

God as the Sovereign of the Universe: Legal and Political Analysis of the Operation of the Concept of Sovereignty in Nigeria

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Abstract. Sovereignty as a concept suggests an unalloyed power to do and undo. It is the nature of being absolute and not lacking in any power quality whatsoever. Genesis chapters one and two depict the universe as formless and void, but God created and filled it with life and light. This makes Him rightfully the absolute owner and ruler of the universe. God beheld and declared everything He had created within the literal six days as very good. God gave green plants that bear seeds, birds, and animals as food for humans. Furthermore, God instituted the Sabbath as the seal of creation and for His continual blessing on all creation. He planted the beautiful paradise garden and made it man's habitat, instructing Adam and filling his desires with a woman so that they may warm and support each other. By understanding nature and themselves, with such knowledge, they were to dominate creation until ransomed. However, God did not take away man's thinking faculty nor coerce them into obedience but allowed their free exercise of will so that their praise of Him would be voluntary, loving, and genuine. These facts alone, and more, form the basis for God being dubbed as the sovereign of the universe, and rightfully so—who else could it be? The paper adopted library research and interpreted the contents of Genesis chapters one and two, along with other literature, aligning it with the concept of sovereignty attributed to God and the secular claims derived from divine assertions of absolute legitimate power. The paper begins with an introduction, followed by a conceptual clarification of sovereignty; an exploration of God as the sovereign of the universe; the types of sovereignty; limitations of the concept in political application; and finally, a conclusion. It affirms that God is sovereign because He is the creator of the universe, sustainer, and giver of life to all. However, the meaning of the concept has transformed from its divine sense to legal and state political meanings, without undermining the biblical foundation regarding the nature of God; states are considered creatures of law and politics, limited by law itself.

1. INTRODUCTION, HISTORY AND EVOLUTION OF THE CONCEPT OF SOVEREIGNTY

The concept of sovereignty has evolved over centuries, taking on different meanings and implications as political, legal, and international landscapes have transformed. Sovereignty can be understood in various dimensions such like, religious, legal, political, internal, external, de jure, de facto, and nominal sovereignty; all of which have become essential to understanding its significance in modern statecraft. Sovereignty is fundamentally linked to the autonomy of a state, its ability to govern without external interference, and its authority to make binding decisions that affect its citizens and territory¹.

The historical evolution of sovereignty is an intricate narrative that traces its origins from ancient civilizations to its current form in the modern world. In its earliest form, sovereignty was closely associated with the divine right of kings. Ancient Egyptian pharaohs and Roman emperors claimed to rule by divine ordination, a concept that provided the legitimacy of their absolute power. This can be seen in The Egyptian Book of the Dead, which provided justifications for the ruler's divine right to command and govern². The assertion of absolute power by rulers was a consistent theme throughout ancient history, but it was not until the Renaissance and Enlightenment periods that sovereignty began to take on the more rationalized, legalistic form we recognize today³.

The Treaty of Westphalia, following the end of the Thirty Years War in Europe, marked a significant shift by establishing the principle of territorial sovereignty. This agreement became a cornerstone in shaping the current international order, where the principle of state sovereignty remains central to international law⁴.

In political philosophy, the evolution of sovereignty can be traced back to Jean Bodin in the 16th century, who argued that sovereignty is indivisible and absolute. In his work Six Books of the Republic, Bodin asserted that the sovereign is not bound by any law except those of God and nature, thus giving monarchs the authority to govern without restriction⁵. This was further expanded by Hobbes in Leviathan, where he argued that sovereignty resides in a single, all-powerful ruler, essential to maintaining order and preventing the anarchy of the state of nature⁶.

However, thinkers like John Locke and Rousseau critiqued the absolutism of sovereignty. Locke, in Two Treatises of Government, proposed a theory of sovereignty based on popular consent and the protection of individual rights, laying the groundwork for constitutional democracy⁷. Rousseau, in The Social Contract, argued that sovereignty belongs to the people and

¹ Malcolm N Shaw, *International Law* (9th edn, Cambridge University Press 2021) 153–55.

² Raymond O Faulkner (trans), *The Egyptian Book of the Dead: The Book of Going Forth by Day* (Chronicle Books 2000) 18–19.

³ Quentin Skinner, *The Foundations of Modern Political Thought*, vol 2: *The Age of Reformation* (Cambridge University Press 1978) 350–52.

⁴ Martin Dixon, *Textbook on International Law* (8th edn, Oxford University Press 2022) 31–33

⁵ Jean Bodin, *Six Books of the Commonwealth* (M J Tooley tr, Basil Blackwell 1955) bk I, ch 8, 84–86.

⁶ Thomas Hobbes, *Leviathan* (Richard Tuck ed, Cambridge University Press 1996) ch XVII, 120–23

⁷ John Locke, *Two Treatises of Government* (Peter Laslett ed, Cambridge University Press 1988) Second Treatise, §§ 95–99, 284–88

is exercised through the "general will," a concept which has profound implications for democratic governance⁸. These intellectual developments helped shape modern democratic systems, including the foundation of constitutional law in many countries.

Today, Sovereignty may mean supreme power or authority⁹ and was derived from the Latin word 'superanus' with the French equivalent rendered as *souverainete*. Although in political theory, power and authority may mean differently. Such that power is associated with use of force or capacity to possess, threaten the use of force or even the actual use of same while authority connotes the legitimate exercise of power or simply put power plus legitimacy.

The word power is said to be ambiguous. To use his very own words, "in one sense, the word, 'power' suggests the coercion of unwilling subjects who do not acknowledge the authority of the ruler but merely submit to him because of fear of what he will do if they fail to obey"¹⁰. While authority is voluntarily accepted by persons over whom power is exercised the law sets the scope of it exercise¹¹. Citizens' acceptance of a rule makes it legitimate and control it exercises as authority. Any rule lacking in this exercises of raw power or force to compel obedience of citizens is politically useless and can lead to degeneration in governance and society.

2. A DISCOURSE ON THE CONCEPT OF SOVEREIGNTY AND SOCIAL CONTRACT THEORY

Sovereignty in politics is used to denote the independence of a state, enabling it to regulate its affairs without outside interference¹². The term sovereignty means the supreme power which recognizes no superior. It is depicted as the absolute authority of the state over all persons living in its territory

The current meaning of sovereignty is not at par with its earliest meaning which aimed to limit absolutism or arbitrary power of rulers who wielded absolute authority based on the right of divine right¹³, where the ruler is subject only to God and not law and his subjects.¹⁴

In fact, J. J. Rousseau used the social contract theory to show how government and authority acquire legitimacy through citizen entrusting their powers to organized groups to exercise on their behalf, and for their security and welfare.¹⁵

Further exposition of the concept of sovereignty through social contract theory connote that, the independence or authority to regulate oneself is not altogether absolute or without limitation. There are two ways to view this in modern times. The first is to look at it from a federating state perspective in which, the federal government is absolute while the sub states are sovereign to the extent allowed in the constitution even in terms of foreign relations and trade. This limitation admitted to the meaning of sovereignty is seen in the *Alamieyeseigha's* case.

After his conviction he was granted pardon by President Goodluck Ebele Jonathan which was hotly criticized including the United States Government which in a tweet credited to Mr. Deb McClean that "the US government was deeply disappointed over the recent pardon of corrupt officials convicted for graft".¹⁶ Nigeria ministry of foreign affairs swiftly reacted by summoning the Deputy Chief of mission and via a diplomatic note protested US comments and warned US to stop interference with the internal affairs of Nigeria¹⁷. That warning was timely and necessary reminder that US should keep off the internal affairs of Nigeria or any independent state for that matter as a mark of respect to its sovereignty.

The second perspective is relevant in international law and traced to Bodin's statement "majestas est summa in cives ac subditos legibusque soluta postestas" - a sovereign is not responsible to anybody and is not bound by any laws¹⁸. His thinking is that sovereignty must be absolute, perpetual, indivisible and without any subjection to another. This interpretation is said to be out of context as Bodin's work is replete with his analysis of sovereigns or rulers subjection or rather respect for their citizens basic rights derived from natural laws or reason, or divine laws and the laws common to all nations and individual constitutional laws of state as such he could not be taken to be saying at all times and all purposes, unless we forget he wrote during the French period when the Roman Catholic church annexed temporal powers of Kings and kingdoms. It can also be found that he insisted that religion can co-exist with the Commonwealth; His idea of Commonwealth can be likened to our contemporary notion of state.¹⁹

Therefore, it seems the correct interpretation to be rendered of Bodin's work on sovereignty is to conclude that it admits restriction on the powers of sovereigns²⁰. Presently, the Hague Conventions of 1899 and 1907 established rules on how warfare on land and sea were to be conducted²¹. Also, the United Nation (UN) and Kellogg-Briand Pact of 1928 condemns and restrict state's right to wage war as solution to international disputes or as use of national policy. Further, the UN Charter of 1945 imposes duty on member states to settle disputes in a peaceful way in order not to disturb international peace and security²². All these, strictly applied for the common good of humanity is however viewed a limitation of state powers to act without restraint and even subjecting state wish to international scrutiny.

The concept of sovereignty within social contract theory is a fundamental topic in political philosophy, primarily explored by thinkers such as Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. Social contract theory posits that individuals in a state of nature voluntarily surrender certain freedoms in exchange for the protection and stability offered by a governing

⁸ Jean-Jacques Rousseau, *The Social Contract* (Maurice Cranston tr, Penguin Classics 1968) bk I, ch 6–7, 54–60.

⁹ Oxford Languages Dictionary.

¹⁰ D.D. Raphael, *Problem of Political Philosophy*, (revised edition) London Macmillan Press Ltd. 1970, P16. See Andrew F. Uduigwomen *Constituted Authority in Nigeria: Citizenship Education* (eds) G.O. Ozumba, Felix Onen Eteng & Mike Okum, Vitalis Books Aba, 1999, Pp – 18-23.

¹¹ G.O. Ozumba, Felix Onen Eteng & Mike Okum, (eds) *Nigeria : Citizenship Education* Vitalis book s Aba, 1999, Pp – 18-23.

¹² Michael O. Ogunjimi & Michael E. Adam Janis lexicon: the law dictionary for law student, Babcock University press, Ilisan Remo Nigerian, 1999, 129-168.

¹³ Lawrence Ishiaki Basic of Politics and Law Emhai Printing and Publishing Company, Port Harcourt , 2004,18.

¹⁴ *ibid*.

¹⁵ J. J. Rousseau (n. 9)1712 – 78.

¹⁶ B.I. Oyagiri, " The Prerogative of Mercy Provision under the 1999 Constitution of Nigeria: What it hopes to Achieve in Babcock University Socio-Legal Journal Vol. 6, No. 4 2014; Nigeria Summons US Official Over Tweet on Pardon, 16 March,2013 <https://pointblanknews.com.pbn> accessed 8 November 2023.

¹⁷ Nbi Oderode and Friday Oloker, *The Punch Newspaper*, March 16, 2013.

¹⁸ Thomas Hobbes (n.7).

¹⁹ Jean Bodin (1529 - 1596) Internet Encyclopedia of Philosophy, <https://iep.utm.edu/jean-bodin> accessed 8/6/2025.

²⁰ Thomas Hobbes (n.7).

²¹ <https://www.britannica.com/topic/sovereignty/Sovereignty-and-international-law> accessed 6/6/2025.

²² *ibid*.

authority²³. Sovereignty, in this context, emerges as the supreme authority that upholds the contract and ensures social order. However, the nature, extent, and legitimacy of sovereign power vary significantly between different theorists. Hobbes envisions an absolute sovereign necessary to prevent anarchy²⁴, Locke advocates for limited sovereignty constrained by natural rights²⁵, and Rousseau conceptualizes sovereignty as the collective will of the people²⁶. These variations reflect differing views on the balance between authority and individual freedoms within a structured society.

Hobbes' perspective, as outlined in *Leviathan*, is that sovereignty must be absolute, indivisible, and unquestionable to maintain peace and prevent societal collapse into the chaos of the "state of nature," which he famously describes as "solitary, poor, nasty, brutish, and short"²⁷. He argues that people, driven by fear of violence and insecurity, enter a social contract by surrendering all their rights to a Leviathan—an all-powerful ruler or governing body. This sovereign, whether a monarchy, aristocracy, or democracy, must have unlimited authority to legislate, judge, and enforce laws²⁸. Importantly, Hobbes rejects any right to rebellion against the sovereign, as the alternative would be a return to the state of nature. This absolutist view of sovereignty is often criticized for justifying authoritarian rule and failing to provide safeguards against tyranny as in the case of *A v Secretary of State for the Home Department*²⁹. However, his theory remains influential, particularly in discussions on the necessity of strong central authority in fragile or conflict-prone states in *R (Miller) v The Prime Minister*³⁰.

In contrast, John Locke, in his *Two Treatises of Government*, presents a limited and conditional form of sovereignty. Locke's state of nature, unlike Hobbes', is not inherently chaotic but rather governed by natural laws and reason³¹. He argues that individuals form a social contract to create a government that protects their inalienable rights to life, liberty, and property. Unlike Hobbes' absolute sovereignty, Locke's sovereign—typically embodied in a constitutional government—is bound by laws and the consent of the governed³². If the sovereign violates this contract by infringing on natural rights, the people retain the right to rebel and establish a new government³³. This liberal understanding of sovereignty greatly influenced modern constitutional democracies, particularly the American and French revolutions, where government legitimacy is derived from the consent of the people rather than divine right or brute force as seen in *Marbury v Madison*³⁴; *Entick v Carrington*³⁵.

Rousseau, in *The Social Contract* (1762), advances a radical democratic conception of sovereignty centered on the general will³⁶. Unlike Hobbes and Locke, who envision sovereignty as residing in a ruler or government, Rousseau asserts that sovereignty belongs collectively to the people as a whole³⁷. He argues that individuals, in agreeing to the social contract, do not surrender their rights to a monarch or state but instead become part of a unified political community where sovereignty is exercised through direct participation³⁸. This form of popular sovereignty implies that laws must reflect the collective will, ensuring that the government serves the common interest rather than individual rulers or elites. While Rousseau's vision underpins modern democratic ideals, it has also been critiqued for enabling majoritarian tyranny, where dissenting voices may be suppressed in the name of the general will³⁹. Additionally, Rousseau's emphasis on collective sovereignty inspired revolutionary movements but has also been interpreted as justifying extreme state control in cases like the French Revolution's Jacobin rule.

Each of these perspectives - Hobbes' absolute sovereignty, Locke's conditional government, and Rousseau's collective sovereignty - has shaped modern political thought and governance structures. While Hobbes' theory provides a basis for strong states, Locke's emphasis on constitutionalism and limited government aligns with liberal democracy, and Rousseau's model promotes direct citizen participation. In an era of increasing globalization and challenges to national sovereignty, the insights of these theorists remain relevant in addressing issues such as constitutional governance, human rights, and the legitimacy of state power in the 21st century (*R (Miller) v Secretary of State for Exiting the European Union*⁴⁰; *AXA General Insurance Ltd v Lord Advocate*⁴¹).

3. THEORIES OF SOVEREIGNTY

Sovereignty is a cornerstone of modern political and legal theory, and numerous theorists have contributed to its conceptualization. The theory of sovereignty is often divided into several distinct schools of thought, each offering its perspective on the nature of sovereign authority, its legitimacy, and its exercise. Broadly speaking, these theories fall into the categories of absolute sovereignty, popular sovereignty, constitutional sovereignty, shared sovereignty, and delegated sovereignty. Each of these theories seeks to explain the locus of power within a state, the limits of sovereign authority, and the role of the people in the exercise of that power.

3.1. Absolute Sovereignty

The earliest and most influential theory of sovereignty is absolute sovereignty, which was first articulated by Jean Bodin in the late 16th century. In his work *Six Books of the Republic*, Bodin posited that sovereignty is indivisible and absolute⁴². He argued that the sovereign holds supreme power over the state and is not bound by any laws except those of nature or God. This view is

²³ Michael Rosen and Jonathan Wolff, *Political Thought* (Oxford University Press 1999) 33–54.

²⁴ Thomas Hobbes, *Leviathan* (first published 1651, Penguin Classics 1985) ch 17, pp 223–227.

²⁵ John Locke, *Two Treatises of Government* (first published 1689, Cambridge University Press 1988) Second Treatise, chs 2–5, pp 267–287.

²⁶ Jean-Jacques Rousseau, (n. 9) Book I, pp 49–65.

²⁷ Thomas Hobbes, *Leviathan* (Richard Tuck ed, Cambridge University Press 1996) ch 13, p 86.

²⁸ Thomas Hobbes, (n. 28) ch 18, p 122.

²⁹ *A v Secretary of State for the Home Department* [2004] UKHL 56.

³⁰ *R (Miller) v The Prime Minister* [2019] UKSC 41.

³¹ John Locke, *Two Treatises of Government* (Peter Laslett ed, Cambridge University Press 1988) bk 2 ch 2, p 271.

³² John Locke, (n. 32) bk 2 ch 8, p 342.

³³ John Locke, (n. 32) bk 2 ch 19, p 412.

³⁴ *Marbury v Madison* 5 US (1 Cranch) 137 (1803).

³⁵ *Entick v Carrington* (1765) 19 Howell's State Trials 1029.

³⁶ Jean-Jacques Rousseau, (n. 9) bk 1, ch 6, p 41.

³⁷ Jean-Jacques Rousseau, (n. 9) bk 2, ch 1, p 57.

³⁸ Jean-Jacques Rousseau, (n. 9) bk 3, ch 15, p 128.

³⁹ Jean-Jacques Rousseau, (n. 9) bk 4, ch 2, p 168.

⁴⁰ *(R (Miller) v Secretary of State for Exiting the European Union* [2017] UKSC 5.

⁴¹ *AXA General Insurance Ltd v Lord Advocate* [2011] UKSC 46.

⁴² Jean Bodin, *Six Books of the Republic* (Richard Bonington trans, Harvard University Press 2009) bk 1, p 10(original 1576).

encapsulated in his assertion that the sovereign has the authority to make and enforce laws without needing approval from any other institution⁴³. In Bodin's framework, sovereignty is not subject to limitations from the people or any external force. He defined the sovereign as having the power to declare war, make peace, levy taxes, and issue decrees without constraint⁴⁴. Thomas Hobbes, in his influential work *Leviathan*, further developed the idea of absolute sovereignty by proposing that the sovereign should hold absolute authority in order to maintain peace and prevent the anarchy of the "state of nature."

3.2. Popular Sovereignty

In contrast to the theory of absolute sovereignty, the theory of popular sovereignty argues that the source of sovereign power lies with the people, not a monarch or centralized authority. This idea was championed by John Locke, whose *Two Treatises of Government* laid the foundation for liberal democratic thought⁴⁵. Locke's theory was based on the premise that individuals possess natural rights to life, liberty, and property, which the state must protect. Sovereignty, according to Locke, is derived from the consent of the governed, and the people retain the right to alter or abolish a government that fails to secure their rights⁴⁶. This marked a significant shift from the divine right of kings to a system where the state exists to serve the people, and not the other way around. Jean-Jacques Rousseau, in *The Social Contract*, further developed this notion by asserting that sovereignty resides in the general will of the people, which transcends individual desires and is focused on the collective good⁴⁷. Rousseau's formulation emphasizes the idea of democracy and self-rule, where the people as a collective have the ultimate authority to shape laws and policies⁴⁸.

3.3. Constitutional Sovereignty

The constitutional theory of sovereignty emphasizes the role of a constitution in regulating the exercise of sovereign power. This theory emerged in response to the absolute power of monarchs and the need for checks on governmental authority. In this model, sovereignty is not vested in an individual but in a system of laws or a constitutional framework that governs the state. The British Constitution, which is largely unwritten but based on statutes, common law, and conventions, represents an early example of constitutional sovereignty. The British Parliament is considered the sovereign authority, but it is constrained by the framework of constitutional law, which includes the rights of citizens and the balance of powers among the legislative, executive, and judicial branches⁴⁹. In the United States, constitutional sovereignty is clearly defined in the U.S. Constitution, which outlines the structure of government and the limits of state power⁵⁰. The concept of rule of law plays a key role in constitutional sovereignty, where the state's power is constrained by legal principles rather than the whims of rulers. In this model, sovereignty is neither absolute nor derived solely from the people but is based on the legal authority of the constitution itself⁵¹.

3.4. Shared Sovereignty

In a world increasingly interconnected by global institutions, the theory of shared sovereignty has gained prominence. This theory posits that sovereignty can be divided or shared between multiple authorities, such as national governments, international organizations, and subnational entities. European Union (EU) sovereignty is perhaps the most notable example of shared sovereignty, where member states retain a degree of national sovereignty but have agreed to delegate certain powers to supranational institutions, such as the European Commission and the European Court of Justice. In this framework, states voluntarily relinquish some of their sovereign powers to achieve broader economic, political, or security goals. This theory is particularly relevant in the context of globalization, where issues such as climate change, trade, and security often require multilateral solutions that cannot be effectively addressed by individual states acting alone. The theory of shared sovereignty also has implications for international law, where treaties and conventions bind states to collective agreements, thereby limiting their ability to act unilaterally in certain areas⁵².

3.5. Delegated Sovereignty

The theory of delegated sovereignty suggests that states can delegate certain aspects of their sovereignty to international institutions or other authorities in exchange for benefits such as peace, economic cooperation, or international security. International organizations like the *United Nations (UN)*, *World Trade Organization (WTO)*, and *International Criminal Court (ICC)* are prime examples of institutions to which states have voluntarily delegated certain aspects of their sovereignty. In doing so, states agree to abide by international rules and norms that often limit their domestic actions in areas such as human rights, trade, and security^{53,54}. The concept of delegated sovereignty is tied to the idea that no state is completely autonomous in the modern world; rather, states are part of a broader international community and must occasionally cede some of their sovereignty in exchange for participation in global governance.

4. SOVEREIGNTY OF GOD, SOVEREIGNTY IN THE NIGERIAN CONTEXT, TYPES AND LIMITATIONS

4.1. God Is Sovereign in the Universe

The sovereignty of God cannot be compared with the political sovereignty of a state. While God is supreme and absolute in

⁴³ Jean Bodin, (n. 43) bk 1, p 15 (original 1576)

⁴⁴ Jean Bodin, (n. 43) bk 1, p 25 (original 1576)

⁴⁵ John Locke, *Two Treatises of Government* (James Tully ed, Cambridge University Press 1988) bk 2, ch 2, p 46; bk 2, ch 19, p 263.

⁴⁶ John Locke, (n. 46) bk 2, ch 2, p 46; bk 2, ch 19, p 263.

⁴⁷ Jean-Jacques Rousseau, (n. 9) bk 1, ch 6, p 41; bk 2, ch 1, p 57.

⁴⁸ Jean-Jacques Rousseau, (n. 9) bk 1, ch 6, p 41; bk 2, ch 1, p 57.

⁴⁹ *R (Jackson) v Attorney General* [2005] UKHL 56.

⁵⁰ *Marbury v Madison* 5 US (1 Cranch) 137 (1803).

⁵¹ *Constitutional Reform Act 2005* (UK).

⁵² *Vienna Convention on the Law of Treaties* (1969) art 26

⁵³ *WTO Agreement* (1994), art 2.

⁵⁴ *United Nations Charter* (1945), art 2

authority, state, enjoy freedom to exercise authority with admitted limitations. But this description was apt in the state of nature because after the social contract theory, the state received the sovereigns of the people in an assurance for their protection, security and welfare⁵⁵ without these, the people could freely renege on the contract.

But in all cases, in the nature of God as shown in Genesis chapters 1 and 2, in the creation account, God was not subjected to the direction of any one or creature and his power could be seen from nature and reason. Viewing creature Genesis 1:1 – 31 particularly at Genesis. 1:26 God called out for reason to, make man, this highlights the silent account and active participation of the Holy spirit in creation and the Word clearly revealed to be the Son Jesus⁵⁶ that God evolved partnership and supervised delegation of power to the Godhead and required cooperation to create man.

In Genesis 2:3 God blessed the seventh day and sanctified it because that in it he had rested from all his work which God created and made. Sovereigns are habitually obeyed when they issue a decree as they have power and capacity to enforce compliance even by force or threat of force. In the above, God clearly rested and blessed a day and further commanded man to rest on the Seventh day⁵⁷ But God's subject have blatantly refused the King's order to obey God although, it is widely spoken of and in reality God has both power and authority to keep alive, heal and to utterly destroy but we rarely obey Him as our sovereign and have instead rationalized the Sabbath and even foisted on God another day as his Sabbath.

Bodin posited that "there must be a final right to make laws over men and the repository of the right must be the state. It is indivisible and inalienable" it is the legislature that best fit into the description of Jean Bodin even though he made express reference to the state which consist of the executive, legislature, judicial arms and in the United Kingdom, the Monarch. A look at the 1999 constitution⁵⁸ shows the legislature is the only authority who can declare or ratify treaties entered into by the executive and domesticate it, to Nigeria for enforcement and applicability as law on Nigerians.

4.2. Sovereignty in the Context of Nigeria

In the Nigerian context, sovereignty is enshrined in the 1999 Constitution of the federal republic of Nigeria, which declares that the Constitution is the supreme law of the land⁵⁹. Legal sovereignty in Nigeria is therefore viewed as rooted in the Constitution, and the state is bound by the laws within it⁶⁰.

However, sovereignty in Nigeria is subject to both internal and external pressures that complicate its application. Internal sovereignty in Nigeria refers to the state's control over its territory and people, a concept codified by the 1999 Constitution of the Federal Republic of Nigeria⁶¹, which outlines the territorial boundaries of Nigeria and affirms its authority over all persons within its jurisdiction. The Nigerian judiciary has consistently upheld the principle of internal sovereignty in several landmark decisions. For instance, in *Lakanmi & Anor v. A-G Western Region*⁶², the Nigerian Supreme Court emphasized that sovereignty within the Nigerian state resides with the government, and no decree, regardless of its origin, may supplant the Constitution's authority.

External sovereignty, on the other hand, refers to Nigeria's recognition by other states and its ability to interact with the international community. Nigeria's sovereignty in this realm was reaffirmed when it gained independence in 1960 and was subsequently recognized as a sovereign state by the United Nations⁶³. Section 12 of the 1999 Constitution of the Federal Republic of Nigeria provided that any international treaty or agreement must be ratified by the National Assembly before becoming legally binding⁶⁴, ensuring that Nigeria's legal sovereignty is preserved even in the face of international obligations.

In *Fawehinmi v. Abacha*⁶⁵ the Nigerian Supreme Court addressed the tension between Nigeria's sovereignty and international treaties. The case revolved around the ratification of the International Covenant on Civil and Political Rights (ICCPR) and whether it had the force of law in Nigeria without legislative approval. The Court ruled that such international treaties must be enacted by the National Assembly before they can affect the Nigerian legal system⁶⁶, a ruling that underscored Nigeria's legal sovereignty in matters involving international law. Ultimately, sovereignty in both theory and practice remains a dynamic and evolving concept, particularly in contexts like Nigeria, where it intersects with legal, political, and social realities.

4.3. Types of Sovereignty

The different workings and analysis of sovereignty has led to the categorization of sovereignty into:

- (i) Internal sovereignty which signifies state authority to enforce its ordinary laws over all persons within its territory⁶⁷. In *Re Mohammed Olayori & Ors*⁶⁸. The arbitrary use of power conferred on the Army and Police by section 3(1) of the Armed Forces and Police (Special Powers) Decree of 1967 which provided for the detention of persons connected with acts prejudicial to public order was questioned by Chief justice Taylor of Lagos state when he held that:

I am, as I know in every member of the bench and every right thinking and honest member of our society, against prevailing conditions of corruption and embezzlement of public funds existing in the country (Nigeria) today, but if we are to live by the rule of law; if we are to have our actions guided and restrained in certain ways for the benefit of society in general, individual members in particular, then whatever status, whatever post we hold, we must succumb to the rule of law.

⁵⁵ S. 14 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

⁵⁶ John 1 1-3 Holy Bible King James version

⁵⁷ Exodus 20 8-11 Holy Bible King James version.

⁵⁸ S. 12 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

⁵⁹ S. 1(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

⁶⁰ Oyelowo Oyewo, 'Constitutional Law and Sovereignty in Nigeria' in Epiphany Azinge (ed), *Law and Development in Nigeria: 50 Years of Nationhood* (Nigerian Institute of Advanced Legal Studies 2011) 24–26.

⁶¹ S. 2(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

⁶² *Lakanmi & Anor v Attorney-General (Western Region)* (1971) 1 UILR 201; also discussed in Tobi N, *Cases and Materials on Constitutional Law in Nigeria* (MIJ Publishers 1996) 158–61.

⁶³ Eghosa E Osaghae, *Crippled Giant: Nigeria Since Independence* (Indiana University Press 1998) 45.

⁶⁴ S.12(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

⁶⁵ *Fawehinmi v Abacha* (2000) 6 NWLR (Pt 660) 228 (SC).

⁶⁶ S.12(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).; see also Edefe Ojomo, 'The Status of International Law under the Nigerian Legal System' (2008) 12(2) *Annual Survey of International & Comparative Law* 49, 59–60.

⁶⁷ S.T Akindele et. al The Subject Matter of Political Science (2nd ed) College Press & Publishers Ltd, Ibadan 2,000, 42.

⁶⁸ *Re Mohammed Olayori & Ors* Lagos State Suit No. M/196/69.

The only viable alternative to rule of law is anarchy and brute force and sovereignty and law aims to prevent this.

- (ii) External sovereignty denotes State powers to carry out its programs without interference from any other nation's outside it because in the international market, all states are equal and could pursue her goals in line with international laws and principles⁶⁹.
- (iii) Political sovereignty bears the mark that power resides in the people mark and at all times, power belongs to the unorganized masses⁷⁰. The law belongs to the government as already donated in the social contract. In Nigeria, see section 14 (2) of the constitution aptly demonstrate this when it provided that "It is hereby, accordingly, declared that –
- (a) Sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority..."
- (iv) Parliamentary sovereignty- The parliament is inviolable and the decision of the elected members of the legislature is final and cannot be over ridden or its decision or authority altered by the other arms of government⁷¹. Unless in made in derogation or excess of constitutional power of the legislature.
- (v) Sovereignty of the laws- denotes that the law is supreme and the government and subjects are equally subjected to the law. This calls for the independence and strengthening of the judiciary if the law is to be equally applied to all without discrimination⁷².

A.V. Dicey 'Law of constitution' discusses instances of how to achieve equality before the law so as to achieve sovereignty of law and justice. Dicey's rule of law means, absolute supremacy of regular law excluding as it were, in its totality any existence of arbitrary or wide discretionary use of power.

4.4. Limitation on the Concept and Operation of Sovereignty

Nigeria's sovereignty faces a number of challenges, particularly in relation to internal issues such as resource control, security, and the growing influence of international organizations. One significant challenge is the issue of resource control such as Rivers, Bayelsa, and Delta. In *A-G Federation v. A-G Abia State*, the Supreme Court ruled that oil revenues were controlled by the federal government, limiting the autonomy of states in the Niger Delta region⁷³. This conflict over resource control is a continuing source of tension and undermines the state's ability to assert sovereignty over its natural resources.

Security challenges have also posed a significant threat to Nigeria's sovereignty. The insurgency led by Boko Haram in the northeastern region and the activities of Fulani herders and bandits across other regions have destabilized the nation. The Indigenous People of Biafra (IPOB) has called for secession from the federation, further exacerbating tensions over national sovereignty⁷⁴. In *Dokubo-Asari v. Federal Republic of Nigeria*, the Supreme Court ruled that national security takes precedence over individual liberties, allowing the government to take action against insurgent groups even at the cost of restricting certain freedoms⁷⁵. This case underscores the challenge of balancing sovereignty with human rights, especially in situations of national crisis.

The impact of globalization on Nigerian sovereignty has also become more pronounced in recent years. International organizations like the World Bank and International Monetary Fund (IMF) have influenced Nigeria's economic policies, sometimes at odds with the nation's domestic needs. The implementation of *Structural Adjustment Programs (SAP)* in the 1980s and 1990s, which imposed conditions on Nigeria's economic policies, highlights the tension between economic sovereignty and global financial systems⁷⁶. The legal implications of such interventions were discussed in *A-G Federation v. A-G Abia State*, where the Court affirmed that economic policies dictated by international organizations could affect sovereignty, particularly when they limit the government's ability to make autonomous decisions in the national interest⁷⁷.

Digital sovereignty is another contemporary challenge for Nigeria. The rise of the internet and social media platforms has raised concerns about Nigeria's ability to maintain control over its digital space. In *Okedara v. A.G Federation*, the Supreme Court addressed issues related to the regulation of social media and its impact on national security⁷⁸. The *2019 Twitter ban* is an example of how the government exercised its digital sovereignty by restricting the platform due to concerns over its role in inciting violence⁷⁹. However, this move sparked debates over the limits of state power in regulating the digital space and the balance between national security and freedom of expression⁸⁰.

Further, in reality, the application of the concept of sovereignty cannot be unrestricted, and absolute. And the legalistic view of the concept is not realistic⁸¹; as its working admits some limitations. Some factors limiting the sovereignty of a state may include:-

⁶⁹ S.T Akindele et. al (n.68) 43.

⁷⁰ Remi Anifowose, State, Society and Nation in Element of Politics (eds. Remi Anifowose & Francis Enemuoh) Sam Iroanusi publication, Lagos, 2008, 85-91.

⁷¹ S.T Akindele et. al (n.68) p.44.

⁷² S.T Akindele et. al (n.68) ibid.

⁷³ *Attorney-General of the Federation v Attorney-General of Abia State* (2002) 6 NWLR (Pt 764) 542 (SC); see also Femi Omotoso and Michael M Ikuomola, 'Resource Control and the Challenges of Democratic Governance in Nigeria' (2014) 6(1) *Mediterranean Journal of Social Sciences* 307, 308–09.

⁷⁴ Federal Republic of Nigeria, Official Gazette No. 97, Vol. 104 (20 September 2017), proscribing IPOB under the Terrorism (Prevention) Act 2011.

⁷⁵ *Dokubo-Asari v Federal Republic of Nigeria* (2007) 12 NWLR (Pt 1048) 320 (SC); see also Chidi Odinkalu, 'Security and Human Rights in Nigeria' (2008) 10(1) *African Human Rights Law Journal* 1, 12.

⁷⁶ Toyin Falola and Matthew M Heaton, *A History of Nigeria* (Cambridge University Press 2008) 191–194.

⁷⁷ *Attorney-General of the Federation v Attorney-General of Abia State* (2002) 6 NWLR (Pt 764) 542 (SC); see also Bamidele A Ojo, 'Globalization, Democracy, and Development in Africa: The Nigerian Experience' (1999) 8(2) *Journal of African Policy Studies* 75, 84.

⁷⁸ *Okedara v Attorney-General of the Federation* Suit No FHC/ABJ/CS/245/2017 (Federal High Court, Abuja); see also Innocent Chilwa, 'Social Media and Nigeria's Digital Sovereignty: A Critical Discourse Analysis of the Twitter Ban' (2022) 31(1) *Information & Society* 33.

⁷⁹ BBC News, 'Nigeria Bans Twitter after President's Tweet Removed' (4 June 2021) <https://www.bbc.com/news/world-africa-57374289> accessed 4 April 2025

⁸⁰ Adeboye Adebayo, 'Digital Authoritarianism and the Twitter Ban in Nigeria: Implications for Free Speech and Civic Space' (2021) 9(4) *African Journal of Law and Digital Policy* 12.

⁸¹ Remi Anifowose, (n.71) 89.

1. The consent of the majority of the people, organised groups and professional associations that exert press pressure on government in its domestic affairs.
2. A country's membership of international organisation binds it to the rules of engagement and treaties concluded because without such compliance those organisations can enforce rules, ban and sanctions against the state
3. The fear of reprisals attacks from other states moderates state action. Most states members of international organisation when attacked or who attacks others could be attacked by other powerful nations or regional organisations in order to return relations to the status quo ante.
4. Also, the fear of powerful states over weaker ones keeps the weaker states in check of being attacked if it exercised its sovereignty in a manner that threatens world or regional peace.
5. Consideration of interest of allies by states, itself limits its sovereignty.
6. Proscription or suspension of fundamental rights is a limitation on people's sovereignty and natural rights that are malleable see generally⁸².

5. CONCLUSION

The concept of sovereignty has undergone a remarkable evolution from its divine origins in ancient civilizations to its modern-day legal and political forms. The development of sovereignty, particularly through events like the Treaty of Westphalia, laid the foundation for the contemporary understanding of statehood and territorial integrity. Philosophical debates around sovereignty, notably those advanced by figures like Bodin, Hobbes, Locke, and Rousseau, have greatly influenced the nature of political authority. These thinkers emphasized different aspects of sovereignty, from Hobbes' vision of absolute power necessary to maintain order, to Locke's theory of popular sovereignty that prioritizes the protection of individual rights, and Rousseau's radical democratic ideals of collective decision-making.

The divine perspectives of the concept explain God's sovereignty over the universe in Genesis 1 and 2 shows that God power is absolute, complete, comprehensive and indivisible and such is the nature of His powers and sovereignty. At creation, God spoke and created by fiat in Genesis 1:2, God has and exercised absolute power and sovereignty, yet God was in partnership with the Holy Spirit which being involved in creation moved upon the face of the void and waters. This partnership was made clearer in John 1:1-3 which stated that:

In the beginning was the word, and the word was with God, and the word was God.

The same was in the beginning with God.

All things were made by him; and without him was not anything made that was made.

So, in Christian fate, we can see that the word God spoke which created was Jesus and the spirit of God was also involved with God in the creation as such, when God in Genesis 1:26 invited the God heads to create man; God was teaching us that in entering into the partnership and subletting his sovereignty did not make him incomplete or inadequate because he continues to be self-sufficient but as a relational God, he enters into relationship with man for the benefit of humanity to exercise choice of obedience and not in any way selfish.

God is absolute yet sustains his creation, he is not just a creator God; He is the sustainer of all creation. He sends rain to water the fields and animals and the sun to light and warm all creatures and utility of plants in photosynthesis.

In the case of man, when he sinned and fell, and required only the divine order to restore man back to himself. God from the foundation of the earth sent his son (co-creator) to redeem humanity by shedding his blood. God's laws are normative, active, and imperative and man must obey it for his good and maintenance of his environment.

God in creation did not only partner the God head, he also delegated and sublet creation activities to them and gave all powers to his son, (the word)⁸³ God also partnered and delegated creation activities and substance to man when he brought all things to be named by man and he planted the garden in Eden and put man in charge to keep it⁸⁴.

In doing so, God's sovereignty was completely intact and not diminished in any way. Although, he delegated complete sovereignty to Jesus. We must learn the important lesson of humility, we should bear the mind of Jesus, who though in the form of God did not think himself puffed up but subjected himself to the likeness of men⁸⁵.

In the Nigerian context, sovereignty is enshrined in the 1999 Constitution of the Federal Republic of Nigeria, which asserts that all power in the state derives from the people and is exercised through democratic processes,^{86a} sort of delegation as seen above. However, Nigeria's sovereignty is frequently tested by internal and external pressures, including regional resource conflicts, security challenges, and the impact of international treaties. The federal government's control over resource distribution, especially in the Niger Delta, highlights the tension between the central government and resource-rich states. The ongoing insurgencies and calls for secession, such as from Boko Haram and IPOB, underscore the fragility of internal sovereignty and the complexities in managing a diverse, multi-ethnic nation. At the same time, Nigeria's external sovereignty is reaffirmed through its participation in international agreements and its position within global institutions like the United Nations⁸⁷.

Despite the constitutional framework designed to protect Nigerian sovereignty, challenges remain in balancing state power with individual freedoms and international obligations. Legal cases such as *Fawehinmi v. Abacha*⁸⁸ and *A-G Federation v. A-G Abia State*⁸⁹ reveal the constant struggle to maintain Nigeria's legal sovereignty while adhering to international treaties or economic mandates. Furthermore, the rise of digital sovereignty presents new concerns, as evidenced by Nigeria's controversial 2019 Twitter ban, which showcased the government's exercise of authority over digital spaces. These challenges illustrate that sovereignty, while crucial, is not an absolute or uncontested concept, but one subject to negotiation, especially in a globalized world where state autonomy can be constrained by external pressures.

⁸² S.T Akindele et. al (n.68) pp 44-45 & Remi Anifowose (n.71) pp 89-90.

⁸³ Colossians 1:15-19; John 1 1-3; & Genesis 2:15, 19-20 Holy Bible King James Version.

⁸⁴ Genesis 2:15, 19-20 Holy Bible King James Version.za/

⁸⁵ Philippians 2:5-7 Holy Bible King James Version.

⁸⁶ S 14(2)(a) 1999 *Constitution of the Federal Republic of Nigeria* (as amended)

⁸⁷ *Charter of the United Nations* (1945), art 2

⁸⁸ *Fawehinmi v. Abacha* (2000) 6 NWLR (Pt 660) 228

⁸⁹ *A-G Federation v. A-G Abia State* (2002) 6 NWLR (Pt 764) 542

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