Interrogating the Constitutionality of Federal Character Principle in Nigeria

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Abstract:

This work interrogates federal character principle (FCP) in Nigeria. The FCP was designed to fundamentally address the striking features of Nigeria politics of intense struggles for power among the different ethnic groups in the country between the elites from the North and their Southern counterparts and the various segments, but the practice of FCP in Nigeria so far raises curiosity and doubts. Given the outcome of the interrogation, this research work discovered and conclude that federal character has not indeed achieve its objective in the Nigeria, the study finds that Ethnocentrism, Elitism, Mediocrity, Mutual suspicion amongst others accounts for some inhibiting factors of the FCP in Nigeria. Like many other provisions of the Constitution, the Federal Character principle was meant to correct some imbalances experienced in the past, but it has created more problems than it has attempted to solve. Rather than promote national unity, it has disunited Nigerians. There is an urgent need to use more of professionals and result oriented Nigerians to carry out national tasks, than to u use unprogressive people due to this "Federal character" issue. Nigeria should be a place where one's track records and qualifications are far greater than just "where they come from" or their lineage if Nigerian truly want to progress.

Key words: Constitution, Character, Ethnocentrism, Elitism, Federal, Interrogate, Mediocrity, Nigeria.

Introduction:

The history of Nigeria shows that the country comprised of independent kingdoms prior to independence (Odumosu O.A.1963:5). These kingdoms were brought together to form a federation by colonial power. These features make Nigerians incompatible and compel citizens to be ethnic conscious, giving their loyalty to their regions rather than the nation. Nigeria is a multi-ethnic state, like many sub- Saharan African States. The Northern part of the country is populated by the
Hausa’s, the Fulani’s, Kanuri’s, Igala’s, Igbira’s and many others. The Southern part of the country on the other hand is occupied by the Yoruba’s, the Ibo’s or Igbo, the Ijaws, the Edos, the Ibibio’s, the Urhobo’s and many other small ethnic groupings. Now each of these groups not only inhabits a particular territory or area but also has a distinct language indigenous to them. The sectional polarization has in recent times manifested itself in what is now known as “ethnic militias.” Thus we have such militant groups like ‘Oodua Peoples Congress’, ‘Bakassi Boys’, ‘Movement for the Actualization of State of Biafra’, ‘Egbesu Boys’, ‘Ooduawa Liberation Movement’, ‘Arewa Vanguards’ and a host of others. At the higher level are the cultural groups such as Afenifere for the Yorubas, Ohaneze Ndigbo for the Igbos, Arewa Consultative Forum for the Northerners, just to mention but a few. These groups emerged to protect their collective ethnic or regional interests. The reasons for these fierce agitations are not unconnected with the sharing of national resources.

These agitations for even and fair distribution of national resources, accommodating diversities, fostering inclusiveness and promoting national unity among diverse group that make up Nigeria states, the intense elites struggle for power among different ethnic groups in the country; transformed into political solution muted in 1978 by the Constitution Drafting Committee (CDC) as Federal Character concept was first entrenched in the Constitution of the Federal Republic of Nigeria 1979. The flagrant violation of the provisions led to the promulgation of the Federal Character Commission Act 1995. The Act was later adopted into the 1999 Constitution.

The Federal Character Policy:

The phrase “Federal Character of Nigeria” must be taken to mean simply the character of the Nigerian federation. Even though it came to be christened only in 1977 by the CDC, the problem now known as federal character has been with us in different forms, and with varying urgently from about 1898 when British made the administrative amalgamation of what later came to be known as Nigeria one of their distant goals. The only difference is that today it wears an uglier and more menacing visage than it had done then. The history of Nigeria’s “federal character” is one of growing complexity and virulence. For reason of simplicity three main epochs will be distinguished here. These are: The period of informal Federalism: 1900 – 1960, the period of Formal Federalism: 1960 – 1966, the period of Formal Federalism: 1966 – 1979. Each of these periods had its distinctive character, and it is this characters, which today make up the dynamic cosmetic named “Federal Character Principle” (Okolo, 2011:96).

The idea of Federal Character Principle is not new. It was known by different nomenclatures such as zoning or quota system. Its informal origins date back to the pre-independence era of nationalist struggle for participation in the administration of colonial Nigeria and especially after Nigeria became a Federation in 1954. Originally, during its informal application, it was concerned with legislative representation and equalization of inter-regional opportunities in education and appointments at the Federal level. Now, in its present formalized and institutionalized form, as enshrined in the 1979, 1989 and 1999 Constitutions, virtually every sphere of federal, state and local governments operation is involved and consequently politicized (Agbodike, 1989:182).

Federal Character principle as defined by the 1979 Constitution, section 14(3), it means that: The composition of the Government of the federation or any of its agencies, shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national loyalty, thereby ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or any of its agencies (Nnoli, 1996:234). The appointment is meant to be base equally from each zone. We now have six zones – North-West Zone, North-East Zone, North Central Zone, South-West Zone, South-East Zone and South-South Zone. The geopolitical arrangement is not recognized by the 1999 Constitution but was entrenched in the Federal

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Character Commission Act 1995. Section 19 of the Act.

Federal Character, according to Elazar (1993) is intrinsically an expression of political diversity and accommodation without in any way undermining the basic commitment to the sovereignty of the nation. Olagunju (1987) also defined FC as a deliberate design to accommodate less dominant but often forcibly expressed interest. Ezeibe (2012) says that FCP involves a deliberate plan to construct means of ensuring the proper distribution of amenities and government projects in a country. Implicit in the above definitions is that FC is introduced where there are observed differences in culture, tradition and inequality either in human, natural or both. Therefore, FC is a palliative principle aimed at uniting once existed autonomous sub-nationalities through quota system for purposes of equality of opportunities and peaceful co-existence. Ezenwa (1987) and Heirmexy (2011) noted that FC was introduced for equitable sharing of posts and even distribution of natural and economic resources.

By virtue of the provisions of the Third Schedule Part I-C paragraph 8(1) of the 1999 Constitution, the Federal Character Commission is to give effect to section 14 (3) and (4) of the Constitution. Section 14(3) provides:

The composition of the government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the Federal Character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or in any of its agencies. Subsection (4) makes similar provision as applicable to states.

‘Federal Character’ means the legal and constitutional structure of the Nigerian Federation. It refers specifically to the number of the constituent members of the Federation, their relationship, the division of powers and functions amongst them and such other tangible matters which are usually carefully spelt out in legal terms in a constitution and on which designated courts of the land can pronounce binding opinions whenever these becomes matters of disputes between members states (Ekeh, P P and Osaghae, E E 1989).

The phrase “federal character” entered into Nigerian political vocabulary for the first time in 1978 when the idea to incorporate it into the Constitution was muted by the Constitution Drafting Committee as submitted to it by its subcommittee on the executive and legislature. The subcommittee based its reason on how to promote “national loyalty in a multi-ethnic society”. In its reports submitted to the defunct Supreme Military Council (SMC) in 1979, the CDC defined the term as “the distinctive desire of the people of Nigeria to promote national unity, foster national loyalty and every citizen of Nigeria a sense of belonging to the nation notwithstanding the diversities of ethnic origin, culture, language or religion” (Ekeh, P P and Osaghae, E E 1989:5). This definition was incorporated into the Constitution as an amendment. It is described as a mere description (Oluyede, P A O, 1992:170). Efforts to define the concept lacks practical value as what is important now is that an average Nigerian has come to understand what the concept means within Nigerian political-socio context. It can further be simply defined as a mechanism where every member of the Federation of Nigeria has equal access to the state’s resources and opportunities. “The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or in any of its agencies”.

**Issues with the Application of Federal Character**

In view of the fact that Nigeria is a country of diverse religious and ethnic nationalities, the introduction and application of federal character and its affiliate concepts are faced with certain problems, some of which include:
Ethnocentrism: The evils of tribalism in Nigeria are many. Tribal appellations cause tribal idiosyncrasies, these lead ultimately to variety and superciliousness and disharmony. “An Hausa man may think a Yoruba man is inferior, while the Yoruba man in turn communizes the Igbo; and Igbo man concedes to himself that both the Hausa and Yoruba are just the people without gut” (Ngozi, 2012).

The above quotations capture the reason and current situation in Nigeria due to ethnocentrism. An ethnic group is distinguished by language, culture, religion or both (Nnoli, 1978). Ethnocentrism is a self-judgment that one ethnic group is superior to others. Such assumption promotes antagonism evidenced in Nigeria. In response to many challenges orchestrated by ethnocentrism, Awolowo (1968) described Nigeria as divergently and almost irreconcilable entity. Nweke (1995) described ethnocentrism as being attitudinal in form and perceptual in content. It is not easily erased particularly when the leaders do not display sufficient and convincing attitude that our strength lies in the diversity and exploration of resources for equitable benefit of every citizen irrespective of affiliation or originality.

Elitism: Afigbo (1987) noted that the principle of federal character arose out of a compromise among the protagonists of 1976 CDC. In the view of Agbodike (2003), federal character has been manipulated and channeled to serve the overall interest of the petty bourgeoisies ruling class. In a similar opinion, elitism represents interests of the few minorities (Chaturvedi, 2006). Implicit in the above explanations is that those who champion the principle and policies are indirect benefactor hence it is another form of expanding their solid-political and economic empire.

Emergence and rise of elitism in Nigeria is traced to the unmatchable amalgamation and introduction of federalism in 1914 and 1954 respectively. It is understandable that significant number of pre and post-independent nationalists do not have sound economic base. Gboyega (1989) aptly says that federal character principle is merely an elite ploy which could not materially improve the lot of the down-trodden in whose name it is raised. They constitute corrupt cabals and use ethnic sentiment to cover their ills. They strategically position their few agents in offices who act as political representatives against the set out goals of the establishment where they work. Nigeria has had more crises since the introduction of federal character, some of which includes; the Nigeria civil war, several election violence particularly in 2011. Why and who is responsible? These concepts serve interest of elite who are eager to use their slaves to unleash terror and destabilize the country when they are schemed out.

Mediocrity: Federal character is introduced for purposes of ensuring ethnic balancing. In Nigeria, ethnic balancing is conceived, perfected and applied by elite for the promotion of their egoctrnism through an institutionalized mediocrity. Okata (2004:179) posited that public enterprises management is a progression and requires that administrative managers should possess certain kind of education, knowledge, skills and values as prerequisite for effective performance in the job. This suggests that competence not quota system or ethnic balancing as opined by apostles of federal character is the nexus for successful, effective and efficient performance of public organizations. Abba (2003) and Sharma et al., (2011) affirmed that politicization of public enterprises breeds mediocrity which is destructive and thus contributes significantly to the inefficiency of most public organizations. Mediocre are more loyal to their godfather because they lack competence. They tend to frustrate organizational goals and go unpunished. Utume (2003) shares the view stating that there is genuine fear that officers, secured by provisions of federal character may begin to act like political representatives without paying due attention to their duties. The variation in human and material resources across ethnic nationalities is known but competence promotes good governance and in turn reduces tension of ethnic revolt. What Nigerians need most is good, responsive and responsible government that has the courage and will to do the right thing at all times and for all Nigerians.
Mutual Suspicion: Before 1914 amalgamation and 1954 introduction of federalism, each of the sub-nationalities lived independently. Each of them enjoyed autonomy which explains insignificant social strive when compared to experiences after the amalgamation. In expression of the volume of problems bedeviling Nigeria state, Awolowo (1947) described it as a mere geographical expression. Ahmdu (1962) and Onu (2008) affirmed that the amalgamation is the mistake of 1914. Shortly after independence, Nigeria was faced with plethora of problems including mutual suspicion. Afigbo (1987), and Ezigbo (2007) pointed suspicion and hatred among the major problems in Nigeria. To cushion the effects, protagonists of 1976 CDC compromised for inclusion of federal character in the constitution.

Major crises ever recorded in Nigeria since the amalgamation is significantly rooted to suspicion. This cuts across ethnic and religious boundaries but more pronounced across ethnic boundaries. They include 1964 federal election, where political parties and alliances were more ethnic than ideological. Nigerian civil war 1967-1970, 2011 general election and so on. Each of these crises shook the foundation of Nigeria due to suspicion as against reasons for the introduction of federal character. There can be no successful implementation of federal character principles amidst suspicion and hatred amongst the ethnic groups.

The consequences of the introduction of Federal Character principle in Nigerian:

Rather than the Federal Character principle uniting Nigerians, it has done more division in the country. It has, in the process of its operations, created a class of ethno-regional lords, local godfathers and their appendages whose sole purpose is to exploit national resources without any corresponding contribution. When a nation continues to remind you of where you come from, you need to start asking whether it is building any nation at all. How then do we build a viable nation with an out-dated ideal like the Federal Character principle?

The definition clearly stated that "Federal character" is a tool for ensuring fairness in public service over professionalism and goal attainment. Problem: Is Federal character the solution to the problems that we are facing in this country? My thought: I believe that Professionalism and goal attainment ability should be considered above federal character. In Nigeria, Federal character has become more of a curse than a blessing. The total systemic collapse in Nigeria's socio-economic and political environment can be attributed to the Federal character practice. Our political system is in shambles because professionals and experienced individuals are over-looked due to the fact that they are more in one part of the country than the order. The imbalance in the literacy rate between the South and the north of Nigeria has made it impossible to have qualified people in sensitive government positions. For example, the North would rather let an Arabic "Alamijiri" teacher from the north to be the minister of education, than to allow a southerner to play the role, all because of the perceived need for a proper representation. Parties now adopt the principle as a means of gaining credibility.

The worst thing is that Nigeria practices this "Federal character" in every sphere of the country, including sports. This is sad because the more we do that, the more we ignore the more qualified and effective Nigerians, for less efficient and non-result oriented people. Look at our National soccer team; it is the federal character idea that has kept us where we are now.

In my understanding, the Federal Character principle assumes that in appointing a person from any part of Nigeria into a position, that person, first and foremost, must "carry his or her ethnic group along" in the scheme of things. Invariably, the appointee represents his "constituency", not necessarily his portfolio(s). It looks more like "just get someone to fill in that position, so long as it gives everyone the feeling of inclusion, not so much whether they are competent for the position or not." I will buttress this point with the composition of the Federal Executive Council under President Goodluck Jonathan. Just in fulfilling section 14(3)
of the 1999 Constitution, President Jonathan appointed the former deputy Governor of Osun State, a woman as minister of defense. Allocating the Defence Ministry to a person with no expertise in that portfolio only makes mockery of the so-called Federal Character principle.

**Conclusion:**

If we are to remain as one nation then religion, sex, tribe, and language must not matter to us. We need to harness the abundant potentials in this country by not pretending to be one. We must know and believe that we are one. We must be quick to admit that like many other provisions of the Constitution, the Federal Character principle was meant to correct some imbalances experienced in the past. There is an urgent need to use more of professionals and result oriented Nigerians to carry out national tasks, than to use unprogressive people due to this "Federal character" issue. This is a place where one's track records and qualifications are far greater than just "where they come from" or their lineage. This is what genuine nation building should look like.

Who so ever be the best leader in the country should be able to run for the presidential post in this country without having to say, "It is not yet their turn". Recruitment in our armed forces should be done based purely on capabilities and prospects than by ethnic consideration and malicious aims. Our National sports teams should have people that are ready to deliver irrespective of where they come from in the country. After all we are all Nigerians and want to move forward.

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