

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

Federal character principles or quota system of representation became an issue and as a part of constitutional arrangement following major serious disagreement between Northern and Southern leaders over the issue of self-government for Nigeria. In the 1950s, Northern leaders felt that the North needed more time to prepare itself to catch up with the South in Western education and in matters of employment opportunities. In spite of these strong feelings, a motion for Nigeria to be self-governing in 1956 was moved during the March, 1953 meeting of the House of Representatives. The motion was defeated. Later, the Colonial Office in London intervened by convening a constitutional conference in London at which it was agreed to make Nigeria a Federation of three regions; North, West, East and the Federal Capital of Lagos. Residual powers were vested in the regions, in effect making them more powerful than the center.

The federal arrangement engendered healthy competition amongst the regions in harnessing national resources for social and economic development of the respective regions. Each region tried also to secure due and equitable shares of

resources of the government of the federation, including staff of federal ministries and particularly in the branch offices in the regions. The relative backwardness of the Northern region became even more glaring than ever. It then became necessary for both the Northern regional government and the federal government to embark on special efforts to get Northerners appointed into the federal government services beginning with junior positions stationed in the North. It was in this spirit that the federal government established the federal training center in Kaduna for the purposes of increasing the number of indigenes occupying junior positions in federal establishments in the Northern region particularly in public-oriented agencies such as the posts and telecommunications department.

Between October, 1954 when Nigeria became a federation and October, 1960 when it gained independence, the ideal of fair representation of all the regions in federal appointments became accepted, but without specific quotas. However, in recruitment into the officer corps of the Armed Forces and the Police, a quota system was applied. The quota arrangement continued up to 1967, when twelve states were created to replace the regions and the formula was reviewed and applied on the basis of equal numbers for each state.

In the case of junior officers in the civil service, emphasis was laid on the staffing of branch offices in the regions (and later in the states) with local indigenes. In this connection, the federal public service commission issued a policy circular in August, 1960, reaffirmed in 1985 and again in 1989, to all federal agencies to recruit local indigenes to fill vacancies at the junior levels.

Nevertheless, federal system of government is the knotty issue of the character of the federation. This usually refers to how fair and effective representation can be given to the various component units and communal groups in Nigeria's institutions, agencies, positions of power, status and influence. Thus, the term "federal character" as observed by Afigbo (1987), "is one of the invention of the Constitution Drafting Committee (CDC) inaugurated by the late General Murtala Mohammed on 18th October, 1975" (p. 21). It was later transformed into a political and constitutional structure by the 1979 constitution. It has since the mid '70s become a doctrine in the Nigerian political process. But as a phenomenon it is as old as Nigerian federalism itself. Indeed federal character is a feature of all federal systems of government. Its politics, however, vary from one federation to another.

There are two main factors, which make federal character problematic in Nigeria. The first is that, for historical reasons, some states or ethno-

geographical areas are relatively more advanced in urbanization and formal western education than others. As a result, the more advanced areas tend to be much more predominant in federal institutions and agencies, especially in bureaucratic and economic positions. This phenomenon or tendency has over the years raised reactions against its unfairness and injustice from the relatively less advantaged or disadvantaged areas of the country. The second factor is that some states or ethno regional areas are quite large in population while others are relatively small. As a result, areas and communities with small population tend to or are bound to lose out in any free for all and unregulated competition and struggle for federal power status and influence. Also, on a personal note, the researcher experienced discrimination and nepotism as a result of “indigenous syndrome”. He was rejected in the institution he was posted to for his primary assignment during his NYSC programme because he was not a northerner. Thus, showing evidence of social injustice.

The above two factors manifested themselves in very advanced and varied forms in the Nigerian political system, not only to the national (federal) but also at the state and local government levels. The consciousness of federal character demonstrates itself in practically every aspect of the political, social, cultural and economic lives of the country. Examples include the “proverbial” North-

South dichotomy; competition among the three dominant ethnic or nationality groups, feelings of domination and oppression of the minority by the majority ethnic groups, Muslim-Christian dichotomy, indigenes versus non-indigene politics and so on. It is both the consciousness of this phenomenon and the attempt to deal with it that we have come to identify as the doctrine of federal character. Nwatu (2006) further states that:

The doctrine enjoins public authorities, semi governmental agencies and even institutions in the private sector to ensure and be seen to ensure fair and effective representation in states or local government areas or ethnic groups as the case may be in positions of power, authority, status and so on (p. 358).

The doctrine of federal character, therefore touches on an array of problems in the federal political process. These include such problems like ethnicity, the nationality question and citizenship, lack of opportunity for the under privileged groups for growth, development and discrimination based on place of birth, resource control or allocation, power sharing, quota system in employments and admissions into institutions of higher learning. In other words, the doctrine and phenomenon of federal character have acquired a very crucial role in politics and governance in Nigeria.

1.2 Statement of Problem

Political and economic imbalances exist among and between the various states or ethnic groups that make up Nigeria. These imbalances arose from the nature and character of the post colonial Nigerian state. These imbalances exist in almost every sector hence most people feel marginalized. Thus, lack of adequate representations by the federating states in Nigeria constitute the greatest threat to social justice and economic development. Remarkably, the choking socio-economic competition among the various ethnic groups in Nigeria manifest in ethno-regional conflict and tension that characterized Nigeria since 1960. Thus, the relationship between these groups is characterized by fear and suspicion of domination of one state or ethnic group by another. This leads to social injustice and disharmony.

Hitherto, the various problems facing the federating states include; ethnicity, tribalism, nepotism, corruption, discrimination, rigging of elections and so on, thereby promoting social injustice and inhibiting national integration amongst citizens of this country. Hence, the need for this is to educate and reorientate Nigerians on the need and importance of national integration.

1.3 Purpose of the Study

The major problem confronting developing nations is how to achieve national integration and Nigeria is not an exception. The most obvious accommodative strategy adopted in Nigeria is the federal character principles which are failing in practice. Hence this research aims at taking an indepth look at the daunting challenges besetting the federal character principles which results into social injustice thereby inhibiting national cohesion, integration and development that were supposed to characterize true federalism. And also to foster social justice and national integration through the effective application of federal character principles in Nigeria.

1.4 Scope of the Study

This work is limited to Nigeria and its system of government. It examines the challenges facing the federal character principles within the context of social justice and national integration. Various institutions in Nigeria like Education, politics, finance, religion, judiciary and so on were examined in the light of federal character principles so as to ascertain its level of effectiveness and ineffectiveness in application.

1.5 Significance of the Study

This research aims at examining the problems inhibiting the application success of the federal character principles in Nigeria, thereby suggesting practical and functional ways of applying the federal character principle for effective results that would promote social justice and national integration and also for enlightenment and increase in literature for further research and criticism.

1.6 Methodology

The researcher made use of primary and secondary sources. For the primary sources, personal communication was used whereas for the secondary sources, information was gathered from newspapers, magazines, academic journals, book of readings and textbooks of known authors with relevant contents to the research topic. Also, Phenomenological method of data interpretation was used, which presented the findings the way it is without passing a judgment.

1.7 Definition of Terms

For conceptual clarifications, basic terms that will be regularly used in this work will be defined contextually. These terms include; federal character, social justice, federalism, national integration, good governance, justice and nation building.

Federal Character

According to Ukwu (1987), federal character:

refers to the distinctive desire of the peoples of Nigeria to promote national unity, foster national loyalty and give every citizen of Nigeria a sense of belonging to the nation notwithstanding the diversities of ethnic origin, culture, language or religion which may exist and which it is their desire to nourish, harness to the enrichment of the Federal Republic of Nigeria (p. 22).

In corroboration to Ukwu's definition, Arnold (2012) defines federal character as:

A doctrine or principle which ensures equitable allocation of the nations resources and also equitable representation of citizens of a country in a political, economic or social positions within the country so that no section or segment of the countries population is marginalized or oppressed. This is a basic feature of federalism or federal system of government. (p. 2).

Also, Olagunju (1987) defined federal character "as a deliberate design to accommodate less dominant, but often forcibly expressed interest. Essentially, it is a design which is aimed at depoliticizing new demand through an institutional arrangement" (p. 33).

Social Justice -The term social justice has been severally defined by different scholars at various times under different historical, cultural and ideological influence. Thus, Agbakoba and Mamah (2002) simply defines it as:

the distribution of benefits to the constituent groups that make up a nation and comprises social security, social protection of workers, equal opportunity for all citizens and then other measures of social protection aimed at preventing the undue concentration of wealth, protection of the vulnerable weak etc. (p. 40).

In corroboration to Agbakoba's definition, Obiajulu (1996) defines social justice as "a more equitable distribution of the social resources and more equitable access to the various social institutions by all members of the society" (p. 18).

Federalism- Wheare (1967), popularly called the father of federalism, defines it as "the method of dividing powers so that the general and regional governments are each, within a sphere coordinate and independent" (p. 12).

Oriaku (2004) further defines it as:

A concept that attempts to give meaning to a form of government in which, rather than being concentrated in one body, is

decentralized between the central authority and the component unit; that come together out of one or more significant reasons, and to which there exist a constitutional stipulation of the nature and period of exercising the specific power to avoid clashes and a provision for means of compromise when clashes are inevitable. (p. 28).

National Integration -According to Durverger (1980), “National integration is the process of unifying a society, which tends to make it a harmonious city based upon an order, its members regarded as equitably harmonious” (p. 220). Similarly, Egwu (2005) defines national integration “as a process by which political units try to create a purposeful cooperation among themselves and is aimed at unity among them on the basis of an overriding sense of nationhood” (p. 45).

Good Governance-According to Okechukwu and Duru (2012), good governance refers “to rulership, administration and management of a society or system. It involves the act of making laws, implementing them and effective handling of the outcomes” (p. 136).

Similarly, Odife (2012) defines good governance “as constructive, ennobling and upbuilding methods of dispensing authority for the good and benefit of the

majority of the citizens of a state” (p. 221). Also, Nwogwugwu (2005) simply defines good governance “as the manner in which a government discharges its responsibilities” (p. 3).

Justice- Peschke (1999) simply defines justice “as doing what is useful for the social good” (p. 229). For Hörmann (1961) it is “the fulfillment of that to which our neighbour has a strict right” (p. 244). Aquinas (cited by Peschke, 1999) defines justice as “the firm and constant will to give to each one his due” (p. 230).

Nation Building - Agunwa (2013) defines nation building “as a process of encouraging people with diverse beliefs, different social-political opinions, varied cultural values and orientation values to agree to live together as member of one nation which is economically viable, politically stable and culturally homogenous” (p. 94). For Spencer (1979) nation building means “changing the attitude of the citizens from traditionalism to nationalism, patriotism to modernity” (p. 36).

CHAPTER TWO

LITERATURE REVIEW

2.1 Conceptual Framework

The concept of Federal Character is at once a reaction as well as a system. It is a positive reaction to correct those practices of the past, especially in the conduct of public management, which tended to exploit the diversities of the nation and, by so doing, cause ill-will. It is equally a reaction to those which tended to reflect selfish and parochial considerations; especially those negative forces which placed the interests of the self, the tribe and the state beyond and above the interests of the nation. A few examples may be mentioned to serve as reminders of these forces which is referred. In the past, the siting of government projects has provoked different reactions from the states, depending on how much a state has been favoured or neglected on particular occasions.

In the immediate past, people have complained on the method and manner in which positions in public institutions were filled. The recruitment pattern has been such that neither adequate recognition was given to diversity of the nation, nor sufficient attention paid to the need for a system which reflects the levels of development in various parts of the country.

Thus, the concept of ‘federal character’ should be seen as a deliberate design to construct and devise a means of ensuring the proper distribution of amenities and government projects in the country. It is only by ensuring fair distribution of government projects that the talk about egalitarianism, social justice and even development could be meaningful. The concept should also be seen as an attempt to devise a formula of fair representation. It is a recognition and affirmation of the principle that recruitment to public institutions, must recognize the diversity of the country. Thus, the problem and the core issue is to define the basis of representation and distribution of amenities compatible with our stage of development.

Hitherto, no one has yet given an adequate definition of federal character. That is why Olagunju (1987) in his words emphasized that “the desire to have equal opportunity to distribute rather than to produce resources has led to a number of people conjuring such concepts as “national character”, “federal character”, “catchment area” and “federal structure” (p. 39). Embedded in such phrases is a desire to correct the uneven distribution of resources in the country and plea to give adequate recognition to other criteria in the employment of personnel. By the nature of the concept therefore, it is not susceptible of definition. It is used to describe the charges which are taking place in the political and economic

institutions of Nigeria and how these changes tend to affect the control of the distribution pattern of the various interests.

Nevertheless, ever since the concept of federal character made its way into the political lexicon of this country, its relevance and application at the different levels of government have remained largely misunderstood and vague. Although the concept has been around for some time, not many are aware of it and the tremendous role it can play in building and integrating our country.

Consequently, a newcomer in the Nigerian political scene is most likely to understand the phrase “federal character,” according to Afigbo (1987), as applied to Nigeria, means,

The legal and constitutional structure of the Nigerian federations, especially with respect to the number of the constituent members, their inter-relationships, 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 they become matters of dispute between parties. (p. 21).

Hitherto, the principle of federal character was the product of the contradiction between the ethno-morale debate and a politico-morale balance. The

contradiction was reflected in the impression of its definition by its proponents. Quite appropriately, Talib (1987) argued that federal character is a subject “which though vague in meaning, yet is full of meaning, especially in regard to the realization of national goals and aspirations” (p. 17). Afigbo (1987) was more trenchant on his assessment of this situation. He argued that the acceptance of the principle by most members of the Constitution Drafting Committee “lay partly in its novelty, partly in its cosmetic character, partly in its rhetorical appeal, but above all in its vagueness” (p. 22). At best it was adopted only to pour oil on troubled ethnic waters. Indeed, ethnicity has posed a problem to national integration in Nigeria right from the colonial days. In fact, the struggle among the ethnic groups nearly delayed the country’s independence due to the fear of southern domination harboured by the north. This coupled with the minority agitations have made ethnicity to occupy the center-stage in political discussions in Nigeria. While the proponents showed revulsion of the fissiparous tendencies, the solution proffered in the name of federal character is a fecund source of ambiguity and a strategic retreat from the problem. Or how can one explain the contradictions in its definition by the Constitution Drafting Committee (CDC) (1976) which defined the federal character of Nigeria as:

the distinctive desire of the peoples of Nigeria to promote national unity, foster national loyalty and give every citizen of Nigeria a sense of belonging to the nation notwithstanding the diversities of ethnic origin, culture, language or religion which may exist and which it is their desire to nourish, harness to the enrichment of the Federal Republic of Nigeria (p. 8).

It is strange that the CDC saw federal character as a desire to promote national unity. Therefore, federal character was only defined not substantively, but by its objectives. It argued for instance that it is the desire of Nigerians to nourish and harness the diversities of ethnic origin, culture, language or religion for the enrichment of the Federal Republic of Nigeria. National integration was therefore not the intention of the proponents of federal character. If the methods of ethnic division, differentiation and particularism cannot achieve it, then there is a contradiction between means and goals. That is why Ayoade (2004) stated that “the reason for this contradiction arises from the fact that it is a hegemonic device to strengthen the story. It is a constitutional device for the disempowerment of the weak by the dominant northern elite” (p. 10).

However, the constitution contained clauses which forbid the domination of one group over the others. Similarly, Ezenwa (1987) noted that:

Federal character arose out of the need to correct the anomalies that emanated from the random and uneven distribution of natural and economic resources and thus doubtful of whether such principle could correct such anomalies that have already been inculcated and imbibed by the various ethnic groupings in Nigeria. (p. 87).

But Talib (1987) saw “federal character as a method for the equalization of persons, distribution of amenities and a formula for fair distribution” (p. 18). Also, Yoloye (1987) simply put that “the concept of federal character is that when any national amenity is shared each section (in this case, ‘state’) should have an equitable number of portions” (p. 52). However, one can say that national amenities should be spread equitably over all states of the federation. Thus, the problem has been in agreeing on the criteria of equitability. At one extreme, one could say that distribution should reflect the federal situation as it is while at the other extreme one could say that distribution should reflect federal situation as it ought to be. Even this is an over simplification because it depends on what variable is selected for defining the situation as it is. Consider the case of admissions to University for example, suppose the variable selected were total population in each state, the numbers that would be regarded as equitable would be quite different from those which would be so regarded if the

variable selected were population of academically eligible candidates in each State. Thus, Olagunju (1987) on the other hand stated that “the concept of federal character was an attempt to forestall a particular group, state or religious belief from controlling the reins of government at the centre” (p. 37). The fear then and now is that such a control is inimical to integration. This objective desire is expressed in the Constitution (1979) Section 14 Sub-section 3 which says that:

The composition of the government of the federation or any of its agencies and the conduct of its affairs shall be carried out in a manner as to reflect the federal character of Nigeria and the need to promote national unity, and 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. (p. 8).

A number of observations may be made on the above quotation. In the first place, the emphasis has been on personnel in public service. Secondly, the provision is conditional, that is, it is intended to promote unity and loyalty to the nation; the assumption being that once you have fair representation in the personnel that compose public service institutions, a sense of belonging will naturally develop in favour of the nation. But differently, once the composition

of a federal agency reflects the diversity of the ethnic groups in the society, then that agency will naturally promote the interests of the nation. Thirdly, the question which has yet to be answered is whether the mere filling of positions along an ill-defined and vague concept like “national character” is itself sufficient to guarantee a sense of loyalty and belonging to the nation. In any case, one should ask whether national loyalty must always be superior to local feelings and interests in all phases of the life of a nation? No doubt, part of the answer to this question could be found in the parochial behavioural tendencies of public rather than with private (non-government controlled) institutions. This is not surprising because the public sector has dominated, from colonial times the fabric of the national society. Thus, according to Olagunju (1987), an attempt to find an adequate definition of the concept of federal character principle and its operational meaning has proved a wild goose chase.

2.2 Theoretical Framework

Our theoretical framework of analysis is the theory of distributive justice because of its relative proficiency in the analysis of federal character principle. Nzomiwu (1999) views it as the justice that “governs the relations of society (family, state, church) with its individual members whereby they are given a share in common good” (p. 26). This kind of justice is concerned with the

relation of the community with its members. Nzomiwu went further to explain that, “It regulates the measure of privileges, aids, burden or charges and obligations of individuals as members of the community. The individual member has fundamental rights over against the community, rights which the community must preserve and guarantee for him” (p. 89). This kind of justice ensures that every individual or group gets its own share of the national cake. The national cake, however, has to be distributed in proportion to needs, capabilities and merits.

Wallace (1977) also stated that distributive justice is justice which:

intends the good of each individual as a member of the community; it is related to legal justice in the sense that, the more the individual devotes his efforts to the common good, the more the community should also devote to his good. (p. 174).

Thus, this basic proportion must not be exaggerated, nor should it be considered in terms of commutative justice, for the relation between community and individual is not that of mere service and reward. Rather, special care should be given to the weak members and the more favoured are obliged to renounce any privileges, however they may have been obtained, that infringe on the basic rights and the true good of the other members of the

community. Similarly, Velasquez (2002) stated that, “distributive justice is concerned with the fair and proper distribution of public benefits and burdens among the members of a community. Burdens include work and the costs that must be paid to develop society’s productive capacities” (p. 628). The benefits include, all the goods that people want and that society produces. Although distributive justice operates in all organizations, it applies chiefly to how government distributes benefits and burdens among its members.

Explicitly, the subject of distributive justice touches many areas, from jobs to income, from taxes to medical services. Embedded in any answer to the question of how jobs should be assigned, income and taxes determined, and medical resources allocated will be a principle of distributive justice – that is, some assumption about the proper way of distributing what is available when there isn’t enough for all. For example, it is commonly argued that jobs should be distributed on the basis of talent and ability. Again, it is sometimes said that large corporations should be given tax breaks so they can reinvest their savings, thus increasing jobs and productivity, which in turn would benefit the whole of society. And some today claim that medical services should be provided on the basis of need. Each of these assertions implies some standard that should be considered in the distribution of certain resources: merit, social benefit, need.

Whether or not these or other principles should be taken into account is one basic concern of distributive justice.

Nevertheless, Aquinas (1967) submission seems to be slightly different from the above submissions, according to him distributive justice is the:

Justice which is to be exercised by the community (state, government) towards the individual members of the community. Distributive justice is administered according to “the proportion of equality” so that the person of higher merit or higher state receives more than the person of lesser merit or lower state (p. 70).

In corroboration to Aquinas assertion, Peschke (1979) further stated that “insofar as individuals and groups are not all equal in their qualifications, resources and dedication to the common welfare, aids, burdens and honours must be distributed in proportionate equality. For instance, the gradation of direct taxes according to income” (p. 233). Hence, disproportion in the distribution of burdens and partiality in the award of favours is contrary to distributive justice. In addition, Messner (1949) said that “this form of justice imposes an obligation to share burdens and benefits in accordance with the proportion equality demanded by the common good” (p. 322). Every individual

has basic rights within the community as a whole and each of its agencies and members must recognize. This aims at the establishment and preservation of a just order in the relationship between the community as such and its members. Its role is to ensure that the goods which the community possesses are distributed in proportion to the merits and rights of each; hence the name distributive. For Ekwutosi (2006), “it is the virtue which inclines a community or organization to promote the good of the individual. It requires a fair and proper distribution of public benefits and burdens, duties and privileges among the members of the community” (p. 125). Goods are distributed to the members based upon their kind of membership and according to their strengths and capabilities.

Therefore, the equality that is here involved is not a strict equality, but one that is proportional, for instance, the bank manager and the security man are not equally paid. The aim of distributive justice is the social good of the individual, his or her well-being as a member of the community. On the other hand, all the members are expected to contribute to the common good in proportion to their ability and opportunity. Distributive justice is violated by favouritism and partiality and the resultant effect is bad governance. Obi (2012) contends, that:

good governance eludes a society where there is no equitable distribution of public benefits, duties and privileges among the populace, where people put in the positions of management of public resources and to ensure equitable distribution of same mismanage this responsibility and always move towards, satisfying their selfish desires instead of the common good, where people are not free to choose who rules them, where people are denied both economic and political opportunities. (p. 183).

2.3 Empirical Studies

Federal character suggest an attempt to build a nation where equal opportunities abound and where every individual must feel that he has equal chance to participate without bias of ethnic affiliations. Federal character is both a reaction as well as a system. It is a positive reaction to correct those practices of the past, especially in the conduct of public management which tended to exploit the diversities of the nation and by so doing cause ill will. The federal character principles involve a deliberate plan to construct means of ensuring the proper distribution of amenities and government projects in the country.

Consequently, despite the fact that the 1979 constitution made provisions for federal character, serious and unacceptable imbalances still existed with deep feeling of marginalization and deprivation among some groups in the country. It is based on these antecedents that the 1999 Constitution of Federal Republic of Nigeria, Section 14, Subsection 3 states that:

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 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. (p.8).

However, it is quite clear that the federal character principle has exacerbated the main problem it was made to solve. According to Ayoade (2004) “the principle is the archilles heel of Nigerian politics. It is the most recent epiphany in the Nigerian troubled federal trilogy” (p. 117). Abubakar (cited by Obi and Abonyi, 2004) sees, “The principle in Nigeria as been symptomatic of the desire by the political class in the second republic to ensure access to and siphoning of national wealth through patron-client linkages” (p. 212). He

equally believes it creates a prebendal system which Joseph (1991) says could be seen as:

Not only as one in which the offices of state are allocated and then exploited as benefits by the office holders, but also as one where such a practice is legitimated by a set of political norms according to which the appropriation of such offices is not just an act of individual greed or ambition but concurrently the satisfaction of the short-term objectives of a subset of the general population. (p. 42).

In his own argument on the principle, Uroh (cited by Obi and Abonyi, 2004), stresses that preferential treatment to a group like the affirmative action in America is geared towards redressing certain state policies in the past, which were biased against certain groups. It is simply to correct some of the disequilibrium created by the past policies. He therefore asked the question; what past wrongs are the practice of federal character expected to right? Though he accepts the fact that, there is a great disparity educationally between the North and South but then it was a colonial policy backed by the Emirs in the North. The question then is, to what extent can the South be held responsible for the educational backwardness of the North? There appears to be none. Let us recast the question and say, now has the South benefitted in the

past as a result of a state policy which kept the North in the background education wise? If there is none, then on what basis are we applying a discriminating principle in admitting Nigerian citizens into public institutions of higher learning. The principle therefore weighs so low on the scale of social justice because not only are those discriminated against not holding any enviable position, despite what is considered to be their attainment educationally, thus, the preferred group cannot be described as victims of post discriminatory governmental or social policies; they have not been exploited by any group. Here, there is no guilty group which is morally bound to make reparation for past misdeeds.

Hence, Obi and Abonyi (2004) assert that, “the practice of federal character has only heightened mutual suspicion and acrimonies among Nigerians and has made them see themselves foremost as members of their primordial group before anything else” (p. 214). That is, why our past leaders did not all go out for a Nigerian nation that we can truly call our own. While some were for an indissoluble Nigeria, others were for their ethnic groups. After the formation of Nigeria on January 1, 1914 by Lord Lugard, using the name suggested by his would be wife Miss Flora Shaw, some of our nationalists did not believe that there is anything like Nigeria anywhere. Chief Obafemi Awolowo (1947) for

instance placed national interest secondary to ethnic group interest. He saw Nigeria as a mere geographical expression distinct and antonymous ethnic groups that are not related to one another. In his words:

Nigeria is not a nation. It is a mere geographical expression. There is no “Nigerians” in the same sense as there are “English”, “Welsh” or “French”. The word “Nigeria” is merely a distinctive appellation to distinguish those who live within the boundaries of Nigeria from those who do not. (p. 47).

He stood for the recognition of the different ethnic groups as independent nations, just as the English, Russians and all, arguing that having a common overlord does not break their barriers and idiosyncrasies. Awolowo (1947) further asserted that:

It is a mistake to designate them (ethnic groups) “tribes”. Each of them is a nation by itself with many ethnic groups and classes. There is as much difference between them as there is between Germans, English, Russians and Turks, for instance. The fact that they have a common overlord does not destroy this fundamental difference. (p. 48).

Similarly, Imam (cited by Coleman, 1958) declared that the northerners did not trust the southerners in the same country. He said, “to tell you the plain truth,

the common people of north put more confidence in the white man than the either black southern brothers or the educated northerner” (p. 360). In corroboration to the views of Imam on this mutual suspicion, Balewa (cited by Coleman, 1958) also said that:

Many (Nigerians) deceive themselves by thinking that Nigeria is one...particularly some of the press people... this is wrong. I am sorry to say that this presence of unity is artificial... the southern tribes who are now pouring into the north in ever increasing numbers, and are more or less domiciled here do not mix with the northern people and we in the north look upon them as invaders. (p. 361).

Simply put that amongst our great leaders, that the federal character principle is to them a mere theory which cannot be practicalised judging by their various submissions that the unity of Nigeria is artificial. Balewa even went to the extreme to declare that the southerners were invaders, a very strong term that might have emanated from a heart with malice and as such negating the very essence of national integration and federal character principle.

Hitherto, the ideals of the federal character principle in Nigeria are not observed as enshrined in the constitution. Even the introductory speech to the

1999 constitution itself holds that the essence is for us to be united and in harmony:

To live in unity and harmony as one indivisible and indissoluble sovereign nation under God dedicated to the promotion of inter-African solidarity, world peace, international co-operation and understanding. And to provide for a constitution for the purpose of promoting the good government and welfare of all persons in our country on the principles of freedom, equality and justice, and for the purpose of consolidating the unity of our people. (p.1).

The irony here is that we profess to be desiring unity and harmony irrespective of our creed, language and culture, we are one nation bound in freedom. But are we really free? Are we truly advocating this unity and harmony? Because some unwarranted speeches of notable Nigerians to a very large extent stultifies this claim of oneness in Nigeria. For instance, Fasehun (cited by Odey, 2003) said that:

The Yoruba are quite ready now to defend themselves. We have a ready-made organization, the OPC, if people are working for the unity of this nation; the Yoruba have always worked for the unity. If people want to dismember this nation, the Yoruba cannot

constitute Nigeria alone, so if others says there is no Nigeria, so be it (p.62).

On the other hand, Datti (cited by Chukwuma, 2010) in his own words threatened that, “If they (the Igbo and the Yoruba) do not want us to live together, let them go their way and we go our way, let everybody go his own way and let us see who will cry first” (p. 496). These comments among others are not complimentary at all, they do not speak well of a nation that wants to integrate and establish a formidable federal character principle, instead they are best described as sounds of disintegration.

Consequently, religion is another factor that aggravates the poor implementation of federal character in Nigeria. The two major religions in the country, Islam and Christianity appear to be thorny impediments to Nigeria. They are in a seemingly unending conflict and battle of supremacy. Buhari (cited by Chukwuma, 2010) said:

I will continue to show openly and inside me the total commitment to the Sharia movement that is sweeping all over Nigeria. God willing, we will not stop the agitation for the total implementation of the Sharia legal system in the country. (p. 495).

Ojukwu (cited by Odey, 2003) reacting to the issue of religious intolerance said that, we are tired of being threatened. No religion has a monopoly of violence, if, for instance, you tell me about the jihad, know that we also had our crusades too, and you did not fare any better. The attempt to dominate each other had often led to conflicts and wars, more often than not silent warfare. The adherents to these religions do not believe that there is anything good in the other. Religious differences and antagonisms form a great obstacle to national integration.

However, Tamuno (2004) considers this conclusion inescapable in the sense that:

“Federal character” will begin and end as an artificial principle for as long as the concept of Nigeria, as a common motherland or fatherland, remains largely a dream among the ranks of the elite and the masses. Realities on the ground, nicknamed “Nigerian factor”, tend to be effective dream-killers. (p. 23).

On the other hand, Babangida (1993) a former president of Nigeria optimistically said, “if, in the pursuit of their interest, the British created Nigeria, today, Nigeria has come to have a different meaning for us. If Nigeria used to be a mere geographical expression, it is now an organic state” (p. 1). If

the above statement represented the truth, the whole truth and nothing but the truth, groans and pains before and since the nullification crisis over the June 12, 1993 exercise, contemporary terror and fire in Nigerian towns and cities, overwhelming hunger and disease in rural areas, mass rush to new-fangled religious homes as well as traditional herbal/ritual centres and the like, would not have featured prominently as they have done in Nigeria's recent print and electronic media. Indeed, "under an organic state" (if properly understood), peace, security, stability, prosperity, unity and national integration would have been achieved at lesser cost.

2.4 Summary of Literature Review

Nigeria is a country of extraordinary diversity and as such, one of extraordinary complexities. These complexities are a reflection of the avalanche of ethno-cultural and religious groups co-habiting the territory and the intricacies of interaction among them. Giving the territorially delineated cleavages abounding in Nigeria and the historical legacy of division among ethnic groups, regions, and sections, the federal imperative was so fundamental that even the military government attached importance to the continuation of a federal system of government. But, while the system benefits most western countries, the reverse is the case for Nigeria considering the high level of political

instability and ethno-religious diversities. This is evident in the famous statement of Awolowo (1947) that Nigeria is not a nation but a mere geographical expression, that there are no 'Nigerian' in the same sense as there are 'English', 'Welsh' or 'French', it is a mistake to designate them tribes. Each of them is a nation by itself with many tribes and clans. The fact that they have common overlords does not destroy this fundamental difference.

In 1953, during the debate on the famous motion for independence by Chief Anthony Enahoro, Sir Ahmadu Bello, premier of the Northern region and leader of the ruling NPC (Northern People Congress) made one of the most eloquent cases for true federalism when he said that sixty years ago there was no country called Nigeria. What is now Nigeria consisted of a number of large and small communities all of which were different in their outlook and beliefs. The advent of the British and of Western education has not materially altered the situation and these many and varied communities have not knit themselves into a composite unit. Thus, not only were Awolowo and Sir Ahmadu Bello's statement absolutely correct, it is even more accurate about today's Nigeria than the Nigeria of 40s. Inter-ethnic intolerance which has become chronic, confirms that we are a country of nations as is evident from the clashes we have experienced since the return of civil domestic rule in 1999.

However, cognizance of the existence of latest threats to the future political stability of the emergent nation-state, the founding fathers were desirous of a system of government that would neutralize the political threats and accommodate the divergent interest of the various ethno-cultural groups. This desire eventually found expression in the federal system of government as a diversity management technique. But, with the advent of the 1979 and 1999 constitutions, there has been a profound change in the practice of federalism in the country in the sense that the system has been practiced in an awkward manner and this has called for questions whether Nigeria is truly operating a true federal system. This question has further accentuated by recent damning report of the national intelligence control of the United States Government which forecasted that by the year 2020, Nigeria might cease to exist as a nation-state.

CHAPTER THREE

NIGERIAN FEDERALISM AND FEDERAL CHARACTER PRINCIPLES

Federalism is essentially a compromise solution in a multinational state between two types of self-determination-The determination provided by a national government which guarantees security for all in the nation-state on one hand and the self-determination of component groups to retain their individual identities on the other. Federalism emanates from the desire of people to form a federal union without necessarily losing their identity. Thus, federalism is an attempt to reflect the diverse political, social, cultural and economic interests within the broader framework of unity. It therefore attempts to satisfy the need for cooperation in some thing coupled with right to separate action in others. Only federalism fulfills the desire for unity where it co-exists with a determination not to smother local identity and local power.

Federalism emphasizes non-centralization of powers. Each component unit of federal system has its powers and functions delineated and guaranteed in a constitutional document. The doyen of federalism, Wheare (1967) said that federalism “is the method of dividing powers so that the general and regional governments are each within a sphere coordinate and independent” (p. 12). There is greater inter-dependence among component federal units and less

autonomy for subnational units than Wheare had anticipated; but he was correct to emphasize that the division of powers should be such that whoever has the residue, neither general nor regional government is subordinate to the other.

Thus, in practice, no country has been able to embody all these federal principles in its traditional definition. In fact, it is generally agreed that federal systems vary in content from one country to another. The particular political colouring that a country's federal government takes, is often reflective of its historical experience, its political, cultural, social and economic environment and the disposition of its people at a particular point in time. There is no ideal model of federalism, it responds to local problems. The old Whearist model of federal association in terms of relations among component units does not exist anywhere in the world now. Thus, Sarkaria (1991) correctly observed that:

The classical concept of federation which envisaged two parallel governments of coordinate jurisdiction, operating in isolation from each other in watertight compartments, is no where a functional reality now with the emergence of the social welfare state, the traditional theory of federalism completely lost its ground. After the first world war, it became very much a myth even in the old federations... By the middle of the twentieth

century, federalism had come to be understood as a dynamic process of cooperation and shared action between two or more levels of government, with increasing interdependence and centurist trends. (p. 3).

The complexity of modern governance, the need for homogeneity within the state, as well as the nature of foreign trade (among other reasons) have contributed to the increase in the power of central government in most federal states, except perhaps in countries such as Belgium.

The United States of America is regarded as one of the best examples of federal government in practice. The United States example, which is buttressed by various discourses documented by its founding fathers, has experienced adjustments over time in response to new problems and political emergencies. Thus, United States federalism in the 1890s or even in the 1930s is different from federalism in the United States of 1990 or 2000. This process of adjustment is normal. As integrative process in a nation-state positively advance, adjustments will also become necessary in intergovernmental relations. In addition, the complexity of modern government (thanks to technological revolution) makes the traditional concept of federalism inappropriate, especially after the second world war. Thus, as mentioned

earlier, a greater degree of interdependence of component governments in a federal state has become inevitable. In the same vein, the traditional concept of 'independence' or 'autonomy' of component unit has also changed. The very process of interdependence implies some erosion of that traditional concept of independence of component units.

3.1 The Origin of Federalism in Nigeria

Some scholars opine that federalism was introduced in Nigeria by the British for administrative convenience. Some are of the view that Britain imposed federalism on Nigeria in order to maintain some control on the country after independence. Others believe that the British colonialists adopted federalism in Nigeria to solve the problem of how to keep the large and ethnically diverse groups of people together. In fact, the British themselves only came to understand the nature and character of the territory after the colonization. But the situation was even worse for the Nigerians. For some, it was, involuntary and traumatic. For yet others, it was at best an affection for the unknown. But for all of them, it was a forced brotherhood and sisterhood which has been the subject of continual tinkering panel beating and even attempted dissolution because of differences in religion, ethnicity and language. In fact, an eminent Nigerian political actor Awolowo (1947) described the product of the

experiment as 'a mere geographical expression' while another equally prominent actor Bello (1962) described the making of Nigeria as 'the mistake of 1914.' This problem is complicated by the size and complexity of the country called Nigeria. The political history of Nigeria has since been dominated by efforts at fashioning a system suited to the peoples perception of the circumstances and needs of their new nation.

Regardless of the status of each of these arguments, all the view points are useful in tracing the origin of federalism in Nigeria. Thus, the origin of the federal system in Nigeria can be traced to the amalgamation of the Southern and Northern Protectorates in 1914. Prior to this period, The geo-political entity known as Nigeria was made up of different empires, kingdoms and autonomous communities (Oyo, Bornu, Sokoto, Benin, and so on), before the coming of European traders and the introduction of colonial administration. Lagos was annexed by the British in 1861 and made a colony. It was ruled from the colonial office. The inland river valleys and surrounding areas were controlled by Royal Niger Company (RNC) while the foreign office was incharge of Niger Coast Protectorate. The areas that constitute the present Nigeria were systematically brought together in 1900 and put under one administrative unit.

Lagos Colony and Southern Protectorate were later combined to the colony and Southern Protectorate of Nigeria in 1906.

Nevertheless, in 1914, Lord Lugard amalgamated the colony of Lagos and Southern Protectorate with the Northern Protectorate to be known as the colony and Protectorate of Nigeria. This merging could be said to be the source of the political/socio-economic problems Nigeria experienced during the pre-independence and post-independence periods. He introduced the indirect rule system in the North through the use of Emirs. He also introduced the system in the West with little modifications while warrant chiefs were appointed in the East. Viewing indirect rule as a policy of colonial administration, Nnoli (1980) asserts that, indirect rule widened the social distance among the command groups in Nigeria, thereby reinforcing the ethnocentric factor in the emergence of ethnicity.

Another area of instability was the introduction of 1922 Clifford Constitution which established legislative council. The council was to legislate for the colony and the southern Protectorate to the exclusion of the Northern Protectorate. The Southerners therefore participated in their legislative affairs before the North. The Northern and Southern protectorates were not brought under one legislative body until 1947. Sir Bernard Bourdillion as Governor of

Nigeria divided Southern protectorate into East and West provinces, this created structural imbalance between the North and the South. The 1946 Richards Constitution introduced regionalism, these regions (East, North and West) had both majority and minority ethnic groups situated within each region. Hausa-Fulani, Yoruba and Igbo are majority ethnic groups in the Northern, Western and Eastern regions respectively. These regions were unequal; the northern region was more than the West and East when combined in both population and land mass. Regionalism sharpened the dichotomy between the North and South and also encouraged major ethnic groups within their (majority) regions. Regionalism further introduced into Nigerian politics sectionalism by promoting the interest of one region at the detriment of others. Viewing what policy of regionalism has caused, Ogurojemite (2001) concludes that it has created disunity and also by reducing the country into a tri-national state.

The Macpherson Constitution of 1951 retained national legislative body and regions created by the Richards Constitution. The Northern region had fifty or more representation in the national legislative body than the Eastern and Western regions when combined. So the fears of minorities in the three regions (East, North, West) persisted. These fears were on domination, marginalization

and oppression, as it had to do with distribution of government positions and amenities.

Hence, the practice of federalism in Nigeria was officially adopted through the Lyttleton Constitution of 1954 as it was the first genuine federal constitution of the country. The constitution was introduced due to the crises generated by the Macpherson constitution, especially the motion of self-government and the Kano riots of 1953. To Oyedele (1999), these events convinced the colonial administration that considerable regional autonomy must be granted to the regional governments and that only federalism could hold the Nigerian peoples together.

Nigerian federalism became consolidated at independence and since then, it has been operating in both political and fiscal contexts, although not in full consonance with the basic principles of federal practice. Nigeria's federal system has oscillated between the excessive regionalism that marked the first republic (1960-1966) and the excessive centralization of the military and relatively, the post military era. Nigerian federalism overtime has also undergone structural changes by which the federation moved from its initial three-region (North, South and West) structure at independence to a four-region (North, North Central, South and West) structure by 1964, and to its current six

geo-political zones with thirty-six states structure including seven hundred and seventy-four local governments. These changes have been necessitated by the need for a balanced federation that would give all nationalities self-actualization and fulfillment.

3.2 The Structure of Federalism in Nigeria

Prior to the advent of the British to Nigeria, Nigeria consisted of different ethnic groups, principal amongst them are Igbo, Hausa and Yoruba who took care of their political, social and even economic problems. They evolved their own system of governance and existed along side their neighbours. Economic, social and political interactions between the different groups were not ruled out but were done according to the dictates of the different groups. On colonizing Nigeria, the British divided Nigeria into three territories-The northern protectorate, the southern protectorate as well as the colony of Lagos. In 1906, the colony of Lagos was merged with the southern protectorate and later in 1914, the southern and northern protectorates were eventually merged by Lord Lugard. The main reason behind the amalgamation was that the British officials wanted to use minimal resources (materials and humans) to achieve maximum results. At this point, there was no elucidation by the British as to what shape the political structure of Nigeria would take.

After the amalgamation of Nigeria, British officials were reluctant to allow participation of Nigerians in government. However, with the increase in the spate of nationalism in Nigeria, as well as the aftermath of the second world war, Nigerians like Hebert Macaulay, Dr Nnamdi Azikiwe were welcomed into governance in different levels. The interaction between Nigerian and British officials led to different constitutional conferences which attempted to find the best political structure for Nigeria.

Hitherto, Nigerian federalism overtime has witnessed a lot of structural changes which has metamorphosed from three-region structure at independence to its current thirty-six states structure including seven hundred and seventy-four local governments. To Adeyeri (2010), “these changes have been necessitated by the need for a balanced federation that would give all nationalities self-actualization and fulfillment” (p. 26). This structure has three tier levels of government, they are Federal government, State government and Local government. The Federal government is the first tier while State is the second and local government is the third tier. They all perform independent function and co-ordinate function. But in practicing, the power of the first tier of government (Federal government) tends to supersede the powers of the state and Local government. Nigeria was a federation of two province in 1922, three

regions in 1939, four regions in 1963, twelve states in 1967, nineteen states in 1976, twenty-one states in 1987, thirty-states in 1991 and thirty six states in 1996 with Abuja being the Federal Capital Tertiary. However, these changes have increased imbalances in the Nigerian federation as exemplified in continued centralization and concentration of power at the centre with its attendant consequences. True, state and local government creation exercises have helped to spread development across the country to some extent; it is equally true that inspite of the structural changes, the Northern region remains dominant over others so much that it is the decider on matters of joint deliberation, due to their higher number of legislatures in the National Assembly.

The dominant and domineering posture of the Northern region over other sections of the country is traceable to the advent of the federal system in Nigeria. Extant sources show that the North's 281 and 782 square miles constitute three quarters of the country's total land mass. Due to this uneven structure, even when new states are created, the North continues to occupy over 50% of states in the country. Thus, the Northern geopolitical zone enjoys certain advantages in terms of resource allocation and federal appointments, particularly in cases where state representation is adopted as criteria. This

arrangement is a clear violation of one of the core principles of federalism, that of relative equality of component units in a federation. The arrangement is also a fulfillment of Mill's law of federal instability (cited by Oyedele, 1999) which "states that no federation can be stable when one part of it constitutes a permanent majority in joint deliberations" (p. 60). Nigerian federalism has thus not been able to adequately promote national integration and development as the country continues to face various protestations and agitations by groups against the current federal structure.

3.3 The Merits and The Demerits of Federalism in Nigeria

Nigerian federalism since inception has witnessed several fiscal and structural challenges as new realities emerge and this is not without major deficits, but like in all political organization, there is no perfect policy. Thus, the areas of strengths and weaknesses of the Nigeria federal structure is enumerated below:

3.3.1 The Merits of Federalism in Nigeria

Despite the numerous challenges besetting Federalism in Nigeria, it is with no doubt replete with advantages, such are;

Promotion of political Order - Federalism is referred as the appropriate form or organization, for instance in organic conception of the political and social order. The federation may promote co-operation justice or other value among

and within sub-units as well as among and with their constituent units. For instance, by monitoring legislation, enforcing or finding agreements, human rights, immunity, from interference of development starting with the family. Each larger unit is responsible for facilitating the floor of sub-unit and securing common authority. It caters for religious differences, as in Nigeria it allows for fair distribution of power on a territorial bases by adequate constitutional provision. The system makes administration easy because it operates in a very larger area and also for population which could be very difficult to govern. The federal system is suitable for a country with significant sectional differences.

Local Representation-Federalism offers representation to different populations. Indigenes of various states may have different aspirations, ethnicity and follow different cultures. The federal government can sometimes overlook these differences and adopt policies which cater to the majority. This is where the state government steps in. While formulating policies, local needs, tastes and opinions are given due consideration by the state governments. Rights of the minorities are protected too.

Localised Governance-Every state has political, social and economic problems peculiar to the region itself, state and local government

representatives live in proximity to the people and are most of the time from the same community, so that they are in a better position to understand their problems and offer unique solutions for them.

Scope for Innovation and Experimentation-Federalism has room for innovation and experimentation. Two local governments can have two different approaches to bring reforms in any area of public domain, be it taxation or education. The comparison of the results of these policies can give a clear idea of which policy is better and thus, can be adopted in the future.

Optimum Utilization of Resources-Division of work between the federal and state governments leads to optimum utilization of resources. The federal government can concentrate more on international and national affairs and defense of the country, while the state government can cater for the local needs of the masses.

3.3.2 The Demerits of Federalism in Nigeria

Federalism no doubt has many positives vis-à-vis communism or imperialism but still, some political scientists often raise questions about its advantages.

Uneven Distribution of Wealth-It promotes regional inequalities, natural resources, industries, employment opportunities differ from state to state,

hence, earnings and wealth are unevenly distributed. Rich states offer more opportunities and benefits to its citizens than poor states.

Promotes Regionalism- It can make state governments selfish and concerned only about their own states progress. They can formulate policies which might be detrimental to other states or indigenes of other states. For instance, the forceful repatriation of Anambra State indigenes by the Lagos state government and the retrenchment of non-indigene workers in Abia State by Abia state government.

Can lead to Corruption-Federal system of government is very expensive as more people are elected into office, both at the state and federal, than necessary. Thus, it is often said that only rich countries can afford it. Too many elected representatives with overlapping roles may also lead to corruption.

Pitches state against each other-Federalism can lead to unnecessary competition between different states. There can be a rebellion by a state government against the federal government too. Both scenarios can pose a threat to the country's integrity.

Framing of Incorrect Policies- Federalism does not eliminate poverty. Even in Abuja, there are poor neighbourhoods and slums. The reason for this may be that intellectuals and not the masses are invited by the government during

policy framing. These intellectuals may not understand the local needs of the masses properly and thus, policies might not yield good results.

It can lead to duplication of unnecessary governmental policies and inefficient over-lapping or contradictory policies in different parts of the country. A good example of this is the introduction of Sharia law by some Northern State Governors.

It is slow in responding to crises. This is because so many people are involved in the decision making process. For instance, the delay in the rescue of the kidnapped Chibok School girls by the Boko Haram Sect.

Federal system retards the loyalty to the Nation state, since indigenes of different states pay more loyalty to their home states. There is also conflict of interest and power between the federal government and the state government themselves. This is because the government in the federal system are independent and co-ordinate, none of the other units interferes with the cases of the other thereby making the case difficult to resolve.

3.4 The Emergence of Federal Character Principle in Nigeria

Federal character arose out of the need to reduce ethnic conflict arising out of competition for political power, government appointments, locating of public industries, offices and establishment of scarce, but highly needed public

infrastructure, employment into government organizations, and so on. Federal character is meant to ensure that these resources are evenly distributed among the various units of the federation.

Hence, the Constitution Drafting Committee (CDC) set up by the federal military government in 1975 spent the first two days of its inaugural session examining the causes of instability in Nigeria during the previous civilian regime and possible constitutional remedies. The committee debated different formulations of constitutional provisions, which would help to unite the society into one nation, check the growing cleavage between the social groupings and lead the country on in a concerted march to orderly progress. The committee observed that there had in the past been inter-ethnic rivalry to secure the domination of government by one ethnic group or combination of ethnic groups to the exclusion of others. The committee thought it necessary to have provisions to avoid a few ethnic or other sectional groups becoming predominant in the federal government or in the high offices of state. It was during the course of these debates on the fundamental principles and objectives of the new constitution that the phrase “federal character” came to be used. Thus, its definition as enshrined in Section 14(3) of the 1979 Constitution is:

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 manner as to reflect the federal character of Nigeria and the need to promote national unity and to command national loyalty thereby ensuring that there shall be no predominance of persons from a few states or from a few ethnic or sectional groups, in that government or any of its agencies. (p.8).

The same constitution, Section 14(4) stipulates also that:

The composition of the government of a state, a local government council or any of the agencies of such government or council and the conduct of the affairs of the government or council or such agencies shall be carried out in such manner as to recognize the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the federation. (p. 9).

In adopting the principles of federal character, the CDC recognized the heterogeneous nature of the Nigerian society. The CDC therefore decided to entrench the formula in the constitution to check these cleavages, ensure orderly progress of the country and to promote national unity, foster national loyalty and give every citizen of Nigeria a sense of belonging to the nation. The

idea of federal character principle is not new, its informal origins date back to the pre-independence days of nationalist agitation for participation in the administration of colonial Nigeria and especially after Nigeria became a formal federation in the fifties. Originally according to Agbodike (2004) during its informal application, “the federal character principle was mainly concerned with legislative representation and equalization of inter-regional opportunities in education and appointments at the federal level” (p. 182). But in its present formalized and institutionalized form, as embodied in the 1979 and 1989 constitutions, virtually every sphere of federal, state and local government operation is involved and consequently politicized.

As such, it has become a necessary adjunct to Nigeria’s federal practice, as it has informed the composition and operation of virtually every federal concern particularly in education, the armed forces, civil service, and party politics. But concern with federal character in terms of who gets what in the distribution of federal benefits – is not a recent phenomenon. Although federal character as a directive principle of state policy finally crystallized formally in the late seventies, its origins date back to pre-independent Nigeria, especially after Nigeria became a formal federation in the fifties. Similarly, according to Osaghe (1989):

It aimed then, as it still does now, at satisfying the valid claims of the diverse groups in the country to a place in the government of the federation, claims which, in the first place, necessitated a federal system with some consociational flavor. (p. 441).

The need to, as it were, balance the various claims in the face of uneven development among the groups, more than anything else, necessitated the introduction of federal character.

The principle of federal character then, is at the basis of the consideration, even resolution of the national question in Nigeria, a question which has remained unresolved since amalgamation in 1914. There is no doubt that a federal solution is accepted by the vast majority of Nigerians, as the institutional framework for dealing with this question as evidenced by the denial failure of General Aguiyi Ironsi's short-lived unitarist experiment in 1966, and by the survival of the federation after a bloody civil war (1966-1970), and by the acceptance (at least nominally) of a federal system by essentially unitarist military governments over the years. Within this federal framework, the federal character principle represents a crucial instrument for resolving the national question as it guarantees to every part of the federation, a place in central government and its agencies. But it is precisely how adequate the conception of

“parts of the federation” is, that determines the utility of federal character in resolving the national question and the nature of controversies which surround it.

Undoubtedly, federal character is crucial in Nigerian politics. Nevertheless, concern for it has not been all time high and has usually gravitated between dormant concern and an all pervading hyper-sensitive concern when the issue becomes a volatile national focus. This varying concern, attended as it usually is, by the fact of the ruling regime-civilian or military and by the national issues at stake, does not in any way reduce the sensitivity of the principle. Rather it indicates that, at some points when there is a change of government or party politics, but especially when it is felt that one or more groups dominates the federal government or its agencies naturally, everyone is interested in federal character. And yet at other times, when issues like state creation, revenue allocation, economic recovery and international disputes become central, they becloud or relegate the federal character issue. But a careful examination of the different situations will reveal that federal character is a lingering issue because it is closely related to those other sensitive issues or even reinforced by them. For instance, concern for national census involves federal character considerations because everyone recognizes that population figures are

important for representation quotas. Similarly, when new states are demanded, more often than not, the agitators are interested in furthering their national positions since federal character operates on the basis of states. One must be careful then, not to conclude erroneously that when the federal character debate is not topical, its sensitivity reduces, because it is closely interwoven with other facets of the national question.

To ensure the smooth application and operation of the federal character principle, create a sense of belonging and hope in all Nigerians and strengthen the nation's unity and stability, the 1995 Draft Constitution went further to provide for a Federal Character Commission. This Commission is empowered to work out an equitable formula for the distribution of all cadres of posts; to monitor, promote and enforce compliance with the principles of proportional sharing of posts at all levels of government and to take measures to prosecute heads of any government ministry, body or agency who fail to comply with the principle.

3.5 The Experience of Federal Character Principle in Nigeria

The principle of Federal character emphasizes the need for ethnic balancing as a necessity in the evolution of Nigerian citizenship and for ensuring less acrimonious relationships among the various peoples of Nigeria. According to

Saro-Wiwa (1985) the formula “will make for a more equal federation to which more people will owe loyalty because they see themselves represented meaningfully therein” (p. 7). To a quite reasonable extent, the formula has achieved this intention.

But unfortunately according to Agbodike (2004), “the federal character principle, while stressing the imperative of ethnic-balancing, invariably enthrones ethnicity and de-emphasizes the nation. In the process, too, it strengthens the parochial, particularist orientations and primordial ethnic attachments of Nigerians” (p. 183). These tendencies form the basis of disaffection among various groups in the nation. In addition, the formula has not adequately addressed the problems of the minorities especially in states made up of different and unequal ethnic groups.

The federal character principle has been manipulated by and channelled to serve the overall interests of the petty bourgeois ruling class. It is the members of this class who formulated and operate the principle. Even the debate on the principle, as carried in the Nigerian press and noted by Agbaje (1989), “has been mainly an elite preoccupation” (p. 117). Under the guise of the federal character principle, the members of the bourgeois class get themselves entrenched in power and exercise control over the machinery of state. Through

the application of this principle, too, they strive to reconcile their class differences through the operation of acceptable formula for the allocation, distribution and sharing of national resources and benefits among themselves. While they do this, they capitalize on and fan the embers of the ethnic differences among the various Nigerian peoples to win the support of the masses in their areas. And on the course of this elite game, members of this class climb to positions, amass wealth and enrich themselves. As the members of the ruling class pillage and loot the nation on behalf of the groups and interests which they represent, they widen the gap between the rich and the poor in the society. The exploitation implicit in the propensity of the elite to amass wealth is exacerbated by the capitalist structure of the nation's economy which, according to Awa (1972), compels the people "to use essentially their own devices to get what they can from the proceeds of the economy" (p. 62). And what is worse, the interests of the masses are ignored as they do not get an equitable share of the resources, privileges and benefits of the state in the process. Thus, as Gboyega (1989) has rightly observed, the federal character principle is merely "an elite ploy which would not materially improve the lot of the down-trodden in whose name it is raised" (p. 183). Under these circumstances, Agbodike (2004) asserts that:

there is bound to be acrimony and socio-economic conflict between the haves (represented by the ruling elite class) and the have nots (represented by the masses). Unless the interests of the masses are taken care of in the application of the federal character principle, in such a way that they have access to the basic necessities of life, the formula is bound to have little relevance to the integration problems of Nigeria. (p. 184).

It will at best provide an ambiguous and deceitful recipe for welding the federation together. Bourgeois solutions to instability in the country through the present structure of federal character can at best make the masses to remain passive to elite-directed efforts at nation-building. In the opinion of Ogunojemite (1987), national integration can only occur “through the progressive bridging of the elite-mass gap on a vertical plane...and developing a participant political community” (p. 224).

Hence, the federal character principle satisfies the quest for representatives and proportionality in allocating resources and in making appointments among various interest groups. However, in the application of the formula, as noted by Bodunrin (1989), choices are often made on the basis of criterion other than merit” (p. 307). For example, the quota system as applied in education leads to

lowering of standards against national interest. In the army it leads to the production of subgrade soldiers and officers. In the civil and public services of the federation, standards and professionalism are endangered and compromised. By eschewing meritocracy without recourse to standards, the quota system becomes morally reprehensible and act of injustice. Viewed from this perspective, the quota factor in the federal character principle becomes not only counter-productive but divisive, and as such constitutes a lag in the wheel of the peaceful and orderly progress and development in Nigeria.

On the hand, however, it has been argued that the quota system of the federal character principle is neither immoral nor unjust. Rather it should be seen as a variant of distributive justice. Kirk-Green (1971) argued that if the merit criterion is the only one used, most jobs would naturally go to the most enterprising and or educationally advanced of the Nigerian tribes. Thus, to ensure that the others do not feel deprived, the principle of federal character should be used to give them a sense of belonging. And as Lawson (1985) has conjectured, “the standards that enabled this sense of belonging to be achieved are not necessarily the highest obtainable or available” (p. 61).

In the civil and public services of the federation, it has been noted that as a result of the undue application of quota and lack of regard for merit in the

application of federal character principles, standards and professionalism are also compromised and endangered. Moreover, the use of the formula is known to imbue civil and public servants in the country with a tendency to developing constituency consciousness and to remove the safeguards which protect them from the ravages of politics. Above all, it creates tension and frustration among some public servants particularly in the south, whose career expectations are adversely affected by the need to reflect the federal character and who see the measure as a ploy to deprive them of jobs for the benefit of the Northerners. All these make the service an arena of sectional struggles and competition and make people to lose confidence in the impartiality of the government and the neutrality of the service as an instrument of state policy.

Consequently, it has been argued by a onetime chairman of the Federal Public Service Commission, that the federal character principles can enhance the efficiency of the service. Gboyega (1989) believes this can be achieved through fair representation which would command public confidence and greater cooperation, mutual trust and mutual respect among the public servants themselves. Thus, one of the major and most problematic features of the federal character principles, as presently operated is the complexity of the interests and units as represented by the North-South, State, Local government, ethnic and

religious group affiliations. For example, the creation of more states and local governments and the establishment of federal educational institutions in every state to enhance greater representational opportunities leads to the multiplication of governmental and administrative units and facilities which become disturbingly expensive to the nation. This is often done against the evidence of the inability of the new states and local governments to discharge their statutory duties as a result of their unviability. As a result, the federal character principle, asserts Bala (1977), “has deepened the problem it was devised to tackle” (p. 46).

3.6 Establishment of Federal Character Commission in Nigeria

The federal character commission was established by the military government of General Sani Abacha in 1996. Its establishment as a permanent body to redress issues of marginalization was recommended by the 1995 constitutional conference. The establishment of the commission followed the recognition of the defects in the previous constitution which felt short of creating a means to enforce compliance.

The commission is an autonomous body with its existence and independence guaranteed in part 1 of the third schedule of the 1979 constitution of the Federal Republic of Nigeria. Its vision, mission and mandate are as follows;

Vision- Achieving sustainable national consciousness to which all citizens can subscribe with conviction.

Mission- Channeling public investments towards sustainable development.

Mandate-To enforce the federal character principles which is aimed at ensuring fair and equitable distribution of posts and socio-economic amenities, infrastructural facilities amongst the federating units nationwide.

3.6.1 Targets of the Federal Character Commission

The Commission has been entrusted with various targets so as to ensure;

- That all fresh recruitments into the public service nationwide comply with the commission guidelines and formulae on equitable distribution of posts.
- That the best and most competent candidates from each federating units nationwide are employed to fill vacant positions meant for indigenes of such units. For this purpose, the commission shall ensure that employers of labour in the public service introduce and adhere to an open competitive selection process aimed at recruiting the best candidates available.
- That henceforth, distribution of public service investments in socio-economic amenities and infrastructural facilities shall be done in a

fair and equitable manner such that each federating unit nationwide is adequately catered for, provided that the proposed guidelines on this aspect are promptly approved by the appropriate authorities.

- The receipt, analysis and publication of up-to-date manpower statistics of all Federal Government Ministries, Agencies and Parastatals by December 31, 2005.
- Regular periodic update of the manpower statistics of Federal Government Ministries, Agencies and Parastatals and be made easily accessible on the website.
- That it provides, within five working days of the receipt of a written request by any member of the public, any information on manpower statistics relating to any Federal Government Ministry, Agency or Parastatals which are not available on the website provided such information are not classified.
- That it reduces by at least 20% the margin of existing imbalances in the level of representation of the federating units in Government, Ministries, Agencies and Parastatals by July, 2007, provided the embargo on recruitment into the public service is lifted.
- That each state of the federation and FCT, respectively attain not less than the statutory 2.5% and 1.0% representation in the

manpower distribution of each of the Federal Government Ministries, Agencies and Parastatals by 2010.

- That upon receipt and registration of any petition at its head office, the commission shall within five working days acknowledge receipt and refer same to the relevant department or state office in appropriate cases for investigation.
- That where a petition was submitted at any state office of the Commission and the state office is of the view that the subject matter is one which should be handled by the head office, it shall transmit the petition to the head office within one week of the date of receipt.
- That where a petition discloses a prima facie case of violation of the guidelines and formulae, it shall within three weeks forward a copy of the petition to the offending agency for its reaction.
- That the requisite enforcement machinery is set in motion within two months of the receipt of the reaction of the offending agency.
- That within three months from the date of conclusion of investigations, it sets in motion machinery for prosecution of defaulters of the Federal character Guidelines and Formulae and

may, in appropriate cases give defaulters an opportunity to make amends.

- That within one week of conclusion of investigations, it notifies the petitioner of the outcome.

3.6.2 Functions of the Federal Character Commission

The functions of the Commission as outlines in sections 4 and 5 of the establishment Act No. 34 of 1996 as well as paragraph 8 section C, part 1 of the 3rd schedule of constitution empowers the commission:

- 1.(A) To work out an equitable formula, subject to the approval of the president, for the distribution of all cadres of posts in the civil and public service of the Federation and State, the Armed Forces, the Nigerian Police Force and other security agencies, corporate bodies owned by the Federal or a State Government and Extra-Ministerial Departments and Parastatals of the Federation and States, the Armed Forces, the Nigerian Police Force and other security agencies, corporate bodies owned by the Federal or a State Government and Extra-Ministerial Departments and Parastatals of the Federation and States.

- (B) To promote, monitor and enforce compliance with the principles of proportional sharing of all bureaucratic, economic, media and political posts at all levels of government.
- (C) To take such legal measures including the prosecution of the heads or staff of any ministry, extra-ministerial department or agency which fails to comply with any federal character principle or for a prescribed or adopted by the Commission.
- (D) To work out
 - (I) an equitable formula, subject to the approval of the president, for distribution of socio-economic services, amenities and infrastructural facilities.
 - (II) modalities and schemes, subject to the approval of the president, for redressing the problem of imbalances and reducing the fear of relative deprivation and marginalization in the Nigerian system of federalism as it obtains in the public and private sectors.
- (E) To intervene in the operation of any agency of the federal government, subject to the approval of the president, where in the opinion of the commission the function of the agency concerned is relevant to the

functions of the commission and the commission is of the opinion that it is not being effectively implemented.

(F) To advise the Federal, state and local government to intervene and influence providers of services, goods and socio-economic amenities to extend such services, goods and socio-economic amenities to deprived areas of the country.

(G) To ensure that all Ministries, Extra-Ministerial departments and Agencies and other bodies affected by this act have a clear criteria indicating conditions to be fulfilled and comprehensive guidelines on the procedure for;

(I) determining eligibility and the procedure for employment in the public private sectors of the economy.

(II) the provision of social services, goods and socio-economic amenities in Nigeria.

(H) To ensure that public officers shall in the performance of their duties adhere strictly to rules and regulations made pursuant to this Act.

(1) To advise the Federal Government of Nigeria on the structure and rationalization of any Ministry, extra-ministerial department or agency and to carry out such other functions as the president shall, from time to time assign to it.

- (2) For the avoidance of doubt:
- (A) The posts mentioned in paragraph (a) and (b) of subsection (1) of this section shall include those of the permanent secretary in the civil service of the federation or the state civil service, Directors-General in Extra-Ministerial Department and Parastatals, Directors in Ministries and Extra-Ministerial Departments, senior Military Officers, Senior Diplomatic Posts, Managerial Cadres in the Federal and State Parastatals, Corporate Bodies, Agencies and Institutions.
- (B) Socio-economic services, amenities and facilities mentioned in paragraph (d) of subsection (1) of this section include those in the sectors of education, electricity, transport and youth development.
- (3) Any person who fails to comply with the guidelines issued under paragraph (h) of subsection (1) of this section is guilty of an offence under this Act and liable to penalties specified in Section 15(1) of this Act.
- (4) Notwithstanding any provision in any other law or enactment, the commission shall ensure that every public company or corporation reflects the federal character in the appointment of its directors and senior management staff.

3.6.3 The Powers of the Federal Character Commission

The Commission shall have power to:

- (A) Formulate and provide guidelines for government agencies and other employers and providers of service and socio-economic amenities.
- (B) Monitor compliance with the guidelines and formulae at Federal, State, Local governments and zonal levels in the employment and provision of socio-economic amenities.
- (C) Enforce compliance with guidelines and formulae in areas of the provision of employment opportunities, distribution of infrastructural facilities, socio-economic amenities and other indices.
- (D) Compel boards of directors of government owned companies and other enterprises, which are subject to the provisions of this Act, to comply with the guidelines and formulae on ownership structure, employment and distribution of their products.
- (E) Demand and receive returns on employment and socio-economic indices from any enterprise or corporate body and penalize any enterprise which does not comply with a request from the commission.
- (F) Undertake the recruitment and training of staff of government agencies or departments where desirable.

- (G) Institute investigation into any matter relating to any institution or organization which is subject to the provision of this Act and if the institution or organization concerned fails to cooperate with the commission, the institution or organization shall be required to bear the cost of such investigation and
- (H) Do anything which in the opinion of the Commission is incidental to its functions under the Act

3.6.4 Guiding Principles and Formulae for the Distribution of Posts at National and State Levels

National Level

- I) The indigenes of State of the Federation shall constitute not less than 2.5 per cent or more than 3 per cent of all officers including junior staff at the head offices of any national institute, public enterprise or organization. In the case of branches or local offices, not less than 75 per cent of these categories of staff shall be indigenes of the catchment areas.
- II) Where the indigenes of a state or the Federal capital Territory area not able to take up all the vacancies meant for them, the indigenes of any other State(s) or the Federal Capital Territory within the same

zone shall be given preference in filling such vacancies. Provided that where the zone to which the preference is given fails to take up such vacancy the indigenes from any other zone shall be considered for the appointment.

- III) Where the number of vacancies are not sufficient to go round the 36 states of the federation and the Federal Capital Territory, the vacancies shall be shared among the zones such that the indigenes of a particular zone shall not constitute than 15 percent or more than 18 percent.
- IV) Within a zone, the indigenes of a particular state shall not constitute less than 12 percent or more than 15 percent in the case of North Central and North West, not less than 15 percent or more than 18 percent in the case of North East, South South and South West and not less than 18 percent or more than 22 percent in the case of South East. The states in the six zones consist of the following;
 - (A) North Central -Benue, Federal Capital Territory, Kogi
 - (B) North East-Adamawa, Bauchi, Borno, Gombe, Taraba, Kwara, Nasarawa, Niger, Plateau, Yobe.
 - (C) North West-Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto, Zamfara.

- (D) South East -Abia, Anambra, Ebonyi, Enugu, Imo
 - (E) South South-Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Rivers
 - (F) South West-Ekiti, Lagos, Ogun, Ondo, Osun, Oyo
- V) Appointments into the leadership of all Ministries, Departments, full-time commissions, public corporations and tertiary institutions, the armed forces, police and other security agencies shall be done such that each state or zone shall be represented equitably in accordance with the appropriate formula.
- VI) Equitable and proportional representation of leadership in Federal Ministries -The leadership of Federal Ministries shall comprise the Permanent Secretary, Directors, Deputy Directors and Assistant Directors, and equivalent positions in other relevant agencies and shall be such that they do not come from the same zone. At the level of Director down to Assistant Director, there shall be an equitable and proportional representation of both the zones and the state of the Federation within each zone. In the case of the Ministry of Foreign Affairs, the Federal character principle shall also apply to the postings of heads of diplomatic missions.

VII) Public Political Offices at National Level- As far as practicable, the appointment to the various categories of political offices shall be done on the basis of equitable representation of the state of the Federation and the Federal Capital Territory or zones as appropriate using the relevant formula while the distribution of offices to the states and the Federal capital Territory within a zone shall comply with the formula applicable to the zone. The political offices concerned include;

- (A) Ministers of Cabinet rank.
- (B) Ministers of State.
- (C) Special Adviser to the President.
- (D) Non-Carrier heads of Nigerian diplomatic missions.
- (E) Chairman and members of statutory Federal agencies.

State Level

- I) The federal character principles which apply to the federal service in relation to the states shall apply to the state services in relation to the local government.
- II) The local government shall be equitably represented. Thus, the formula for sharing and distribution of posts among the local government area

shall be as specified below or on the basis of senatorial districts as appropriate with a percentage range of between 30 and 35:

State	No. of L.G.A.	Average Per L.G.A.	% Range for sharing
Abia	17	5.88	4/7
Adamawa	21	4.76	4/7
Akwa Ibom	31	3.23	2/4
Anambra	21	4.76	4/7
Bauchi	20	5.00	4/6
Bayelsa	8	12.50	10/14
Benue	23	4.34	3/5
Borno	27	3.70	2/4
Cross River	18	5.55	4/7
Delta	25	4.00	3/5
Ebonyi	13	7.69	6/9
Edo	18	5.55	4/7
Ekiti	16	6.25	5/7
Enugu	17	5.88	4/7
Gombe	11	9.10	8/10
Imo	27	3.70	2/4
Jigawa	27	3.70	2/4
Kaduna	23	4.34	3/5
Kano	44	2.27	1/3
Katsina	34	2.29	2/5
Kebbi	21	4.76	4/7

Kogi	21	4.76	4/7
Kwara	16	6.25	5/7
Lagos	20	5.00	4/6
Nassarawa	13	7.69	6/9
Niger	25	4.00	3/5
Ogun	20	5.00	4/6
Ondo	18	5.55	4/7
Osun	30	3.33	2/4
Oyo	33	3.03	2/4
Plateau	17	5.88	4/7
Rivers	23	4.34	3/5
Sokoto	23	4.16	3/5
Taraba	16	6.25	5/7
Yobe	17	5.88	4/7
Zamfara	14	7.69	6/9
FCT	6	16.67	15

In furtherance of the measures aimed at ensuring compliance with these constitutional and statutory provisions, the following procedure shall be followed in filling all vacancies, particularly at the entry point;

- Each MDA shall ensure proper manpower planning in accordance with its authorized staffing/manning level.
- When there is a need to recruit staff, available vacancies shall be harvested and identified cadre by cadre.

- The spread of all vacancies to be filled shall be predetermined in relation to the current levels of (Federal Character) representation, by states or zones at a joint meeting of MDA and the FCC.
- The MDA shall ensure and provide comprehensive job description (academic qualifications and cognate experience) required for each vacant position.
- All vacancies shall be advertised in at least two newspapers circulating nationally, giving prospective candidates a minimum of six weeks within which to apply.
- In filling the allotted vacancies, adequate consideration shall be given to gender representation and the physically challenged.
- Where candidates are required to apply online, hard copies of such applications shall nevertheless be accepted.
- In the event of candidates being required to buy scratch cards, the costs shall not be more than five hundred Naira (₦500) only.
- Where the services of consultants are engaged by any employer of labour in the Federal Public Service, it shall be the duty of such MDA to acquaint the consultant with the process outlined herein for strict compliance. The consultant shall disclose in the advertisement the

MDA on which behalf he is acting. Responsibility for such compliance shall be with the MDA.

- Only candidates who have met the basic minimum requirements for each position shall be shortlisted for interview or any other selection process. Under no circumstance shall an unqualified candidate be shortlisted purportedly on the basis of federal character considerations. However, a candidate who has met the basic minimum requirements shall be eligible to compete for posts reserved for his state and or zone, and shall not be penalized or disadvantaged in favour of a candidate from another state or zone who may possess higher qualifications.
- At the close of advertisement and from the long list of all applications received, a shortlist of qualified candidates shall be compiled for interview or any other modes of selection on state by state basis.
- Drawing as much as possible, in equal number from each state of the Federation and approximately a third of that number from the FCT indicating also the Local Government Area of Origin (where an aptitude test or any other type of written or oral test is results shall be on state by state basis, in order to enable the best candidates from each state and the FCT to be employed).

- The best and most competent candidates from each state of the Federation and the Federal Capital Territory shall be shortlisted to compete for positions reserved for their respective states/zones.
- The list of successful candidates shall be compiled and at a special joint meeting of the MDA and the FCC, and matched for consistency with the pre-determined distribution formulae.
- A certificate of compliance (with the FCC principle/guidelines) shall be issued as final authorization for the release of letters of appointment to successful candidates by the recruiting MDA (No MDA shall issue Letters of Appointment to candidates without this certificate).
- The list of all successful candidates shall be published in at least two newspapers circulating nationally by the MDA.

In the next chapter we shall be examining the implications of social justice.

CHAPTER FOUR

THE IMPLICATIONS OF SOCIAL JUSTICE IN NIGERIA

The hue and cry, the inherent instability in all societies all over the world is as a result of injustice. What is clear is that the magnitude of injustice varies from country to country and even within a country and from regime to regime. Social justice is the other side of the coin of social injustice. Social justice begins where social injustice stops. Social justice and human rights are highly interrelated. Attempts at separating them only succeed at conceptual level, but not at practical social situations. Human rights are those inalienable claims (such as; right to life, liberty, dignity, equality, fraternity, welfare and so on) individuals make as members of society. They are only meaningful when they are practicalized through social justice. Chuta (2000) simply puts it thus, “where human rights are respected, social justice exists. Conversely, societies that violate human rights are patently unjust” (p. 97). In other words, social justice is actualization of human rights. Analyzing Nigeria’s social justice, Nzomiwu (1999) asserted that, “the history of Nigeria since independence had revealed constant oppression, neglect of human rights and unbridled corruption. Moral decadence, victimization and incarceration of political opponents without due process are on the increase” (p. 87). With this in view, Dzurgba (cited by Nzomiwu, 1999) catalogued some causes of the fall of the Nigeria’s

first Republic as, “the misuse of economic resources, corruption, nepotism, lawlessness, recklessness, indiscipline, dishonesty, extravagance, misuse of political power, denial of human rights and mutual jealousies, thuggery, oppression, rigging of elections, inflating of census figures and bloody riots” (p. 87). Achebe (1983) writing also in connection with the second republic enumerates the following as some of Nigeria’s social ills, tribalism, false image of ourselves, sound injustice, cult of mediocrity, indiscipline and corruption. All this point to one thing that the intention of Nigerians at independence to build a nation where no one is oppressed has not been achieved.

Hitherto, the notion of social justice, like most social science concepts, has remained a contested one among scholars. Therefore, at various times and under different historical, cultural and ideological influences, justice has been variously interpreted. Nevertheless, it is believed that social justice is a distributive term. By this Frankena (1976), “meant that justice has to do with the allotment of something to persons” (433). And these things could be duties, goods, offices, opportunities, penalties, punishments, privileges, roles, status and so on. The point should be made here, however, that justice has to do not so much with the quantity of good or evil that is being distributed, but more with the manner in which it is distributed. Miller (1979) puts the matter

differently that, “the subject matter of justice is the manner in which benefits and burdens are distributed among men” (p. 19). And a just distribution has been described as that in which each individual has exactly those benefits and burdens which are due to him. This is believed to be what Bodunrin (1989) had in mind when he states that a society would be considered just, “If everybody is treated fairly in respect of the distribution of the society’s goods” (p. 31).

But the question of what treatment should qualify as fair treatment, and by implication, what a just distribution is, is not a settled one. This is where the question of conception of what social justice means becomes knotty and sometimes naughty. However, following Rawls (1973) position, we can say, if only tentatively that, even people who hold different views or conceptions of what social justice is:

Can still agree that institutions are just when no arbitrary distinctions are made between persons in the assignment of basic rights and duties and when the rules determine a proper balance between competing claims to the advantage of social life. (p. 5).

Nevertheless, the practice of true federalism and true democracy remains the most appropriate avenues for achieving social justice in the distribution of resources in Nigeria. From one federal state to the other, there are variables

based on the conjunction of their history, politics and development paradigms. However, one thing that is certain is that a fiscal federal system which refuses to be guided by appropriate norms will invariably be bogged down by persistent and perennial conflicts between the national and regional/state governments and among the state governments until appropriate changes are accommodated or else the polity may fall apart more so where the system is not sufficiently resilient. Genuine and proper resource allocation can foster national integration.

However, when not based on social justice, it engenders political altercations and contestations which destabilize the political economy and tend to undermine the efficacy of federalism in fostering political accommodation and economic development. This is why the most common source of friction in a federation is the distribution of resources, especially fiscal resources.

The need for governmental structures to be fully institutionalized with appropriate and true democratic culture embedded has become a desideratum in Nigeria. For Uzoh (2011):

This is because for democracy to recognize the plural nature of politics and the diversity of social forces in any political community that presupposes and accommodates free participation

and competition, civil and political liberties, collaboration and cooperation, the relationship between the governed and the government abides by the principle that the state is at the service of the citizens and not the citizens at the service of the state; that the government exists for the people not vice-versa. (p. 168).

The situation in Nigeria, however, is evidently and arguably the opposite.

4.1 Various Meanings of Social Justice

Social justice is an ethical concept which does not lend itself to definition in absolute terms. The term “Social Justice” was coined by the Jesuit Luigi Taparelli in the 1840s, based on the teachings of Thomas Aquinas. His basic premise was that the rival economic theories, based on subjective Cartesian thinking, undermined the unity of society. The concept of social justice could be nebulous when broadly defined. Thus, we are going to decipher the meaning of social justice from three different viewpoints, so as to get a broader understanding of the meaning of the concept.

4.1.1 Scholarly Views on the Meaning of Social Justice

The term social justice has been severally defined by different scholars at various times under different historical, cultural and ideological influences.

Agbakoba and Mamah (2002) construed social justice as:

the distribution of benefits to the constituent groups that make up a nation and comprises social security, social protection of workers, equal opportunity for all citizens and then other measures of social protection aimed at preventing the undue concentration of wealth, the protection of the vulnerable weak etc. (p. 40).

Onwanibe (1983) in his own view added that social justice means “giving each person his or her due by respecting his other human rights by allocating benefits, resources and burdens equally among the members and equal protection to all” (p. 24). Ugwueye and Umeanolue (2011) shared the same view with Onwanibe by defining it as “how society is organized, how health, power, privileges, rights and responsibilities are distributed to each strata of the society” (p. 323). To Iwe (1985) “social justice has its direct object as the common good of the members of the society. Social justice recognizes and assumes the fact that we are all members of the same human family” (p. 24). Nnonyelu (2001) is also of the view that, “Social justice means above all working to build a society that is intrinsically balanced, a society in which the structures are fair to everybody without exception” (p. 174). On a different note, Gauba (2002) sees social justice:

as the voice of the oppressed and the underprivileged against the excesses of the social system. It is an expression of what is due to the individual from society, especially to the individual who is condemned to a wretched and subhuman living because of a defective system of distribution of advantages accruing from the organized social life. (p. 375).

Thus, the idea of social justice as distributive justice is reflected in Ibeanu's (1995) notion of the concept as "the increasing improvement of the wellbeing of the masses through equitable enjoyment of economic, political and social rights" (p. 271). The emphasis here is equality in the enjoyment of these rights and it is only the impartiality in the distribution of the rights that makes it 'just' instead of merely good. This conception of social justice is also in line with Frankena" (1976) idea of the term which he sees as "the allotment of duties, goods, offices, opportunities, penalties, punishment, privileges, roles, status and so on" (p. 433). Therefore justice has to do not so much with the quantity of good or evil that is distributed but more with the manner in which it is distributed. A just distribution according to Miller (1979) is that in which "each individual has exactly those benefits and burdens which are due to him" (p. 19). This is exactly what Bodunrin (1989) means when he said that "a just society is that in which everybody is treated fairly in respect of the distribution of the

society's goods" (p. 31). Rawls (1973) position leads credence to these assertions when he said that, "institutions are just when no arbitrary distinctions are made between persons in the assignment of basic rights and duties and when the rules determine a proper balance between competing claims to the advantage of social life" (p. 5). Also, Wallace (1977) in his own words described social justice as the:

Virtue that ordains all human acts towards the common good. It is a special virtue, specified and distinguished from other virtues, but it is also a general virtue because, ordered to it under a certain aspect, are all acts of other virtues and not only the acts of justice in the particular sense of the term. Social justice is equivalent in meaning to general or legal justice, being a modern expression for these traditional terms that are easily misunderstood in the present day. (p. 246).

It is of the essence of social justice to demand from each individual all that is necessary to demand from good. But just as in the living organism, it is impossible to provide for the good of the whole unless each single part and each individual number is given what it needs for the exercise of its proper functions, so it is impossible to care for the social organism and the good of

society as a unit unless each single part and each individual member is supplied with all that is necessary for the exercise of his social functions.

In addition, Peschke (1999) asserts that, “Social justice refers to the economic welfare of social groups” (p. 234). As such it demands a proportionate share for the social partners in the fruits of their economic cooperation. Pure profits of excessive nature on the part of the management as well as overdrawn wages on the part of the workers, which endanger productivity and further expansion of an enterprise, offend against the demands of social justice.

Social justice further demands a proportionate and equitable distribution of the wealth of a nation among the different groups and regions of a society. Hence, the concentration of a nation’s wealth and land ownership in the hands of a few extremely rich families, while the majority of citizens live in poverty, offends against justice. Social justice likewise demands a balancing of wealth between stronger and weaker sectors of a society, such as often between a well-to-do industrial and a less favoured agricultural sector, or between developed and less developed regions in a nation. Social justice also imposes obligations upon nations in their mutual relations. It binds the economically advanced countries to assist nations in poverty and misery, so that they can live in a manner worthy of human beings.

All the different applications of social justice have in common that they order the proportionate share of social groups in the economic wealth according to the demands of an equitable distribution of wealth in an enterprise, in a nation and in the entire family of nations. They have further in common that they do not order relations between states or communities and their members, as in distributive justice, but of social groups which are equals. They also do not regulate the contributions of subjects to their respective, superior communities, as in contributive justice. Of course in an indirect way, social justice contributes to the welfare of the whole community, but that is true of every form of justice. Hence, social justice demands the equitable distribution of wealth among social groups and among nations according to their share in the economic process, to their contribution to the general welfare, and to their right to a worthy human life.

However, it will not be satisfactory to end the discussion on the concept of social justice without mentioning the elucidating ideas of Young (1990) who conceived the term as “the degree to which a society contains and supports the institutional conditions necessary for the realization of the values that constitute the good life” (p. 37). He went further to enumerate those values that comprise the good life as: (1) developing and exercising one’s capacities and expressing

one's experience and (2) participating in determining one's actions and conditions of one's action. These views expressed by Young are universal since they assume the equal moral worth of all persons and thus justice requires their promotion for everyone everywhere.

Nevertheless, the social conditions that define social injustice all over the world are oppression and domination, the target of which are the lower status people. All through the ages man is always faced with inhumanity from his fellowman. In the early history of man however, he lived a harmonious relationship with his fellowman, being a wanderer and a gatherer and the product of his endeavour was shared in common. But, as soon as man began to live a sedentary life, he began to be a manifold gradation of social rank and the oppression and domination that go with it. In ancient Rome according to Uju (2003):

there were the patricians, knights, plebians, slaves; in the Middle Ages, there existed the feudal lords, vassals, guildmasters, journeymen, apprentices, serfs; and in the modern time with the expansion in markets, there exist capitalism with two class structure – the bourgeoisie (those who own the means of production) and the proletariat (those who have no means of

production and sell their labour for wages too inadequate for survival). (p. 106-107).

Therefore in almost all epochs, there is oppression and domination resulting in denial of rights of those lower in status in particular. This could be why Musa (1982) commenting on human rights education said, “the more lower down the social strata the more curtailed our rights and the more the injustice” (p. 58). Old conditions of oppression are never dismantled rather they give way to new forms of oppression. No wonder Marx and Engels (1977) traced the history of exploitation and social injustice and lamented that, “the history of all hitherto existing society is the history of class struggles... in a word; oppressor and oppressed stood in constant opposition to one another” (p. 1).

Hence, the social relations in the society give rise to inherent contradictions that can only be resolved through struggles. Social justice is located in that historical dialectics because of the struggles and counter struggles and resolutions therein. The forces against the enjoyment of social justice form the thesis and the anti-thesis in the struggle against those forces while the result of the struggle is the synthesis – that is, a new order which may initiate another struggle and counter struggle. This is why Lancaster (1959) said, “the weapons

with which the bourgeoisie felled feudalism to the ground are now turned against the bourgeoisie” (p. 174).

4.1.2. The Scriptural Meaning of Social Justice

In the Bible, social justice means fidelity to covenant relationship as expressed in the perfect observance of the laws and precepts of God (Gen. 18:19, Deut. 6:25). A just man is an upright, righteous, blameless and irreproachable servant and friend of God (Ezk. 18:5-20). He deals kindly with his neighbours and is a friend of the weak, the poor, the fatherless and the widow (Job 29:12-15, 31:9-19). He is a source of harmony in the community, (Prov. 23:24). A just man is expected to show no partiality. David was praised for administering justice and equity to all people (2Sam. 8:15). In the Bible, social justice, mercy, love and equity dovetail.

The scripture teaches that God is a God of justice. In fact, “all his ways are justice” (Deuteronomy 32:4). Furthermore, the Bible supports the notion of social justice in which concern and care are shown to the plight of the poor and afflicted (Deuteronomy 10:18; 24:17; 27:19). The Bible often refers to the fatherless, the widow and the sojourner – that is, people who were not able to fend for themselves or had no support system. The nation of Israel was commanded by God to care for society’s less fortunate, and their eventual

failure to do so was partly the reason for their judgment and expulsion from the land.

In Jesus' teachings, He mentions caring for the "least of these" (Matthew 25:40), and in James epistle, James expounds on the nature of "true religion" (James 1:27). So, if by "social justice" we mean that society has a moral obligation to care for those less fortunate, then that is correct. God knows that, due to the fall, there will be widows, fatherless and sojourners in society, and He made provisions in the old and new covenants to care for these outcasts of society. The model of such behavior is Jesus Himself, who reflected God's sense of justice by bringing the gospel message to even the outcasts of society.

However, the Christian notion of social justice is different from the contemporary notion of social justice. The biblical exhortations to care for the poor are more individual than societal. In other words, each Christian is encouraged to do what he can to help the "least of these." The basis for such biblical commands is found in the second of the greatest commandments—love your neighbor as yourself (Matthew 22:39). Today's notion of social justice replaces the individual with the government, which, through taxation and other means, redistributes wealth. This policy doesn't encourage giving out of love, but resentment from those who see their hard-earned wealth being taken away.

Another difference is that the Christian worldview of social justice doesn't assume the wealthy are the beneficiaries of ill-gotten gain. Wealth is not evil in a Christian worldview, but there is a responsibility and an expectation to be a good steward of one's wealth (because all wealth comes from God). Today's social justice operates under the assumption that the wealthy exploit the poor. A third difference is that, under the Christian concept of stewardship, the Christian can give to the charities he/she wants to support. For example, if a Christian has a heart for the unborn, he can support pro-life agencies with his time, talent and treasure. Under the contemporary form of social justice, it is those in power within the government who decide who receives the redistributed wealth. We have no control over what the government does with our tax money, and, more often than not, that money goes to charities we might not deem worthy.

Basically, there is a tension between a God-centered approach to social justice and a man-centered approach to social justice. The man-centered approach sees the government in the role of savior, bringing in a utopia through government policies. The God-centered approach sees Christ as Savior, bringing heaven to earth when He returns. At His return, Christ will restore all things and execute perfect justice.

Nonetheless, every human being, especially society's leaders, has a God-given moral duty to protect fellow human beings from social injustices whenever and wherever it is practical to do so (Prov. 3:27-28). The prophets Amos and Micah spent much of their ministries condemning leaders in Israel for failing to practice social justice. They stressed the integral relationship between true spirituality and social ethics. The fundamental basis for pursuing social justice goes back to the fact that every human being is created in God's image and thus has intrinsic value. Furthermore, Jesus makes it clear that God's law can be summarized in two commandments: love God and love your neighbor (Luke 10:25-37). He explains further that "love thy neighbor" means helping people in need until they can become self-sufficient as illustrated in the Parable of the Good Samaritan. In fact, all people have a moral duty to help other people who are disadvantaged in society. According to scripture, the church and the state play distinctive roles in addressing those needs.

Moreso, because of oppression and corruption which were prevalent among the Jews of the 8th century BC, Nzomiwu (1999) states that:

the prophets raised their voices in condemnation of injustice and proclaiming of social justice. They condemned all practices by which the rich trampled on the rights of the poor. Such practices

included: denying the poor their honest wages, ousting them from their fields and homes and for little debt selling them into slavery (Is 5:8ff, Amos 2:6ff; Mich. 2:2, 31ff). (p. 88).

The exploitation of the poor by merchants who tampered with the correct measures was condemned by Amos as an act of injustice (Amos 5:7). When they sell wheat, they rig the scales and the currency (Amos 8:5). It is always poor people who are their victims. These ruthless exploiters are nameless, but they plainly have wealth and power. Their home is Samaria, the capital of the eighth-century B.C.E. kingdom of Israel (Amos 3:9; 4:1; 6:1). Amos shows God demanding justice from them rather than worship: “I hate, I despise your festivals...But let justice roll down like waters, and righteousness like a mighty stream” (Amos 5:21-24).

Other prophets, working in the sister kingdom of Judah, are indignant about similar things. Micah attacks the “chiefs of the house of Israel” “who eat the flesh of my people” and “build Zion with blood and Jerusalem with wrong,” probably referring to building done with forced labor (Micah 3:9; 3:3; 3:10). Isaiah presents God as denouncing “the elders and princes of his people,” saying “the spoil of the poor is in your houses” (Isaiah 3:14). Judgment awaits those who extend their land holdings at the expense of others (Isaiah 5:8).

So this is injustice: the powerful treat poor people—who are most of their fellow citizens—as sources of wealth and unpaid labor, using coercion, bribery, dishonesty, legal technicalities, and even violence. And justice means the opposite: those with power behaving honestly, generously, and respectfully to the poor (Ezekiel 18:5-9). The prophets do not question inequality as such. It is the way the powerful behave that brings God's judgment down on them.

But the books of the prophets also contain visions of society without injustice. “The tyrant shall be no more...all those alert to do evil shall be cut off—those who...deny justice to the one in the right” (Isaiah 29:20-21). Jeremiah praises King Josiah because he did “justice and righteousness” and “judged the cause of the poor and needy” (Jeremiah 22:15-16). Instead of exploiting the poor himself, Josiah used his power to protect them from being exploited by other powerful people. That idea of the just king becomes a vision of the future in Isaiah 11:1-9: “with righteousness he shall judge the poor”—that means he will give them their rights when they appeal to him. Look at the picture in Isaiah 11:6-9 of fierce animals like wolves and leopards living peacefully with their usual prey. All that ruthless greed will be at an end: “for the earth will be full of the knowledge of the Lord.” For to know God is to do justice, and to give the poor their rights (Jeremiah 22:16).

For the Prophet Hosea, the concept of social justice included the idea of loving-kindness. This is justice blended with mercy (Hosea 6:6). In Jeremiah, the idea of justice emphasized the protection of the underprivileged members of the society. In short, because of Israel's history which revealed God's intervention to liberate her from the oppression of Egypt, the biblical concept of social justice often included sincere worship, upright conduct, protection of the basic rights of the poor, right ordering of both national and individual lives within the covenant and the idea of liberation from all unjust structures. Tillich (cited by Nzomiwu, 1999) maintained that, "justice in the Bible is the negation of proportional justice and that both the Old and New Testaments are concerned with creative justice. God is not bound to the given proportion between merit and tribute" (p. 89). The biblical concept of justice emphasizes social justice which often merges with creative justice.

4.1.3. The Igbo Traditional Meaning of Social Justice

In order to have a complete understanding of the concept of social justice in Igbo traditional life, it is necessary to consider social justice as exhibited in Igbo religious life. For the Igbo, social justice is essentially a religious phenomenon. Of all the factors responsible for Igbo sense of social justice, the most important seems to be the actual content of Igbo faith and the degree to

which the deities were believed to be concerned with social justice. In fact, it is Igbo religious notion of social justice which offers the richest dimension of Igbo concept of social justice.

Hence, in order to discover the primordial sense of justice among the traditional Igbo, it may be necessary to first and foremost analyze the Igbo words for justice: “*akankwumoto*” and “*Ikpenkwumoto*”. While “*akankwumoto*” denotes justice as a virtue of a particular person, “*ikpenkwumoto*” or “*Ikpeziriezi*” refers to the expression of this virtue in practical judgment at the event of dispute. The latter can also be described as truthfulness in making judicial decisions.

Etymologically, “*akankwumoto*” derives from three other Igbo words: “*aka*” (hand), “*nkwu*” (stand, remain, stay) and “*oto*” (straight, erect, upright, not crooked, and so on). Thus, the word “*akankwumoto*” literally means keeping one’s hand straight. It denotes uprightness of conduct. In the same vein “*ikpenkwumoto*” stems from “*ikpe*” (judgment, case, decision, verdict), “*kwu*” (stand, stay, remain) and “*oto*” (straight, erect). Literally, “*ikpenkwumoto*” means judgment that is straight. The analysis of these two Igbo words shows that Igbo concept of justice stresses the notion of physical straightness akin to the meaning of the Hebrew “*sedaqa*” as recorded in Douglas (1962) work. This

idea of straightness in relation to justice can refer to an action or person. In the former sense, it means that one's life is straight –forward, upright, honest, predictable and impartial. In the latter understanding, a just action is one that is not crooked, is performed as it should be, is done in a disinterested manner, or has followed a due process.

But on a more profound consideration, the word “*akankwumoto*” derives from the context of farming on the land which was largely the main occupation of the traditional Igbo. The traditional Igbo owned land family by family. That is to say a large piece of land instead of to a private individual and sometimes to a community belonged to an extended family. It is only by way of temporary partition that each nuclear family or individual got a specific piece of land to cultivate. Even up till today, this practice of communal ownership of land is still prevalent in the hinterland. In order to divide the land among nuclear families, since the Igbo had no theodolite or official surveyors for that purpose, they normally chose young men who were of good reputation, trusted by community and known for their previous experience of keeping their hands straight while dividing the farmland. In addition to these qualities, the young men must be willing to undertake the difficulties involved in going through the equatorial scrub during the process of division in order to make sure that a

straight line is maintained. Above all, they must be docile to listen to the wise counsel of the elders who intermittently advised them in these words, “*Nwa m kwuba aka gi ọtọ*” (my son keep your hand straight), or “*Emegbuna onye ọbula*” (Do not cheat anybody). It is in this sense of straightness in dividing the farmland that “*akanwumoto*” came to denote the idea of justice in traditional Igbo sensibility. It is thus by extrapolation that “*ikpenkwumoto*” also became an explanation for a just judgment emanating from a just and straight forward man.

Be that as it may, Nzomiwu (1999) observes that as the history of the Igbo people progressed, the words “*akankwumoto*” and “*ikpenkwumoto*” gathered metaphorical and a more comprehensive meaning. According to this development, justice becomes any action that conforms to the *Omenala* (tradition), which in Kelson’s (1967) terminology constitutes the *grundnorm*. Justice, thus becomes conformity with the requirements of the custom and tradition. A man who keeps the injunctions of *Omenala* which contains the duties of a citizen in all its ramifications is regarded as a just man. In the same vein, the word “*ikpenkwumoto*” became a judgment that conforms to the tradition (*omenala*). In other words, any judgment that is not consistent with the *Omenala* is not constitutional and as such null and void. Such a judgment

cannot be binding on any party. It somewhat violates what the English law would call the principle of “*Stare decisis*” and it is bound to be unjust (*mmegbu*) which condition aims to or attempts to deprive one of his life or entitlements.

Besides, the Igbo sense of justice is quite condensed in Igbo oral tradition. Illustrations from two of the sources of this tradition may be helpful. Thus, justice is expressed in Igbo proverbs and names. Let us take them one by one. Among the Igbo people, the use of proverbs in the communication of ideas is very invaluable. A proverb for them is a figure of speech in which many lofty ideas and philosophy are concealed and congealed. In referring to African proverbs, Herskovits (1958) regards them as constituting the “grammar of values” (p. 62). In proverbs are condensed the nitty gritty of Igbo customs, ethical standards, traditional wisdom, and wise sayings. For the Igbo, Proverbs constitute the spice or salt of human communication (*nnu eji eri okwu*). Certainly, the Igbo understanding of justice in all its ramifications is well pressed in various proverbs. Let us now give some instances of Igbo proverbs that explain different aspects of Igbo conception of justice.

Firstly, there is a group of proverbs that emphasize the Igbo sociological philosophy of live-and-let-live, harmony, peaceful co-existence, and

consideration for the needs of others. Examples of these proverbs include, “*Egbe bere ugo bere nke si ibe ya ebela nku kwapu ya*” (let the kite perch and let the eagle perch also, whichever denies the other its perching right, let its wings break off), *Ọ biara be onye abiagbula ya, ọ ga-ana mkpumpu apuna ya* (The guest should not harm the host and while going home the host should see that he goes home peacefully, or literally, may the peaceful visitor go home without a hunchback). *Okelekwu amana uma taka akpa dibia ma dibia amana uma bu Okelekwu onu* (let the rat not eat furrows into the native doctor’s bag but let the native doctor not curse the rat for mere flimsy reasons), “*Onye anwuna ma ibe ya efuna*” (let nobody die nor let his neighbor get lost), *Onye ilo m diri ma m diri* (let my enemy live and let me also live), *Iwe nwanne na-ewe a dighi eru n’okpukpu* (the anger against a brother does not penetrate down to the bone) and so on.

There is also the second group of proverbs that emphasize justice as co-responsibility within the community. Some instance can be quite illustrative; *Ofu mkpulu aka luta mmanu o zue ndi ozo onu* (when one finger gets soaked with palm oil, it quickly spreads to other fingers). This explains the social or corporate dimension of justice or injustice among the Igbo. Other proverbs under this group includes *Aka nri kwoo aka ekpe aka ekpe akwoo aka nri* (let

the right hand wash the left hand and let the left hand wash the right hand that both may be clean), *Onye ji akwu toolu nchi na nchi adighi ali enu* (whoever has palm nut let him drop some for the grass-cutter because it does not climb). The implication is that among the Igbo, justice includes help to the needy and obligation to help the poor, the lowly and the helpless members of the society. Also, among the proverbs that emphasize the value of cooperation and community life in matters of common good is the one; *A nyukoo mamiri onu ogboo ufufu* (much foam would be made if many people urinate into a place together).

More so, some proverbs describe Igbo sense of justice as equality of opportunity, metaphysical equality of all human beings, and justice as fairness especially within the context of a community. *Ya bara onye bara onye* (let the advantages or opportunity be equally shared) and *Isi ntutu a karo ibe ya* (no individual human being is greater than the other) are examples of such proverbs.

Furthermore, some group of proverbs stress the idea of penal and retributive justice for those who are opposed to the community goal or attempt to trample on other people's rights. Such proverbs include *Isi kote ebu ebu agbagbue ya* (if anybody attracts the bee, the bee will sting him to death), *Ochu nwa okuku nwe ada* (he who pursues the cock or the hen is the one to fall), *Onye si anyi*

adina, ya bulu okuko uzo naba ura (may he who wishes us death experience it prematurely), *Onye si ala adina mma, ya doo ya n'azu* (let him who glories in sowing seeds of discord in the community not live to see order and harmony restored), *Okpa nsi na Okpa aja, aka nsi na aka aja ba ya onu* (may he taste poison who seeks to poison others or may the perpetrator of injustice and disharmony be a victim of his very action), *Okuku bere na ngige, ngige egwu okuku egwu* (whenever a cock perches on a rope tied to two ends, both the cock and the rope will be dancing), *Oji anyi amu ije ga-agho ngworo* (let him be a cripple who uses us for a walking stick) and so on.

Finally, some proverbs assert the need for individual rights in spite of the community consciousness of the Igbo. *E kechaa n'obi ekee na mkpuke* (after sharing on the basis of extended family, there will be sharing on the basis of nuclear family), *Nke m bu nke m, nke anyi bu nke anyi* (my own is my own, our own is our own), *Olu onye dokwa ya ndu* (let one's occupation provide for one's old age), *Nke onye diri ya* (let each man enjoy his right), *Nriko na nkeko egbunam* (may I not die for living community life) are some instances of those proverbs that emphasize the respect for individual rights and entitlements.

Consequently, another form of Igbo Orature that conveys the Igbo conception of justice is found in the various names the Igbo give to their children. Unlike

in some Euro-American cultures where importance is not so much attached to names. Names are quite meaningful and symbolic in Igbo enclave. While some Europeans give such names like Kettle, Bush, Wood, Stone, and so on, to their children without much reasons thereof, the Igbo names are not just tags or mere sounds. Igbo names are not mere conventional nominalistic signs or verbal puffs but summarize one's conception of the thing so named. Personal names are thought to reveal information about the bearer or describe the circumstances surrounding the birth of the bearer, or even explain the experiences of the bearer's parents. Among the Igbo, to be nameless is to be worthless. The Igbo man regards his name not as a mere label, but as a distinct part of his personality. For the Igbo, to know a person fully is to know his name. More still, in Igbo worldview, names reveal sentiments, aspirations and hopes. They are the most accurate and succinct records of the Igbo people's beliefs, socio-ethical concepts and culture. Names portray the virtues the Igbo admire and the vices they detest. Above all, names sum up the features of the things to which they are attached.

In line with the above mindset, some Igbo names express the concept of justice. It goes without saying that among the people, justice is symbolized with the word *ofọ*. Therefore, all Igbo names that has the word *ofọ* as a suffix or prefix

have one thing or the other to refer to or demonstrate about justice. A good number of these names show importance, necessity, effectiveness and superiority of the virtue of justice over other virtues. Some of the names are; *ofoka* (justice is greater or superior), *Ofodile* (justice is efficacious), *Ofoegbu* (justice does not kill), *Ofoma* (justice knows), *Ejimofo* (I have justice on my side). Besides, some Igbo names express the Igbo contempt of and antipathy to certain practices or attitudes that smack of injustice. Nzomiwu (1999) observes two Igbo names that show scorn for unjust tendencies and thus warn the Igbo community of the danger of acting in accordance with such attitudes. The first name is *Aboka* which full expression is “*Aboka Ife Atunye Isi*” meaning that “revenge will kill or undo one”. By this, a man who is vindictive is warned that if he continues with such an attitude, he will suffer for it. In other words, by that name, the Igbo emphasize that retaliation and vindictiveness is not part of their understanding of justice. Hence, the idea of justice as reconciliation and forgiveness is extolled. Secondly, the name “*Ikpeamaeze*” which literally means “the king is never guilty” is quite illustrative of the Igbo rejection of injustice as violation of the principle of rule of law. A part of the meaning of rule of law according to Dicey (1959) is that every citizen is under the law and that nobody is above it. All are subjected to the ordinary laws of the land as interpreted by the ordinary courts.

Thus, by giving the name *Ikpeamaeze*, the highly republican and egalitarian Igbo political anthropology far from glorying in that state of affair expresses its disapproval for it. Although some scholars have another interpretation of this name, yet the end result is coterminous with a manifest consternation with which the Igbo view any acts that breach the principle of the rule of law. For instance, Nzomiwu (1999) anchors his explanation of the meaning of the name on the so called “*Igbo-enweze*” slogan. According to him, most Igbo communities had neither kings nor chiefs. He argues that the existence of chiefs now in many Igbo communities is a later development due to cross-cultural contact. Thus, the name ‘*Ikpeamaeze*’ is used to scorn those communities that had kings and chiefs who naturally would never be imputed with guilt in any event. This is because being powerful, they would either hook or crook, get justice on their sides. Hence, the name “*Ikpeamaeze*” expresses the Igbo disaffection and repudiation for the resultant miscarriage of justice. Nzomiwu’s point of departure based, as it were, on the so called “*Igbo-enwe eze*” is a highly controversial matter setting Igbo historians and anthropologists into hot debating caps but which discussion is beyond the scope of this study. However, Nzomiwu’s conclusions are in tandem with Igbo disapprobation with the fact that chiefs and kings do maneuver justice. More still, the Igbo traditional

religious sensibility is also replete with the Igbo conception of justice. Some theophoric names the Igbo take bear this out. *Chukwuma* (God knows), *Chukwumanjo* (God knows which is sinful or wicked), *Chukwumaobi* (God knows the secrets of the hearts), *Chukwuobo* (Revenge is God's), *Chukwugbo* (may God settle), *Chukwunagbako* (God keeps record of all things), *Chukwunweugwo* (To reward belongs to God), *Chukwunagorum* (God testifies to my innocence) are some instances of such names. The Igbo therefore believe in the retributive justice of God whose actions are identified with justice and equity. He is "*Chukwujiofo*" (God holds justice and equity). For the Igbo, God often dispenses this justice through the deities especially *Ala* (Earth Goddess), ancestral spirits, masquerades and man.

Even as Igbo sense of justice is also conveyed via the folklores, folksongs, rituals and mythologies, let the above discussions suffice for the theoretical consideration of the justice system. It may then be necessary to investigate the actual transmutation of the theory of social justice into some practical matters by the traditional Igbo.

Nonetheless, from the above submissions, it is evident that among the Igbo there is a definite belief in the existence of a Supreme Being, *Chukwu* or

Chineke who is conceived as a good and God of justice in whom the idea of Igbo sense of social justice emanates. Basden (1996) confirms that:

Amongst the Igbo people there is a distinct recognition of a Supreme Being – beneficent in Character – who is above every other spirit, good or evil. He is believed to control all things in heaven and earth and dispenses rewards and punishments according to merit. *Chukwu* (as he is called) is Supreme, and at His service are many ministering spirits whose sole business is to fulfill His command. (p. 215).

It is a fact that has been proved by many authors that the traditional Igbo believed in one Supreme God. Nzomiwu (1999) further stated that the Igbo believe that, “justice in its most perfect form exists in God, and that all other beings are just according to the degree of their propinquity to God. For them, justice takes its bearing from God not from man” (p. 77). God is understood as the source of all justice. Ogbalu (nd) categorically said that, “God is believed to be omnipotent and Omniscient, to be the fountain of justice and the defender of the weak” (p. 45). As a result of the Igbo acceptance of God as the fountain of justice, they proclaim him as the ultimate and most perfect judge. The superiority of His judgement stems from two factors, His goodness and omniscience, since he is regarded as all knowing and all seeing. The Igbo call

God one with very wide eyes, implying thereby that he can see all things. With regard to His goodness, Uchendu (1965) confirms that, “They (the Igbo) believe in a Supreme God, a high God, who is all good.... He is still the great father, the source of all good” (p. 94-95). His judgement is referred to as the most perfect. Other judicial decisions are just to the degree they approximate God’s judgement. Similarly, Newbigin (1966) posits that:

Without the religious acknowledgment of God as judge and source of justice, human justice could only be a total perversion of justice, where the proceedings of law court are simply an integral part of the means by which the ruling group controls the rest. (p. 130).

The Igbo belief in God as the highest source of all justice is often expressed in their prayers. They call God; one who metes out justice upon man and removes the curse when it is unjustly invoked upon someone; one who helps the oppressed. These prayers are usually said before breaking kola nut. The Igbo acknowledgement of God’s justice as the ultimate and the most superior form of justice is of common knowledge. The Igbo have learnt from experience how imperfect human justice can be. They know that sometimes, in spite of the fear and respect of the earth goddess and the ancestors, despite the public opinion, justice can still be miscarried. They know that human respect can at times

impede the implementation of justice, for inspite of social disapproval, the poor are at times oppressed. As a consequence of all these, the Igbo have no absolute trust in human justice, instead as Ezeanya (1967) said, “They place their faith in the supreme God, the minor divinities and ancestors. They believe in their power and wisdom, which surpass those of ordinary humans and their justice and fair-play” (p. 1).

Nevertheless, it should also be noted that the Igbo believe in *Ofo* as a symbol of justice. Basden (1966) expresses his understanding of the connection between justice and *Ofo* as the stick which becomes effective after consecration. *Ofo* is thought by many as an organ of spiritual power and justice. It is traced in myth to the Supreme Being-*Chukwu* who is believed to have made *Ofo* a sign of participation in his spiritual power and justice. It is said that in the heavenly compound of *Chukwu*, there is an *Ofo* tree similar to the *Ofo* tree on earth. Through this tree, the Supreme Being transmits his blessing to his creatures who occupy the compounds. The holder of the earthly *Ofo* is believed to receive communications spiritually from the Creator and has obligation to be just as the Creator. It is clear from the foregoing that *Ofo* is very closely associated with justice among the Igbo. It is however, Ezeanya (1967) who expresses in the most vivid term the relationship which exists in Igbo thought between justice and *Ofo*. He used the expression “symbol” to describe this

relationship when he declared that, “the *Ofo* is the Igbo traditional symbol of justice and truth. It occupies a place of honour in the religious life of Igbo people” (p. 3). Ilogu (1974) used also the word “symbol” as the proper term to define the relationship between *Ofo* and social justice in Igbo thought. He emphatically asserts that, “the religious symbol for justice is *Ofo*” (p. 131).

Since the Igbo identify *Ofo* with justice, it can be said that the unique position which *Ofo* occupies among the Igbo is also occupied by justice. Thus, it must be noted again that the Igbo religious notion of social justice makes social justice very real. The presence of *Ofo*, which symbolizes justice in every family and the constant use of *Ofo* in Igbo community, makes social justice ever real and alive in the minds of the Igbo.

4.1.4 Justice in Praxis Among the Traditional Igbo

There is no gainsaying the fact that the traditional Igbo theory of social justice is frequently tested in a number of areas. We shall consider a few of these areas.

I. Criminal Matters

Surely one salient means of practicing the Igbo concept of social justice is criminal causes and matters. The Igbo recognize two main classes of offences which are “*nso*” and those that are not. Green (1904) refers to the former as

taboos and to the latter as natural offences. The first group of offences is often identified as abomination (*alu*) which consists in acts regarded as violations against the divine laws. These range from murder, incest to theft of some highly valuable property such as yams. The second group of offences comprises the natural crimes such as other forms of stealing, failure to join in the community projects, and disobedience to other man-made laws. The Igbo retributive and penal justice is demonstrated in the punishments meted to the respective offenders which include death penalty in very extreme cases, ostracism, banishment, restitution, fine, compensation, forfeiture, seizure of valuable property, caricature and so on. But above all, the Igbo criminal and penal justice systems are premised on the important value of reconciliation and peace-making. It is not necessarily based on the *lex talionis* approach of the hard core retributivism. There is thus an admixture of the retributive and utilitarian/consequentialist modes that issue in the deterrent, rehabilitative, reparative, reformatory, expiatory, educative and incapacitative objectives of penal jurisprudence. Suffused with a religio-moral and socio-cultural sensibilities, Igbo criminal justice is theandric comprising, as it were, the human and divine aspects. Sometimes, the gods are left to decide in cases that involve oath-taking and trial by ordeal.

II. Inheritance Issues

Another window through which the Igbo practice social justice is inheritance issues. However, in this regard, social justice is more or less practiced in terms of equity rather than equality. It is therefore according to this sense that the property of a man who died intestate is inherited by male children alone. If he had no male children, the inheritance goes to the brothers. Female children are not normally seen as heirs in traditional Igbo anthropology for they are regarded as transient soon to be married out of the family. Wives are also not to inherit the husband's property since they themselves are inheritable. Inheritance is therefore thought to belong to males on whom it is believed that the burden of family responsibility and upkeep lies. Even when a part of the inherited property is in the custody of the wife, for instance, the wife is taken to be a mere trustee thereof for the benefit of the male children especially. Thus, Igbo sense of social justice in terms of inheritance matters is administered in accordance with the need and maternity of the heir instead of by arithmetical equality.

III. Land Disputes

It is not for nothing that the Igbo concept of social justice is expressed in the term "*akankwumoto*" which is derived from the ambience of distribution. The

Igbo have their main occupation as farming and agriculture and as such have an unprecedented attachment to land. In addition to this, one's land is almost an absolutely inalienable property. Until recently, lands were a communal property which could be partitioned to individuals for settlement and farming purposes. At the event of boundary dispute or trespass, the Igbo sense of social justice was brought to bear by way of traditional history and adjudicated over by the council of elders. In the olden days when the use of block fence was not yet made, boundaries were effected by the use of some resilient trees such as "*ebenebe*" and "*ogirishi*" which can survive the adverse effects of various weathers. In land disputes, what is therefore just is identified with the goodness of the title and correspondence with boundary.

IV. Marital/Family Tension

The family is an important institution in traditional Igbo sociology. It is equally the grassroot of Igbo politics. In the family, the husband and wife or wives unite to raise up children for the purpose of perpetuating the family and for its progress. Infertility is often a major cause of dispute between husband and wife. Idleness, irresponsibility and laziness on the part of the children normally invite the dispute between husband and wife, it also invites the displeasure and disillusion of the father especially one who works hard to train the children. On

the other hand, lack of provision of the basic utilizes on the part of the head of the family who should be the breadwinner would occasion ill-feeling from the wife and the children. These are some of the causes of tension within the family. Settlement of disputes is normally through family dialogue. At the failure of this, the extended family (*umunna*) and in some cases the clan and the in-laws would be invited to look into the matter. Reconciliation is usually the principal aim of such settlements since that would be the only favourable and desirable result of resolution of dispute between parties that are closely related and need each other.

V. Inter-Town Clashes

The traditional Igbo enclave was a closed society. The concept of neighbourhood and neighbourliness was highly a restricted one. The farther the blood ties, the more distant and shallower the friendliness. The result is that there were often mutual tension and hostility between neighbouring towns. More often than not, other towns and more distant clans were regarded as actual or potential enemies to be dealt with at the slightest provocation. No doubt, the ready-to-hand causes of this face-off or fisticuff include land boundary disputes, murder of a member of a particular town, maltreatment of a town's daughter married out to another town, market quarrels, desecration of

masquerades by members of another town and so on. Resolution of this sort of conflicts took the form of negotiation and plea bargaining between the two towns. Often, representations from the two towns would meet to iron out the differences. In the more recent times, the representatives would be led by the respective traditional rulers and cabinets. At the end, justice is done in terms of compensation, reparation, apology and payment of damages.

The above constitutes only a tip of an iceberg of the different fields that awaken the dispensation of Igbo sense of social justice. It may however be appropriate to also note some important modes and means of settlements of disputes as employed by Igbo judicial system. We also consider only three of these modes, namely, arbitration, oath-taking and trial by ordeal.

A. Arbitration

Arbitration is a recognized means of settlement of dispute among the traditional Igbo. But for Allot (1960) what is called “arbitration among the traditional Nigerian peoples is a mere negotiation for settlement in which the parties thereto are always free to resile from the arrangement any time before the award is made” (p. 126). However, the contention of Allot that there is nothing like arbitration practice among the Nigerian peoples does not apply to the Igbo, but among the Igbo, arbitration was the commonest means of dispute resolution

in which the parties involved agree to submit their dispute to the chiefs and elders of the community for the purpose of adjudication and redress and wherein the parties feel themselves bound by the decision of the arbitrators. Also, Okafor (1992) describes the process of arbitration in traditional Igbo society, that at the event of dispute, the injured party may refer the matter to his kinsmen (*umunna*) if the other party is also of the same kindred. Otherwise, or if it fails, the case could be reported to the village elders, age grade society, or recently the town union who serve as the arbitral panel. The panel is expected to invite the parties, fix the date and venue, and state the applicable procedure. The honouring of the invitation by the parties is a complete submission to the panel's jurisdiction and hence agreement to be bound by the resultant award.

Usually, the parties are expected to say the truth and the arbitrators to stand for justice. To ensure this according to Green (1904) the arbitral process normally begins on a ritual and religious note which requires the two disputants each to bring a keg of palm wine and before those present would begin to drink the palm wine, the eldest man takes a cup of the wine and pours it on the "*ofo*" saying to the effect that whoever is guilty, let him be guilty, and whoever is not guilty, let him not be guilty. The second eldest man takes a small chicken brought by the defendant and holding it up, pulls its head off and lets the blood

drip on the “*ofo*” and then throws it away, saying, whoever sees the truth in this case, and does not say it, may “*ofo*” kill him, whoever speaks a lie, may *ofo* kill him, whoever does not judge aright, may *ofo* kill him. At the end of each statement, all those present normally respond “*iseee*” meaning “let it be so.” No doubt, the essence of the above religious ritual is to invoke and invite the supernatural to oversee and supervise the trial process. The trial itself follows the “near-both-sides” rule of natural justice in which the plaintiff and the defendant would be heard in turn. The parties may also field in witness who are also heard. At the end, the panel hands on the award which is understood by the parties as binding on them. The arbitral award which normally orders restitution, compensation, apology, specific performance and so on in favour of the innocent party.

In criminal cases depending on the gravity of the offence, fine, forfeiture, banishment, compensation or even death penalty may be meted out. Noteworthy is that this bindingness of traditional Igbo arbitral award *inter alia* distinguishes arbitration from other possible forms of dispute resolution mechanism among the people such as mediation, conciliation, reconciliation and so on. In these later forms where there is no stamp of finality, the parties

are free to resile midway or at the end of the process. After all, what is envisaged is a mere negotiation for settlement.

Thus, the above discussion shows that arbitration practice among the traditional Igbo possesses the essential features of customary arbitration. First there is an agreement between parties (though sometimes implicit) to arbitrate. We refer to it as “implicit” since often it is only at the instance of one party that refers the matter to a panel that other agrees to arbitrate once he submits to the jurisdiction of the arbitral panel. Second, there is arbitration in line with the customary law of the parties. Third, there is the existence of award and its publication.

B. Oath-Taking

It cannot be overstated that oath-taking is an acceptable practice and a common feature of customary law resolution of dispute in Africa generally and the Igbo in particular. In spite of Western influences, oath-taking has survived as a legitimate judicial method which the Igbo believe as one of the assured ways of obtaining absolute justice. Okogeri (2006) observes that “oath-taking is an integral part of the Igbo custom by which the guilty and the innocent with regard to a dispute are exposed in view of maintenance of social equilibrium and cohesion” (p. 174). Edu (2004) also writing about the Igbo, rightly asserted

that “oath-taking is a common feature of resolving dispute” (p. 49). He notes that its use is very frequent in crime detection or as a last resort in settling other disputes such as land, adultery and defamation. Okafor (1992) also notes that oath-taking or swearing to a tutelary deity is usually called for in a protracted case where the intricacies of the matter make it difficult to discern who is right or wrong in a case. The prevalence of oath-taking among the Igbo in settlement of dispute is attested to by Oba (2008) who observes that “virtually all the reported cases on juju oaths in the country concern Igbo litigants” (p. 139).

Besides, oath-taking is a direct submission to the supernatural tribunal for settlement of disputes and whose verdict is final. Man plays little or no part. Sometimes this appeal to the supernatural is made when human efforts fail or when no confidence is reposed on the human panel. This is practiced in serious cases like murder, witchcraft, and in land matters. Okafor (1992) describes the procedure;

As a legitimate legal action, the injured party may ask the accused to swear on tutelary deity of his (the injured) choice to prove his innocence... on the other hand, the accused may opt to swear on any powerful “*Alusi*” in order to free himself from the accusation. If the plaintiff accepts the accused’s offer to swear, he is bound to

regard the dispute as closed and to await for the supernatural judgement... The perjurer may die as the result or he may suffer grave misfortune or illness. The more dreadful consequence is that the perjurer's family sometimes, the entire village may suffer from some obscure illness which may put the lineage in danger of complete extinction. (p. 72).

In the same vein, Nwakoby (2004) observes that "in oath-taking among the Igbo, time is normally given within which the offending party is expected to either be killed by the gods or be sick so as to confirm that he is the offending party" (p. 87). Guilt or innocence is established depending on whether or not the accused dies or falls sick within the time given. Generally, the oaths are worded in such a way that the swearer invokes on himself a conditional curse. He tells the juju to punish him if he dies. After them, all the disputing parties wait for a year. The Igbo believe that anyone who swears falsely will be dead or struck with great misfortune within the time limit. In a land dispute, the person who swears to the oath enters and takes possession of the land. But if any misfortune befalls him within one year, the land will revert to the other party. If however he survives the prescribed time, the swearer retains the

property as he is deemed to have told the truth. Where a party was ordered to proffer a juju for the other party to take and he fails, the other party is judged the truthful party.

More still, the use of oaths swearing displaces the need to weigh oral evidence of the parties and their witnesses. Okany (1984) observes that “given the swearing to an oath, the dispute will not normally be taken to court again, but the relatives of the deceased who is believed to have sworn falsely will surrender the disputed property or right to the other party” (p. 174). In some cases, the entire estate of the deceased party will be surrendered to the juju by which he swore by way of expiation.

C. Trial by Ordeal

Trial by ordeal is yet another common means of settling dispute among the traditional African generally and the Igbo in particular. Talbot (1926) writing about peoples of Southern Nigerian regards “trials by ordeal among them as one of the greatest safeguards of justice” (p. 620). On the other hand, Garner (1999) describes trial by ordeal as;

A primitive form of trial in which an accused was subjected to a dangerous or painful physical test, the result being considered a divine revelation of the person’s guilt or innocence. The

participants believed that God would reveal a person's culpability by protecting an innocent person from the torture (p. 1123).

This view corroborates the observation of Elias (1962) in relation to Nigerian Igbo people as regards the various ways in which trial by ordeals can be carried out;

The ordeal might take the form of the juice of a tree (eg. Sassa wood) mixed with water, or a burnt powder made from it and dissolved in a fire; the culprit might be taken to a nearby pond or stream. The guilty one is he should drink the water and become sick, handle the red-hot knife and get burnt, or sink when immersed in water (p. 229).

Penwill (1951) noted that trial by ordeal is not only used in criminal cases but also in cases of murder when the culprit is unknown. Even in fairly recent times, Igbo trial by ordeal has been applied to witchcraft cases. Also widows who were suspected of having killed their husbands were subjected to one form of trial by ordeal or the other. Sometimes, the accused was forced to drink the bath-water used in washing the corpse of the deceased. The belief is that she would die if she is guilty; otherwise her innocence would be established if unharmed. The Igbo widow faced other forms of trial by ordeal such as being locked up over night with her husband's corpse, not being allowed to touch her

body with her hands as she constantly held sticks or knife in the hand, taken naked to shrine for purification, not being allowed to take her bath for 7 market days (28 days), forced to do early morning cries so as to wake neighbours up for at least 7 days, and so on.

Such as the above constitute the main lines along which the traditional Igbo practice social justice and settle their disputes. One thing recurrent however is the fact of the religious or ritualistic underpinning in which the practices are enmeshed. Whether in arbitration, oath-taking, or trial by ordeal, reference to the supernatural is always made. This is typically illustrated in a fictitious civil trial recorded in Achebe's (1958) novel. It was a matrimonial case between Uzowulu and Mgbafor. In this case, the *Egwugwu* oracles which symbolized judicial authority and power presided. The petitioner and respondent presented their cases and witnesses from both sides testified. After series of arguments and counter-arguments, the nine *Egwugwu* oracles went underground to consult after which they appeared and passed their judgement. In most of Igbo social justice systems, the primary motif is to effect reconciliation between disputants. This is well demonstrated in the judgment of the *Egwugwu* who in the instant case held that "our duty is not to blame this man or to praise that one but to settle the dispute" (p. 65). This is true as they commanded the petitioner to go

to his in-laws with a pot of palm wine to implore his wife to return to him, and in the same way ordered the defendants to accept such wine should the in-laws bring it and let their sister go with them. It should be noted that it is only when human reconciliation becomes extremely difficult or impossible that recourse is directly made to trial by ordeal or oath-taking.

4.2 Historical Struggles for Social Justice

From the history of man, social justice is never given one a platter of gold. It is always struggled for. Man has to put up stiff struggle to wrest his rights from those forces that are out to deny him the rights. The struggle could be in form of revolutionary arms struggles as is the case in most part of the world in the past and even at present but it could be non-revolutionary. The war of independence from Britain waged between 1775 and 1781 by the America colonies dissatisfied with the oppressive and exploitative British rule is a good example of struggle against injustice. The American Declaration of independence in congress on July 4, 1776 dwelt much on human rights. Similarly, the communist ideology that swept through China, Cuba and so on was a revolution against age-long denial of social justice to the masses of the people.

The 19th and 20th centuries witnessed a lot of anti-colonial struggles by those countries in Asia and Africa that were colonized during the partition of Africa

by European powers. The struggle against Apartheid in South Africa is a visible one, the memory of which is too fresh to be forgotten. It was a case of absolute denial of rights to the owners of the land by white settlers. Though it could be said comparatively that Nigeria got its independence from Britain without arms struggle, but the nationalist struggle that brought about it was not a funfair. Before the attainment of independence, Nigerians had from time to time challenged the British colonizers over denial of rights and injustice resulting in the killing of innocent and armless citizens. For example, the imposition of tax by the British colonial government on which who were culturally regarded as jobless and dependent and who in Britain would have been entitled to unemployment benefits, was challenged by the women themselves. Nwaguru (1973) said that:

not only was there imposition of tax, the rate of tax also varied from area to area depending on what the colonial government termed the 'fertility' of the land and this provocation led to the December 1929 violent riot by women popularly known in history as the Aba Women's Riot. (p. 98).

The 1945 first all general strike was also a struggle by the oppressed workers against the insensitivity of the British colonizers. The African Civil Service Technical Workers Union (as they were called then) demanded a 50% increase

in the Cost Of Living Allowance (COLA). When this could not be met, the union called out its members for a strike that lasted for 37 days. A similar violent protest against the inhuman treatment meted to workers by the oppressive British colonial government according to Nwaguru was recorded at the Enugu Colliery in 1947 in which twenty-one Nigerian miners were shot dead by the police. These few examples of struggles for social justice in the world and Nigeria in particular, in the words of VanDyke (1990) shows that, “issues concerning justice are among the most prominent in the world, the basis for struggles waged by both peaceful and violent means” (p. 231). Giri (2002) vividly expressed that:

the human rights that many people take for granted are a product of long struggles between civic society and governments. This content is continuing and it has been common for governments, western and non-western to use real or perceived external threats to impose restrictions on peoples freedoms. (p. 52).

In other words, Giri confirms the popular saying which has been over-emphasized that human rights are never freely given by those who hold it. Ironically, Nigeria is one of those countries that believe in principle, but in practice, the social institutions in Nigeria enable a very few to accumulate political, economic and social rights while they (institutions) constrain many

more thereby creating an unfillable chasm between the 'haves' and the 'have-nots' in the society. This is why the history of Nigeria is a history of struggles which at times could be violent. These struggles for survival according to Giri (2002), "is especially necessary to the lower status people, to those who are more insecure and who are more likely to be deprived of recognition and respect by wider currents of culture and social interactions" (p. 52). Often the government of Nigeria (Civilian and Military) is found wanting in the way the contents of the national constitution is implemented. Nigerian leaders are good in making laws and documenting them for the world to see but these laws are brazenly flouted by those who make them.

Though it was the belief that there were a lot of human rights abuses during the colonial period in Nigeria, but evidence has also shown that since independence, the leaders have shown that they are worse than the whitemen in the way social injustices are promoted. Every human vice is on the increase and life for the down-trodden has become more brutish and short. However, the poor masses have not always folded their arms, they have often put up struggles that at times force the leaders to bend. Cataloguing social injustices meted out to individuals and groups in Nigeria by the government will make a

voluminous dictionary of its own but so far a few examples some of which has earlier been mentioned satisfies the curiosity of the readers. These are:

- I. The Aba Women's Riot of 1929-protest against imposition of tax on women. Although the Centre of the riot was Aba, it extended to Owerri and its environs where some native courts were destroyed.
- II. The all general civil strike of 1945-Protest against oppression and exploitation of workers by the British government.
- III. The Enugu Coal Miners Revolt of 1947- Protest against inhuman treatment of miners by the colonial government.
- IV. The struggles against British Colonial rule which led to Nigerian Independence in 1960.
- V. The 30 month civil war (from 1967-1970) in Nigeria, the causes of which were many but the immediate cause being the attempted secession of the Igbo as a result of the pogrom against the Igbo people mainly in the Northern parts of Nigeria.
- VI. Some pockets of revolt from the farmers against the government particularly from the Western Nigeria Cocoa farmers and the Bokolori Dam farmers in Sokoto.
- VII. The Ali-Must-Go Students' riot in 1978 under the then Minister of Education during the military regime of Olusegun Obasanjo. The student

protested in particular against the removal of meal subsidy and some other financial aids to students in the tertiary institutions. Many students lost their lives including Akintola Ojo.

- VIII. The Anti-SAP riots of 1988, 1990 and 1992 masterminded by the Civil Liberty Organization (CLO) in protest against the excruciating effects of the Structural Adjustment Policy on the masses. Many arrests were made in campuses of tertiary institutions and on the streets and above all many lives and property were lost.
- IX. The killing of Dele Giwa, the then editor-in-chief of Newswatch Magazine.
- X. Several protests and riots over the annulment of June 12, 1993 elections and the detention of the acclaimed winner, Moshood Abiola by General Ibrahim Babangida the then Military Head of State.
- XI. The extra-judicial killing of Ken Saro-Wiwa, an environmental activist and eight other Ogoni men by the Abacha government in November, 1995.
- XII. The hounding and killing of home-based leaders of National Democratic Coalition (NADECO). For example, 79 year Old Alfred Rwane.
- XIII. The Odi massacre which was a serious human rights abuse under the democratic regime of Olusegun Obasanjo. The federal police was used

to demolish the town and killed in great number the people of Odi, a small town in the oil rich South South of the Niger Delta region on a mere allegation that the killers of some Nigerian policemen sought refuge there.

- XIV. The extra judicial killings of the people of Zakibiam in Benue State by the Nigerian Military men in what was termed a reprisal action.
- XV. The Sharia killings of Christians and in particular the Igbo people in many parts of the North during Obasanjo's democratic regime.
- XVI. The destruction of properties, maiming, bombing and killing of innocent citizens by the members of the dreaded Boko Haram.
- XVII. The 2012 fuel subsidy protest Championed by the NLC which shutdown economic activities in most parts of the country for about two weeks.
- XVIII. The 2013 ASUU national strike and the 2013 ASUP strike that ended in July 2014.

The list of human rights violation by the government actually is inexhaustible just as the struggles against such injustices have continued to mount unabated.

The harder the hammer of the government on the oppressed, the more the increase in number of the voluntary associations and movements fighting for the liberation of the oppressed majority. Such organized groups formed to help

fight repressive governments in Nigeria include; Civil Liberty Organization (CLO), Campaign for Democracy (CD), National Democratic Coalition (NADECO), United Action for Democracy (UAD), Movement for the Actualization of Sovereign State of Biafra (MASSOB), Movement for the Survival of the Ogoni Peoples (MOSOP) and so on. Such bodies like Academic Staff Union of Universities (ASUU) and National Association of Nigerian Students (NANS) have consistently been demonized in order to dismember them and render them ineffective. Some private individuals have on their own suffered incarceration for their roles in the struggles. Gani Fawehinmi according to Kukah (2000), “is synonymous with the struggle of the victims of justice. He even more than the religious bodies in Nigeria attracted national and international attention to the issues of human rights violation” (p. 251). Gani for instance was able to pull the bull by the horn by challenging Babangida over the killing of Dele Giwa, an issue many Nigerians would only speak about with their tongues in their cheeks. For his effrontery in confronting the various national governments, Gani has suffered several injustices. According to Kukah (2000):

Gani has been detained in police cells across the country thirty-two times between 1969-1996; was jailed in federal prisons eight times between 1969 – 1996; his passport was seized by security

agencies ten times between 1969 – 1998; he has had his books confiscated; he has had thirteen criminal cases filed against him while he has been physically assaulted outside court premises and elsewhere five times. (p. 253).

Despite all these, the struggle still continues.

4.3 Content of Social Justice

Haering (cited by Nzomiwu, 1999) states that, “social justice is concerned with the common good and may be termed “justice of the common welfare” or “justice of the community” (p. 90). Its object is constituted less by the rights founded in law than by the natural rights of the community and its members. It deals with the socio-economic welfare of members in so far as they belong to the society or nation. It looks beyond in the interest of the community, to those who are economically and politically weak, who, though have nothing to give, still have natural rights to be respected both by the community and by the wealthy and influential people. It further demands a proportionate and equitable distribution of the wealth of a nation among different classes in society.

The state or community has the obligation to safeguard for every member of the community, life, sustenance and opportunity of work, in so far as the individual has not himself forfeited these rights through his own fault. Social

justice is opposed to concentration of a nation's wealth, power and governance in the hands of particular individuals or ethnic groups while the majority of citizens or ethnic groups live in poverty or as virtual slaves to them. Social justice is concerned with constructing a society that is intrinsically just, a society in which the structures are just, a society in which the minorities are not discriminated against either in law or in practice, a society in which women are not second class citizens. Social justice fights against all unfair discrimination along religious, tribal, ethnic, social, political and economic lines.

Hence, for explicit understanding of the content of social justice and the laws establishing it, a rundown on the content of Universal Declaration of Human Rights as contained in the Nigerian Constitution would be necessary. Thus, the Universal Declaration of Human Rights which was adopted and proclaimed on 10th December, 1948 with favourable votes of 48 out of 58 (10 abstentions) members of the United Nations then has continued to gain international reception and acclamation with increase in the membership. Human rights since 1948 are generally recognized as universal and should not be mistaken to be peculiar to particular societies or cultures. However, Maduagu (1986) noted that:

Their interpretation, the extent to which they are taken serious in practice by those in power or the level of the consciousness of their existence by the masses whom they are actually meant to protect – all these will have different shades in the various countries and regimes in the world. (p. 5).

But one should not be deceived into thinking that what is universal right is wrong anywhere. The Human Rights Declaration today has formed the basis for almost all constitutions of countries in the world and has facilitated the quick granting of independence to many countries of the world formerly under colonial administration.

In 1981 under the auspices of the Organization of African Unity (OAU), the African Charter on Human and Peoples Rights was produced and Nigeria was one of the countries that ratified the Charter. The Nigerian Constitution up to the revised 1999 Constitution was based on the International Declaration of Human Rights and it specified the rights and obligations of the citizens of the country, covering all aspects of life, political, economic, social and so on. Below is the summary of its content as recorded by Ibeanu (1995);

4.3.1 Political Aspects

A. Sovereignty of the people, which means:

- I. All power belongs to the people,
- II. This power is based on the peoples ability to freely organize themselves at all levels of politics – Local, State and Federal.
- III. The people decide who should govern them and the basis for such governance.
- IV. When governments do not conform to the aspirations of the people, they are replaced democratically.
- V. The people have the power to elect their leaders under a free atmosphere.
- VI. The people have the power to recall their elected officials.
- VII. There should be a clearly laid down procedure by which nationalities could aspire to self-determination.

B. Security and Welfare of The People means that:

- I. It is the responsibility of government to provide social security for all citizens.
- II. The people have a right to adequate food, health care and decent housing.

- III. Adequate provision must be made for the physically and mentally disabled, the aged and orphans.
- IV. Every individual has a right to life and it is the responsibility of government to protect this right.
- V. There shall be no inhuman and degrading treatment to any person through flogging, torture, brutalization or slavery.
- VI. It is the duty of government to organize in conjunction with the people for the adequate defense of the country from external aggression.

C. Popular Participation in Government means that:

- I. Participation of the people in government must be based on their democratic organizations such as neighbourhood committees, cooperatives, youth associations, women's associations, etc. Elected representatives must consult with these organizations regularly.
- II. No government should exist without the due process of election.
- III. Nobody should be excluded from participation on the basis of sex, ethnic origin or religious belief.

4.3.2 Economic Aspects

A. External Economic Relations must involve:

- I. Elimination of dependence on external financing of economic programmes.
- II. Elimination of uncontrolled importation of goods and services which work against local production and initiative.
- III. Equity, freedom and mutual respect among states.
- IV. Elimination of production primarily for export rather than for the domestic market.

B. Internal Economic Relations must involve:

- I. Elimination of policies which impose heavy burden on those who borrow money.
- II. Elimination of policies which hand over publicly acquired wealth to private individuals and big businesses.
- III. Guaranteed access to and or other basic means of production such as fishing waters and grazing land for producers.
- IV. Guaranteed full returns for producers.
- V. Rights to work for all.
- VI. Equal access to work.
- VII. Equal pay for equal work.

- VIII. Right to fair wages
- IX. Right to free association by labour to defend their rights
- X. Protection against industrial and occupation hazards.
- XI. Governments primary responsibility to protect the environment.

4.3.3 Social and Legal Aspects

A. Legal system:

- I. Law makers and the executive should not in any way interfere in the work of the judiciary.
- II. Laws should not have retroactive effect.
- III. Any corrupt member of the judiciary must be relieved of his post after due process overseen by an independent agency.
- IV. There should be speedy dispensation of justice.
- V. Government, its agencies and functionaries are, like everybody, subject to the rule of law.
- VI. There should be free access to the law courts.
- VII. Nobody should be denied justice on account of circumstances of birth or social standing.
- VIII. All are equal before the law.

B. Education and Culture

- I. Everybody has a right to education and acquisition of skills.
- II. There should be promotion of cultural practices assemblies which work to advance the development of the nation and humanity.
- III. There should be religious freedom and tolerance.
- IV. There should be respect for cultural difference.
- V. There should be equal treatment of all cultures and nationalities.
- VI. Negative and unhealthy foreign cultural influences should be eliminated.
- VII. There should be full protection of women, children, the aged and disabled.

4.4 Social Justice in the Nigerian Context

Nzomiwu (1999) states that, “The mentality that each Nigerian is first a member of a certain village, town and tribe before becoming a Nigerian has matured into ethnicity” (p. 92). When there are vacancies to be filled in government, military or administrative offices, a normal Nigerian does not consider the efficiency of the applicant but his ethnic group. The question that is usually asked is: Is he a Hausa-Fulani, a Yoruba, an Igbo or from which of the minority ethnic groups. In Nigeria, one’s state of origin is more likely to

win one a job rather than his qualification or his ability to render efficient service. It is for this reason that very lucrative jobs, are exclusively preserved for people from certain ethnic and religious groups. The same mentality is responsible for covering up of crimes that is so rampant in Nigeria. A police officer on duty may connive at an offence committed by his fellow tribesman and go away convinced that he has done the right thing because he has not betrayed his tribesman to the impersonal government. In this way criminals and government officers embezzle billions of naira belonging to the government and get away with it because they are from a particular ethnic group.

As Africa's leading oil producer and one of the world's oil producing and exporting nation, Nigeria's oil resources and foreign exchange provide her with enormous wealth. Lamentably and in spite of all this, Nigeria has remained poor and underdeveloped because of ethnicity. Meanwhile, her external debt burden continues to rise. Recently her external debt ran into billions of United States dollars. Much of this money was siphoned into private pockets and no attempt was made to recover it because it was embezzled by people who belong to the "appropriate tribes, ethnic group or religious affiliation". Few would fail to agree that one of the major causes of social friction, discontent and eventual national crisis which erupted in Nigeria between 1967 and 1970, hinged on our negative and selfish use of ethnicity. A number of our leaders are prepared to

allow Nigeria disintegrate than eschew ethnicity and tribalism. Different strategies are fashioned out to slot people from one's ethnic group into offices in utter disregard of conscience, social justice, fairness and equity. One can truly affirm that in Nigeria today loyalty to one's ethnic group claims priority over loyalty to the Nigerian nation. There is nothing wrong in remaining loyal to one's ethnic group and in cherishing the highest love for it, but this should not be done at the expense of social justice and equity.

If Nigeria is to move forward and implement the actual social justice, a way must be found to develop in various ethnic groups a conviction that Nigeria is our country and that everyone has a stake in it. Perhaps the answer to multi-ethnic conflict in Nigeria, according to Nzomiwu (1999), "Will be the enthronement of social justice, guarantee of human rights and equitable participation of every group in the government and economy of the country" (p. 93). Our leaders and indeed all Nigerians have great roles to play to ensure that the reality of Nigerian multi-ethnicity is used in the context of our collective commitment, interests, goals and aspirations of evolving and sustaining one indivisible nation. As long as ethnicity is emphasized at the expense of social justice, as long as ethnicity is the main means of advancement in Nigeria public, private and socio-political life, justice and unity will continue to elude

us. Ethnicity is opposed to one of the fundamental constitutes of social justice namely equal opportunity for all members of a given society. Equal opportunity is virtually absent in Nigerian Federal Character.

4.5 Factors Militating Against Social Justice In Nigeria

The essence of a federal system of government is strength through unity and unity through even development and growth. Even development and growth refer to the fact that none of the constituent states of the federation should be more developed or underdeveloped, that the overall peace and progress of the nation suffers. This does not mean that all states of a federation should be exactly similar in all aspects of political and economic development.

One would, however, observe that Nigeria has become a place where the land, money and wealth are shared among the nobles at the detriment of the poor. The poor suffer in the hands of the rich. Oppression has become the food of the populace. Since Nigeria gained independence in 1960, tribalism, nepotism, corruption, discrimination, rigging of elections and gross injustice have dominated the economic, political, judicial, cultural, religious and ethnic lives and minds of many Nigerians. Thus, some of the factors responsible for the delay in the realization of social justice in Nigeria include:

4.5.1 Socio-Political Injustice

The propensity and wealth of the Nigerian nation which is confined to some few group of people, have brought with it all kinds of political decay in Nigeria. The quickest way of amassing wealth in Nigeria today is to occupy a political office or position. During elections, people who win are not the real winners, but the cleverest riggers. Unemployed youths are paid and used as thugs to manipulate elections. Human life is valued less than political goals. Embezzlement of public funds by those in authority has been given the appearance of legality in Nigeria. Schools, roads, hospitals, and other social facilities are poorly maintained. The poor masses bear the direct brunt for they are the ones to be hospitalized in the public hospitals where there are no adequate drugs. Their children are the ones to attend the public schools where the teachers are not devoted to their work because of the epileptic payment of salaries. The wealthy ones can afford to pay for the bills in private hospitals and schools. Most times, their children attend schools in overseas countries. The poor parents who spend their fortunes to train their children in school cannot reap the benefits of their efforts because government cannot provide jobs. It is no longer graduate unemployment, but post-graduate unemployment. Many Masters and PhD degree holders are jobless. Nigeria as a nation is rich,

but those in authority embezzle and mismanage the wealth to the detriment of the poor masses.

Clearly, according to Ugwueye and Umeanolue (2011):

The prevalence of injustice in Nigeria is largely traceable to the type of leadership we have been experiencing since independence. Many Nigerian leaders have not been able to rise above the situation they met on the ground, because they came into office without just vision or with corrupt vision. (p. 325).

Many past Nigerian leaders since independence often thought there was no corruption in Nigerian politics while some others who acknowledged it, for one reason or the other failed to muster adequate forces against it. This is the reason why Achebe (1983) earlier said:

The trouble with Nigeria is simply and squarely a failure of leadership. There is nothing basically wrong with the Nigerian climate or water or air or anything else. The Nigerian problem is the unwillingness or inability of its leaders to rise to the responsibility, to challenge personal example which are the hall marks of true leadership (p. 4).

Instead, the political leaders have demonstrated a lot of dictatorship in their style of governance going by the way they subvert the constitution of the land, holding it in utter contempt. Human rights abuses is rather on the increase and the violation is done by the government, the powerful and rich individuals who manipulate and corrupt the very agencies which have been created to protect these rights. In confirmation of the gross abuse of human rights and subversion of justice in Nigeria, Musa (1982) lamented that, “peoples’ lives are eliminated on the pretext that they constitute ‘security threat’ and the police does this often in the name of accidental discharge. Nobody inquires into incidents and they are left to die a natural death” (p.59). Nigerians even up to the present fourth republic are still living under poverty, ignorance and misery in the midst of plenty which are good measures of social injustice. Thus, it does appear that injustice in Nigeria is part of what is handed over from one government to the other. This is why corruption seems to be institutionalized in Nigeria.

4.5.2 Socio-Religious Injustice

Religion has been dangerously manipulated in Nigeria by the haves to rouse the emotions of the uniformed masses who quickly rise in arms against people of other religions. What the leaders and other power mongers cannot get based on their low integrity, they quickly resort to religion as an avenue to achieving

their selfish ends. An instance of this, is the Boko Haram insurgence which is believed to have been instigated by Northern politicians. This has led to religious upheavals that resulted into loss of lives and wanton destruction of properties especially in the northern parts of the country.

Even in the midst of all these crises, corruption and immorality, Nigerians are still pretending to be religious, observing their religious duties as a matter of life and death. This is observable from the life of many moslems and Christians. Obiora (cited by Ugwueye and Umeanolue, 2011), rightly observes “that religion in Nigeria today is being used for selfish ends. He sees religion as a fast business that people are embarking on” (326). Looking at Christianity in Nigeria, the numerous churches in Nigeria today are not born out of pure motive of serving God, but for self-aggrandizement. With a close study and interaction, most Christians do not know what they believe in, whether money or God. Because they have more concern for their business than God, they always strive after the way to accumulate more wealth for themselves, forgetting the demands of their relationship with God who is the foundation of all beings. They do not even have time for studying God’s word. Today, we can hardly distinguish between a Christian and a non-Christian, because of the crave for wealth and pleasure.

Nigerian Christians make regular visits to worship centers. The regularity with which these centers are visited by Christians is alarming. Apart from this, the Christians organize religious crusades everywhere and every time in this country. It appears that Nigerians are diligent with the external forms of religion without any spiritual commitment. Various sacrifices and tithes of stolen money are offered daily in the church. Bribes are offered before one goes on a pilgrimage to Jerusalem. This is committing sin under the cloak of religion, thus, inhibiting social justice.

4.5.3 Socio-Ethnic Injustice

There is the intense struggle by Nigeria's several/ diverse ethnic or cultural groups especially Hausa/Fulani, Igbo and Yoruba to control power at the federal level and to use such power for their ethnic benefits rather than all members of the federation. Due to the ethnic struggle, which resulted in a civil war between 1967 – 1970, agreements on fundamental federal policies or goals were never reached. Rather whichever combination of ethnic groups and wealthy classes that secure the control of federal power interpret and apply the federal constitution, as it will benefit them.

Hence, ethnicity has always remained a problem in Nigeria since the leaders see it as a veritable ground for not only gaining political power but also for the enrichment of their ethnic homeland at the expense of other ethnic groups.

According to Uju (2003):

When the leaders have problem of inefficiency, bribery and corruption, embezzlement or any other vices, they not only take refuge in their ethnic homeland, they whip up ethnic sentiments and recruit ethnic militia most of whom are the oppressed, to fight and loose their lives for them. (p. 121).

They have succeeded in creating such ethnic divide that people are ever hostile to others from other ethnic groups. Such divisions do not help the struggles against social injustices. Other factors include the disappearance of the moral values that acted as a check on peoples behaviour; abject poverty – a hungry man is easily diverted and distracted; little or no recreational facilities to help ease off tension and relax not only the nerves but also the mind.

4.5.4 Military Presence in Government

Dealt a dead blow on social justice in Nigeria. The social injustice perpetrated by the military junta of Generals Ibrahim Babangida and Sani Abacha has continued to be a scandal for Nigeria. During their regimes, there were a lot of

killings and murder especially their detractors and critics, there was also a gross abuse of human right. To them and their killer squad, human life was not sacred and to perpetuate their regime, they stopped at nothing – using all institutions and governmental agencies under their control to entrench their unjust values and vested interest. They plundered the economy in such a way that they individually became richer than the country itself, leaving the masses in perpetual penury. The military wanted to stay in government permanently hence the long unending transition programme to democracy. When democracy was forced down their throat, almost all the retired Nigerian military generals now want to return to power as civilian presidents probably to continue their evil deeds.

4.5.5 Lack of Education

It is also a factor in the failure of social justice in Nigeria. Ignorance is a disease, they say. It does not only blur the vision to realities, it also hampers the articulation of facts for effective struggles. One can only aim at changing a situation he understands and can effectively contribute intellectually and otherwise towards the change. A person without education is not fortified to help make a meaningful change in a system except if used as a mob. An illiterate may not even know his rights – where it starts and where it ends and

for this reason, the leaders capitalize on their ignorance to unleash injustices to them.

4.5.6 Socio-Judicial Injustice

The rape of justice in Nigeria even by the judiciary which is the last hope for the common man is an open secret. The judiciary is the branch of government invested with judicial powers to interpret, construct and apply the law so as to produce justice by discovering the truth. The whole process of adjudication is thus a human attempt at the discovering of truth. It is the end which ought to be reached in a case by the administration of the principles of the law involved as applied to the facts. The court should therefore be a temple of justice. According to Oputa (1996), "It is a common knowledge that the courts are infested by the virus of bribery and corruption" (p. 6). This has made justice in our courts a marketable commodity with the hammer falling for the highest bidder. Ugwueye (2002) rightly said that:

Venal judges and all other people that settle disputes at all levels of the society deny poor people justice, because of bribe from the rich. The rich are constantly claiming poor people's acres of land, yet the court always rules in favour of the rich, because of bribery. (p. 56).

Muojekwu (cited by Ugwueye and Umeanolue, 2011) also states that:

It is very unfortunate that Nigerian courts have turned into war zones by greed, avarice, selfishness and various unspeakable deeds of judges who prepare two contradictory verdicts (judgements), one for the plaintiff and the other for defendant; these judges wait anxiously to sell the verdict to the highest bidder. (p. 327).

In the light of the above quotations, what happens in judicial sector in Nigeria should not surprise any right thinking and honest Nigerian. This is to say that in Nigeria, judiciary as an organ of government is no longer the hope of the common man, rather the grave of common man. Thus, the 'equality before the law' seems to be a statement in mass deceit. Our police cells and prisons are filled with inmates whose only crime was that they could not pay their way through the modern criminal justice system. Human rights are abused daily under obnoxious decrees. Political opponents are some times clamped into detention centers in the name of state security. The Nigerians judiciary is indeed lousy with institution as some alleged miscreants rot in cells and prisons in the name of awaiting trial. Justice delayed is justice denied. The biblical assertion that the love of money is the root of all evils cannot be over-

emphasized. In our world today, one is constantly told that there is nothing money cannot buy in life. This follows that money can buy justice, at the detriment of the poor.

In the next chapter, we shall be studying solutions to challenges of social justice and national integration through federal character principles in Nigeria.

CHAPTER FIVE

SOLUTIONS TO CHALLENGES OF SOCIAL JUSTICE AND NATIONAL INTEGRATION THROUGH FEDERAL CHARACTER PRINCIPLES IN NIGERIA

For long, democratic stability, national integration and sustainable socio-economic development have eluded the Nigerian post-colonial state. Although the country attained formal political independence from British hegemony since October 1, 1960, Nigeria still remains one of the most underdeveloped post-colonial states in the third world that is characterized by high external debt, inflation, poverty, malnutrition, institutional decay in health, education and general infrastructures, urban dislocation and violent crimes. In spite of its enormous oil wealth and large population as well as agricultural potentials, Nigeria has not been able to establish the relevant socio-political and economic framework for transformation and development. Since independence, Nigerian politics has been essentially characterized by ethno-regional conflicts, secessionism, religious bigotry, coups and counter-coups, corruption and mismanagement.

Although efforts have been made by successive regimes – military and civilian to resolve the basic problems of political instability and national integration through diverse structural reforms such as state and local government creation,

introduction of the federal character principle in the 1979 constitution and the use of “zoning system” as a mechanism for power sharing, the problem of national question still looms large in Nigeria. Nevertheless federal character or quota system has since its adoption been a subject of controversy. In a renewed debate over the vexed issue, claims have been advanced for equal representation for ‘northerners’ in the Federal Civil Service. Although a rather legitimate demand, there is also the strong feeling that strict adherence to federal character should not be at the expense of ‘southerners’. Ironically, federal character has thus revived, though inadvertently, the north-south dichotomy it was specifically designed to terminate.

Given Nigeria’s plural ethnic composition and present multi-state federal structure, the prevalence of the north-south dichotomy and the curious assumption that the country consists of ‘northerners’ and ‘southerners’ raise a number of questions. What is the essence of federal character? What are its potentials for national integration, or disintegration? How much have minorities benefited or perhaps more remarkably, suffered from the application of federal character? However, this chapter sets out to look at various means through which federal character can foster national integration and social justice if properly implemented.

5.1 Social Justice and The Practice of Federal Character Principle

The most conspicuous feature of the federal character principle in the present times is its application in virtually every sphere of federal operation. From the traditional institutions of the state, the cabinet, civil service, armed forces, the judiciary, police, and so on, the principle has become the most important consideration in the location of schools, industries and government agencies, in admissions, recruitment and promotion of staff in federal educational institutions and even, in the composition of the national football team. As the principle extends, so more issues are politicized. But generally, disagreements have centered on the considerations of competence and capability (merit) and the need to reflect federal character in appointments even when more qualified people abound. For some, an emphasis on federal character rather than on merit alone amounts to injustice. Ohunbamu (1968) opposed this statement in his argument that:

If merit and merit alone constitutes the yardstick for appointment to all jobs, including board appointments and award of scholarships, one would reach a position in which most jobs would naturally go to the most enterprising of the Nigerian tribes... So, with a view to providing for these and other less

dynamic groups in the federation, equality must be involved in their favour. (p. 130).

Moreover, social justice is distributive justice. It is concerned with those principles which best ensures an equitable distribution of the goods and benefits of a society. Goods and benefits must not be understood in a purely material sense only. They include material resources, education, and all those things for which society accords respect and recognition – good education, good jobs and the opportunity and means to attain all those things that tend to promote human happiness. Social justice is fairness in the distribution of these amenities. A society is a just society if everybody is treated fairly in respect of the distribution of the society's goods. What constitutes fair play? The essence of fair play is that similar cases be treated similarly and that equals be treated equally. But this does not say much we need rules which shall guarantee this. These are social legislations. Social legislations vary from place to place in their details. They are informed by the moral code to which a society subscribes. Surely, there are many different kinds of societies with different sort of rules. If what is said is true, then there is no objective justice, since what is just must always depend upon whether or not the rules of particular societies are kept or not. One society with a different system of rules cannot accuse another society as being unjust.

Broadly speaking, there are two conceptions of social justice. On the one hand, there is the meritorian view which holds that justice is giving to each person according to his merits. That means that a man's merits determine what he deserves. He who has achieved more deserves to get more from society. What is to count in the apportioning of goods is ability. What the meritorian stresses is equal opportunity to compete for the good things of society. Frankel (cited by Bodunrin, 1989) pointed out many difficulties with this conception of justice:

First it ignores those factors which contribute to achievement, it assumes that opportunities can be equal. This conception of social justice is compatible with a highly hierarchical society. It says nothing about the elimination of sharp distinctions provided everybody has had the same chance to compete. (p. 316).

This meritocratic approach is narrow and rather stilted. It takes people as they are, judging their performance without asking what it is that makes one man perform better than another. This has been largely the capitalistic doctrine. On the other hand, there are welfarists who hold that justice is distribution of society's goods according to need. Their arguments are based on some form of the national equality of men. For if men are all equal simply in virtue of their humanity, no man deserves to have anything than another. Each man has a right to the satisfaction of his basic needs. Society therefore ought to provide

everyone equal opportunities for the satisfaction of his basic needs. There are also many difficulties with this conception of justice. To begin with, what are the basic needs of man? Food, clothing and shelter are not the only basic needs. As society gets more complex and as knowledge about those things that contribute to human happiness grows so do we change our ideas about what is to count as basic needs. Many things regarded as basic needs in the advanced industrial countries are hardly seen as such in poorer nations. Among different social groups, basic needs vary.

5.2 Federal Character and the Importance of National Integration in Nigeria

The problem of national integration is one which though, very essential for the growth and development of Nigeria has not really received the appropriate attention and solution that it deserves. Obi and Abonyi (2004) also adds that, “often times Nigerian leaders profess working for the unity of the country while their utterances and actions elicit the opposite” (p. 206). It is therefore not surprising that after over four decades of political independence, Nigeria is yet to find its rhythm as a United country and has infact remained a mere geographical expression. Every Nigerian still sees himself first as a member of an ethnic group before seeing himself as a Nigerian Most political issues in

Nigeria are still seen from the ethnic perspective, thereby giving relevance to ethnic jingoists and war lords. Political offices and appointments are seen as battlefields among the various ethnic groups, where the battles must be fought with all the available weaponry a group can muster. The attempt made by the 1979 Constitution Drafting Committee (CDC), to solve this problem by introducing a constitutional method of sharing political offices, in order to reduce political frictions and tension, thereby removing fear of domination and marginalization through the instrumentality of federal character has not recorded much success.

However, as a concept according to Nnonyelu (2001), “national integration is determined by the degree to which members and groups in a plural society adapt to the demands of national existence while co-existing harmoniously” (p. 147). On a practical note, national integration is a process, not an end in itself and is usually affected by contending social forces. In the quest for national integration, citizens are expected to respect the overriding supremacy of the national government. This entails subordination of institutions and cultural values to the demands of the central authority with obvious sacrifices. Often, intra and inter ethnic crisis result. The ability of the state to resolve or regulate the recurring crisis to create an enabling environment where the peoples respect

and love for their nation is enhanced will affect the tempo of national integration. This has been the greatest task and challenge that has confounded the Nigerian nation since independence. The question of national unity and co-existence often at times referred to as the national question represents the question of disunity and instability in Nigeria. Nigeria as a nation is battling to remain as one indivisible entity, where a Hausa man will see the Igbo man as a true brother and where a Yoruba man will truly believe that an Ijaw or Itsekiri person is a stakeholder in the affairs of the nation. National integration, barring other variables is an extension of, or rather, should be a product of good governance. Through the exposition of problems, positive actions are taken, which in turn affects the lives of the people in a very positive way. Through this means, rancor, bitterness and bickering are jettisoned. Through good governance, the issue of strike and its attending implications becomes a thing of the past and the economy becomes the better for it.

Thus, national integration is a holistic effort geared towards avoiding disintegration, a situation that truncates development, war, famine, and other social vices which of course is an ill wind that blows nobody any good. As mediums powerful enough to stir protest, it also has the potentialities to unify

the country, where everybody will be happy in every sense of the word and truly, his or her brothers keeper.

5.3 Federal Character and the Demands for Good Governance

Governance simply implies the process of decision-making and the process by which decisions are implemented. An analysis of governance focuses on the formal and informal actors involved in decision making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision. In this context, the government and the governed are the two principal actors in governance. It is the government that is at the helm of policy making and before these policies would be implemented, it is expected of the government to involve the members of the society as it takes into consideration the common good. When these fundamental steps are taken care of, good governance could be said to have set in. For Obiefuna and Uzoigwe (2012), “governance is good when the masses are carried along, the opinions of the people are objectively considered and the mandate of the people count.” (p. 256). Governance is good when the decision makers (government) manifest selfless service and due commitment to duty and when the authorities shun bribery and corruption and enthrone honesty, social injustice, moral consciousness, fair play, equity and above all consider the intrinsic value of the dignity of the human person. Soludo (2012)

also added that in a well governed society, everyone benefits while in a badly governed society, only a few individuals benefit.

Good governance as expressed by Obi (2012) implies, “how effective political institutions are, how responsibly political powers are used and how justly the public resources are managed by the state” (p. 185). Good governance according to United Nations (UN) has eight major characteristics – participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and following the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision making. It is also responsive to the present and future needs of society. Good governance is so much connected with social justice because government without social justice can never be good. Derivation from this fact brings about bad governance in our society today. When we consider those factors that thwart good governance in our society such as inefficient and selfish management of public resources, the rich getting richer and the poor getting poorer syndrome, political and economic inequalities, inadequate distribution and allocation of the nations wealth and so on, we will decipher that they are all products of social injustice.

A just Nigerian society is where the principle of federal character is applied, decisions made and decisions implemented are for the betterment of the citizenry. It is a society that respects the political right of the people by providing a level playing ground for all. It is a society where job opportunity are open for all on the basis of expertise and not tribalism nor favoritism, a society where everyone is equal before the law, a society that frowns at corruption and legally punish offenders as deterrence for others, and above all, a society where the will of the people is supreme. These attributes are what good governance presupposes. Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities. Impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force. Good governance also implies transparency. Transparency means that decision taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in easily understandable forms and media. Good governance requires mediation of the different interests in society to reach a broad consensus in society on what is in

the best interest of the whole community and how this can be achieved. It also requires a broad and long term perspective on what is needed for sustainable human development and how to achieve the goals of such development. This can only result from an understanding of the historical, cultural and social contexts of a given society or community. A society's well being depends on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires all ethnic groups, but particularly the most vulnerable, have opportunities to improve or maintain their well being.

5.4 The Features of Federal Character Principle in Nigeria

The federal character principles is meant for resolving the problem of national suspicion among the ethnic groups/federal units, but the federal character principle sacrifices meritocracy for mediocrity. Employment into government establishments and admission into institutions of higher learning are not always based on merit. The percentage on merit is less than other criteria when combined. People who lack technical know-how are made to man sensitive positions to the detriment of those with capability. This is against section 14(1) 1979 and section 14(1) 1999 Constitutions which state that the Federal Republic of Nigeria shall be a state based on social justice. Admission into

Federal Unity Schools and Nigeria Defence Academy is on quota basis. Bodunrin (2003) in assessing the federal character principle from merit perspective, asserts that, “the federal character principle is counter productive” (p. 313).

Meritocracy should be strictly applied in areas that are strategically in important to the economy. The fear of one section of the country dominating every position available should be discouraged. The argument that if merit is used, one section of the country would dominate the other is untenable because there is no state that does not have competent hands to man strategic positions. Therefore, meritocracy should be the guiding principle.

5.4.1 The Advantages of Federal Character Principle in Nigeria

The advantages of federal character principle as enumerated by Ammani (2009) are as follows:

- I. It provides an equitable formula for the distribution of socio-economic services, amenities and infrastructural facilities.
- II. It provides the modalities and schemes for redressing imbalances, real or imagined.

- III. It ensures equitable admission into federal universities.
- IV. Politically, the federal character principle ensures that no one section of the society unduly dominates the elective or appointive offices.
- V. It provides equal access of Nigeria citizens from the different background into the Armed Forces, the Police and the Corp services.
- VI. In the recruitment into the Federal Civil Service, the federal character principle ensures even spread among civil servants.
- VII. It is applied in the deployment of tertiary institution graduates for the National Youth Service Corp.
- VIII. It is used in the provision of infrastructural facilities and amenities.
- IX. It is employed in resource allocation through the instrumentality of the Federal Accounts Allocation Committee (FAAC).
- X. It has also ensured the corporate existence of Nigeria and has helped to douse the centripetal agitations.
- XI. It protects the interest of the minority ethnic groups.

5.4.2 The Disadvantages of Federal Character Principle in Nigeria

- I. **Corruption** – Many public officials hide under the federal character principle to promote corruption by willingly denying some individuals some positions and granting same to their favourites who lacked

primary knowledge of the functions of such office. The people that gained from such immoral and unprofessional act will have no option than promoting incompetence that will end up increasing the rate of corruption in the polity.

II. **Inefficiency**-By encouraging the recruitment of services of unqualified personnel, the federal character principle sustains inefficiency in service delivery which will in return, forced the government and populace to witness massive economic and financial loss thereby worsening the health of the nation's economy.

III. **Poor quality graduates**-With the principle of "education less developed states", many qualified candidates are usually denied admission while some candidates that performed woefully in the Unified Tertiary Matriculation Examination are given admission. This is a great set-back to the efforts of government to enhance the nation's education standard. It even discouraged academic hardwork. Nigeria is the only country in the world where citizens are penalized for performing better in examinations and coming from fast developing regions of the country in the name of adherence to the federal

character principle. The belief that it encourages some regions of the country to have urge for quality or formal education is even false rather it encourages those regions to neglect hardwork because they will achieve the fruit of hardwork by the enforcement of the federal character principle. These will end up producing unqualified individuals as graduates thereby making it difficult for employers of labour to find suitable people to employ and at same time increasing the rate of unemployment as no company, organization or corporation will be willing to employ unqualified or unskillful individual into this workforce.

- IV. **Disunity**-Originally, the principle of federal character was provided in the constitution to catalyze our unity in diversity but its wrong application has caused envy and jealousy which leads to disunity. Imagine a situation whereby a citizen worked hard, met the necessary requirements for a position or an admission but was rewarded with denial to such while his or her fellow citizen was given such despite the fact that such individual did not attain the skillful requirement for such but because the individual originated from a state regarded as economic or education disadvantaged. The rightful individual for such

opportunity will have no option than to hate the nation called Nigeria and the citizens of such economic and education disadvantaged states thereby leading to disunity.

- V. It promotes mediocrity and incompetence in the public service.
- VI. It is also perceived as a confused balancing of the merit principle and the quota system.
- VII. It has diverse consequence in terms of discipline, morals, and overall effectiveness and efficiency in the public service.
- VIII. It breeds corruption and promotes ethnicity rather than nationalism.
- IX. It has no limitation on the powers of the executive in the allocation of resources in an attempt to satisfy the various segments of the society.
- X. In operation, the majority ethnic groups are sometimes put at a disadvantage since a less qualified person may have an unfair advantage.
- XI. It has so far failed to prevent inter-ethnic conflicts such as the Jos-Plateau crisis, Aguleri-Umuleri crisis, Tiv-Jukun crisis and the Boko-Haram crisis.

XII. It has also led to an over bloated cabinet as all segments of the Nigerian State have to be represented.

However, going by the numerous challenges besetting the principle, it is a safe to acknowledge that the challenge is in its implementation. Specifically, Idumange (2008) lists two areas where the federal government has been most successful in implementing the federal character principle – the National Youth Service Corps (NYSC) and recruitment into the armed forces. In other areas however, it has not faired as well, hence the hue and cry about the proper application of the federal character principle.

5.5 Applications and Use of Federal Character in Meeting the Challenges of Social Justice and National Integration

Political and economic imbalance exist among and between the various states or ethnic groups that make up Nigeria. These imbalances exist in almost every sector of the economy, hence, most people feel marginalized. The emergence of various militia groups in Niger Delta is an indication of the existence of rivalries between groups over share of national cake. States of the majority ethnic groups seem to be so strong that they can hold the minorities to a stand still. This therefore denies the minority groups of their constitutional right of self development and actualization. It is in view of correcting this abnormality

that the Federal Character Commission was established to uphold federal character principles.

5.5.1 Application of Federal Character in Revenue Allocation

Disparities in income, social and economic opportunities are traceable partly to natural endowment, partly to the formula for distribution of national resources and partly to historical legacies of colonial administration. Thus, Nworah (1994) argues that an equitable derivate formula still remains a necessary guarantee for political stability and social justice. This is because any heterogeneous society like Nigeria without a justifiable formula for sharing resources between groups is bound to experience wars and all sorts of socio-economic slouches. It is in recognition of the importance of fair and equitable distribution of 'national cake' to ensure political and economic stability in Nigeria.

Nigerian constitution clearly stipulates some responsibilities to the central government and other powers are reserved to the states or local governments while some other functions are shared by the three of them. The constitutions also make for a controlled distribution of the revenue and resources of the nation to these levels of government. Federal character principle also guide the

government expenditure in each region or state. This determines the spread of government services to the people.

5.5.2 Application of Federal Character in State Creation

In Nigeria, federal character principle is not sidelined in state creation because the Federal Character Commission recognizes the division of Nigeria into North and South (East and West). In state creation, Nigeria has 18 states each between North and South. Since the origin of federalism and regionalism in Nigeria in 1946, the major regions have been the North and South. The further division of the South into East and West was for British administrative convenience and political consideration, this division weakened the South and made the North stronger. Ugwu (1998) further explained that, “these three administrative units; Northern province houses the Hausa-Fulani ethnic nationality, the Western province houses the Yoruba ethnic group while the Eastern province houses predominantly people of Igbo” (p. 16). Though these three groups were not the only existing ethnic groups in these regions, the dominance of these three overwhelmed the minority. No wonder only these three groups were considered when the 1946 constitution was imposed on Nigeria.

The emergence of this unholy trinity from the old duality of 1914, subsequently busted into 36 states and the minority groups continue to mount pressure for more states. The conflicts origination from request for creation of more state is so horrific that one might begin to question the rationale for Nigeria. No wonder Awolowo (cited by Ezeibe, 2010) noted that:

It is only the accident of British suzerainty which had made Nigeria one country or one nation socially or even economically. Socially and politically there are deep differences between the major tribal groups. They do not speak the same language and they have highly divergent customs and ways of life and they represent different stages of culture. (p. 84).

Notably, colonial constitutions were concerned with only the major ethnic nationalities. It was not until July 1966 when Lt. Col. Yakubu Gowon and his team struck and took over government of Federal Republic of Nigeria in a counter military coup that the emphasis on this unholy trinity began to dwindle and the minority voice was heard. Gowon's regime reversed some of the unjust decisions against the minorities in Nigeria. He gave people from minority ethnic groups political appointments and subsequently broke up the unholy trinity which gave the three major ethnic groups control over the minorities in Nigeria. In May 1967, Gowon carved out 12 States in Nigeria, 6 for the South

and 6 for the North from the unholy trinity plus the mid-west that was created in 1963. After the General Murtala Mohammed blood free coup of 1976, he further carved out more 7 States to total 19 States in Nigeria favouring the North with 10 States and South with 9 States. In 1987 General Babangida created 2 more states, 1 from North and 1 from South to give Nigerians a 21 States structure. In August 1991, he further created 9 States to give Nigeria a 30 States structure and balancing number of states between North and South to 15 States each. In 1991, General Sani Abacha completed the creation of 6 new states to give to Nigerians the 36 States structure with 18 States from the North and South respectively in observance of the federal character principle. Today, Nigeria is loosely divided into six geo-political zones. While each of these geopolitical zones has been six and seven states as the case may be, the south east zone has only five states. This tendency has warranted an intense call from the south east residents and representatives for the creation of one more State in the region of the federal character principle.

5.5.3 Application of Federal Character For Political Stability

For us to move forward in this country, we have to devise ways of reconciling deep-rooted grievances, internal political party divisions and victims of unjust retrenchment or retirements. In our search for social justice and political

stability, the motif force shall be reconciliation. The postponement of redress for justice and the continued trampling upon and the violation of human rights, the marginalization of groups or communities from the mainstream of our national life, all these grievances and wait for a tiny little spark and the whole society is up in flames. The Boko Haram insurgence and the Niger Delta military are good examples. We must therefore encourage the use of genuine dialogue at all cost and the principle of give and take. We should not exclude our people from participating in the political process. For instance, money politics should be discouraged and also the registered political parties should desist from collecting huge amounts for political position forms from aspirants. If not, millions of well meaning Nigerians with integrity would be excluded from the process while leaving the coast clear for the so called money men with their negative values and dubious backgrounds.

5.5.4 Application of Federal Character in Education Sector

Notably, the different ethnic groups, regions and subsequently states that have existed and exist in Nigeria developed at varying pace in different sectors and the educational sector is not an exception. Since the British government stepped in to educate Nigerians as clerical staff to help in keeping the colony in a subordinate position for colonial continual exploration, Nigerians have

continued to struggle for this limited chances for education. However, British government education style in Nigeria was alien and enslaving, hence, Lugard (cited by Ezeibe, 2010) noted that, “the chief function of government primary and secondary schools among primitive communities is to train the more promising boys from village schools as teachers for those schools, as clerks for local native courts and as clerks for the administration” (p. 86). Meanwhile, the significance of education is outstanding as educational attainment has a correlation with occupation of top economic and political positions in both the public and private lives. In 1955 and 1957, both the Western and Eastern regions respectively introduced the Universal Primary Education while the North was entirely left out. By independence, education had become an issue for the federating units in Nigeria.

In 1974, the National Policy on Education was formed. The main thrust of education in Nigeria was to achieve integration of the individual into a sound and effective citizenry and equal educational opportunities for all citizens at primary, secondary and tertiary levels. Hence, the aim of this outfit was to inculcate national consciousness and national unity, the right type of values and attitudes for the survival of the individual and the Nigerian society. Again, deliberate attempt has been made to institutionalize the federal character

principle in Nigeria's public affairs. In the educational sector where for instance, the Northern Nigeria is obviously disadvantaged while the South is advantaged, a policy is often recommended to right this wrong. Briggs (1987) argued, "that the panacea for this inequality lay in adoption of the federal character principle in staffing, locating schools and admission of students into schools" (p. 142).

CHAPTER SIX

SUMMARY AND CONCLUSION

6.1 Summary

The past decades have seen many changes in the Nigerian Federal System. There has been a dramatic increase in the number of states which comprise the federation, there has been structural changes in the economy which in turn have changed the nature of its control and the pattern of resource distribution. Finally, there has been a phenomenal expansion of schools and school enrolment. These obvious changes however have tended to obscure the more fundamental alteration in the nature of Nigerian politics and the perception and expectations of the individual. There has been a gradual transformation of politics from the parochial and sectional plane to a higher and more national plane. This transformation has in turn affected the individual's perception of the distributive system of the nation, the method of his participation and the motivation for his action. By participation, one is referring to any form of activity or involvement which varies from voting to rioting to such action as ethnicism, nepotism and even revolution. Thus, attitudinal changes which the structural changes have brought about have increased the urge of Nigerians to compete. The demand to participate in the system is now anchored in the distributive concept of federal character.

However, one can say without fear or favour that what we practice today is a mockery of true federalism and so the much expected social justice and national integration is still very remote and unattainable. How can we achieve social justice and national integration in a system where the politics of the nation is not determinable. What is the possibility of good governance in a nation where selection takes the place of election, where we profess democracy, government of the people, but practice oligarchy, government of a few leaving a greater majority of the people to struggle below the poverty line. In a true federalism, the electoral process must be free and fair, no god-fatherism, political appointments must be purely on merit. There must be judicial autonomy, freedom for the press, a clearly spelt out separation of power among the executive, legislature and the judiciary, the different tiers of government must have their fair share in revenue generation and resource control.

Our federalism is no doubt far from the ideal which is being practiced elsewhere in the world, the citizens themselves have no interest in grassroot development and entrepreneurship and yet there is an immeasurable quest for materialism. People in the civil service do not want to retire at the age when due, rather, they keep changing their age and declaring a new one, ethnicity and

tribalism is a factor towards the decline of true federalism which alone can give room to a sustainable development, social justice and national integration through good governance. Consequently, the different ethnic groups in the country are always in the business of elevating their ethnic groups over and above the national interest. The public servants are not interested in their own local areas, for instance, the local government chairman leave their lodges in the local government area and rent houses in State capital cities. Lastly, in a true federal system, the need for total education of the citizens cannot be over emphasized, creation of jobs should substitute job seeking.

6.2 Conclusion

It is an acknowledged fact that the federal character principle has gone a long way to reduce various factors of mutual distrust and rivalries among the diverse groups and interests in Nigeria. But it is instructive to note that while some gain in the process, others lose and so the implementation hurts in certain quarters. There is therefore the need for all the groups, views and interests concerned to be consulted and taken into consideration in the course of its implementation. It is also important to ensure that those who implement the policy do not use it, as Bodunrin (1989) has cautioned, “as an instrument of stifling the progress and initiative of any groups nor as a punitive measure against any groups” (p. 321).

This calls for the emergence of an enlightenment leadership imbued with the requisite statesmanship to direct the affairs of the nation and ensure the continued survival of the peace, unity, social justice, stability and national integration of the country.

Ethnic differences and sectional interests should not be seen as an unmitigated evil. Rather, efforts should be made to transcend them, and to harness and incorporate their virtues in the march to stable and integrated nationhood. Nigerians should be made to stress more those things that unite than those things that separate them. They should see the Nigerian nation as the rope that ties up their common destiny. They should therefore endeavour to rekindle, as advised by Nwankwo (1986), “the nationalist fervour which united all Nigerians from all corners of the country against colonial rule” (p. 75). Above all, the federal character principle should not only concern itself with the inter-ethnic distribution of national resources, privileges and benefits, but should also ensure that modalities are worked out by which its beneficiaries can make reciprocal contributions to the overall common good, progress, social justice, stability and national integration of the country.

Finally, whilst we strive to maintain the nation’s federal character, let us ensure that the character of the federation continues to serve the interests of national development and integration.

6.3 Recommendations

Despite the obvious shortcomings and the controversies surrounding the notion and application of federal character, there seems to be a general acceptance of the principle as a normative expression of the equal rights of all Nigerians to participate in the political, administrative and economic affairs of the country. From the foregoing discussions, one significant fact has emerged, that is, that as long as Nigeria remains a federation, the need and the clamour to balance the diverse interests in the country will always be there. The federal character principle has been employed to take care of these diverse and sometimes conflicting interests. And by all indications, the formula has come to stay. What is therefore necessary is to seek ways and means to make it less rancorous and problematic, and to channel it in such a way as to ensure the overall unity and progress of the country. A few suggestions and recommendations are made below to help bring this about.

It has been noted that when states were first created in 1967, there were twelve of them, six in the North and six in the South. But today, the North-South balance is distorted in favour of the North. To assuage the mutual suspicion and ill-feelings generated by this situation, the original North-South balance should be restored and maintained. However, the state-creation exercise should be

carried out with caution. This is to ensure the viability of the states and their ability to discharge their statutory and other functions for the common good of all and orderly development of the country. Moreover, despite the present multiplicity of states and local governments, it is still not possible or feasible to give each ethnic group (some 250 of them) in Nigeria a state. The interest of the minorities in the present states and local governments who could not be given new states or local governments can be taken care of in other ways. Efforts should be made through appropriate legislation to remove the “indigene syndrome” engendered by the federal character principle and the discriminatory policies, laws and regulations which legalise its operation. It is an aberration of nation building and national integration to see fellow Nigerians, some of whom were born and may have lived in a place all their lives, being thrown out of jobs and discriminated against because they are not indigenes of the area. To this end, we as the government to see that every citizen of Nigeria who settles in any part of the country is treated as an indigene of the place and endowed with residency rights as is the case, in the United States of America.

Again, the federal character principle should be applied with less stringency but with fairness among ethnic groups, states and local governments that are homogenous, to avoid creating cleavages and divisions where none may have,

strictly speaking, existed. This will save such societies' from undue polarization. The appointment of persons to various positions should be made from the best available in any group or section in the country. Moreover, recruitment to posts which require specialist training such as those of medical practitioners, pilots, architects and engineers, should be based on merit. To do otherwise would expose the citizenry to great peril. And to enthrone merit, efforts should be made to give equal access to education to all Nigerians, to bridge the educational disparities between the North and the South, and to give opportunities for further training and education to serving staff.

The present application of federal character principle is all bourgeois-oriented and does very little to relieve the plight of the masses of this country. For example, the indigenisation policy which put capital in the hands of a few Nigerians did not benefit the masses. The latter need to be given equal opportunities for employment, equitable share in the distribution of the resources and benefits of the state in terms of education, access to goods and services provided by government and improved conditions of life. The political system should arrest the exploitation of the masses and redress their feeling of insecurity. It is by tackling these crucial welfare issues that the great majority

of Nigerians can develop a sense of national identity, transcending parochial loyalties of ethnicity, religion, language and region.

6.4 Suggestions for Further Studies

Further studies should be carried out on the role and impact of the military government on the principle of federal character or quota system, social justice and national integration in Nigeria. Also, there should be a comparative study of social justice and federal character principle in Nigeria and any other country in Africa.

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