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Boundary Adjustments and Inter-Community Relations in Nigeria

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JACOB O. FATILE**

Since colonial times, inter-community relations in Nigeria have been under serious stress due to boundary disputes. This paper examines the genesis of these disputes and the several efforts by post-independence Nigerian governments to curtail them through boundary adjustment exercises. The paper suggests that proper consultations with the local communities affected by boundary adjustments would go a long way to resolving inter-community violent clashes thereby fostering communal harmony and cordial inter-state relations in the Nigerian Federation.

Introduction

The process of entrenching a unified federal structure in Nigeria, which began during the colonial epoch, has had profound political and administrative implications not only for inter-community relations but also for inter-governmental relations. Efforts at erecting a Nigerian Federation have meant at various times the creation of artificial administrative units such as regions, provinces, districts, states, local government areas, and wards. Since the boundaries of these administrative units in most cases did not conform with pre-colonial political and administrative units, they often generated violent boundary disputes among various Nigerian ethnic communities. These communal clashes and the attendant boundary adjustments have sometimes strained the relationship between state governments while tasking the capacity of the Federal Government to provide a stable and peaceful political environment in the country.

To understand the genesis of these communal disputes and their implications for inter-state relations, however, it is pertinent to examine the concept of inter-governmental relations in a national political entity as espoused by scholars of public administration. Many interpretations have been given to the concept of inter-governmental relations, but scholars like Olowu¹, Anderson², and Adamolekun³ have all agreed that inter-governmental relations denote the permutations and

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combinations of relations among the units of government in a federal system. Therefore, inter-governmental relations can be defined as the interactions that take place among different levels and units of government within a national state. It is a body of activities or interactions occurring between governmental units of all types and levels in either unitary or federal system of government. However, the concept is usually associated with States having a Federal, Central or National government and where the major sub-national units (Provinces, Regions or States) are formally spelt out in the constitution. In particular, the jurisdictional powers of each level of government are spelt out in the constitution and any re-arrangement must be through a constitutional amendment involving both levels of government⁴.

Although all Federations have contained regional, linguistic, economic and religious groups which were geographically localized, it has been rare for the concentration of these groups to coincide exactly with the state boundaries⁵. To begin with, diversities are usually not regionally segregated so exactly that political boundaries could mark off completely homogenous units. People do not arrange themselves like that. In Canada for example, not all French-Canadian live in Quebec nor is Quebec totally French-Canadian. Similarly in other Federations, the states are never completely homogenous and a single unit rarely marks off all the members of a linguistic or cultural group. Even in India, Canada or Switzerland where the regional units appear to be so distinct linguistically, there have been inevitable overlaps at the edges of the regional boundaries and there are cultural minorities in every regional units.⁶

It must be emphasized that since the state units are the most effective political means of expressing regionalism, a Federal System is likely to be successful if its states reflect fairly accurately the most fundamental regional interests within the society. Where this is not the case, experience suggests that demands for regionalization of state boundaries will arise as in Nigeria, India and Pakistan.

STATEMENT OF PROBLEM

The colonial administrative units which in most cases did not conform with earlier political arrangements, gave birth to the first internal boundaries in Nigeria⁷. Boundary disputes started to emerge when Nigerians came to understand the functions and implications of those administrative units. The creation of more administrative units had never succeeded in eliminating agitations for boundary adjustments. This was either because the solutions fell far short of the agitator's expectations or because the solutions themselves contributed yet more problems. For example, the demand by the Yoruba in the Ilorin province in the then Northern Nigeria to be merged with their kith and kin in the old Western Nigeria took nearly two decades to be partially met by the transfer of the Ekiti of Otun to Ondo Province (now Ondo State) which left the agitators utterly dissatisfied. Also, attempts to separate the largely homogenous Yoruba west from the Ibo dominated East, led to

the fragmentation of the smaller groups like the Ijaw. The 1909 administrative re-organisation in Northern Nigeria led to the split of the Margi speaking group into several divisions of Adamawa and Borno provinces. It was only in 1976 that the agitations by the Margi for merger received some attention. In an attempt to carry out the merger, however, a number of other problems arose, one of them was the partitioning of the town of Uba into two with one half in Borno and the other half in the present Adamawa State.⁸

In addition, boundary questions go beyond the technical issues of adjusting lines of demarcation and survey of boundaries. It involves the management of land, minerals, water and forest, as well as the whole pattern of economic and socio-cultural relationships between different communities along these boundaries.⁹ Thus in a society that is prone to frequent boundary disputes like ours, we must call to question the society's pattern of resource management and the question of the level of inter-state relationship and integration as well as its cohesion.

About 26 inter-state boundary disputes have been identified in Nigeria¹⁰. This number has grown considerably since the establishment of the National Boundary Commission in 1987. This time, the complaints are not limited to disputes over local government boundaries. We have such examples as the protracted battle between the Ifes and Modakekes in Ife East Local Government of Osun State. From the compilations of the National Boundary Commissions, only few inter-state boundaries are completely free of disputes.

With the creation of six additional states by the Abacha's regime in 1996, Nigeria's inter-state boundaries have increased considerably. If we then add the boundaries of 774 Local Government Areas in the country, it becomes obvious that the National Boundary Commission has an enormous problem in its hands. What has come out clearly from the preceding discussion is that boundary disputes, if not properly handled, could lead to disruption of normal socio-economic activities among the states in the country as well as the destruction of life and property. It could even lead to such chaos of the magnitude of civil war. In fact, the Nigerian Civil War could have been avoided if boundary adjustment problems had been properly taken care of by the first Civilian Administration.

EVOLUTION OF INTER-GOVERNMENTAL RELATIONS IN NIGERIA

To appreciate the problems of interstate boundary adjustment, one should reflect on the history of intergovernmental relations in Nigeria, which dated back to the period between 1914 and 1954 when Nigeria was administered by the British imperial power as a Unitary State. However, there were several aspects of the colonial administration system that were similar to the features of a Federal System. For instance, each of the three regions, North, East and West, was sufficiently distinct by 1946 that a commission was set up to determine the allocation of the national revenue among them. Later in 1963, a fourth region, the Mid-Western Region was

created from the Western Region. As a result of political expediency, the country in 1967 was split into twelve state structure.

Following the end of the civil war, the Federal Military Government increased its share of the National Revenue and given the huge earnings from petroleum, the total funds available to this level of government was very substantial between 1970 and 1979. In addition to the financial superiority, the Federal Government took a series of decisions that virtually turned the State Governments into instruments for carrying out its wishes. The reconstruction of the four regions into twelve states in 1967 and the addition of more states in 1976 weakened the State Governments because unlike the four regions that consistently sought to assert their autonomy, several of the states saw nothing wrong in the strong leadership position of the Federal Government.

It should be stated at this juncture that the objective of the Federal Government in creating these new states then was to redistribute power between the states and the centre in such a way as to remove the structural imbalance in the country. With the twelve state structure, Nigerians were optimistic that the central executive would be so powerful as to be able to effectively control the component units of the federation and that the sharing of powers between the State governments and Federal government would remove permanently area of friction between them. J.B. Ojo opines that the intention of the Federal Military Government was to restore the model of federation originally adopted in 1954.¹¹

The nature of the 1954 federal arrangement was such that the centre and the various component regions had their own services and shared equal powers with the central administration. Sometimes, the regions appeared more powerful than the centre.

The local governments, which constituted the third tier of government, were created, nurtured and financed solely by the then regional governments. In effect, both the federal and state governments have equal and co-ordinate roles. The 1954 federalism could be described as a loose form of federation. But by 1965, the 1954 federal structure had been stretched to the breaking point by various political, social and economic factors. The resultant effect of this was the establishment of military administration in Nigeria in 1966. This brought a lot of changes in the composition of the country. For example, the regional structure was first adjusted to a twelve state structure, then nineteen, twenty-one, thirty and later thirty six states.

One cannot but blame the colonial administration for the poor handling of boundary problems in Nigeria. In many instances, boundaries were arbitrarily fixed to the annoyance of the members of the community which eventually led to disturbances.

One example was the Mbaduku/Obudu border conflict which Lord Lugard tried to settle by ordering the planting of Gmelina trees stretching from Ajiforkpa in Ogoja to Bishir in Obudu to separate the Gboko division of Benue province from

Obudu division of Ogoja province.¹² The row of trees was later called "Lugard Wall". This did not solve the problem because of the arbitrariness of the delimitation. This can be proved by the evidence of two letters written on June 6, and June 22, 1933 by two colonial administrators - Gordon and Macpherson. They wrote: "Concerning the Obudu-Tiv border palaver, as shown in 1914 schedule, the distance and bearing given is not always accurate. This is the case of Okorotung hill which has given rise to most of the wrangling over ownership of farmland".¹³ Consequently, there were clashes in 1919, 1933, 1950, 1978, 1979, 1983, 1984 and 1985. Thus historical antecedents had caused and are still causing boundary problems in Nigeria. Most of the historical factors can be attributed to inadequate British knowledge of the area they were governing hence the poor allocation and demarcation of the various settlements.

The history just briefly presented indicates the observable and manifest conflicts in our body politic. The fact that the conflict have been existing over the years suggests that, that which takes long time to develop or evolve may take long to resolve. Readjustments and far reaching reforms of our Local Government system and the establishment of governmental agencies to promote unity, socio-economic peace and harmony among the different levels of government may not necessarily eliminate the already widespread mutual suspicion that have characterized the relationship existing among the three levels of government and among the various communities.

THEORETICAL FRAMEWORK

This paper utilizes boundary, classical and revisionist theories to examine the dynamics of inter-state boundary problems in Nigeria.

The Theory of Natural and Artificial Boundaries

Boundaries are man-made and therefore have a touch of artificiality and at times arbitrariness. Nevertheless, boundary lines could be deliberately drawn to follow natural features like mountain ranges, lakes, rivers or with existing ethno-cultural or political groupings. Such lines are called natural boundaries because they follow natural gradients. On the other hand, artificial boundaries refer to boundaries that are drawn to follow lines of latitude with little or no regard for the existing ethno-cultural and political groupings and loyalties.¹⁴ Africa's international boundaries and internal boundaries of some African states are good examples of this. The reason for this is not unconnected with the fact that the colonialists partitioned Africa with little or no knowledge of the topography of the continent, neither were they familiar with the existing political groupings and loyalties prevailing in Africa at that time. The partitioning of Africa by the Europeans was based on conspiratorial conception of boundaries. The contractual/diplomatic conception, in contrast, believes that boundaries evolve as a result of mutual agreement by the states

affected. This conceptual and diplomatic conception was ignored during the time the Africa's international boundaries were being drawn. Thus, in fixing international boundaries, it is those brought about through diplomatic negotiations and mutual agreements that usually conform with natural lines. This could also be said of the internal boundaries within a nation-state.

In the light of the above, one can rightly say that international boundaries are usually subject to power politics, arbitrariness, conspiracy and conflicting pressures from the competing interests of two or more states whereas national or internal boundaries adhere more to the dictates of physical features. Though it is not in all cases that this ideal situation operates, however, if internal boundaries are carefully and systematically planned, they could be made to conform with the natural features and the existing ethno-cultural and political groupings within a particular nation-state.

As far as Nigeria is concerned, many of the boundary lines were based on alignments that were created by the colonialists and the administrative units that were created after independence did not conform with natural features of the existing ethno-cultural or political groupings and loyalties.

Natural boundaries have many advantages over artificial boundaries. The reason is mainly because artificial boundaries create room for necessary agitations, wranglings, claims and counter claims. Though natural boundaries may not be completely free from all these, however, they are easier to recognize and mistaken and unwarranted intrusions are kept to the minimum.

Classical Theory and the Notion of Territorial Exclusiveness

The classical theory of boundary emphasizes the protective instinct of human beings in relation to their territorial space. The theory is that human communities are pushed into territorial protectionism so as to be able to benefit maximally from the resources derived from the relevant portion of the territory. A boundary attitude governed by this theory is likely to encourage sustenance of territorial division or separation.

Closely related to the classical theory is the notion of territorial exclusiveness. It is very common in some international boundaries and much more pronounced in states without religious, ideological or ethno-cultural affiliations and where the relations between the affected states are marked by frequent hostilities. In such cases, boundaries are meant to serve as control mechanism, to ward off intruders and to protect life and property. The affected communities usually see their boundary zones as threatened regions which if not properly fortified stand the risk of violation both from within and without.

Although the notion of territorial exclusiveness is not so pronounced within internal boundaries, however, this is not to say that it does not exist at all. In fact, the Nigeria's internal boundaries seem to be increasingly dominated by the notion of

territorial exclusiveness. This is so because statism is extolled at the expense of patriotism and national consciousness.

Revisionist Theory

The revisionist unlike the classical theory emphasizes the concepts of contact and link rather than separation as the main function of boundary. The revisionist theory has won a large number of adherents among scholars in Africa, Europe and North America. For the purpose of boundary management, the revisionist theory must be preferred because it de-emphasizes the notion of territorial exclusiveness. The application of the "new thinking" to internal boundary management will enable us to see internal border lines as not being meant to keep the affected communities apart but essentially for administrative convenience.

It is clear from the preceding discussion that the notion of territorial exclusiveness inherent in the classical theory of boundary makes its application in relation to internal boundary management problematic; as it could easily compromise efforts toward national integration by extolling statism instead of oneness of the Nigerian nation.

GENESIS OF INTERNAL BOUNDARY PROBLEMS IN NIGERIA

Internal boundary disputes in Nigeria today had their origins from the British colonial administration. The exploitation of forest and mineral resources made it necessary to determine which community should be paid royalties for the resources accruing from their land. This often led to land disputes.

Also, the colonial masters adopted the Indirect Rule System. They created the boundaries as suited to their administrations. Such boundaries cut across ethnic groups, culture and families. In most cases, the tribal groupings were not taken into consideration in marking boundaries. The boundaries were described by the various administrations in gazettes and legal notes. The people were ignorant of the existence and physical locations of such boundaries. In addition, increase in rural population led to the expansion of the agricultural zone of each defined community. When two communities expanded in search of farmland, there was a tendency that at a point they would meet. Such contacts usually created boundary disputes.

Nigeria's boundaries have changed quite a number of times since the 1914 Lugard's amalgamation. As from 1939, the Nigerian federation started having its roots. Nigeria was divided into three groups in 1939. We had the Northern, Eastern and Western provinces. Regionalism began in the 1940s with the enactment of the Richard's constitution which divided the country into three unequal regions which was condemned and has remained perhaps the most persistent problem in Nigeria politics even till now. When Macpherson Constitution came into being, these provinces were recognised as regions. In fact, Macpherson Constitution was based on an elaborate process of discussion, consultations and meeting which began at the

village level through the district to the regional levels and finally culminating in a General Conference held in Ibadan in January, 1950. To guide discussion at these conferences, the Chief Secretary, Mr. H. M. Foot (Later Lord Caradon) submitted a series of questions, one of which is relevant to our discussion. "If we favour a Federal System, should we retain the existing regions on some modifications of existing regional boundaries or should we form regions on some new basis such as the many linguistic groups which exist in Nigeria?"¹⁵

In 1954, Nigeria became a federation of three regions and it was observed that existing boundaries of each of the three regions were defined in diverse instruments made between 1915 and 1951. A decision was therefore taken to define boundaries of each of the regions in a single proclamation, without any variation to the original instruments. The proclamation formed the origin of the legal Notice 126 of 1964, which defined the boundaries of the three regions. Today, the legal notice is the legal document of Kwara/Oyo, Kwara/Ondo, Bendel/Kwara, Anambra/Bendel and Bendel/Rivers inter-state boundaries. Inadequacies of boundary descriptions derived from changes in the administrations are the root cause of some of our boundary problems today¹⁶. At independence, the Nigeria Federation had three large unequal regions with one less developed region not only the largest but most populous than the rest of the Federation put together. The fourth region was created in 1963.

In 1967, twelve states emerged from the existing four regions. The states were created following a decree that was issued by General Gowon on May 27, 1967, six in the North and six in the South. It was the need to break the formidable geo-ethnic fronts presented by the regions that led to creation of the 12 states. No sooner were the states created than ethnic groups started clamouring for their own states presumably to promote their identity and to enhance their participation in the acquisition and appropriation of the nation's resources¹⁷. Again in 1976 following the submission of the Justice Ayo Irikefe's report, General Murtala created seven new states bringing the total number of states in Nigeria to 19. Eleven years later (in 1991), two more states were created to bring the total to twenty-one states. Again, in 1991, President Babangida on his sixth anniversary created nine more states. Today, Nigeria is a federation of thirty-six states and a Federal Capital, Abuja.

Ethnic groups that were not large enough to constitute a state of their own invariably found themselves 'dominated' by groups with larger populations in their own states. This is because, like with international boundaries, some of the internal boundaries were reflected on the map without adequate care being taken to ensure that the position on the map was precisely reflected on the ground before such states were created.¹⁸ This, therefore compounded the problem of the ethnic groups yearning to be grouped in one state or the other.

FACTORS RESPONSIBLE FOR INTERNAL BOUNDARY PROBLEMS IN NIGERIA

In this section, attempt will be made to highlight some of the factors responsible for internal boundary problems. They include socio-political, economic, geographic and governmental factors.

Socio-Political Factor: Border disputes may arise as a result of political or sociological or even cultural reasons. A survey of some border disputes shows that border villages protest for political reasons or when they are merged with states they do not share socio-cultural background with.¹⁹ For instance, the dispute between Modakeke and Ile-Ife in Ife East Local Government where the people in the two communities disagreed over the shifting of the Headquarters of the Local Government by the Osun State Government from Enuowa to Modakeke and later to Oke-Ogbo in Ife was an open invitation to chaos and confusion in the area. Another example can be cited of Abak Local Government Area of Akwa Ibom State (formerly Cross River State) and Ukwa Local Government Area of Imo State. In 1986, parts of the Imo-Cross River States boundary were redrawn and three border villages in Ukwa and Arochukwu-Ohafia Local Government Area were handed over to Cross River State in compliance with Decree 23 of 1985, little did anyone know that more problems were being created. The Ukwes protested vehemently against the merger claiming that they do not share similar cultural or linguistic affinity with people in their "new state"²⁰

Economic Factor: Another major factor that may lead to boundary problem is economic. The revenue generating border area may contribute to a border dispute if the two sides lay claim to its ownership. On several occasions prosperous economic ventures like fishing and farming have caused border disputes. For example the Ake land dispute between the Inemes of the old Bendel State and the Igala of Benue State rested squarely on fishing. Also, the Oriade Local Government Area (formerly Obokun Local Government Area) of the present Osun State not only went ahead to collect taxes and other levies from Owena villages believed to be in Ondo State, it also raided their cocoa farms and seized their crops.²¹

Geographic Factor: Border disputes may arise from geographical factor. Boundaries within Nigeria as stated earlier in this paper are specifically contained in the definition of the country's proclamation of 1954. Parameters such as courses and distances, physical features, existing farm boundary and meridional are used. The British colonial administrators were not precise and their descriptions were definitely not apt thereby misleading those that might want to refer to it at a later date.

Government Factor: Actions of government and/or non-challant attitude of government may also lead to border clashes. In some cases, senior government officials would disagree among themselves over the correct interpretation of the legal notice that defined the boundary. For instance, following the state creation of 1976,

disputes arose over Fike/Bade Gamawa, Fika/Darazo and Gais/Jagali of Bauchi and Kano States. There was a disagreement between the Surveyors General of Kano and Bauchi States on the correct interpretation of the legal notice that defined the boundary even after the 1984 and 1986 Babo accords. The Federal Surveyors had to intervene.²² In most cases, the government officials are fond of taking sides while on inspection. An example of this is the border dispute between Imo, Cross River and Akwa Ibom States over Abiaka, Akirika Obu, Usaka Annang, Isu Community, Ugbo, Ikporom Area and Iwuken twin town. The government inspection teams were moved by political considerations and indulged in disagreements resulting in delays.²³ Similarly, some government papers and vital documentary plans which would have aided demarcation exercises had disappeared from government offices. An example of this is the Ondo/Ogun States border dispute over Arijan sector of the boundary.

INTER-STATE DISPUTES AND BOUNDARY ADJUSTMENTS IN NIGERIA

About twenty-six boundary disputes have been identified between the Nigerian states.²⁴ Some of these disputes are shown in the attached appendix. In 1976, the Murtala/Obasanjo administration appointed the Justice Nazir Boundary Adjustment Commission to consider the boundary disputes referred to it by the Justice Irikefe Panel on the creation of states which was set up in 1975. In its report, the Nazir's Commission traced the history of boundary disputes to the amalgamation of 1914 and precisely to 1957 when some people from Ilorin and Kabba provinces of Northern Nigeria demanded for boundary adjustments so that they could join "their kith and kin in the Western portion of the Southern protectorate".²⁵ The demand became so persistent that the then Governor of Nigeria, Lord Lugard had to appoint a Boundary Commission. The commission, however, did not support any boundary adjustments. When the adjustment protest persisted, Otun in Ilorin was excised and merged with the Ondo Province of the West. The fact that the matter remained unsettled led to the setting up of another commission of John Macpherson. The commission also was against boundary adjustment. However, when the Willink's commission was set up, it urged the adjustment but only after a plebiscite.

Following the creation of states by the Gowon Administration in 1967, new boundary disputes opened up most especially in the East. Gowon promised to set up a Boundary Delimitation Committee. When Murtala Mohammed became the Head of State, he appointed a panel on creation of states which was followed by the setting up of Boundary Adjustment Commission.

The border dispute that has generated so much violence in the recent past is that between Benue and Cross River in the areas around Vandeikya Local Government in Benue and Obudu Local Government in Cross River State which occurred in 1987. Also, there was a boundary dispute between Oma Local Government in Benue State and Communities in the adjacent Awe Local Government of Plateau State. It took the intervention of a strong detachment of the

Nigeria Police assisted by the Benue State Government to bring the clash to a halt.²⁶ This clash prompted a meeting between the Military Governors of Plateau and Benue States.

It is only in the recent years that these clashes have become more rampant and incessant. We have in the immediate past witnessed border clashes between Cross River State and Imo State, Imo and Rivers States, the Ondo and Oyo States, Ondo and former Bendel States to mention a few. For instance, when Cross River, Imo, Rivers and former Anambra States were in the old Eastern region, and Ondo, old Bendel and Oyo States were in the old Western region, such clashes were rare. Also, there were no reported cases of inter-regional boundary clashes in the days of regional administration in the country.

When demands for boundary alterations were not granted the affected community continued to demand transfer particularly when provinces were adopted as basis for states in 1967 and 1976. Because of such demands, the Federal Government set up the Boundary Adjustment Commission after the creation of states in 1976 and charged it with the duty of examining the requests for boundary alterations and to make recommendations. The commission received 54 requests in respect of Inter-state boundaries and these are analysed below.²⁷

TABLE I
INTER-STATE BOUNDARY ADJUSTMENT EXERCISE, 1976

Division of community by boundary	23
Unsatisfactory grouping of community	27
Interpretation of boundary definition/agreement	4
Total	54

SOURCE: Omolade Adejuyigbe, "Land use Decree and Settlement of Boundary Disputes" in B.M. Barkindo (Ed) *Management of Nigeria's Internal Boundary Question*, (Lagos: Joe-Tolalu and Ass. (Nig) Ltd., 1993) p. 103.

O. Adejuyigbe cited the following as some of the reasons for the demand of transfer from state of present location to another by the affected communities:

1. Problem of accessibility between the community area and the headquarters of the present state.
2. Socio-political domination of the community by the dominant communities in the existing states.
3. Neglect of the community area in the distribution of amenities and

opportunities in the existing state.²⁸

TABLE II
SOME COMPLAINT OF LONG DISTANCES TO STATE CAPITALS

COMMUNITY	STATE LOCATED	DISTANCE COMPLAINED ABOUT	STATE DESIRED	DISTANCE OF COMMUNITY FROM CAPITAL
Awori	Ogun	96 KM	Lagos	Less than 96 km
Madagali	Former Gongola	339 km (210 miles)	Borno	113km (70 miles)
Wukari	Former Gongola	Over 640 km	Benue	Less than 160 km (100 miles)

SOURCE: J.R.V. Prescott, *The Geography of Frontier and Boundaries*.
(London: Hutchison University Library, 1965) p. 171.

The complaints about accessibility, as was earlier demonstrated by J.R.V. Prescott, are usually based on the distance between the community and the state capital (see table 11).²⁹ In an attempt to find a lasting solution to this problem, the National Boundary Commission may need to establish maximum travelling periods between the headquarters and the farthest part of the state based on the suggestions of researchers and distances suggested by the affected communities.

Also, the demands for boundary adjustment on the basis of complaints about socio-political domination imply that the affected community would be transferred to a political unit where it would not be a minority, thus affording them greater opportunity for political representation and cultural development.³⁰ Finally, the complaints about neglect imply that the community in question will be better treated in a new state to which it seeks transfer.

LEGAL INSTRUMENTS FOR THE RESOLUTION OF INTER-STATE BOUNDARY DISPUTES

In an attempt to solve boundary problems and disputes, experts, consultants, lawyers as well as state or foreign surveyors find themselves facing some hindrances. These hindrances are not unconnected with the fact that there is lack of readily available comprehensive literature on the subject. In most of the states, considerable research is required even to obtain the present applicable laws and/or regulations and the relevant maps. Some of the treaties and protocols are ambiguous and mere reading of them, without some expert translation may confuse the most dedicated

surveyers in the field.

ADHOC BOUNDARY ADJUSTMENT COMMISSION

A major attempt at resolving boundary disputes has been through Ad-hoc Commissions. Prior to the creation of state in 1976, there were no Decrees regulating boundary disputes in the country. Anytime there is an eruption of boundary disputes between communities in Nigeria, the common practice was for the government to set up Ad hoc Boundary Adjustment Commission to resolve the problem.

The Justice Irikefe panel was one of such commissions. In its report on state creation in 1976, the panel identified a number of boundary adjustment problems. One of such problems was the request for placement of the Marghis who are found in the present Borno and old Gongola States in one State. On the recommendation of the Irikefe panel, the Federal Military Government approved that only Uba district with a high concentration of the Ubas should be part of Borno State.³¹

Another commission which was established by the Federal Military Government to resolve boundary problems in Nigeria was Justice Nasir's Boundary Adjustment Commission. The report of the Commission has been used to resolve some inter-state boundary disputes in the country. It should be noted however that the Justice Nazir's Boundary Adjustment Commission did not help matters in some sensitive inter-state boundary disputes. In the recent Ondo and old Oyo inter-state disputes, neither of the two states accepted the findings of the commission. This is also applicable in the Ondo and old Bendel States disputes.³²

The Kalomo Ali Boundary Ascertainment Commission which submitted its findings on the boundaries of certain disputed areas between Imo and Cross River States to the Armed Forces Ruling Council (AFRC) was another Adhoc Boundary Adjustment Commission. The Federal Government promulgated Decree No. 23 of 1985 following the submission of the findings of the Kalomo Ali Commission. The Decree which is specifically for Cross River and Imo State boundary disputes (and was not applicable to any other state) was helpful in the sense that it gave a clear picture of how the Decree affected the adjusted boundary vis-a-vis the states.

SUMMARY, CONCLUSION AND RECOMMENDATION

Watts in his work on the new federations in Asia, Africa and the Caribbean lays emphasis on the extent to which inter-governmental relations in federations have always involved not only cooperation but at the same time, bargaining, rivalry and even conflict³³. K.C. Wheare on the other hand, observes that "there must be an umpire, usually a Supreme Court, to resolve inter-governmental disputes over boundaries of their legal authority, and each constituent government must operate directly on the people rather than indirectly through the other tier".³⁴

There is scarcely any community in Nigeria which has not been involved in boundary disputes. Inter-state boundaries in Nigeria are the frontiers between pairs

of contiguous neighbouring states in the country. In fact, the question of the size, number and appropriate composition of the state units has often aroused debate right from the inception of Nigeria as a federation. Since many of the existing units were simply the arbitrary or accidental products of the British colonial administration and bore little relation to linguistic, cultural and economic groupings within these societies, the possibility of redrawing provincial or state boundaries to coincide with cultural or other interests has been problematic in Nigeria.

One of the major solution to boundary problems and disputes is to provide the ground demarcation, survey and maintenance. Boundary must be unambiguously recognised by people to know when they are crossing from one administrative area to another. Clearly visible beacons should be erected and the vistas along the boundary should be cleared. Survey of the beacons is imperative for easy replacement when they are tampered with or damaged.

In addition, boundary agreements should be adhered to and introduced where not available. Before the establishment of the National Boundary Commission, Governors of some states used to sign agreements on boundaries believing that they had solved disputes. In all such cases, the disputes were never really settled. The major fault in the old procedure is the lack of proper consultation with the local inhabitants affected by the boundary adjustments before embarking on survey and demarcation. The national boundary Commission should learn from the past and insist on detailed studies before reaching conclusion on any boundary dispute. If possible referenda should be conducted in the affected communities.

Boundaries should be regarded only as appropriate conveniences for the effective administration of our large country. Boundaries are peaceful bridges across which traditional, cultural and business interactions should flourish. Resources across borders should be peacefully shared between the interlinking communities on either side of the border. We should not pursue cheap popularity with our people by sacrificing the truth. In Nigeria, there is not doubt that high state functionaries approach the issue of boundary dispute with strong bias for the stand of their states, however untenable and undefensible the stand is. To promote peaceful relations among the various states in Nigeria, we must place the survival and peace of the country above local and state sentiments. Moreover, willingness to cooperate with the next village or clan should be a good building block for intergovernmental and inter-community relations in Nigeria.

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APPENDIX

MAJOR INTERSTATE BOUNDARY DISPUTES IN NIGERIA

STATES	DISPUTED AREA
1. OYO/ONDO	Atakumosa LGA /Ifesowapo LGA of Oyo and Ondo States respectively.
2. ONDO/OGUN	The Arijan Sector of the boundary
3. OYO/OGUN	Disputed Sectors in the Bakatu area
4. OGUN/LAGOS	Isheri Area
5. ONDO/KWARA	Disputed areas include: Ajowa/Ayere; Ilawe-Etan/Irare: Irele/Oyi and Land dispute between Ilasa, Ondo State and Allu Community, Kwara State.
6. ONDO/FORMER BENDEL	Molome at the Sea Coast North to the confluence of Kokoloko Creek and Adabrassa River.
7. AKWA IBOM, CROSSRIVER\ KWARA	Major disputed areas include: Ikporon area; tributary of River Agwu; Abiaka, Isu Community; Usaka Annang; Azumini/Iwukein twin Town; Ugbo; Ereí Akirika-Obu; Oha-Obu between Ndoki clan in Ukwa Local Government Area; Nkana River between Bende and Ikot Ekpene District.
8. CROSS RIVER/BENUE	The area between Ogoja and Obudu Local Government of Cross River and Oju Local Government Areas of Benue State. Obudu in Cross River State and Mbaduku in Benue State.
9. PLATEAU/ FORMER GONGOLA	Wase and Langtang Shemdam Awe local Government of plateau State and Karim Wukari LGA. Of old Gongola State.
10. BENUE/FORMER GONGOLA	Wukari Division of old Gongola State where the Tivs in Kashimbila area wanted a merger with Anyiasee in Katsina - Ala Division of Benue State.

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11. BORNO/BAUCHI	Between Darazo/Fika; Bade Gamawa/Fika and Jagali/ Gasi
12. BENUE /FORMER ANAMBRA	The Okpokwu/Isi-Uzo and all other sectors in the boundary.
13. OLD GONGOLA/ BORNO	Between Michika LGA of old Gongola and Gwoza LGA of Borno
14. BENUE/FORMER BENDEL	Between Igala of Idah LGA of Benue and Udochi in Estako LGA of old Bendel over the ownership of Akeland on River Niger.
15. KWARA/FORMER BENDEL	Okere/Ososo, Imoge-Aduge Obu Marble site.
16. RIVERS/IMO	Uju Communities of River State and Awara Communities of Imo State.
17. AKWA IBOM /IMO	1. Ikot Umo-Essien in AKS and Onicha Ngwa in Imo State. 2. Iwukem in AKS and Azumini in Imo State. 3. Obotme-Ikono in AKS and Ututu-Arochukwu in Imo State.
18. BENUE/PLATEAU	Between Iordye in Guma LGA of Benue and Jangari-gari in Awe LGA of Plateau State.
19. PLATEAU/ BAUCHI	Between Maigomu village in Plateau State and Magame village in Bauchi State.
20. KWARA/OYO	Between Borgu of Kwara and Kishi of Oyo State.
21. BENUE/KWARA	Mozunkwanu of Benue and Edomosi of Kwara
22. BAUCHI/KANO	Warji, Ningi LGA of Bauchi and Unguwar Ganji, Birni Kudu LGA of Kano States
23. CROSSRIVER/ FORMER ANAMBRA	Isobo Otaka, Obubra LGA of Cross River State and Ofonekpa, Ikwo LGA of old Anambra State.
24. RIVER/OLD BENDEL	Between Ofoni, Sagbama of Rivers State and Kpakama Bomadi LGA of old Bendel State.

25. AKS/CROSS RIVER	Between Itu, AKS and Odukpani CRS. At Mbiabo Edere between Akpa Ibom and Cross River States.
26. CRS/IMO	Between Igbo Ekuraku, Ugeb LGA CRS and the people of Amomegbe, Imo State. Between Urukpam, Akamkpa LGA of CRS and Uwana, Afikpo LGA, Imo State

- SOURCE:
- (i) Nigeria Year Book, 1992
 - (ii) Law of the Federation of Nigeria Volume V Chapter 68-87 (AP 5 ACT) p. 1068-1073.
 - (iii) B.M. Barkindo (ed.) *Management of Nigeria's Internal Boundary Question* (Lagos: Joe-Tolalu Ltd), 1993.

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