

Federal Character Principle and the elusive idea of Unity in Contemporary Nigeria: Aspects of Law, Politics and Policy

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Nigeria is made up of at least 250 ethnic groups, forcibly merged together by the British government.¹ Shortly after amalgamation and boundary adjustments in 1914, three major ethnic groups emerged while several ethnic groups were classified as minor groups.² This unprecedented event made for the domination of a group over others.³

This political and administrative anomaly created room for minority oppression and inequality and it became so glaring with its resultant manifestation, leading to a civil war. The aftermaths of the war led to struggles of uniting the country and reconcile the historical differences; the Nigerian government introduced a number of programs or policies such as State Creation, National Youth Service Scheme, Unity Schools and the Federal Character Principle⁴.

The principle is to ensure that quotas are reserved for all ethnic groups. The principle was believed by many to be the best solution to correcting past political defects; thereby creating a formula for (re)distributing socio-economic services⁵. The central idea is that it ensures all ethnic groups are represented and that there is no further domination of a group over others⁶. It is also meant to help forestall ethnic conflicts resulting from unhealthy competitions by virtue of

governmental appointments and employment into the public service etc.⁷

This initiative is understandably not totally new as it varies from country to country depending on their peculiarities. In order to ensure fairness, equality and freedom from discrimination, some countries for example enacted laws bothering on employment equity⁸ with a view of ensuring equality at the workplace. In the case of Nigeria for instance, section 42 of the 1999 constitution generally provides against discrimination. Furthermore, Section 14⁹ expressly provides that the composition of the government of the federation or any of its agencies shall not be dominated by people from a particular region. Subsection 4 also provides that the Federal Character Principle should be observed both at the state and local government level.

However, it soon became obvious that section 42 of the constitution is just a general provision that may not be applied for specific purposes e.g employment relations. Nonetheless, in order to fill this void, a labour Standard Bill was submitted to the National assembly in 2008 to ensure adequate representation of all categories of persons and to also ensure equal pay for equal work¹⁰.

Apart from the federal Character Principle which is aimed at equal representation of all ethnic groups, the government also signed the HIV and AIDs (Anti Discrimination) Act, 2014 into law. The Act is specific in its purpose with the central aim of guarding against discrimination for persons living with the disease, in order for them to enjoy peaceful employment.

Prior to handing over of power, the military government in 1993 also enacted the Disability Decree with the mind of curbing discrimination of person with disability.¹¹ The decree also encourages employers to reserve 10% employment quota for persons with special needs and also prescribes a 15% tax

¹ Uchekukwu D & Thomas A.,(2011) The Educational Imperatives of National Unity and Nation Building, *African Journal of Social Sciences*, vol 1 Number 3 p 47.

² Osaghae, E. E., & Suberu, R. T. (2005). *A history of identities, violence and stability in Nigeria* (p. 95). Oxford: Centre for Research on Inequality, Human Security and Ethnicity, University of Oxford.

³ Uchekukwu, D. V., & ATITI, T. (2011). The Educational Imperatives of National Unity and Nation Building. *African Journal of Social Sciences*, 1(3), 47-55.

⁴ *The term Federal Character Principle was first used by former head of State, General Murtala Muhammed when addressing the Constitution drafting Committee on 18th October 1975. In Igbokwe-Ibeto C J, Agbodike F C & Anazodo R O.,(2015).The Application of Federal Character Principle and Its Implication on Service Delivery in Nigerian Federal Civil Service, *International Journal of Human Resource Studies*, Vol. 5, No. 3 p5.

⁵ Ammani, A. A. (2014). The Federal Character Principle as a Necessary Evil. Retrieved from www.gamji.com/article/800/news8603.htm (Accessed on 24th July, 2018)

⁶ Bello, M. L. (2012). Federal character as a recipe for national Integration: The Nigerian paradox. *International Journal of Politics and Good Governance*, 3(3.3), 0976-1195.

⁷ Edigin, L.U. (2010). Federal Character and National Stability in Nigeria 1979-2000. *Journal of Research in Nation Development* .8(2) 23-34

⁸ For example, South Africa enacted the Employment Equity Act 55 Of 1988 to curb employment excesses and discrimination.

⁹ See generally Section 14 of the 1999 constitution of the federal Republic of Nigeria

¹⁰ We must note that the bill is yet to be passed.

¹¹ Section 1(a) Nigerians with Disability Decree.

waiver/reduction for such establishment that abides with the Decree.¹²

Notwithstanding this national provisions aimed at curbing or reversing discrimination, the Nigerian Government also ratified various international instruments among which include the Discrimination (employment and Occupation) Convention, 1958¹³ and the African Charter on Human and Peoples Right¹⁴ having various articles that protects against discrimination, also, ensuring equal access of everyone to National resources. We shall now briefly examine some provisions in some international treaties ratified by the Nigerian government.

INTERNATIONAL TREATIES

International treaties are so important and necessary that a number of countries have their national laws modelled around these treaties. For example, the African Charter on Human and Peoples Right (ACHPR) in its preamble affirms the solemn pledge of eradicating all forms of colonization and modern day domination of persons over other people; thereby promoting freedom, equality and justice. Furthermore, Article 3(1) advocates for equality of all persons before the law. Also, citizens are expected to have equal rights and access to the public service and public properties and not the dominance of a people of group of persons over the other.¹⁵ Article 19 is more emphatic as it provides that all people shall be equal and enjoy the same right and respect. It further noted that nothing shall justify the dominance of a people by another.

The ILO convention¹⁶ on its part is designed to ensure freedom from discrimination in employment. However, article 5(2) explains that member states can adopt any such standards or requirement that ensures for special protection or assistance of a category of persons. It further explains that this shall not be deemed as discrimination. Although opinions are not in consensus regarding discrimination and the need for affirmative action, nonetheless, it appears that most discrimination treaties support the idea when it is proven or established that there has been past victims

FEDERAL CHARACTER AND THE LAW

Federal character is not just an idea in Nigeria; it is a principle backed by the law. In Nigeria, the most important piece of legislation is the Constitution and it adequately provided for the recognition and application of the principle. The general provision establishing the principle is section 14 of the constitution. The section provides that the country shall be run in a way that expresses the diversity and unity of the country; it shall also prevent the domination of a particular group over others. For example, all states of the federation shall have at

least one minister appointed from that state and such a person must be an indigene of the state.¹⁷ Furthermore appointments into foreign offices shall be made having regard to the Federal Character Principle.¹⁸

Officer corps and the entire composition of the armed forces are also expected to reflect the Federal Character Principle¹⁹. The National assembly is further directed to ensure strict compliance with these provisions²⁰.

FEDERAL CHARACTER AND POLITICS

Studies on Nigeria's politics suggest a culture of political seat reservation and actual domination of a particular region as against other regions. Anecdotal evidence suggests the domination of northerners in key governmental appointments and most especially in the armed forces. It is believed that this is due to the northern philosophy of seat reservation and interest protection.²¹

On the other hand, it is also possible to spot the domination of westerners and sometimes southerners in a particular sector. This social inequality may be attributable to the educational gap and inequality that exists as the majority of the northern region has remained uneducated.²² However the table below may help inform our knowledge of speculations regarding dominance or seat reservation in Nigeria's politics

Names	Duration	Region
Tafawa Balewa	1960-1966	North
J T Ironsi	Jan 1966-July 1966	East
Yakubu Gowon	1966-1975	North
Murtala Muhammed	1975-1976	North
Olusegun Obasanjo	1976-1979	West
Shehu Shagari	1979-1983	North
Muhammadu Buhari	1983-1985	North
Ibrahim Babangida	1985-1993	North
Ernest Sonekan	Aug 1993-Nov 1993	West
Sanni Abacha	1993-1998	North
Abdulsalam Abubakar	1998-1999	North
Olusegun Obasanjo	1999-2007	West
Musa Yar'Adua	2007-2009	North
Goodluck Jonathan	2009-2015	South
Muhammadu Buhari	2015 till date	North

¹⁷ Section 147(3) of the 1999 Constitution of the Federal Republic of Nigeria(CFRN)

¹⁸ Section 171(5) 1999 CFRN

¹⁹ Section 217(3) 1999 CFRN

²⁰ Section 219 1999 CFRN

²¹ Okolo P.,(2014) Influence of the federal Character Principle on National Interpretation in Nigeria, *American International Journal of Contemporary Research*, Vol 4, no 6 p126.

²² Okolo P.,(2014) Ibid, p127

¹² See Generally, Section 6(2) & 6(5) of the Nigerians with Disability Decree.

¹³ International Labour Convention no 111, ratified by Nigeria in 2002.

¹⁴ ACHPR, was ratified by Nigeria in 1983

¹⁵ Article 13(2) ACHPR. See also, Article 13(3) of the same charter.

¹⁶ ILO Convention No. 111 Discrimination (Employment and Occupation) Convention, 1958

Table 2: Names, Date and Region of Past and Present Senate Presidents

Names	Period	Region
Nnamdi Azikwe	1960	East
Dennis Osadebey	1960-1963	South
Nwafor Orizu	1963-1966	East
Joseph wayas	1979-1983	South
Iyorchia Ayu	1992-1993	North
Ameh Ebute	1993	North
Evan Enwerem	1999	East
Chiba Okadigbo	1999-2000	East
Anyim Pius Anyim	2000-2003	East
Adolphus Wabara	2003-2005	East
Ken Nnamani	2005-2005	East
David Mark	2007-2015	North
Bukola Saraki	2015 till date	North

Table 3: Names, Date and Region of Past and Present Speakers of the House of Representative

Names	Period	Region
Ibrahim Jalo Waziri	1960-1966	North
Edwin Ume -Ezeoke	1979-1983	East
Benjamin Chacha Biam	1983	North
Salisu Buhari	1999-2000	North
Ghali Umar Na'Abba	2000-2003	North
Aminu Bello Masari	2003-2007	North
Patricia Olubunmi Etch	2007	West
Dimeji Bankole	2007-2011	West
Aminu Waziri Tambuwal	2011-2015	North
Yakubu Dogara	2015 till date	North

Those tables explain that some regions dominated specific offices and the idea of equal representation seems to have been elusive. It appears as though the principle is yet to be recognised in politics as some regions continually dominate the control of specific offices. For example the office of the President has always been dominated by northerners. At the same time the eastern and southern region were represented just once and this could lead to political agitations.

Explaining the emergence of some regions, Okolo²³ argued that the first shot by westerners at the presidency in 1976 was due to sheer luck and failed coup. General Murtala Muhammed who was the then Head of Government was assassinated but his deputy escaped. Furthermore, he

²³ Okolo P.,(2014) Influence of the federal Character Principle on National Interpretation in Nigeria, *American International Journal of Contemporary Research*, Vol 4, no 6 p127.

contended that the second attempt in 1993 lasted few months and that it was obvious that Ernest Shonekan lacked real legitimacy and did not wield any political power. The third attempt between 1999 and 2007 was believed to be borne out of the threat of seceding from Nigeria, in order to forestall that from happening, the two major political parties fielded westerners as presidential candidates.

For easterners, the story is more pathetic, the region produced the Head of Government just once and it lasted for less than eight months. Since then the region had been conspicuously omitted. One may conclude that politicians and the 'cabals' are yet to forgive the region for attempting to secede and establish the Republic of Biafra in the late 1960'ties. In the same vein, the Southern region had its only attempt by virtue of the ill health of Musa Yar'Adua who later died in 2009 making Dr Goodluck Jonathan naturally and constitutionally succeed as President, even though the northern region were of the view that they should reproduce another candidate to complete Yar'Adua's tenure. His re-election bid in 2011 and emergence as president led to wide-scale chaos and demonstration to the point that he was lost on his second attempt in 2015. It was also believe that some northern leaders ensured that international cooperation reduced and the administration found it difficult to operate.²⁴

Worthy of note is that as a matter of practice, once the President and Vice- President emerges from a region, it is expected that the seat of the Senate president and the Speaker of the House of Representative will be zoned to other regions not yet represented. In recent times, the failure and perception of not being represented had brought back agitations and idea of seceding and the (re)declaration of the Biafra republic.

The non observance of this principle in politics had been hinged on a number of reasons. Initially, it was believed that "naturally aggressive ethnicities"²⁵ had tendencies of being over-jealous and run the risk of always seeking dominance of others. This may be true in the case of Nigeria, as northerners consciously guard against easterners perceiving them to be better thinkers while westerners are perceived to be more intelligent and educated.²⁶ Another factor is the careless misstatement of past leaders. For example it was believed that Nnamdi Azikwe on several occasions expressed that Ibo's were destined by God to rule over Africa²⁷. In the same vein, Yoruba leaders believed easterners were only out to exploit

²⁴ Ekanem H I.,(2018)The Emptiness of Human Rights Violation Argument, AFRICOM, and the United States' Anti -Jonathan Administration Disposition on War against Boko-Haram Insurgency and the Outcome of the Presidential Election of 2015in Nigeria, IJASSH.

²⁵ Kirk-Greene, A.H.M. (1975). "The Genesis of the Nigerian Civil War and the Theory of Fear", Nordic African Institute, Uppsala, 19.

²⁶ Ugoh S C & Ukpere W I.,(2012). Policy of the federal character principle and conflict management in Nigerian federalism, *African Journal of Business Management* Vol. 6(23), p 6774. Available online at <http://www.academicjournals.org/AJBM>

²⁷ Ayandele EA (1974). *The Educational Elite in the Nigerian Society*. Ibadan: Ibadan University Press.

the wealth and resources of the country and should not be trusted with power.

One may safely conclude that bureaucratic inequalities favours the southern zone as they are fewer in number, whilst also possessing more ethnic groups, whereas, executive and military inequalities favours the northern region as they were part of the early beneficiaries and had overtime continued with the practice of head-seat-reservation or top bureaucratic-seat reservation .

I therefore argue that if the Federal Character Principle is really meant to ensure equal representation, then it has failed in this regard. At the same time, must political seats be zoned before the benefit of democracy and good leadership are achieved?

However, opinions are divided regarding the extent at which zoning should be emphasized; rather, emphasis should be placed on efficiency irrespective of the region producing particular candidates. As much as I may tilt towards this belief system, it is clear that when one feels ignored, neglected, he/she may feel genuinely excluded. Such person(s) may in turn begin to introduce disruptions to the social order or ideas instigating violence under the guise of revolution. One thing is clear from the foregoing; the Federal Character principle is yet to fully achieve its cause in Nigeria.

CONTEMPORARY NIGERIA IN THE FACE OF FCP

Nigeria's peculiarities cannot be discussed in isolation of its ethnic and cultural differences. It is not impossible for such a country to have experienced cases of minority exclusion²⁸. Consequently, there is the need to ensure adequate representation of its people. In a bid to ensure representation and stop the continued marginalization of some ethnic groups, the Federal Character Commission was established to ensure equitable representation in national institutions and public corporations.²⁹

Even though this commission is active, there are still calls for marginalization and under-representation of some groups³⁰. A major setback is that the Federal Character Principle is only applicable to federal corporations and not private establishments. We must also note that the private sector is a bigger employer of labour; therefore, the larger percentage of the economy may still experience marginalization and exclusion.³¹ Interestingly, there is no protection from the law and the courts as punishments are not clearly set out. Also, the

attitude of the court is that it cannot compel a private employer or force an employee on an unwilling employer.³²

In addition, the Nigerian Constitution is supreme over all international instrument or treaty. The constitution provides that no bill or instrument shall be in force unless ratified by the National and State houses of Assembly.³³ Regrettably, any international instrument not domesticated cannot come into force in Nigeria. In order words, no matter the number of international instrument protecting or guarding against dominance of a group of people over others, is such treaty is not domesticated, it cannot serve its cause in Nigeria. To further explain this position, the Supreme Court in the case of *Registered Trustees of National association of Community Health Practitioners of Nigeria v Medical and Health Workers Union of Nigeria & ORS*³⁴ held that international treaties though ratified but not domesticated by the Nigerian government cannot be enforced in court.

Punditries and public policy scholars have also argued that though the Federal Character Principle is meant to build the nation and ensure developments but its application has continued to disintegrate the country; as it is a breeding ground for envy and jealousy, further leading to disunity or unintended consequences³⁵. It has also been argued to promote mediocrity rather than excellence³⁶.

CONCLUSION

The Federal Character principle though active in its letters with an objective of ensuring National Integration and unity, its application is still a bit faulty; as it has been argued to be an instrument for further oppression.³⁷ From a public policy perspective, inter-ethnic conflicts are on the rise and almost all regions in Nigeria are making demands and clamouring for recognition.³⁸ Therefore the gap between intention and practice is quite noticeable.

As mentioned earlier, distributive justice that the principle is aimed at achieve is a political mirage. As argued earlier, distributive justice in this regard may fall under the proportional and arithmetic equality. If the states are equal to one another but possess varied population, then the idea may continue to result in injustice on states with greater population

³² Chukwuma v S.P.D.N (1993) NWLR pt 289, p512.

³³ Section 12(3) of the 1999 Constitution of the Federal Republic of Nigeria

³⁴ (2008)1 FWLR Pt 410

³⁵ Aondoakaa, T & Orluchukwu A.,(2015) Federal Character Principles in Nigerian Constitution and its Applicability: Issues and Challenges, IOSR Journal of Humanities and Social Sciences, volume 20 issues 12 p 53.

³⁶ See the case of Badejo v Minister of Education (1966) 8 NWLR pt 464 p 15

³⁷ Ojo, E. (2009). Mechanisms of National integration in a Multi-Ethnic Federation State: The Nigerian Experience. Ibadan: John Archers Publishers, Ltd.

³⁸ Kayode A., (2015) Federalism and Federal Character Principle in Nigeria: A Dilution, *Review of Public Administration and Management*, Vol 3 no 7, p9.

²⁸ Bamidele, S.,(2018). Simultaneous Geography, Divided Communities: Paving the Way to Silencing the Ethno-Religious Insurgencies in Nigeria. *Ufahamu: A Journal of African Studies*, 40(1).

²⁹ Federal Character Commission (Establishment) Decree No 34 of 1996

³⁰ Watts, M. (2004). Resource curse? Governmentality, oil and power in the Niger Delta, Nigeria. *Geopolitics*, 9(1), 50-80.

³¹ Dabalén, A., Oni, B., & Adekola, O. A. (2001). Labor market prospects for university graduates in Nigeria. *Higher Education Policy*, 14(2), 141-159.

strength. Therefore the application of equal treatment to unequal entities will only produce greater inequality³⁹.

Another thing to note is that this principle is difficult to practice and apply. As stated earlier, the principle is most operational in the civil service whereas the private sector is a larger employer of labour. Also, even though the principle may be applied at the recruitment stage in federal corporations, the bigger challenge is experienced at the promotion stage where people from a particular region continually get promoted ahead of their contemporaries for bureaucratic reasons. These in turn creates a new dynamics and framework for continued domination. After all, only those who get promoted will get the opportunity of heading particular ministries or agencies. In order words, though it is applied at the recruitment stage at federal corporations, it is not monitored at later stages where the ladder becomes narrow.

I therefore submit that merit should never be sacrificed for any political or bureaucratic policy and also join in restating the negative outcomes outweigh the benefits of the principle. for example, if the president is mandated to appoint at least an indigene of each state as a minister to form his cabinet, this can only continue to incur further expenses on the country as the Country does not necessarily need that much number of ministers or Ambassadors before the country can function effectively. Furthermore we recommend future research regarding efficiency and achievements of the Federal Character Commission. Also, possible research in the domination of majority groups by minority groups.

REFERENCES

- [1]. Adeosun, A. B. (2011). Federal character principle and national integration: A critical appraisal. *International journal of politics and good governance*. 2(2.4).
- [2]. Ammani, A. A. (2014). The Federal Character Principle as a Necessary Evil
- [3]. Aondoakaa, T & Orluchukwu A.,(2015) Federal Character Principles in Nigerian Constitution and its Applicability: Issues and Challenges, IOSR Journal of Humanities and Social Sciences, volume 20 issues 12.
- [4]. Ayandele EA (1974). The Educational Elite in the Nigerian Society. Ibadan: Ibadan University Press.
- [5]. Bamidele, S.,(2018). Simultaneous Geography, Divided Communities: Paving the Way to Silencing the Ethno-Religious Insurgencies in Nigeria. *Ufahamu: A Journal of African Studies*, 40(1).
- [6]. Bello, M. L. (2012). Federal character as a recipe for national Integration: The Nigerian paradox. *International Journal of Politics and Good Governance*. 3(3.3)
- [7]. Dabalén, A., Oni, B., & Adekola, O. A. (2001). Labor market prospects for university graduates in Nigeria. *Higher Education Policy*, 14(2)
- [8]. Edigin, L.U. (2010). Federal Character and National Stability in Nigeria 1979-2000. *Journal of Research in Nation Development* .8(2)
- [9]. Ekanem H I.,(2018)The Emptiness of Human Rights Violation Argument, AFRICOM, and the United States' Anti –Jonathan Administration Disposition on War against Boko-Haram Insurgency and the Outcome of the Presidential Election of 2015in Nigeria. IJASSH.
- [10]. Ibetó C J, Agbodike F C & Anazodo R O.,(2015).The Application of Federal Character Principle and Its Implication on Service Delivery in Nigerian Federal Civil Service, *International Journal of Human Resource Studies*. Vol. 5, No. 3
- [11]. ILO Convention No. 111 Discrimination (Employment and Occupation) Convention, 1958
- [12]. Kayode A., (2015) Federalism and Federal Character Principle in Nigeria: A Dilution, *Review of Public Administration and Management*. Vol 3 no 7,
- [13]. Kirk-Greene, A. H. M. (1975). *The genesis of the Nigerian civil war and the theory of fear*. Nordiska Afrikainstitutet.
- [14]. Ojo, E. (2009). Mechanisms of National integration in a Multi-Ethnic Federation State: The Nigerian Experience. Ibadan: John Archers Publishers, Ltd.
- [15]. Okolo P.,(2014) Influence of the federal Character Principle on National Interpretation in Nigeria. *American International Journal of Contemporary Research*. Vol 4, no 6 p127.
- [16]. Osaghae, E. E., & Suberu, R. T. (2005). *A history of identities, violence and stability in Nigeria* (p. 95). Oxford: Centre for Research on Inequality, Human Security and Ethnicity, University of Oxford.
- [17]. Uchechukwu, D. V., & ATITI, T. (2011). The Educational Imperatives of National Unity and Nation Building. *African Journal of Social Sciences*. 1(3), 47-55.
- [18]. Ugoh S C & Ukpere W I.,(2012). Policy of the federal character principle and conflict management in Nigerian federalism. *African Journal of Business Management* Vol. 6(23)
- [19]. Watts, M. (2004). Resource curse? Governmentality, oil and power in the Niger Delta, Nigeria. *Geopolitics*, 9(1)

³⁹ Adeosun, A. B. (2011). Federal character principle and national integration: A critical appraisal. *International journal of politics and good governance*, 2(2.4), 1-13.