and enslavement. But they expressed themselves also through diplomacy, treaties, the visits of wandering scholars, the diffusion of political and religious ideas, the borrowing of techniques and above all, trade.[11]

Nonetheless, these pre-colonial societies were generally characterised by weak and fluid states, with no clearly defined territories and borders.[12] Nonetheless, despite the perceived organization of the precolonial Nigerian societies, there was clearly a jungle in respect of interstate relations. Nevertheless, there seems to be two different arguments in

[8] DI Owoeye and VE Ezeanya, 'Problem of Secession Cum Separatism in Nigeria: The Pre-Democracy and Democratic Marginalization of the Igbos' *Journal of Research in Humanities and Social Science* (2022) 10(2) 66.

[8a] Heidi Brooks, Trevor Ngwane and Carin Runciman, 'Decolonising and Re-Theo rising the Meaning of Democracy: A South African Perspective' [2010](68) (1) *The Sociological* Review 17.

[8b] Albert Weale, 'Popular Government Without the Will of the People' [2021] (41)(1) *Topoi*: An *International Review of Philosophy;7.*

[8c] Cane Peter and Conaghan Joanne (eds), *The* New *Oxford Companion* to Law (Oxford University Press2008), 303.

[8d] AG Bryan (ed), *Black's Law Dictionary* (10th ed, West Publishing 2014)525.

[8e] AG Bryan, *Garner's Dictionary* of *Legal* Usage (3rd ed., Oxford: Oxford University Press 2011) 264.

[8f] Merriam-Webster Incorporated, Merriam-Webster *Dictionary* of Law (Merriam-Webster 2015).

[8g] Matthijs Bogaards, 'Consociationalism and Centripetalism: Friends or Foes?' [2019] (25) (4) Swiss *Political Science* Review; 519.

[8h] AG Bryan, *Grarner's Dictionary of Law Usage* 3rd ed., Oxford: Oxford University Press 2011) 199.

[8i] Lewis, 'The making of the Modern Nigerian State' p. 547

[9] EO Ojo, 'Nigeria, 1914-2014: From Creation to Cremation?' *Journal of the Historical Society of Nigeria* (2014) 67.

[10] T Babawale, *Nigeria in the Crises of Governance and* Development (Concept Publication 2007).

[11] OO Okpeh, 'Patterns and Dynamics of Inter-Group Relations in Nigeria, 1800-1900 AD' *Journal of the Historical Society of Nigeria* (2007) 124.

[12] JO Odeyemi, 'A Political History of Nigeria and the Crisis of Ethnicity in Nation-Building' *International Journal of Developing Societies* (2014) 3(1) 3.

respect of the conflict situations in pre-colonial societies.[13] There is the argument that the wars during the precolonial societies were often nonsensical and unjust; ignited for fun, frivolity and aggrandizement, spoils and slave-raiding.[14] On the other hand, there is the argument that these precolonial wars were an intrinsic part of precolonial Nigerian societies because of the usual conflicts surrounding territorial settlements of the various precolonial societies, due to economic interests and mostly because of the multicultural nature of the various precolonial societies.[15] Nonetheless, although it is obvious that these precolonial conflicts appeared to have been characterized by intra and inter-communal disputes, [16] the question that concerns the discourse at this point is whether these conflicts can be rightly categorized as constitutional, political or administrative conflicts? It is pertinent to note that it would be highly unfitting to categorise these conflicts as constitutional, political or administrative conflicts because these conflicts were mostly inter-communal in nature, centered on a struggle over land[17] and territory as well as economic resources between ethnic groups. As such, rather than being constitutional, political or administrative conflicts, 'these conflicts were international wars - much like pre-19th Century European wars - as the different communities were independent before colonialism.'[18]

4. Colonial Crises in Nigeria

Basically, the era of colonialism is seen to have been characterized by different hurdles and the foundation of modern development crisis was laid during the period.[19] Hence, "the period was characterized by disarticulation or incoherence, disarticulation of economy implies one whose parts or sectors are not complementary and in a coherent economy there is regional and or sectoral complementary and reciprocity." Both neo colonialism and dependency are product of imperialism, dependency was created during the colonial era by making sure that Nigeria were made to be the producer of raw material needed by the colonial masters without making any effort to be self-dependent.[20] There were various contradictions inherent in colonialism such as disarticulation of economy, institutionalization of corruption, integration of colonies to global capitalist system, financial dependence, and disarticulation of transport system. The conflicts in Nigeria today is not a new phenomenon, the recurring crisis of various magnitudes started during the colonial era.[21] During the colonial period in Nigeria therefore, there were various constitutional, political and administrative crises. For example, in 1929, there was an outbreak of the Aba Women's riots, which was touched off by the imposition of direct taxation and the introduction of new local courts and especially of warrant chiefs.[22] It was basically "a resistance movement whereby women in the eastern provinces of the British Colony of Nigeria intended to reverse colonial policies that intruded on their political, economic, and social participation in local communities."[23] There was also the conflict brought about by the introduction of the Clifford constitution of 1922. As such, upon becoming the British Colonial Administrator of Nigeria, Hugh Clifford felt the need to change the direction of his Lord Lugard, his predecessor and "far from shielding indigenous societies from European influences, as had been the practice especially in Northern Nigeria under Lugard, [Clifford believed that his administration] should deliberately allow these societies to be permeated by western ideas."[24] Hence, when Hugh Clifford introduced the Clifford Constitution of 1922, which increased the power of the colonial governor and limited African representation in the legislative council, there was a widespread discontent and protests among Nigerians. Many felt that the constitution marginalized their voices and interests. There was also the discontentment with the disparity between the salary scales of European public officers as compared to the salaries of African public officers, which was mostly less than their European counterparts.[25]

The Richards Constitution, which introduced the House of Chiefs in Nigeria,[26] further exacerbated tensions by creating regional Houses of Assembly with limited legislative powers, which were seen as undermining the authority of traditional rulers and local leaders. This led to protests and opposition from various Nigerian groups, especially amongst the regional leaders who were not satisfied.[27] Although, the introduction of Macpherson constitution is viewed as an attempt to address some of the concerns raised against previous constitutions, the Macpherson constitution still ended up limiting the political power and representation

[13] SO Olorede and Adeniji OA, 'Dynamic of Warefare in Pre-Colonial Offa Land, 1878-1886' *International Journal of African Society, Cultures and Traditions* (2020) 8(4) 17.

[14] JO Odeyemi, 'A Political History of Nigeria and the Crisis of Ethnicity in Nation-Building' *International Journal of Developing Societies* (2014) 3(1) 3.

[15] UkiwoUkoha, „The Study of Ethnicity in Nigeria" *Oxford Development Studies* (2005) 33(1) 11.

[16] SA Adesote, Internal Conflicts and Forced Migration in Nigeria: A Historical *Perspective' Journal of Identity & Migration Studies* (2017) 11(1) 7; Abayomi-AlliMayowa, 'Pre-Colonial Nigeria and the European's Fallacy' *Review of History and Political Science* (2014) 2(2) 24.

[17] AEF Paki and GS Edoumiekumo, 'Colonialism and Political Conflict in Contemporary Nigeria: The Case of the Niger Delta' *International Journal of Humanities and Social Science* (2011) 1(6) 278.

[18] Ukiwo, 'The Study of Ethnicity in Nigeria' p. 11.

[19] JS Olanrewaju, „Understanding Nigerian Development Crisis" *Afro Asian Journal of Social Sciences* (2015) 6(1) 8.

[20] C Ake, *The Political Economy of Africa* (Brooking Institute 1982) 13.

[21] JS Olanrewaju, 'Understanding Nigerian Development Crisis' *Afro Asian Journal of Social Sciences* (2015) VI(1) 9.

[22] BA Adu, *African Perspectives on Colonialism* (Johns Hopkins University Press 1987)79.

[23] IE Obienusi, 'Aba Women Protest and the Aftermath 1929 till 1960' *International Journal of Humanities* (2019) 131.

[24] AJS Cookey, 'Sir Hugh Clifford as Governor of Nigeria: An Evaluation' *African Affairs* (1980) 79(317) 533.

[25] Rina Okonkwo, 'The Nigeria Civil Service Union, 1919-1922' *The International Journal of African Historical Studies* (1993) 26(3) 613-615.

[26] Peter Iyeh, 'Reconsidering Place of Traditional Institutions under the Nigerian Constitution: A Comparative Analysis.' *JL Pol'y& Globalization* (2014) 138.

[27] Aworawo David, 'Divisive dividing: Revenue Allocation and Unrest in Nigeria since the Late Colonial Period' *Historia Actual Online* (2012) 39; Lynn Martin, 'The Nigerian Self-Government Crisis of 1953 and the Colonial Office' *The Journal of Imperial and Commonwealth History* (2006) 34(2) 249.

of Nigerians. It maintained the divide between the educated elite and traditional leaders, causing dissatisfaction. As such, the Macpherson constitution was also subjected to serious criticisms.[28] In all, what is obvious from the above analyses is that, the conflicts during the colonial period in Nigeria appears to have occurred as a result of the interests of the British colonial rulers which were often in contrast with the interests of Nigerians.

Nonetheless, other than the above constitutional crises discussed above, there were other patches of political and administrative crises during the colonial era. In this wise, the eastern region was one of Nigeria federal division, dating back originally from the division of the colony; southern Nigeria in 1954, its capital Enugu was the region capital. It was officially divided in 1967 into three new states: East-central state, Rivers state and South eastern state. The east central state had its capital at Enugu, which is now part of Enugu State. In 1953 however, the old eastern region had a major crisis due to the expulsion of Professor EyoIta from Calabar. He was one of the pioneer nationalist for Nigeria Independence. He is an Efik man, the minority in the region, the Ibibio, Annang, Efik, Ijaw and Ogoja demanded state of their own, the CalabarOgoja-River State (ORS) The struggle for the creation of (ORS) continued and was a major issue on the state of minority of Nigeria during debate in Europe for Nigeria independence. The extent of this crisis went as far as joining of Nigeria and Cameroun during the July 1953 London constitutional conference, citing fear of Nigeria domination, Cameroun requested the unconditional withdrawal of the Southern Cameroun from the eastern region of Nigeria and its transformation into a separate region of Nigeria and its own in line with its trusteeship status. Britain agreed and implemented separation in 1954, making the southern Cameroun (including BakassiPenisula) a semi-autonomous quasi-region of the Nigeria Federation with its own House of Assembly and executive bodies. Again, when Chief Anthony Enahoro moved the motion for self-government in 1959, the council of the ministers decided to remain neutral over the issue. The Action group ministers unilaterally decided to support what is in their own opinion was an important motion being sponsored by their party. They decided to resign/vacate their seats in order to vote in favour of the motion. The North was not in support of the motion for self-government and the Sadaurna of Sokoto, backed by the Northern elements, decided to put up a counter motion thereby creating a rift between the North and the South; as the crisis over the motion for selfgovernance deepened between the North and the South. The North became separatist in sentiments and openly expressed that the amalgamation of North and the South in 1914, was a regrettable mistake in the political/history of Nigeria.[29] The Northerners were especially wounded by the insults their representative received from Lagos mob following their attitudes to Enahoro‟s question of self-government for Nigeria. When the Northerners were still nursing the anger against the Southerners, the untimely campaign in the North in May, by S.L Akintola led to the Kano riot in which many Southerners were killed and their properties looted and destroyed. After the riot, tribal hatred among Nigeria gradually developed.[30] Again, the political tussle during the colonial era reached a boiling point during the struggle for independence.

5. Post-Colonial Crises in Nigeria

Despite attaining independence in 1960, Nigeria continued to experience certain constitutional, political and administrative crises in the country. Hence, Nigeria's postcolonial history has been marked by a series of crises that have posed significant challenges to the country's political stability and development. These crises have their roots in the complex legacy of British colonial rule, the diverse ethnic and religious composition of the Nigerian population, and the struggle for power and resources among various regional and political interests. “Little wonder, people like the late Abubakar Tafawa Balewa was quoted as having said that Nigeria is a mere geographical expression, created to serve the interest of its creators” [31] and Sir Obafemi Awolowo is quoted to have stated that “the creation of the political entity called Nigeria was to serve a particular course and to place some people over others.”[32]

Hence, even after attaining independence in 1960, there were still a number of unresolved constitutional, political and administrative concerns in Nigeria. Added to these earlier problems were created by those to whom the rein of power had been lack of trust among the various tribes that made up and jostled for political and economic power of the federation between 1960 and 1966. Those latent divisive elements within Nigeria politics came to the fore front and this period witnessed political conflagration that engulfed Nigeria in the immediate post-independence era, manifesting in the form of ethnic tension, internal conflicts in the western region which resulted in the breakup of the Action Group party. The census manipulated controversy of 1962-1964 and the electoral malpractices in the western and federal elections. These were all signs of political instability in Nigeria.

To put the above in perspective, from Nigeria’s constitutional history, there have been several political and administrative crises in Nigeria even after attaining independence in 1960. On this note, the First Republic did not last long. Soon after independence and, due to what appears to be a lack of tolerance among politicians and their willingness to abide by the rules of law and fair play in governance, political instability engulfed the country. This led to the fall of the First Republic and its governance headed by the then head of state, NnamdiAzikiwe and Prime Minister Tafawa Belewa and herald in the first military coup carried out by Major Patrick Chukwuma Kaduna Nzeogwu in January 15, 1966.[33] This coup turned out to be the first of several other military coups and counter coups in Nigeria.

[28] AL Olakunle, ‘From Colonial Reforms to Decolonization: Britain and the Transfer of Power in Nigeria, 19471960’ *Journal of the Historical Society of Nigeria* (2010) 45.

[29] O Awolowo, *Paths to Nigeria Freedom* (Faber and Faber 1947) 54.

[30] DI Ugwuja, ‘Political Crisis and Electoral Malpractices in a Growing Nigeria Democracy’*Humanity & Social Sciences Journal* (2015) 10 (1) 23-31.

[31] Mukhtar Imam, Farouq Bibi and Sadequee Abba, ‘Ethnicity and the Crises of Citizenship in Post-Colonial Nigeria: An Impediment to Development’*The International Journal of Social Sciences and Humanities Invention* (2014) 2(2) 1022.

[32] Ibid.

[33] Max Siollun, ‘The Inside Story of Nigeria‟s First Military Coup (Part 1)’https://www.abusidiqu.com/theinside-story-of-nigerias-first-military-coup-part-1/accessed on 17 October 2023.

Nonetheless, the eventual outcome of military intervention in Nigeria's polity meant that Nigeria's structure of governance became altered. "This in turn truncated the federal structure in place of a unitary system, ostensibly to enable the efficient running of a military hierarchical command structure."[34] It is also pertinent to mention that upon seizing power, the General AguiyiIronsi military regime immediately suspended the Nigerian constitution through the Constitution (Suspension and Modification) Decree (No. 1) of 1966, which suspended the provisions of the country's constitution by virtue of section 7 and schedule 2 of the Decree. The Constitution (Suspension and Modification) Decree No. 1 of 1966 therefore sought to ensure that the 1963 Constitution, which was the existing constitution at the time, "does not prevail over a Decree or render any provision of a Decree void to any extent whatsoever and that no court of law can entertain any question as to the validity of any Decree or Edict."[35]

It is noteworthy that, through the Public Order Decree of 1966, the military also prohibited dissolved political parties and prohibited the formation of new political associations, banned party slogans, etc. The implication of these actions by the military government in the first republic is the somewhat dismantling of democratic structures and federalism principles which were fledgling in the country at that time.

Furthermore, even after the military regime of General AguiyiIronsi, the succeeding regime led by Lieutenant Colonel Yakubu Gowon also exhibited a penchant to subdue constitutional democracy and erode federalism practices in the country. As such, the Constitution

(Suspension and Modification) (No. 10) Decree of 1966 was promulgated by the Yakubu Gowon regime as an amendment and reiteration of the contents of the Constitution (Suspension and Modification) (No. 1) 1966.

In relation to the supremacy of the above Decrees over the Nigerian constitution nonetheless, the Nigerian Supreme Court took certain positions that appeared to be an attempt to safeguard the supremacy of the provisions of the constitution. For example, in the case of *Lakanmi v. Attorney General (Western Nigeria)*,[36] the Supreme Court of Nigeria viewed the Yakubu Gowon administration as a short-term emergency government without the authority to enact laws that were not required by the situation. Specifically, in *Lakanmi's* case, in opposition to the attempt by the Federal Military Government to place the federal constitution subject to Decrees and Edicts, and to limit the powers of the courts to adjudicate on military Decrees and Edicts, the court held that the federal military government was not a revolutionary government but an interim military government, which came into existence only because of the unfortunate coup of 15 January 1966. As such, the supreme court further held that the provisions of the constitution must be assessed by looking at the position prior to and after the event of 15 January, 1966.[37]It is noteworthy that the position prior to the coup of 15 January 1966 was that the legislative arm of government cannot legislate to oust the jurisdiction of the court. This is obvious from the decision of the court in *Doherty v.*

Balewa.[38] Again, prior to the event of 15 January, 1966, the court had decided in the case of *Williams v Majekodunmi*[39] that where there was no sufficient evidence that the restriction of a citizen was reasonably justifiable, the court would make a declaration to that effect. These decisions showed the limitation of the powers of the federal government in relation to its attempt to suspend provisions of the constitution or restrict the jurisdiction of the courts.[40]

However, despite the above constitutional crises that were noticeable during the General AguiyiIronsi and General Yakubu Gowon regimes, it would appear that the long reign of Gowon's regime seemed to have provided the country with some sort of political stability, but not without initial political upheaval characterized by the bitter Civil War that engulfed the nation, when Colonel OdumegwuOjukwu attempted to secede out of Nigeria with Biafra.[41] This long period of political stability together with the oil boom of the 1970s might have tempted early economists and political printers to foresee a brighter future for the country. However, General Yakubu Gowon was later overthrown by General Murtala Muhammed, in what has been described as a palace coup.[42] And following the trend, the Federal Military Government (Supreme and Enforcement of Powers) Decree No. 13 of 1984 was promulgated by the military government to suspend the constitution and restrict the jurisdiction of the court by virtue of section 1 (2)(b)(i) and (ii) of the Decree.

The crisis in Nigeria was elevated to the next level on the general elections of (1979 and 1983) when five political parties contested the 1979 general elections in Nigeria. These parties were NPN, UPN, NPP, GNPP and PRP. The climax of the 1979 general election was the presidential election. At the end of the election, on August 16, 1979, AlhajiShehu Shagari was declared elected president of the Federal Republic of Nigeria. The declaration was made by the Chief Returning Officer, MallamAbubakar and the Assistant returning Officer, MFJ Okoro. The President-Elect, AlhajiShehu Shagari who contested on the plat form of the National Party of Nigeria (NPN) polled, 5, 688,857 votes to beat his opponents.

Nonetheless, the NPP rejected FEDECO's declaration of Alhaji Shagari as the winner of the election. In a strongly worded statement issued at an extraordinary meeting of its executive committee in Nsukka, the party described

[34] Chiemela G Wambu and Chinyere S Ecoma, 'A Post-Mortem Assessment of General J. T. U. AguiyiIronsi's Contribution to Nation Building Efforts in Nigeria', January-July 1966 (2021)' Saudi Journal of Humanities and Social Science (2021) 525.

[35] Elias T O, 'Military Decrees in Nigeria and Ghana' Nigerian LJ (1971) 129.

[36] (1971) 1 U.I.L.R. 201.

[37] Ashe DO, 'Nigerian Federal Military Government and the Judiciary: a Reflection on Lakanmi v Attorney General (Western State of Nigeria)' Journal of the Indian Law Institute (1971) 13(4) 573.

[38] (1961) 1 All N.L.R. 604.

[39] (1962) All NLR 413.

[40] Ashe, 'Nigerian Federal Military Government and the Judiciary: a Reflection on Lakanmi v Attorney General (Western State of Nigeria)' p. 573 and 574.

[41] N Muller, *Aggressive political participation* (Princeton University Press 1974) 15.

[42] Joseph R, 'Nigeria: Inside the Dismal Tunnel' Current History 95(601) (1996) 193.

FEDECO's result as Fraud.[43] Following this rejection by NPP, four other political parties rejected the FEDECO declaration of AlhajiShehu Shagari as the President –elect, on the ground that he did not win 2/3 of the 19 States as stipulated in the constitution and they interpreted it to mean 2/3 of 13 States of the federation. Meanwhile, Shehu Shagari, the supposed winner of the election, won 2/3 of 12 States which FEDECO interpreted to mean 2/3 of 19 states as stipulated in the constitution. The case was taken to the Election Petition Tribunal and the Supreme Court of Nigeria by the leader of the Unity Party of Nigeria (UPN), Chief Obafemi Awolowo. The case was decided in favour of AlhajiShehu Shagari, both by the Electoral tribunal and the Supreme Court of Nigeria, a decision which was strongly criticized by several political pundits in Nigeria.[44]AlhajiShehu Shagari thereby served as Nigeria's president in the Second Republic and was elected, on August 6, 1983, to a second term in office. Again his keenest rival was Chief Obafemi Awolowo. Awolowo made a prediction as to the ills which would befall the country if the polls were rigged. As he rightly predicted, ills did befall the country and returned the country to military rule. On first January 1984 the military seized power and ruled the country for another thirteen years. The military in its central command image concentrated so much power at the central government and weakened the component units. Again, General Ibrahim Babangida took over the administration of the country on 27 August, 1985 because according to his team, General Buhari was autocratic and that there was abuse of human rights of individual Nigerians. However, the Constitution (Suspension and Modification) Decree No. 107 of 1993 was promulgated to further suspend the constitution and the Political Parties (Dissolution) Decree No. 114 of 1993 was promulgated to ban political parties and political activities in the country.

Nonetheless, owing to perceived lack of strict financial discipline by the Babangida's administration and despite the economic revivalist strategy of the regime, such as the Structural Adjustment Programme, Nigeria, which was among the twenty economically independent nations in the world immediately after independence later ranked among the 13th poorest nation. The result of this development was the sporadic International Monetary Fund riots across the country. Also, the Babangida's administration was criticized for certain corrupt activities.[45] However, the last straw that appeared to have broken the camel's back for the Babangida's administration was the annulment of the June 12 election which led to widespread political unrest in the country. It started with the successful organization of 12 June 1993 of a presidential election globally adjudged the most peaceful, fair and free in Nigeria's post-independence political history. The Babangida administration was praised for evolving an 'original' method of election that took into account the problems of political skullduggery and thuggery hitherto characteristic of Nigerian Politics. The election ought to have constituted the crescendo of the government's political transition programme, began in 1987, and therefore, the new foundation for a democratic polity and transfer of power to the democratically elected president. But tragically, this was not to be as the government unilaterally announced the `annulment" of the election on the 23rd June 1993.[46]This led to an interim government led by Chief Earnest Shonekan which was subsequently toppled by the General Sanni Abacha led military regime. The Abacha's regime also followed the trend by promulgating various Decrees, including the Constitution (Suspension and Modification) Decree No. 107 of 1993 and the Newspaper Decree No. 43 of 1993, which was aimed at voiding the registration of all existing newspapers under the Newspaper Act and proscribing owning, publishing, or printing an unregistered newspaper with a punishment of either a fine of N250.000, a term of 7 years of imprisonment or both.

Further, at the demise of General Abacha, the military through General AbdusalamiAbubakar, handed over power to civilian rule.[47] However, even in present day Nigeria, there are still evident signs of political instability in the country. It is obvious to observe from our everyday news that the world lament about the crises in the North Eastern part of Nigeria, i.e., the Boko Haram insurgency,[48] the clamour for resource control by persons of the Niger Delta axis,[49] yearnings for additional State creation,[50]the reignited push for secession by individuals agitating for the Sovereign State of Biafra in the South Eastern States of Nigeria,[51]and so on.

6. Discussing the Reasons for the Recurring crises in Nigeria

As noted above, Nigeria has been riddled with one form of constitutional, political and administrative crises right from amalgamation. To understand the recurring crises in Nigeria, the preceding segments of this work contains an examination of the historical backdrop of crises in Nigeria. Nonetheless, it is crucial to determine the perceived reasons

[43] R Hague and A Harrop, *Comparative Government and politics* (Handmill, Basingstoke and Hampshire 2001).

[44] AM Olu, 'Awolowo v. Shagari – A Case of Compromise Between Law and Political Expediency' *The Indian Law Institute* (1982) 24(1).

[45] DA Anthony, 'Nigeria's Leadership Dilemma: The Challenges of Our Time 1979-2007' *Singaporean Journal of Business and Economics, and Management Studies* (2013) 1(12) 64.

[46] O Tunji and O Soji, 'The June 12 Struggle as a Phenomenon in Nigerian Political History', *Afro Asian Journal of Social Sciences* (2014) 5(5.2) 5.

[47] Adelowo Oladipo, 'How Abdusalami, others made me President in 1999–Obasanjo' <http://www.tribuneonlineng.com/106866/> accessed 17 October 2023.

[48] Ugwuja. 'Political Crisis and Electoral Malpractices in a Growing Nigeria Democracy' p. 26.

[49] E Emeseh, 'The Niger Delta Crisis and the Question of Access to Justice' in C Obi and S Rustad (eds.), *Oil and Insurgency in the Niger Delta: Managing the Complex Politics and Complex* (Zed Books 2011) 55-70.

[50] EbhoEbho, 'Nigeria Basis for Agitation of States Creation', <http://allafrica.com/stories/201408120785.html> accessed on 17 October 2023; Chris Onuoha, "Create Additional State in S/East to End Agitation – Kalu", <http://sunnewsonline.com/create-additional-state-in-seast-to-end-agitation-kalu/> accessed 17 October 2023.

[51] Lawrence Njoku, Kelvin Ebiri, SaxoneAkhaine and AbdulganiuAlabi, 'South-East Governors' Bid to Stop Agitation for Biafra Fails' <https://guardian.ng/news/south-east-governors-bid-to-stop-agitation-for-biafrafails/> accessed on 17 October /2023.

for the recurring constitutional, political and administrative crises in the country.

Firstly, it is important to point out the heterogeneous nature of the country as being one of the perceived reasons for the recurring crises. Nigeria is home to over 250 different ethnic groups, with the three largest being the Hausa, Yoruba, and Igbo. Each of these groups has its own distinct language, culture, and traditions. Competition for resources, political power, and representation often manifests in form of inter-ethnic tensions and conflicts.[52] Hence, although this ethnic tension is seen as a product of colonial contact, the ethnic rivalry still remain visible in Nigeria notwithstanding the attainment of independence from British colonial rule since 1960.[53] As such, ethnic groups are often quick to agitate for the protection of their interests within the Nigerian polity. This is obvious from the usual clamour for power sharing in Nigeria, accusations and counter-accusations of ethnic bias in the country as well as the recurrent complaints from ethnic minorities in the country, who often protest their perceived non-inclusion in the affairs of the country and accuse "the majority ethnic groups of political, religious, and cultural oppression."[54]

There is also the issue of religious differences within Nigeria as a country. Although the absence of census on religious data in Nigeria makes it difficult to determine the accurate religious data in Nigeria, [55] what is obvious however is that Nigeria is divided along religious lines, with a significant Muslim population in the North and a predominantly Christian population in the South. Nonetheless, religious differences have been a source of conflict in the country. In Nigeria's history, there have been several events that sparked religious tensions between the Muslim and Christian communities in the country. For instance, "Babangida's ill-calculated secret carrying of the nation into the O.I.C [Organisation of Islamic Countries] pleased most Muslims, but raised a storm among Christians." [56] A more recent pointer to the religious concerns surrounding the Nigerian state is in relation to the uproar that greeted the choice of the ruling All Progressive Congress to field a MuslimMuslim ticket in the 2023 presidential election. [57] Again, the emergence of Boko Haram insurgency in Nigeria could be traceable to the difference in religious beliefs in the country. "The movement preaches an anti-Statist ideology, chastises the Nigerian religious and political establishment as 'irredeemable', and calls for the widespread application of Sharia law as the instrument of governance."[58]

Another factor which is often regarded as a reason for the recurring crises in Nigeria has to do with resource allocation in the country. [59] Nigeria is a country rich in natural resources, especially oil. However, the distribution of wealth and resources has been unequal, leading to economic disparities and tensions between different regions. The Niger Delta, where most of Nigeria's oil is produced, has experienced environmental degradation, poverty, and conflict over resource control. [60] This issue continues to cause rancor in Nigeria, as persons from the oil producing communities constantly express their dissatisfaction with the present resource allocation regime in Nigeria. These complaints have been expressed in the form of militancy in the Niger Delta.[61]

Nonetheless, in an attempt to resolve these issues, the federal structure of governance was adopted in Nigeria as a way of accommodating the various interests in the country.[62] However, instead of resolving these crises, it appears that the present federal structure of Nigeria has become another reason for the recurring crises noticeable in the Nigerian polity. This is owing to the contentious nature of the federal arrangement in the country. [63] The power-sharing arrangement between the federal government and the states is a perennial source of conflict.[64] Therefore, the allocation of resources, control over oil revenues, and disputes over state and local government creation are among the central issues fueling constitutional crises in Nigeria. This has reflected in various adjudicatory processes between the federal government and federating states. For example, the very fact that federating states are not given the freedom to determine the fate of the natural resources within their domain has created tension in the polity. This became manifest in the case of *Attorney General of Federation of Nigeria v. Attorney General of Abia State &Ors.*[65] In this case, the dispute arose as a result of the apex court's judgment in *Attorney-General of the Federation v Attorney-General of Abia State & 35 Ors.* (No. 1),[66] which declared

[52] OU Samuel, 'Ethnicity and Development of Political Parties in Nigeria' *Journal of Poverty, Investment and Development* (2016) 3, 4.

[53] EA Edlyne, 'Ethnic Conflict and Democracy in Nigeria: The Marginalisation Question' *Journal of Social Development in Africa* (2000) 15(1) 61.

[54] Achimugu Hassan, UJ Ata-Agboni and AliyuAbdulahi, 'Ethnicity, Ethnic Crisis, and Good governance in Nigeria: Implications for Sustainable National Development' *Public Policy and Administration Research* (2013) 3(12) 50.

[55] McKinnon Andrew, 'Christians, Muslims and Traditional Worshippers in Nigeria: Estimating the Relative Proportions from Eleven Nationally Representative Social Surveys' *Review of Religious Research* (2021) 303.

[56] Joseph Kenny, 'Sharia and Christianity in Nigeria: Islam and a Secular State' *Journal of Religion in Africa* (1996) 26(4) 342.

[57] OS Moshood, 'Religion and Electoral Outcomes in Nigeria: The 2023 Presidential Election in Perspective' *Journal of Administrative Science Politics* (2023) 20(1) 223.

[58] WeeraratneSuranjan, 'Theorizing the Expansion of the Boko Haram Insurgency in Nigeria' *Terrorism and Political Violence* (2017) 29(4) 610.

[59] DU Ugwu, 'A Critical History of Resource Control in Nigeria' *International Journal of Federation* (2019) 9(1) 19.

[60] PO Okol and OR Akpokighe, 'Federalism and Resource Control: The Nigerian Experience' *Public Policy and Administration Research* (2014) 4(2) 106.

[61] OO Oluwaniyi, 'Oil and Youth Militancy in Nigeria's Niger Delta Region' *Journal of Asian and African Studies* (2010) 45(3) 314-316.

[62] MT Charas, WD Ahmed and B Aliyu, 'The Evolution, Development and Practice of Federalism in Nigeria', *Public Policy and Administration Review* (2014) 2(4) 61.

[63] AdamolekunLadipo, 'The Nigerian Federation at the Crossroads: The Way Forward' *Publius: The Journal of Federalism* (2005) 35(3) 383.

[64] DH Kutigi, SD Saleh and DanjumaShigaba, 'Power Sharing within a Federal State: Nigeria in Context' *Uniport Law Review* (2017) 123.

[65] (2002) 6 N.W.L.R (Pt. 764) 542.

[66] (2002) 4 SC (Part I) 1.

unconstitutional the allocation of 7.5 percent of the Federation Account to "Special Funds" in contravention of Section 162(3) of the 1999 Constitution, which provided for distribution of the Federation Account among the three tiers of government. That is, the federal government, state governments and local governments of the federation. It was the contention of the states that certain sections of Statutory Instrument No. 9 of 2002 were unconstitutional, and thus sought a declaration and an order directing the defendant to calculate 7.5 percent of the Federation
Account and divide and distribute it among the 36 States and each of the Local Government
Councils in the Federation's states. However, the Supreme Court held that what the President has done by issuing Order Statutory Instrument No. 9 of 2002 is in accordance with the ruling of the court in the aforementioned *Attorney-General of the Federation v AttorneyGeneral of Abia State & 35 Ors.* (Supra) It was further decided that the President's decision now brings the law into line with the provision of the Constitution that only the three tiers of government receive funds from the Federation Account. The 7.5 percent "Special Funds" allocation is now a direct transfer from the Federal Government's portion of the Federation
Account to the objects or things listed under "Special Funds." Nonetheless, in relation to the distribution of the amount standing to the credit of the Federation Account, the Supreme Court further decided that section 162(3) of the Constitution requires that any law on revenue allocation must comply with the requirement that only the three tiers of government, namely the Federal Government, State Governments, and Local Government Councils, be the first line beneficiaries. The court held that the President's Modification Order complied with this reasoning. Hence, it was decided that the question of what proportion each tier receives is a political one that cannot be resolved through direct legal action.

Humbly, it is hereby contended that the decision of the Supreme Court in this case, although geared towards the resolution of the dispute between the tiers of government, seemed to have further emboldened the constitutional struggle often evident in the relations between the federal government and the federating states. This is because of the decision of the Court to refuse to further pronounce on the allocation to the tiers of government. Instead of that, the Supreme Court merely decided that the issue of allocation is a political one, thereby failing to effectively resolve the dispute. This is especially worrisome because in line with section 232 of the Constitution, the Supreme Court is vested with the jurisdiction to resolve federalism disputes in Nigeria. Nonetheless, it is also noteworthy that the court was able to resolve certain other salient federalism disputes, such as the issue of the nature and jurisdiction over the Nigeria offshore seabed. In this respect, the Supreme Court made it clear that "the low water of the seaward boundary is the base point for measuring the offshore seabed."[67]

Again, another suit which highlights the constant constitutional dispute between the federal government and the state governments is the case of Attorney General of Lagos v Attorney General of Federation (2004), where the Supreme Court ruled in favour of Lagos State, holding that the President of the Federal Republic of Nigeria had no power to refuse payment of funds owed to the Local Government Council.[68] Nevertheless, in *AG Lagos State v. AG Federation &Ors.*, [69] another major decision that ultimately preserved the centre's fiscal hegemony, the Supreme Court declined to exercise jurisdiction to resolve a federal dispute between the Lagos state government and the federal government. [70] The position of the Lagos state government in this suit was that the operation of the Federal Inland Revenue Service, which is an agency of the federal government of Nigeria, had made it more difficult for them to impose and collect taxes on the supply of goods and services within Lagos state which was a residual matter within sub-national jurisdiction. The Supreme Court however held that its original jurisdiction to adjudicate on constitutional disputes between the federation and its federating states could not properly be invoked in this manner of disputes, which the court reasoned to be purely administrative and/ or political in nature. The Supreme Court further held that revenue matters were constitutionally within the original jurisdiction of the Federal High Court and not within the jurisdiction of the apex court. It is the humble view of this paper that the position of the Supreme Court in the latter case appears to negate its original jurisdiction as encapsulated in section 232 of the Constitution. In addition, it is humbly stated that the position of the Supreme Court that it is the Federal High Court of Nigeria that ought to adjudicate on the matter is somewhat debatable despite the finality of the decision of the Law Lords. This is because, for all intents and purposes, the Federal High Court of Nigeria is a "federal" court and may not be in a neutral position to adjudicate on matters between the federal government and state government.[71]

Nonetheless, what is obvious from the above discussions is the fact that there seems to be competing interests within the Nigerian polity. As noted, these interests reflect in forms of political, religious, ethnic, and other interests. These recurring crises in Nigeria have profound implications for the Nigeria's governance, stability, and socio-economic development. They hinder the implementation of effective policies, undermine public trust in the government, and perpetuate regional disparities. Additionally, these crises often lead to violence, social unrest, and a sense of alienation among various ethnic and regional groups. It is therefore pertinent to propose certain recommendations as a way of resolving these crises.

Nonetheless, "Federalism was adopted in Nigeria largely to ameliorate the negative effects of diversity but the system has not been able to resolve the inbuilt contradictions within the Nigerian society as envisaged by the architects of the system who saw federalism as a solution to the country's multiplicities."[72] In other words, whilst federalism seems to

[67] AO Sylvester, 'Nigerian Offshore Seabed: the Challenges of Ownership and Resource Control' American *Journal of Humanities and Social Sciences* (2014) 1(2) 13.

[68] NWLR (Pt. 904) 1 SC.

[69] (2014) 6 CLRN 1.

[70] Rotimi TS, 'The Supreme Court of Nigeria: an Embattled Judiciary More Centralist than Federalist' *University of Toronto Press* (2017) 308.

[71] Joseph Onyekwere, 'Value Added Tax (VAT): Conflict and Resolving Question of Unbalanced Fiscal Federalism' The Guardian September 7, 2021.

[72] Dele Babalola, 'The Efficacy of Federalism in a Multi-Ethnic State: The Nigerian Experience' *The Journal of Pan-African Studies* (2015) 8(2) 75.

have been adopted in Nigeria, as a way to accommodate these competing interests, the Nigerian federal structure appears to have failed to accommodate these interests. Hence, this paper hereby proposes consociationalism as a means of harnessing and accommodating these interests within the Nigerian polity.

Consociationalism is a political concept advanced to cater for societies with deep political and ethnic cleavages. In this regard, the paper shall conduct a study of consociational democracy. While analyzing its evolution, the next part of this paper shall also encompass an analysis of consociationalism and federalism, consociationalism and power sharing, key consociational features under the Nigeria and United States federal systems, key consociational features in other jurisdictions. The aim of the next segment is to examine consociationalism, while detailing the benefits of consociationalism which Nigeria can leverage upon in order to attain political stability, accommodation of competing interests and good governance.

7. Evolution of Consociationalism

ArendLijphart advances the concept of consociatioanalism as a tool for accommodating competing interests in deeply divided societies having a heterogeneous composition. This concept was advanced as a means of establishing democracies in ethnically divided societies through political institutions that accept community differences and manage conflict. As a formal system to promote government through power-sharing, consociationalism has been successfully employed in plural nations such as Switzerland and The Netherland.

Consociationalism explains a type of political system that is "willing to accommodate a variety of groups of divergent ideas in order to achieve the goal of unity. It is essentially a system of compromise and accommodation."[73]According to Lijphart, emerging democracies require increased efforts to incorporate diverse ethnic and religious minorities into the government. Ethnic divisions often form the basis of political cleavages, which then translate into conflicting demands for political power.[74]

Due to the rising political cleavages and ethnic divisions in heterogeneous countries, ArendLijphart"sconsociational democracy is an attempt to manage ethnic differences in democracies. Ljiphart"s theory defines consociationalism as a power-sharing form of democracy best suited to manage conflict between divided communities. It should be noted however, that although consociationalismis a subtype of democracy, it is a unique model as a result of its amenability to the problems of multiethnic societies as well as the protection of minority interests. It is relevant for "democracies with sub-cultural cleavages and with tendencies toward instability, but which are deliberately turned into more stable systems by the leaders of the major subcultures."[75] Consociationalism is a form of democracy that promotes a sort of non-majority decision making, where decisions are, as much as possible, made by „consensus". The kind of democracy that was represented by the famous saying of John Stuart Mill, as he stated: „the minority will have its say but the majority must have its way" is not always an option.[76] Accordingly, for us to have a stable political environment where the majority rules, is dependent on two mutually reinforcing conditions. According to Lijphart, the first one is the reasonable chance of the minority becoming a majority. As such, in order for the minority to accept the system of majority rule, they must think that they are likely to become a majority at some point. The second condition is related with the societal composition and the political parties in the country. This is to say that for there to be a working and stable democracy where the majority rules, the society must be fairly homogenous in terms of ethnicity or religion. Also, the major political parties must not have sharp differences so that the interest of one of them can fairly be represented by the other. Accordingly, majority democracies will be appropriate and functional only in places or counties where there is "…relatively homogeneous societies and that their major parties have usually not been very far apart in their policy outlooks because they have tended to stay close to the political center".[77] What Lijphart calls the Westminster Model of Democracy is assumed to have, first of all, a first pass in the post electoral system, winner take all cabinets.[78] Therefore, because of the societal structure, political competition in Westminster style democratic systems does not threaten political stability.[79]However, in societies that are characterized by sharp political, ideological, religious, or ethnic divisions; there is no reasonable chance for current minorities to change into future majorities as a result of political relevance or shifting alliance of 'governing coalitions'. Therefore, it is argued that consensus democracy creates better and more stable democratic order, and hence consociationalis.[80] A fundamental assumption of consociational democracy is that "ethnic division need not result in conflict; and even if political mobilization is organized on ethnic lines, civil politics can be maintained if ethnic elites adhere to a power-sharing bargain that equitably protects all groups."[81]

Despite its differences from majority-rule democracies, Lijphart believes that consensus democracy may be

[73] A J Richard, Peter Lewis, Darren Kew and Scott Taylor, 'The Making of the Modern Nigerian State' in Mark Kesselman, Joel Krieger, and William A. J. (Eds.), *Introduction to Comparative Politics: PoliticalChallenges and Changing Agendas* (Houghton-Mifflin 2000) 545–606.

[74] ArendLijphart, 'Constitutional Design for Divided Democracies', *Journal of Democracy* 15(2) (2004).

[75] JL Juan and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Johns Hopkins University Press 1996) 3.

[76] ArendLijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (Yale University Press 1999) 32.

[77] Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, p. 31.

[78] Sujit Choudhry, *Bridging Comparative Politics and Comparative Constitutional Law: Constitutional Design in Divided Societies* in Sujit Choudhry (Ed.*).Constitutional Design for Divided Societies: Integration or Accommodation* (Oxford University Press2008) 17.

[79] Ibid.

[80] B Reilly and A Reynolds, *Electoral systems and Conflict in Divided Societies*. *Papers on International Conflict Resolution No. 2.,*(National Academy Press 1999).

[81] Kenneth Ingham, *Politics in Modern Africa: The Uneven Tribal Dimension,* (Routledge 1990) 113-14.

considered more democratic than majoritarian democracy in most respects. [82] Consociationalism therefore attempts to provide a template to accommodate competing interests in society and to promote peace and stability in deeply divided societies through an attempt on consensus-building between different ethnic groups. Also, Lijphart believes that in societies with entrenched ethnic divisions, self-imposed separation from other groups can be beneficial, as it allows communities to flourish while minimizing the potential for conflict. The core objective of a consociational system is to provide tools which are meant to circumvent separatist tendencies by accommodating ethnic groups in ethnically divided societies. This system must also embrace the principle of proportional representation, opportunity for minority veto on important policy issues, and their representation in the context of grand coalitions. [83] Consociationalism or consociational democracy as practiced in Switzerland, Belgium, and Canada allow the intergenerational preservation of cultural communities and function according to the principles of co – nation between majority and minority, minority rights, ethnic autonomy for the minority, proportionality in resource allocation, power – sharing, veto power that enables the minority to block any decision detrimental to its vital interests, and politics of accommodation, compromise and indecision. [84] Hence, according to Lijphart, for any political system to qualify as a consociational system, it must contain four basic 'principles' which are: executive power sharing in the form of grand coalitions, mutual veto, proportionality and segmental autonomy.[85]By these crucial elements, Lijphart proposes a government by a grand coalition of all significant segments, involving the most important ethnic groups; attribution of group autonomy to the subcultures, in order to let them deal with issues that concern them solely; proportionality for allocating political representation (and thus, fair distribution of public funds and civil service positions); minority veto to protect the vital interests of the minorities.[86]

7.1 Consociationalism and Federalism

Federalism and consociationalism are useful means of understanding political systems. Federalism and consociationalism are both based on compound majoritarianism rather than simple majoritarianism and both represent modern attempts to accommodate democratic complexity and pluralism, but the two systems are not quite symmetrical.[87]However, the similarities of federalism and consociationalism relates to the very fact both political concepts are aimed towards forging a common ground amongst divergent and heterogeneous groups within a single polity. Therefore, it is not surprising that modern nation-states usually seek federal solution to resolve differences in the composition of the several peoples in the state.

Federalism is resurfacing as a significant political force just as it did in the transition from the late medieval to the modern era which took place from the sixteenth to the eighteenth century. It is resurfacing as a political force because it reflects a practical embodiment of the principle that there are no simple majorities and minorities but that all majorities are compounded of congeries of groups, and the corollary principle of minority rights, which not only protects the possibility of minorities to preserve themselves, but forces majorities to be compound rather than artificially simple… Hence, it is not surprising that peoples and states throughout the world are looking at federal solutions to the problems of political integration within a democratic framework.[88]

A federal system of government often arises from the desire of a people to form a union without necessarily misplacing their identities. [89] Along this line of reasoning, consociationalism explains a type of political system that is "willing to accommodate a variety of groups of divergent ideas in order to achieve the goal of unity. It is essentially a system of compromise and accommodation." [90] However, from a comprehensive study of both concepts, one dissimilarity between both ideas is the fact that federalism as a concept appears to be overly concerned with the structure of governance as opposed to consociationalism which seems to be fundamentally aimed at serving as tool of accommodating competing interests within heterogeneous and deeply divided societies. Therefore, federalism as a system of government, as opposed to unitary system, avoids overly centralized, top–down command and control mechanisms which national governments might otherwise tend to favor. [91] Federalism is mostly considered as a covenantal relationship or simply as a compact between different levels of government.[92]On the other hand, Lijphart developed consociational democracy as an alternative typology to centripetal and centrifugal democracies.[93]

[82] Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries,* p. 17.

[83] Joseph, Lewis, Kew, and Taylor, „The Making of the Modern Nigerian State", p. 547.

[84] OO Philips and K I Preye, 'Democracy and Resource Conflict Resolution: Making a Case for the Democratic Solution to the Niger Delta Crisis', *International Journal of Development and Emerging Economics* (2014).

[85] ArendLijphart, 'Consociation and Federation: Conceptual and Empirical Links', *Canadian Journal of Political Science*, (1979) 12 (3) 500.

[86] Joseph Montville, *Conflict and Peacemaking in Multiethnic Societies,* (Lenxington Books, 1990) 494 – 495.

[87] JE Daniel, 'Federalism and Consociational Regimes' <https://doi.org/10.1093/oxfordjournals.pubjof.a037543> accessed 17 October 2023.

[88] E D Judah, *Federalism and the University of Western Australia-Faculty of Law Research Paper Way to Peace*, in Bertus de Villiers (Ed.), 'Federations: Shared Rule and Self Rule in the Search for Stable Governance' (2013) 394.

[89] Ronald Watts,. *Administration in Federal System* (Hutchinson Educational 1970).

[90] Richard Peter and Darren Scott, 'The Making of the Modern Nigerian State', in Mark Joel and William, (eds.) *Introduction to Comparative Politics: Political Challenges and Changing Agendas* (Ed.-Wadsworth publishing 2009) 545–606.

[91] S G Calabresi and L D Bickford, 'Federalism and Subsidiarity: Perspectives from U.S. Constitutional Law' *Northwestern University School of Law* (2011) 13.

[92] D J Elazar, 'Federalism vs. Decentralization: The Drift from Authenticity'*Publius* (1976) 6(4) 9-19.

[93] Theodor Hanf, 'Power Sharing: Concepts and Cases'<http://library.fes.de/pdf-files/bueros/beirut/05478.pdf> accessed 17 October 2023.

7.2 Consociationalism and Power Sharing

In proposing the variant of democracy which he termed "consociational democracy", Lijphart (2002)[94] has proposed the term "power-sharing democracy" in place of the more established, but less intuitive, term "consociational democracy", whereas others use "powersharing" as an umbrella concept that not only includes consociational democracy, but also the rival model of integrative majoritarianism.[95] From available literature, there seems to be two forms of power-sharing.[96] First, the group building-block approach that takes existing divisions and uses communal groups as building blocks of a political order based on elite consensus and group autonomy. This approach, which seeks to promote power sharing based on the various groups which constitute the society, roughly corresponds to consociationalism. This is because, this form of power sharing does not seek to accommodate elitist interests within the society. This is unlike the second form of power sharing which aims to aggregate and accommodate elite interests within society. This is the so-called integrative approach, where political institutions are designed to give incentives for elite and mass moderation and the aim is to transcend the cleavages that divided the country. If one believes that "power-sharing will work best when it can, over time, wither away"[97]then integrative power sharing, with its inbuilt incentives for moderation, has an advantage over the more rigid consociationalism that entrenches groups. Therefore, consociationalism as advanced by Lijphart seeks to promote power sharing amongst the elites in deeply divided societies.

In plural societies, peace building efforts that endeavor to mollify hostilities and firmly secure nations on democratic foundations face immense challenges under the most ideal conditions. Such projects are considerably more difficult in divided societies, where differences form the basis for political mobilization and conflict. Divided societies are characterized by grievance and historical disempowerment which must be adequately addressed despite the immense obstacles such an undertaking entails.[98] The classic ideals of statesmanship – peace, stability, and prosperity – make the effort wholly worthwhile. Power sharing is widely accepted as the most feasible democratic solution in divided societies, since it can potentially pacify chronic antagonisms and transform discriminatory practices within heterogeneous and deeply divided societies, such as Nigeria.

7.3 Consociational Features in Nigeria

In this area of the research, the paper examines key features of consociationalism in contrast to constitutional provisions as well as administrative arrangements in the country. Under Nigeria's federal system, there are key features which suggest a somewhat presence of consociational democracy in the polity. One of such feature is the federal character provision contained in the 1999 constitution. Section 14(3) of the Constitution provides that the composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that Government or in any of its agencies. This idea of federal character in Nigeria therefore appears to resonate with the idea of power sharing and consociationalism.

Again, another practice which seems to have gained traction within the Nigerian polity is the practice of zoning of political offices in Nigeria.[99] This practice, which has been a constant debate in Nigeria,[100] often involve rotating political offices based on the ethnic, regional, religious, or other bases. This practice appears to have a link to consociationalism, as it aims to help accommodate competing interests within the polity.

Also, section 14 of Nigeria's Constitution provides that "the Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice." This provision effectively institutionalizes Nigeria as a democratic state. This idea of democracy is in line with Lijphart's suggestion that there are certain favourable factors for the establishment and maintenance of consociational democracy. He mentions that these factors are relevant tools to examine the relevancy of consociational democracy with specific cases even though the factors are neither indispensable nor sufficient in themselves to account for the success of consociational democracy. Again, he argues that these factors can improve the explanatory and predictive power of the consociational model. [101] Hence, Nigeria's situation suggests that the Nigerian system is amenable to a consociational typed democracy owing to the fact that a greater proportion of these factors are present in Nigeria. Along this line of reasoning, Nasir and Rahman (2015),[102] having undergone a comprehensive analysis of the Nigerian situation in contrast to the factors proposed by Lijphart, they concluded that Nigeria enjoys six of the nine factors identified, which represents about 67%. They therefore arrived at the conclusion that a consociational democracy will suit Nigeria

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[94] ArendLijphart, *The Wave of Power-Sharing Democracy*, in A Reynolds (ed.), *The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy* (Oxford University Press 2002) 37–54.

[95] D Horowitz, 'Explaining the Northern Ireland Agreement: The Sources of an Unlikely Constitutional Consensus' *British Journal of Political Science* (2002) 193–220.

[96] T Sisk, 'Power-Sharing After Civil Wars: Matching Problems to Solutions in Thirty-Six Countries' (Yale University Press 2003) 148.

[97] Ibid.

[98] Sujit Choudhry, „Bridging Comparative Politics and Comparative Constitutional Law: Constitutional Design in Divided Societies" in Sujit Choudhry (ed.), *Constitutional Design for Divided Societies: Intergration or Accommodation?* (Oxford University Press 2008) 5.

[99] Christian Ezeibe, Ifeanyi Abada and Martin Okeke, 'Zoning of Public Offices, Liberal Democracy and Economic Development in Nigeria' *Mediterranean Journal of Social Sciences*. 7(3) (2016) 330 – 334.

[100] NwozorAgaptus, 'Power Rotation, Ethnic Politics and the Challenges of Democratization in Contemporary Nigeria' *African Study Monographs* (2014) 35(1) 8, 9.

[101] ArendLijphart, *Democracy in Plural Societies: A Comparative Exploration* (Yale University Press 1977) 54.

[102] H S Nasir and MohdFitrBin Abdul Rahman, „Examining Lijphart Favorable Conditions for Consociational Democracy in Nigeria, *Public Policy and Administration Research*, 5(11) (2015) 30.

owing to the fact that even Lijphart suggested that these factors are not sufficient in themselves and in essence, a given society must not possess all the factors before consociational democracy can be a success or failure.[103]

7.4 Consociational Features in Other Jurisdictions

There are consociational features in several jurisdictions. Therefore, in this part of the work, the paper embarks on a comparative analysis of consociational features in different jurisdictions. Nonetheless, it is noteworthy that "Consociationalarrangements,...need not be comprehensive: they may be confined to distinct constitutional and policy sectors (in the domain of the politics of identity, recognition, and constitutional change); or they may be applied piecemeal where they are deemed necessary. They need not be mechanically applied throughout the entirety of politics."[104] In this light, in Switzerland for example, the executive powers are shared among seven members of the national executive, according to the "magic formula" (2-2-2-1).[105] Thus, all linguistic groups are given representation in proportions to their size.[106]Again, The Netherlands, Belgium and Austria are examples of established democracies, "with plural societies containing distinct ethnic communities divided by language, religion, and region, with constitutions characterized by multiple veto-points and extensive power-sharing."[107] In the case of Ethiopia, the Ethiopian system takes diversity in the country very seriously, owing to the country's history.[108] In Ethiopia, despite the adoption of ethnic federalism in the country, the value of consociationalism has been severally expounded as a corrective measure for the noticeable flaws on Ethnic federalism in Ethiopia.[109] Hence, it has been contended that "Ethnic federation is apparently dependent on democratic rules and it requires democracy for its successful accomplishment. Consociationalism is the type of democracy which fits the kind of constitutional structure of ethnic federation."[110] Therefore, there are noticeable features of consociationalism in the Ethiopian polity. For instance, as discussed earlier, one salient feature of consociationalism according to ArendLijphart is a grand coalition government, which ensures that all competing groups are included in the governance of the country and that these groups enjoy a certain level of segmental autonomy within the polity.[111] In the Ethiopian situation, the various nations, nationality and people within the Ethiopian federation appears to enjoy the right to full measure of self-government, including the right to establish institutions of government in their territories.[112] This right, which is guaranteed under Article 33 of the Ethiopian constitution 1995, is one of the fundamental consociational features that is noticeable in the Ethiopian polity. Another salient consociational feature which is obvious in the Ethiopia system is the power sharing, which is noticeable in the Ethiopian system. Along this line of reasoning, Article 39 (3) of the Ethiopian constitution suggests that the nations, nationalities and peoples of the Ethiopian federation are entitled to some sort of power sharing at the federal level. Also, Article 28 of the latest Electoral Proclamation also legislates that only a single representative shall be elected to the Federal House of Peoples Representatives, from a constituency.[113]

Also, in the United States, there is a presence of the federal character principle or the Affirmative Action Program as it is called. It is a cardinal principle of all federations to give accommodation to all the units in the union so as to promote national unity and national cohesion.[114] In three of the most celebrated cases in the United States over the course of the last three decades of affirmative action legal battles, it was always held that applying the principle in admission decisions to American universities was constitutional. In 1978, the US Supreme Court, in the case of Regents of the *University of California v. Bakke*,[115] held that affirmative action was constitutional, and ruled that the issue of race could be used for fixing underrepresentation.[116]

8. Conclusion

This paper constitutes an attempt to examine the constitutional, political and administrative crises which have

[103] S Lowe, 'Examining Lijphart's Favourable Factors for Consociational Democracy' *Commonwealth & Comparative Politics*, (2013) 51(3) 362-376.

[104] B O'Leary, 'Debating Consociational Politics', *Being a paper presented at the annual meeting of the American Political Science Association.*

[105] Linder Wolf, Sean Mueller, Wolf Linder, and Sean Mueller, 'Building a Multicultural Society by Political Integration' *Swiss Democracy: Possible Solutions to Conflict in Multicultural Societies* (2021) 9, 10.

[106] A Sitnikov, 'Consociational Democracy'<http://reutinstitute.org/Data/Uploads/PDFVer/20080430%20Consociationalism.pdf> accessed on 17 October 2023.

[107] P Norris, 'Ethnic Pluralism and Consociational Democracy Revisited', Being a paper presentation at the American Political Science Association Annual Meeting, September 2005.

[108] Degefie BG, 'Consociation as a Guarantee for the Protection of Minority Rights in Ethiopia' International Journal on Minority and Group Rights (2019) 26(3) 335.

[109] MesfinSeyoum, 'Ethnic Federalism, Exclusionary Self-Determination Rights and Conflict in Ethiopia: Consociational Democracy as an Alternative Approach to Peace and Security', in Akinola AO, *Contemporary Issues on Governance, Conflict and Security in Africa* (Palgrave Macmillan 2023) 227.

[110] WalleEngedayehu, 'The Search for a Functioning Democracy in Ethiopia International Journal of Ethiopian Studies' (2017) 11 (1&2) 154.

[111] MidegaMilkessa, 'Ethiopian Federalism and the Ethnic Politics of Divided Cities: Consociationalism Without Competitive Multiparty Politics in Dire Dawa'Ethnopolitics (2017) 16(3) 281.

[112] BeleteMehari, 'The Right to Self-Government and Representation under Ethiopian Federation: An Assessment of the Practice and Challenge' TIJRP (2018) 8(6) 88.

[113] AbduletifKedir, 'Exploring Consociational Features of the Ethiopian Federation: a Constitutional-Legal Analysis'https://lawethiopia.com/images/ethnic%20politics%20in%20ethiopia/Exploring%20Consociational%20Features%20of%20the%20Ethiopian%20Federation%20A%20constitutional-legal%20analysis.pdfaccessed on 17 October 2023.

[114] Emeka Omeihe, 'Federal Character Issues'<http://thenationonlineng.net/federal-character-issues-2> accessed on 17 October 2023.

[115] 438 U.S 265 (1978).

[116] Adamu Adamu. 'On Federal Character [II]'<https://www.dailytrust.com.ng/news/friday-column/on-federalcharacter-ii/81369.html> accessed on 17 October 2023.

continued to haunt Nigeria as a country, even before attaining independence from British colonial rule. Hence, the paper notes that during the pre-colonial era, Nigeria as it is known today was made up of various ethnic groups. The paper further notes that these ethnic groups were often enmeshed in one form of communal crises of the other. Again, the work mentions that even after the advent of British colonial rule, these crises did not abate. As such, the paper discusses several constitutional, political and administrative crises noticeable during the colonial era in Nigeria. Nonetheless, the paper also argues that the subsequent crises that occurred in Nigeria after 1960 shows that even the attainment of independence did not forestall further constitutional, political and administrative crises in the country.

In all, the paper contends that the root-causes of these crises, whether during the pre-colonial, colonial or post-colonial eras, appear to be as a result of deeply divided interests within the polity, which continue to manifest in the form of ethnic, political, religious, cultural, as well as, other differences.

Nonetheless, the paper also discusses conscociationalism, being a type of political system that essentially promotes compromise and accommodation. [117] Whilst the paper attempt to identify salient consociational features which are already present in the Nigerian polity, the work also embarks on a comparative analysis of consociational democracy, in an attempt to discuss the application of the concept in various jurisdictions and to show the benefits of the system to deeply divided societies. However, in a bid to provide solution to these recurring crises in the Nigerian polity, it is suggested that the Nigerian federation should be structured in such a way to take into consideration, the several ethnic groups comprising the country. In this sense, it is proffered that the principles of consociationalism should be embedded in the administrative and constitutional structures of Nigeria, in such a way to accommodate competing and conflicting interests within the polity. This is in line with the position of Daniel Elazer who suggests that "the ideals of federalism flourish more, in an atmosphere that guarantees deliberative and consociational processes.[118]

It is further suggested that in line with the "magic formula" obtainable in the Swiss arrangement, all ethnic groups within the Nigerian polity should be given representation in proportions to their size. That is, sections 47, 48 and 49 of the Nigerian Constitution should be amended in such a way that representation in the Senate and House of Representatives should not be by senatorial zones or constituencies but based on ethnic groups. By so doing, all ethnic groups within the Nigerian federation would be adequately represented and their interests accommodated.

[117] Peter and Scott, 'The Making of the Modern Nigerian State', in Joel and William, (eds.) *Introduction to Comparative Politics: PoliticalChallenges and Changing Agendas*, p. 545–606.

[118] D J Elazer, 'The End of Federalism: Notes Towards an Arrangement', in M Frankel (ed), *Partnership in Federalism* (Peter Lang 1977) 26, 28