

FEDERALISM AND ETHNIC CONFLICT IN NIGERIA

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Rotimi T. Suberu

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To my parents
Albert Oladimeji Suberu (1929–1991)
and
Mary Monilola Suberu

CONTENTS

LIST OF ACRONYMS	viii
LIST OF TABLES	x
FOREWORD <i>by Larry Diamond</i>	xi
PREFACE	xix
MAPS	xxii
A POLITICAL CHRONOLOGY OF POSTINDEPENDENCE NIGERIA	xxiv
1. INTRODUCTION	1
2. THE EVOLUTION OF THE NIGERIAN FEDERATION	19
3. THE POLITICS OF REVENUE SHARING	47
4. THE STRUGGLE FOR NEW STATES AND LOCALITIES	79
5. THE “FEDERAL CHARACTER” PRINCIPLE	111
6. THE POLITICS OF POPULATION COUNTS	141
7. ISSUES IN THE REFORM OF THE NIGERIAN FEDERAL SYSTEM	171
NOTES	207
INDEX	233

LIST OF ACRONYMS

- AD: Alliance for Democracy
AFRC: Armed Forces Ruling Council
AG: Action Group
APP: All People's Party
CAN: Christian Association of Nigeria
CDC: Constitution Drafting Committee
COR: Calabar-Ogoja-Rivers state
FCC: Federal Character Commission
FCSC: Federal Civil Service Commission
FCT: Federal Capital Territory (Abuja)
FEDECO: Federal Electoral Commission
GNPP: Great Nigerian People's Party
LGA: Local Government Area
MNR: Movement for National Reformation
NCC: National Constitutional Conference
NCNC: National Council of Nigeria and the Cameroons
NDDC: Niger Delta Development Commission
NEC: National Electoral Commission
NPC: National Population Commission
NPN: National Party of Nigeria
NPP: Nigerian People's Party
NRC: National Republican Convention
NRMAFC: National Revenue Mobilization, Allocation, and Fiscal
Commission
OIC: Organization of the Islamic Conference
OMPADEC: Oil Mineral-Producing Areas Development
Commission
PDP: People's Democratic Party

PRP: People's Redemption Party
SDP: Social Democratic Party
SMC: Supreme Military Council

LIST OF TABLES

1. Vertical Allocation of the Federation Account	54
2. Horizontal Revenue Allocation Formulas	59
3. The Forty-Five Requests for New States Received by the 1994–95 National Constitutional Conference	104
4. Distribution of Federal Officials (GL 8–14) as of 1996	125
5. Geographical Distribution of Top Management Positions (GL 15 and above) in the Federal Civil Service as of 1996	127
6. Regional Population Figures (in millions) According to the 1952–53, 1962, and 1963 Censuses	147
7. State Population Figures (in millions) and Growth Rates According to the 1963 and 1973 Censuses	151
8. State Population Figures According to the 1991 Census (Provisional and Final Figures)	155
9. Composition and 1991 Population of Nigeria's Six Geographic Zones	168
10. Distribution of the Nigerian Population (in millions) on a North-South Basis, 1911–1991	169

FOREWORD

MUCH OF THE FUTURE of the “third wave” of democratization—now a quarter-century old—will depend on the fate of a handful of large, pivotal states that are struggling with massive problems of governance and could swing either toward democracy or dictatorship in the coming years. Russia is struggling to resist the slide to authoritarianism under a young leader who suggests that only the return to tough, centralized power can fight economic and political decay. Mexico has just experienced a historic breakthrough to electoral democracy but now confronts huge challenges of economic and political reform. Brazil has made halting but significant progress toward more accountable government under the reform-minded leadership of President Fernando Henrique Cardoso. By contrast, however, democracy in Pakistan succumbed in the military coup of October 1999 to massive corruption, economic disarray, and mounting ethnic and sectarian tensions. The new democratic leadership in Indonesia is laboring with great difficulty to correct the abuses of authoritarian rule and hold the country together. In Africa, two countries dominate their subregions and generate powerful demonstration and diffusion effects across the continent. One is South Africa, which, in the face of enormous economic, racial, and public health problems, has nevertheless maintained a liberal democracy. The other is Nigeria.

Over the past four decades, no country in the world has had a more turbulent and tragic democratic experience than Nigeria. One of the most vibrant, pluralistic, and promising of the newly decolonized African states, Nigeria went from the jubilation of independence to the trauma of civil war in the space of less than seven years. When it became a major oil producer just after the civil war ended in 1970 and then saw its national income soar with the price of oil, the heavens seemed to be smiling on this complex land of three major nationality groups and hundreds of smaller ethnic and linguistic identities. During the 1970s, Nigeria was the rising power of Africa, headed for rapid development and international influence. As the oil income poured in, building sprouted everywhere, universities mushroomed, education surged, and nothing seemed impossible. It was a time of astonishingly rapid recovery from the physical and psychological devastation of the civil war. When corruption seemed to sour the whole project under the lax political leadership of General Yakubu Gowon, a military coup brought in a new set of leaders who seemed more purposeful and certainly more determined to return the country to civilian, democratic rule.

In retrospect, the 1975–79 political transition and the rebirth of democracy under the Second Republic can be seen as the high-water mark of political and economic promise in Nigeria's postindependence history. It was during those years of transition that the political energy, innovation, and flexibility of Nigerians produced a dramatically restructured federal system and a new democratic constitution with many creative and wise provisions to manage Nigeria's complex tensions. It was also during those years that oil income peaked at new, breathtaking levels. What political ingenuity and bargaining could not solve would be eased or washed away in the seemingly endless flood tide of oil revenue.

But the moment of hope and healing did not last long. Even as the oil revenue was pouring in, deep cracks were resurfacing in the edifice of Nigerian democracy. Despite imaginative constitutional engineering, ethnic cleavage and regional competition strained the country's party politics. The negative impacts of massive dependence on oil revenue became more glaring as the struggle for control of the country's oil wealth became the dominant theme of politics at every level. Massive corruption blighted politics and governance, distorting planning,

depleting public accounts, and diverting funds from development projects into overseas bank accounts or shocking, vulgar displays of ill-gotten wealth. The public became cynical and disgusted. Politicians with too much at stake to risk defeat in an election resorted to brazen electoral fraud and violence. On December 31, 1983, not long after the first test of the Second Republic's ability to renew itself in a national election, the system came crashing down in a military coup to widespread popular celebration.

For the next fifteen long, brutalizing years, Nigeria struggled to return to democracy and to achieve the accountability and economic prudence that had eluded it during the Second Republic. For most of this time, the promise of economic and political reform was squandered under the duplicitous and murderous rule of two military dictators, Ibrahim Babangida and Sani Abacha. Now, early into what is hoped to be a long-lived Fourth Republic, Nigeria still confronts the basic questions of governance that have dogged it throughout its forty years of independence: How should federal institutions be designed to manage and contain the country's countless ethnic, subethnic, regional, and now increasingly religious cleavages? How should democratic institutions be reformed and bolstered to strengthen accountability and the rule of law? And how can the economy be restructured so as to unlock the country's immense developmental potential?

These are the same three broad challenges of governance with which the other pivotal "swing states" are struggling. As large and ethnically complex countries, they all must manage powerful cleavages based on territorial, ethnic, or, in some cases, religious identities. Some of them, like Nigeria and Indonesia, face the fundamental question of whether they can even hold together as one country. Related to this is the danger, faced especially by Pakistan and Nigeria, that prolonged failure to come to grips with the basic challenges of governance could so erode the moral and institutional fabric of public life that the state will essentially collapse. Increasingly, the three challenges of governance appear not as a coincidence of separate problems but as part of an organic whole. People do not trust the state and they do not trust one another. They have no confidence in the national project, in the institutions of economic and political life, and in the future generally. Consequently, every group, every faction and family, begs and bleeds

the state for anything it can, as much as it can, as quickly as it can. When most of the country's wealth flows through the state because of a highly centralized and monolithic oil economy, the problem is intensified by several orders of magnitude.

This is the Nigeria that Rotimi Suberu grapples with in this landmark work of scholarship and political analysis. As the reader will discover from Suberu's comprehensive citations, federalism has long been a subject of intensive academic inquiry and political debate in Nigeria. In fact, no Nigerian problem has elicited more creative and heated discussion, and more searching scholarly attention, than the history, functioning, design, and restructuring of the country's federal system. Yet even against this rich backdrop of learned and at times distinguished contributions, *Federalism and Ethnic Conflict in Nigeria* stands out as the definitive treatment to date of an enormously complex and troubled history. Of course, Suberu's book has one advantage over previous works. As the most recent treatment, it offers the most up-to-date assessment of the evolution of Nigerian federalism and of the recent dangerous mutation of long-standing regional and ethnic cleavages into an increasingly polarized religious form: Muslim versus Christian. It is also the first work to take full stock of the enormous damage to the spirit and structure of Nigerian federalism done by the previous military dictatorships (1984–1999), with their relentless centralization of revenue and power and their repeated cynical ploys to generate some political legitimacy by creating more states and more local governments.

Suberu's work does much more than update previous analysis, however. In a balanced and dispassionate fashion, it weighs Nigeria's institutional experience in light of theories and the comparative experience of federalism. It also locates the travails of Nigerian federalism squarely within the broader context of Nigeria's distorted political economy. The fundamental obstacle to successful federalism in Nigeria is not the mere existence of multiple and deep sectional cleavages, but their incessant aggravation by an oil-based economy in which the central government controls and disperses (or fails to honor its legal obligations to disperse) most public revenue.

As Suberu shows throughout this splendid book, especially in chapter 3, the extreme centralization of control over revenue flows has fed the worst pathologies of Nigerian federalism. It has focused politi-

cal attention excessively on control of the federal government. It has made the formulas for allocation of revenue vertically (between different levels of government) and horizontally (among the different states and the local government areas) an insoluble bone of contention. It has given the central government the ability to bring subordinate governments to their knees by withholding the revenue that is their lifeblood. In doing so, it has virtually erased a fundamental principle of federalism—that lower levels of government have some areas of autonomous authority that cannot be overridden by the center—and robbed subordinate units of any significant incentive to generate revenue of their own. It has also spawned profound grievances on the part of the oil-producing areas of the Niger Delta, from which much has been taken but little has been returned, except environmental disaster, economic destitution, and political repression.

As a result of all of this, Suberu maintains, Nigeria's "hypercentralized" shell of federalism has gradually driven out any sense of civic or truly national commitment, leaving a shifting jumble of ethnic, regional, religious, and factional alignments to contend ceaselessly for power and resources. It is probably only the fact that the lines of cleavage do shift around, and up and down, that keeps the system from fracturing totally. But, Suberu carefully demonstrates, as more and more states have been created, politics has tended to become recentralized around the tripolar ethnic cleavage of Hausa versus Yoruba versus Igbo and, even more ominously, around the bipolar cleavages of North versus South and Muslim versus Christian. These developments have left the Fourth Republic besieged with the "clamor for radical political restructuring," including calls for confederation that would essentially dissolve the state of Nigeria.

Suberu points to many aspects of Nigerian federalism that are imaginative and hopeful. In principle, the multistate system disperses conflict and contains it within political subunits; fragments the solidarity of the three major ethnic groups; generates cross-cutting, state-based cleavages; and devolves resources down to lower levels of authority. Meanwhile, the "federal character" principle gives each group a role and a stake in the system. But these theoretical benefits of Nigeria's federal architecture have largely been vitiated by the intensely centralizing effects of federal government control and distribution of oil income. In such a

system, every group must get access to federal power and resources in order to survive, and the major groups feel secure only when they control the national government and, hence, the presidency. In more truly federal systems, different regions and ethnic groups can afford to lose power at the center because they have resources of their own to work with and the structure of federalism shields them from excessive intervention and predation from the center. This fiscal autonomy and political insulation, Suberu demonstrates, is largely lacking in Nigeria.

What has emerged in Nigeria, Suberu convincingly tells us, is a highly superficial, vulnerable, and distorted federalism in which virtually all political imagination and mobilization is focused around the insatiable thirst for centrally controlled resources, for a piece of the “national cake.” This frantic quest for resources—or what Babangida termed, in an ironically fitting allusion to his own governance, “the national cake psychosis”—has largely driven the proliferating movements for new states and local government areas, the conflicts over where to place new state capitals, the drive to “indigenize” public sector appointments at the state level, and the demands for pure proportionality (a “fair share”) in the distribution of federal appointments, university admissions, and other opportunities and resources controlled by the center. As it has descended into an obsession with securing distributive shares, the “federal character” principle has proved divisive rather than integrative, undermining the integrity and capacity of every institution it has touched, including prominently the civil service and higher education. Sacrificing individual rights on the altar of group rights, it has nevertheless failed to benefit more than a narrow elite stratum of the disadvantaged groups. Moreover, as we see in chapter 6, when population is used as a major basis for allocating national revenue and legislative seats, distributing developmental projects, and creating new states and local government areas, the process of counting population inevitably becomes a political contest. The technical expertise necessary to execute a reliable, mutually accepted census is thus overwhelmed by the raw political muscle and deceit that gets mobilized in a zero-sum struggle for power and resources.

As this book emphasizes in its clarifying analysis and eloquent prose, there is no way out of this bedeviled and precarious situation except through democracy. The military has completely discredited

itself as a political alternative, having abused federalism in practice and gravely distorted it in structure while systematically abusing human rights and plundering the country's wealth. A more viable Nigerian federalism can emerge only through constitutional reform and institutional innovation under civilian, democratic rule.

In his final chapter, Suberu reviews the ideas and proposals that have been offered for reforming Nigeria's federal system. Proposals to rotate or redesign federal executive offices miss the essential point, he argues. No constitutional revision can strengthen federalism and democracy in Nigeria unless it decentralizes power and resources. In short, several decades of "hypercentralization" must be reversed. An essential step, Suberu argues, would be to return to the states many of their original powers and functions, which must be entrenched through constitutional language giving the states exclusive jurisdiction in these matters. Control over local governments must be transferred from the center to the states, which should in turn devolve more power to the localities. Most of all, the system of revenue allocation must be reformed. Vertically, a greater share of national revenue must be assigned to state and local governments, and an independent, neutral administration must be given the authority to ensure that these lower levels of government receive the revenue due them. States and localities must also be given more authority to raise revenue of their own by shifting downward some taxes that are now exclusively federal. Horizontally, states and localities must be given incentives to generate internal revenue by having that criterion weigh more heavily in the allocation of national revenue. And more weight must be given to the "derivation" principle, so that the devastated oil-producing areas receive a greater proportion of the mineral wealth beneath them and offshore.

The logic of these reforms is strong and enjoys broad (although far from universal) support within Nigeria. However, no reform program can strengthen federalism and improve democratic governance in Nigeria unless it also addresses the related pathology of pervasive corruption and abuse of power. Unless transparency and the rule of law are strengthened so that political institutions work in practice at least somewhat as they are intended to in theory, no redesign of the federal system can achieve much good. That is why, Suberu emphasizes, transparency and bureaucratic professionalism and autonomy are so important in the administration of

the country's system for raising and allocating revenue. In fact, procedures to ensure integrity and accountability and thereby to restrain power must extend to every major government institution if the enormous premium on controlling the state is to be reduced.

Yet corruption and abuse of power will be easier to control if power and resources are shifted downward, to levels of authority that are closer to the people and more visible. Then governance will begin to be redefined from an elite project to divide up "the national cake" to a public obligation to improve human welfare. Transparency and decentralization thus must proceed in tandem as the two fundamental pillars of political reform in Nigeria. Each goal requires powerful institutions of horizontal accountability that are insulated from the control of partisan politicians. An independent judiciary is particularly vital, Suberu notes. Not only must the judicial system enforce the laws against corruption, it must also defend the vertical distribution of power against encroachment from the center. What makes a system of government truly federal is that subnational units have some powers that are inviolable. Ultimately, only the courts can defend that boundary of authority against a self-aggrandizing center.

If the broad direction of reform is clear, the prospect is uncertain at best. No one should underestimate the gravity of the challenge confronting Nigeria during this Fourth Republic. Every previous attempt to make federalism and democracy work has failed. For the past two decades, each failure has sunk the country further into political, economic, and moral decay. As Suberu shows, the political and social glue that holds the Nigerian federation together is wearing thin. Yet there is no better alternative for Nigeria's future than true federalism. There is a tremendous amount at stake now—not only for Nigeria, but for Africa and the world—in making the institutions of Nigeria's federal democracy work this time and in redesigning them so they can work more effectively, with broader popular commitment. Those many Nigerians who appreciate the urgent need to establish a more viable federalism will find no better guide than this outstanding book.

LARRY DIAMOND
HOOVER INSTITUTION
STANFORD UNIVERSITY

PREFACE

THIS BOOK IS ABOUT THE DILEMMAS of the Nigerian system of federalism. It comes at a time of intensive agitation and extensive debate within Nigeria over the failure and future of the federation. At the heart of the Nigerian predicament, the book argues, is the development of an intensely dysfunctional system of centralized “ethno-distributive” federalism. The system is significantly rooted in the country’s ethnic fragmentation and socioeconomic underdevelopment. But its unwholesomeness has been aggravated by the hypercentralization and broad institutional ruination arising from the overbearing influence of “soldiers and oil” on Nigeria’s political economy.

To be sure, the contradictions of Nigeria’s ethno-distributive federalism and political economy have been analyzed by several scholars, notably Daniel Bach and Richard Joseph. My modest contribution here involves the concerted dissection and discussion of the troubling conflicts that have plagued the Nigerian federal system in the four ethno-distributive arenas of revenue allocation, territorial reorganization, intergroup representation, and population enumeration. A further substantive concern of this study considers the challenges and possibilities of federal reconstruction and the mitigation of ethnic conflict in Nigeria.

This study has its roots in my doctoral research from 1986 to 1990 at the University of Ibadan into the instability of federalism in

Nigeria. The actual writing of the book began in 1993–94, when I was a fellow at the United States Institute of Peace in Washington, D.C. I am deeply grateful to the Institute for the fellowship, and for waiting so patiently and supportively for five years for the completion of the manuscript. For helping to make my one-year stay at the Institute such a rewarding and memorable experience, I am particularly thankful to Institute staff members Sally Blair, Barbara Cullicott, Joe Klaitis, Timothy Sisk, David Smock, my “fellow fellow” Norma Krieger, and my superb research assistant, Curtis Noonan.

For nurturing and sustaining my interest in issues of federalism and political economy, I am indebted to four of my teachers at the Universities of Jos and Ibadan: Professors Busari Adebisi, John Ayoade, Isawa Elaigwu, and Aaron Gana. I am especially grateful to Professor Ayoade for the prodigious inspiration and meticulous guidance that he provided as my principal doctoral thesis supervisor. I hope the publication of this work will evoke some sense of tutelary pride and fulfillment in him.

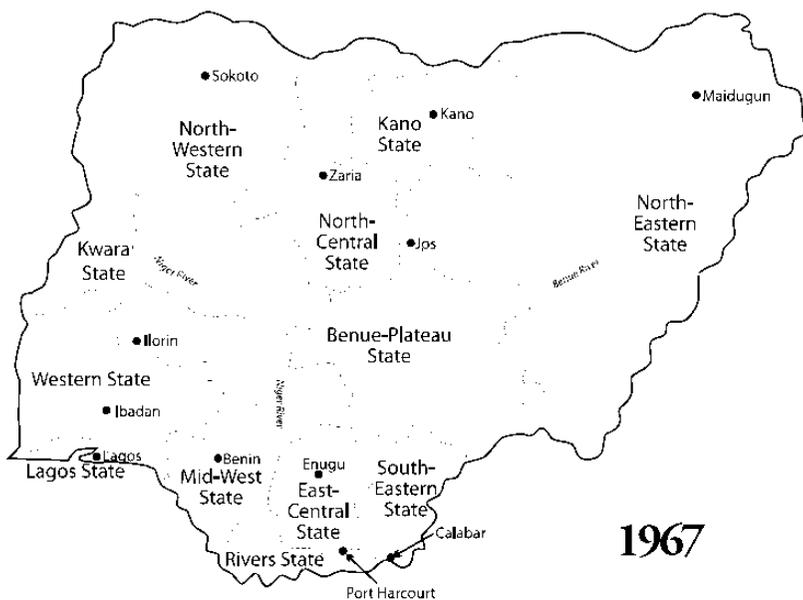
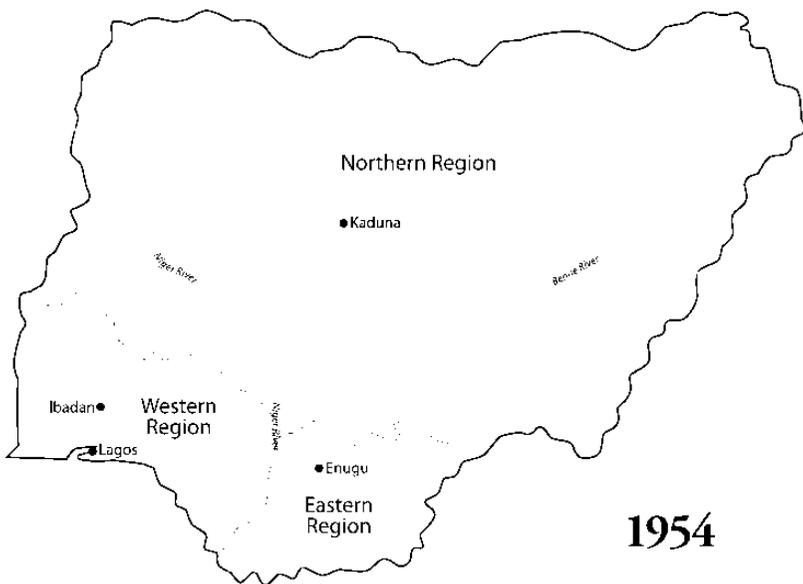
My research into Nigerian federalism has also benefited, either directly or indirectly, from the facilitation, encouragement, example, advice, or comments of several friends, colleagues, collaborators, teachers, and students. Without the support or stimulation of such individuals, the burden of researching, reflecting, and writing in the often difficult Nigerian environment would have been much more unbearable. At the considerable risk of inadvertently leaving out the names of some important benefactors, I want to acknowledge the following persons: Ladipo Adamolekun, Wale Adebani, Bayo Adekanye, Adigun Agbaje, Rafiu Akindele, E. E. Alemika, Kunle Amuwo, A. S. Benjamin, Daniel Bach, Peter Ekeh, Jaye Gaskia, Alex Gboyega, Goran Hyden, Enemaku Idachaba, Jibrin Ibrahim, Chris Ikporukpo, Victor Isumonah, Arlene Jacqueline, Darren Kew, Peter Lewis, Joshua Lincoln, Peter P. Melanchuk, Nereus Nwosu, Olatunde J. B. Ojo, Dele Olowu, Fred Onyeoziri, Eghosa Osaghae, Sarafa Ogundiya, Femi Omotoso, Marty Otanez, Femi Otubanjo, Oyeleye Oyediran, Tunde Oyekanmi, Alfred Stepan, Patrick Ukata, Ronald Watts, and, of course, Crawford Young.

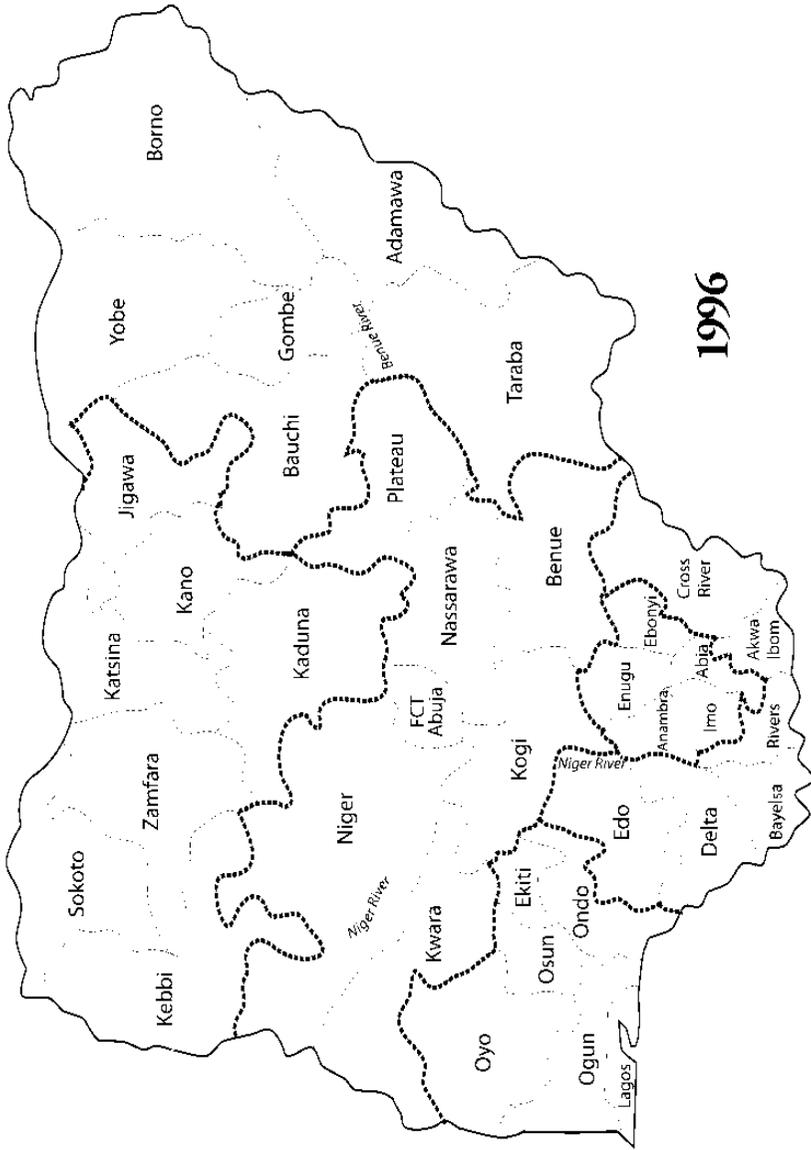
I am grateful to my wife, Ibiroke, and my children, Paul, Moyin, and Orito, for being ever so supportive and indulgent of my academic pursuits. I am also deeply indebted to my parents, to whom this book

is dedicated, for their immeasurable contributions to my personal and professional development.

Special thanks are due to Dan Snodderly and my editor and friend, Peter Pavilionis, as well as their colleagues at the U.S. Institute of Peace Press, for their diligent management of this book project. For their useful and encouraging comments on the book's draft manuscript, I also wish to thank two anonymous and one not-so-anonymous reviewers commissioned by the Press.

In the course of the past ten years or thereabouts, Larry Diamond has been to me an indefatigable motivator, facilitator, mentor, and collaborator. He encouraged and supported my application for the Institute fellowship, and he has selflessly and generously promoted my work and research in numerous other ways. At the same time, Larry's own writings on Nigeria have been a tremendous source of inspiration to me and to a whole generation of students of the country's politics. The depth of his interest in Nigerian studies and in my own work is eloquently demonstrated in the fine foreword that he has crafted for this book. I owe him an irredeemable debt of gratitude.





A POLITICAL CHRONOLOGY OF POSTINDEPENDENCE NIGERIA

- 1960** Independence from Great Britain. Abubakar Tafawa Balewa serves as prime minister.
- 1963** Republic established. Nnamdi Azikiwe becomes president. Mid-West Region joins Northern, Western, and Eastern Regions.
- 1966** Military rule imposed after January coup. Establishment of Supreme Military Council (SMC), led by Major General Johnson T. U. Aguiyi-Ironsi from the southern Igbo ethnic group. Northern Muslim resentment leads to second coup in July. Colonel (later, Major General) Yakubu Gowon, heads the Federal Military Government.
- 1967** Gowon reorganizes Nigeria's four regions into twelve states.
- May 1967** Eastern Region leader Lieutenant Colonel Odumegwu Ojukwu declares the region the Republic of Biafra; fighting ensues in July between rebels and Nigerian armed forces. State of emergency declared.
- January 1970** Rebels surrender.
- 1975** Gowon overthrown in bloodless coup while attending Organization of African Unity conference. Brigadier Murtala Mohammed assumes the position of head of state and convenes Constitution Drafting Committee to develop a new constitution with the aim of establishing an "executive presidential system."
- 1976** Seven more states added to federation. Mohammed assassinated during an abortive coup attempt. Chief of General Staff Lieutenant General Olusegun Obasanjo takes over as SMC chairman and head of state.
- 1978** Constituent Assembly endorses draft constitution, which is promulgated by the Supreme Military Council after it makes a number of changes. Twelve-year state of emergency lifted, as is ban on political parties.
- 1979 Second Republic.** Executive presidential system established under new constitution. National Party of Nigeria candidates Alhaji Shehu Shagari and Alex Ekwueme elected as president and vice president, respectively.

- 1983** Shagari re-elected, despite drop in oil income, excessive government spending, and widespread corruption. In December, senior military officers seize power.
- January 1984** Major General Muhammadu Buhari sworn in as chairman of new Supreme Military Council, which launches “war against indiscipline.”
- 1985** In the midst of severe political repression, the Buhari regime is deposed by senior SMC members. Major General Ibrahim Babangida installed as leader of Armed Forces Ruling Council (AFRC), which loosens press restrictions and encourages more open political system.
- 1986** Babangida announces five-year transition plan for return to civilian rule, including development of new constitution. Appoints “Political Bureau,” made up of legal and political scholars, to recommend constitutional design and political reforms.
- 1987** Two new states—Akwa Ibom and Katsina—added to federation.
- 1989** Babangida lifts ban on party politics and announces new draft constitution recommended by Constituent Assembly. Citing “factionalism,” he winnows thirteen parties seeking registration to two state-sponsored organizations, the Social Democratic Party and the National Republican Convention. New constitution for **Third Republic** is promulgated.
- 1991** Babangida announces decision to increase number of states in the federation to thirty.
- 1992** Following two rounds of invalidated presidential primary elections, Babangida announces replacement of AFRC with a National Defense and Security Council and the establishment of a Transition Council to prepare for presidential election and inauguration of civilian rule.
- 1993** In June presidential elections, Moshood Kashimawo Olawale (“M. K. O.”) Abiola apparently wins, but a court injunction prevents announcement of results. Before stepping down as president in August, Babangida names Transition Council chairman Chief Ernest Shonekan as head of Interim National Government (ING). In November, Defense Minister General Sani Abacha takes over as head of new military administration after Nigeria’s Federal High

CHRONOLOGY

Court declares ING unconstitutional. Abacha dissolves the country's bicameral legislature—the National Assembly—bans the two national political parties, and establishes a Provisional Ruling Council made up of senior military officers.

- 1994** Abacha convenes National Constitutional Conference (NCC), which gives preliminary endorsement to draft constitution and recommends return to civilian government no later than January 1, 1996.
- 1995** Final NCC report to the Abacha regime contains new draft of basic law but no timetable for its implementation. Abacha announces that his administration will cede authority to civilian government by October 1, 1998.
- 1996** Six more states—one in each geographic zone—added to federation, bringing total number of states to thirty-six.
- 1998** Abacha dies unexpectedly; General Abdulsalam Abubakar designated as his successor. Abubakar announces transition to civilian rule will be completed by May 1999. Government publishes NCC's draft constitution. Niger Delta region witnesses violent protests and occupations of oil production facilities.
- 1999** Abubakar declares **Fourth Republic** with adoption of new basic law based on the 1979 constitutional framework. Former army general Olusegun Obasanjo elected president in February. Return to civilian rule completed in May, with Obasanjo's inauguration as president for a four-year term and enactment of the new constitution. Mass violence erupts in northern region as Muslim-dominated states consider adopting Islamic legal codes; southern states experience anti-Muslim backlash.