

## THE FEDERAL CHARACTER OF NIGERIA: A DELICATE BEDROCK FOR NATIONAL UNITY AND LOYALTY\*

### Abstract

*Section 318(1) of the Constitution of the Federal Republic of Nigeria 1999 defines federal character of Nigeria to mean the distinctive desire of the people of Nigeria to promote national unity, foster national loyalty and give every citizen of Nigeria a sense of belonging to the nation. Of course, without a true and sustained sense of belonging deliberately and duly given to the citizens of Nigeria, national unity and national loyalty will continually be a legal mirage. It is the researchers' view that this is wont to be so because the geographical area which eventually evolved into what has become known as Nigeria is a territory undeniably made up of a heterogeneous population. It consisted, and still consists of various indigenous peoples of different ethnic groups, tribes, languages, aspirations, cultures, and even religions. Prior to colonization, a good number of the said different indigenous peoples had existed and operated independent of each other. This work interrogates the reality and enforceability of the federal character of Nigeria vis-à-vis the constitutional need to promote national unity and foster national loyalty in Nigeria through the doctrinal and non-doctrinal research method as well as the utilization of primary and secondary sources of information. The findings made include the fact that there is no sufficient and strong constitutional and statutory framework for the advancement and enforcement of the federal character of Nigeria. On the basis of the foregoing, it is concluded that since the federal character of Nigeria is constitutionally recognized and declared as a distinguished and distinctive desire of the people of Nigeria, there should be ample and effective legal framework for the advancement and enforcement of that distinctive desire of the people because according to Section 14(2) of the Constitution of the Federal Republic of Nigeria 1999, sovereignty belongs to the people from whom government, through the Constitution, derives all its powers and authority.*

**Keywords:** 'Federal Character', 'Quota System', 'Unity in Diversity', 'Loyalty', 'Federalism'.

### 1.0 Introduction

It is axiomatic that prior to colonization, there were diverse indigenous peoples in the geographical territory now known as Nigeria who maintained independent pursuit of their respective political, economic, social and cultural development as it were. In other words, the modern-day Nigeria was conceived and eventually birthed on the ancient colonial bed of Great Britain vide the 1914 amalgamation of the then Northern Protectorate and Colony and Southern Protectorate. Thus, before the advent of colonization by Great Britain, Nigeria was not in existence [as one nation].<sup>1</sup> Since the 1914 amalgamation of the two Nigerian regions - the northern region with Islam as its main religion and the

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\* **E.O.C. OBIDIMMA**, BA; LLB; BL; LLM; PhD, is a Professor of Law in the Faculty of Law, Nnamdi Azikiwe University, Awka, Anambra State, Nigeria. His email address is eocobidimma@gmail.com while his telephone numbers are +2348034003436, +2348090255555

\*\* **ODINAKACHUKWU E. OKEKE**, Esq., LLB; BL; LLM is a Lecturer and a PhD Candidate in the Faculty of Law, Nnamdi Azikiwe University, Awka, Anambra State, Nigeria. His email address is oe.okeke@unizik.edu.ng while his telephone number is +2348066740136.

<sup>1</sup>O E Okeke, 'The Indivisibility and Indissolubility of Nigeria vis-à-vis the Right of Self-Determination' *International Journal of Comparative Law and Legal Philosophy* (2020) Vol. 2, Issue 2, p. 70.

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southern region with Christianity being its dominant religion - by the British colonial government,<sup>2</sup> Nigerians have continued to debate and discuss the issues bordering on the peaceful coexistence of the various ethnic groups on the one hand, and between Christians and Muslims on the other. The question about living together in peace emerged early in the Nigerian national debate as a result of the numerous violent confrontations between, among and within some ethnic groups in the north and some in the south, and between some Muslims and some Christians. From 1967 to 1970, Nigeria was completely ravaged by a bloody civil war that occurred mainly between the Muslim north (commonly identified as the Hausa–Fulani people) and the Christian southeast (known as the Igbo people), causing the death of more than one million people including children and women.<sup>3</sup> The subsequent violent clashes that occurred in the 1980s, 1990s and early 2000s between these ethno-religious groups both in the north and south of the country, and the recent surge of the *Boko Haram* terrorist attacks have continued to reignite the old debate on what it means for Muslims and Christians, *Igbos*, *Hausa-Fulanis*, *Yorubas* and the ethnic minorities in the different regions to co-exist and live together in harmony.<sup>4</sup>

Federalism emerged either through coerced authority of a foreign power (institutive federalism) or through voluntary agreement of the constituent units (constitutive federalism). Nigerian federalism conforms to the former type as the Nigerian federal constitution was imposed on Nigerians by the British colonial power. Meanwhile, the US federalism is an example of the latter type of federalism as constituting States willfully joined the confederation and subsequently federation. Federal character suggests 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.<sup>5</sup> Federal character has been said to be a positive reaction to correct those practices of the past, especially in public administration which tended to exploit or discountenance the diversities of the nation and by so doing occasion ill feelings, ill wills and loss of sense of belonging to the nation. Also it is a reaction to those practices which tended to reflect and pursue selfish and parochial considerations above national interest, especially those negative forces such as predominance of people of a particular ethnic or cultural or religious group in the government and governmental agencies, discrimination on the grounds of ethnic, religious or tribal or cultural group. The federal character principles involve a deliberate plan to construct means of ensuring the proper distribution of amenities and government projects in the country. This paper will yet beam more light on the definition and basic elements of the Federal Character of Nigeria as well as its limitations.

### **2.0 Underscoring the Need for Bonds of National Unity in Diversity**

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<sup>2</sup> M Crowther, *West Africa under colonial rule* (London: Hutchinson & Co. Ltd., 1968) cited in B. Ugorji, 'Ethno-Religious Conflict in Nigeria', *International Center for Ethno-Religious Mediation* (2016) 3 <<https://www.icermediation.org/wp-content/uploads/2015/08/Ethno-Religious-Conflict-in-Nigeria-by-Basil-Ugorji.pdf>> accessed April 11, 2021

<sup>3</sup> B Ugorji, *From Cultural Justice to Inter-Ethnic Mediation: A Reflection on The Possibility of Ethno-Religious Mediation in Africa* (Colorado: Outskirts Press, 2012) p. 102 cited in B Ugorji, 'Ethno-Religious Conflict in Nigeria', *International Center for Ethno-Religious Mediation* (2016) 3 <<https://www.icermediation.org/wp-content/uploads/2015/08/Ethno-Religious-Conflict-in-Nigeria-by-Basil-Ugorji.pdf>> accessed April 11, 2021.

<sup>4</sup> B. Ugorji, 'Ethno-Religious Conflict in Nigeria', *International Center for Ethno-Religious Mediation* (2016) 3 <<https://www.icermediation.org/wp-content/uploads/2015/08/Ethno-Religious-Conflict-in-Nigeria-by-Basil-Ugorji.pdf>> accessed April 11, 2021

<sup>5</sup> A Talib, 'Keynote Address of the NIPSS Conference on Federal Character and National Integration' *NIPSS Conference Proceeding* (1987) 2 – 3 cited in C C Ezeibe, 'Federal Character Principle And Nationality Question In Nigeria', *International Journal of Research in Arts and Social Sciences* (2010) Vol. 2, 80 <[https://www.academicexcellencesociety.com/federal\\_character\\_principle\\_and\\_nationality\\_question\\_in\\_nigeria.pdf](https://www.academicexcellencesociety.com/federal_character_principle_and_nationality_question_in_nigeria.pdf)> accessed on April 12, 2021.

The need for a strong, viable and workable, bond(s) of national unity in the face of the obvious ethnic, linguistic, cultural and religious diversity among the various indigenous peoples of Nigeria cannot in any wise or under any guise be swept under the carpet or treated with levity, otherwise the peace and progress of the Federation will continually be threatened. After all, the motto of the Federal Republic of Nigeria shall be Unity and Faith, Peace and Progress;<sup>6</sup> and accordingly, the Constitution declared that national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited.<sup>7</sup>

It is against the backdrop of the ethnic, linguistic, cultural and religious diversity among the various indigenous peoples of Nigeria that the researchers have decided to interrogate the need for genuine and strong bond(s) of national unity in Nigeria. Indeed, there is need for strong and workable bond(s) for national unity even in the midst of the undeniable diversity in Nigeria. The terms used for National unity have included national cohesion, national integration, nation building and social solidarity.<sup>8</sup> Unity ought not to be imposed on a people because an imposed unity is not only a fake unity but is no unity at all. True and lasting unity is best achieved with the consent and cooperation of the people. In a nation like Nigeria where the amalgamation and union of the diverse indigenous peoples was practically imposed on the peoples by the colonial master without any resort or recourse to the desire or will of the various peoples in Nigeria, it may constitute a time-bomb and a double jeopardy/risk to go further to impose and/or feign national unity especially in the face and in the midst of the obvious ethnic, linguistic, cultural and religious diversity among the various indigenous peoples of Nigeria.

The researchers found that some of the provisions of the Constitution of the Federal Republic of Nigeria 1999 and some provisions of some Nigerian Laws can safely be said to be to constitute bonds of national unity. By bonds of national unity, the researchers mean those constitutional and statutory provisions which tend or are intended to promote national unity in Nigeria. These provisions include the constitutional declaration that Nigeria shall be one indivisible and indissoluble sovereign State to be known by the name of the Federal Republic of Nigeria,<sup>9</sup> the constitutional provisions on prohibition of State Religion,<sup>10</sup> the constitutional provisions for the Federal Character of Nigeria,<sup>11</sup> the constitutional provisions for the right to freedom from discrimination,<sup>12</sup> the constitutional provision for the right to freedom of thought, conscience and religion,<sup>13</sup> the constitutional directive on Nigerian culture,<sup>14</sup> the constitutional provisions for the right of citizens to own immovable property anywhere in Nigeria,<sup>15</sup> the constitutional provisions for the right to freedom of association,<sup>16</sup> the constitutional provisions for religious tolerance,<sup>17</sup> the constitutional provisions for the encouragement of national integration,<sup>18</sup> the constitutional declaration that the motto of the Federal Republic of Nigeria shall be Unity and Faith,

<sup>6</sup>Section 15(1) of the Constitution of the Federal Republic of Nigeria 1999.

<sup>7</sup>Section 15(2) of the Constitution of the Federal Republic of Nigeria 1999

<sup>8</sup> U S Zamare & U A Karofi, 'National Unity: A Catalyst for Sustainable Democracy in Nigeria', *Developing Country Studies* (2015) Vol.5, No.8, 87.

<sup>9</sup> Constitution of the Federal Republic of Nigeria 1999, section 2(1)

<sup>10</sup>*Ibid.*, s. 10

<sup>11</sup> Constitution of the Federal Republic of Nigeria 1999, sections 14(3), 15(4), 147(3)

<sup>12</sup> Constitution of the Federal Republic of Nigeria 1999, section 42.

<sup>13</sup>*Ibid.*, s. 38

<sup>14</sup>*Ibid.*, s. 21

<sup>15</sup>*Ibid.*, s. 43

<sup>16</sup>*Ibid.*, s. 40

<sup>17</sup>*Ibid.*, s. 23

<sup>18</sup>*Ibid.*, ss. 15(2) & (3)

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Peace and Progress,<sup>19</sup> the constitutional declaration that sovereignty belongs to the people of Nigeria,<sup>20</sup> the constitutional declaration that the security and welfare of the people shall be the primary purpose of government,<sup>21</sup> the constitutional provisions for ensuring the participation of the people in their government,<sup>22</sup> the constitutional declaration that the Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice,<sup>23</sup> the constitutional declaration that the social order of the Federal Republic of Nigeria is founded on ideals of freedom, equality and justice,<sup>24</sup> the statutory creation of the offence of sedition and prescription of penalty therefor<sup>25</sup> amongst others.

This work focuses on the viability, workability and enforceability of the Federal Character of Nigeria as a bond of national unity. Interestingly, in this research, it is made clear that the federal character principle, national unity, national loyalty, national integration, national development, stability, peace and progress are interwoven (linked, related and connected). It is equally obvious herein that the proper application of the federal character principle will give the citizens a sense of belonging to the nation and thus create a large space for national integration, unity, loyalty, development, stability, peace and progress. The researchers have laboured in this work to demonstrate that the proper application of the federal character principle in the composition of the Federal and State Governments and their agencies, in the conduct of the affairs of the Government and their agencies, in revenue sharing, education, employment and location of industries and other development programmes will, to a great measure, guarantee national integration, unity, loyalty, development, stability, peace and progress.

### **3.0 The Federal Character of Nigeria as a Perfect Bond of National Unity**

*Section 318(1) of the Constitution of the Federal Republic of Nigeria 1999* defines federal character of Nigeria to mean the distinctive desire of the people of Nigeria to promote national unity, foster national loyalty and give every citizen of Nigeria a sense of belonging to the nation. There are provisions of the Constitution which relate to the said Federal Character of Nigeria. Some of the said provisions of the Constitution are as follows:

1. 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 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 any of its agencies.<sup>26</sup>
2. The State shall foster a feeling of belonging and of involvement among the various peoples of the Federation to the end that loyalty to the national cause shall override sectional loyalties.<sup>27</sup>

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<sup>19</sup>*Ibid.*,s.15(1)

<sup>20</sup>*Ibid.*,s. 14(2)(a).

<sup>21</sup>*Ibid.*,s. 14(2)(b)

<sup>22</sup> Constitution of the Federal Republic of Nigeria 1999, section 14(2)©

<sup>23</sup> Constitution of the Federal Republic of Nigeria 1999. section 14(1)

<sup>24</sup> Constitution of the Federal Republic of Nigeria 1999, section 17(1)

<sup>25</sup> The Criminal Code, Cap. C38, LFN 2004, sections 50(2) (c) & (d) – 52 .

<sup>26</sup>Constitution of the Federal Republic of Nigeria 1999, section 14(3). There is also similar provisions for 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 the agencies thereof to be in such a 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. See Constitution of the Federal Republic of Nigeria 1999, section 14(4).

<sup>27</sup> Constitution of the Federal Republic of Nigeria 1999.section 15(4)

3 Without any prejudice to the power of the Senate to confirm the appointments of the Ministers, any appointment of Ministers of the Government of the Federal Republic of Nigeria by the President shall be in conformity with the provisions of *section 14(3) of the Constitution of the Federal Republic of Nigeria 1999*. Provided that in giving effect to the provisions aforesaid, the President shall appoint at least one Minister from each State, who shall be an indigene of such State.<sup>28</sup>

In the light of the foregoing constitutional definition of the federal character of Nigeria and the provisions thereon, the researchers have deduced two basic elements of the Federal Character of Nigeria, to wit:

**1. The Federal Character of Nigeria is the distinctive desire of the people of Nigeria:**

It is not just a mere or general desire/will of the people of Nigeria but a distinctive desire of the people of Nigeria. The impression here is that the idea of the Federal Character of Nigeria is a peculiar idea which originated from the people of Nigeria. Since this particular desire and/or idea of the people of Nigeria is peculiar, distinguished and distinctive, the Nigerian legal system ought to give it a genuine and sufficient national attention.

- 2. The ultimate purpose/goal of the Federal Character of Nigeria is to give every citizen of Nigeria a sense of belonging to the nation:** The citizenship of Nigeria cuts across various indigenous peoples in Nigeria with their ethnic, linguistic, cultural and religious diversity. Thus, there is need to give every citizen of Nigeria a sense of belonging to the nation to avert/avoid the feeling of marginalization by any ethnic, linguistic, cultural and religious group. Based on the above elements and without prejudice to the interplay of other relevant/applicable factors, it is submitted that the incessant clamours/agitations for secession from the Federal Republic of Nigeria by some [indigenous] peoples in Nigeria are not altogether baseless; there is certainly a fire behind the smokes. The ill-feelings and ill-wills of the agitators are traceable to the people's lack or loss of sense of belonging to the nation because the peoples' distinctive desire is taken for granted.

**4.0 The Federal Character of Nigeria and the Quota System**

Quota system is a cognate policy of the Federal Republic of Nigeria; it is an offshoot of the constitutional principle of federal character. This cognate policy is aimed at the creation and sustenance of equitable access to opportunities for all its citizens. Quota system has been defined as any selection method (for employment, school admission, among others) whereby a certain set of percentage of those selected must be of a given ethnic or racial background and/or of a particular sex.<sup>29</sup> In Nigeria, quota system and catchment area policies are taken into consideration during recruitment exercises, admission into universities among others, where a fixed number (quota) is assigned to each state or the local government area (catchment area) that is on advantage location to the institution being competed for. Later, a selection of candidates is made based on the quota system and catchment area policies.<sup>30</sup>

<sup>28</sup> Constitution of the Federal Republic of Nigeria 1999, section 147(3). There is similar provisions vis-à-vis certain appointments by the Government of State. Constitution of the Federal Republic of Nigeria 1999, sections 192(2) & 197(3)

<sup>29</sup> O I Obielumani, 'Quota system and educational reforms in Nigeria', *Journal of Research Development*, 6(1) (2008) <[www.ajol.info/index.php/jorind/article/view/42414](http://www.ajol.info/index.php/jorind/article/view/42414)> accessed on 6 August 2021.

<sup>30</sup> J C Omeje, E I Egwa, & V O Adikwu, 'Impact of Quota System and Catchment Area Policy on the University Admissions in North Central Nigeria', *SAGE Open* (2016) p. 2 <<https://journals.sagepub.com/doi/pdf/10.1177/2158244016654951>> accessed on 6 August 2021.

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While the quota system came into *esse*<sup>31</sup> prior to Nigeria's independence in 1960, the federal character principle became officially countenanced for the first time in the defunct Constitution of the Federal Republic of Nigeria 1979. These policies were aimed at addressing the issues of ethnic representation in the public sector. The basic implication of these was that issues of admissions, recruitments, promotions and appointments became based on these policies/principles. As has been noted earlier in this paper, the Constitution of the Federal Republic of Nigeria 1999 has cognate provisions on the principle of federal character.

### **5.0 The Justiciability/ Non-Justiciability of the Federal Character of Nigeria**

A right is justiciable when it is capable of being legally enforced.<sup>32</sup> The term "justiciability" is generally understood to refer to a right's faculty to be subjected to the scrutiny of a court of law and other quasi-judicial entities. A right is said to be justiciable when a judge can consider this right in a concrete set of circumstances and when this consideration can result in the further determination of this right's significance.<sup>33</sup> Justiciability denotes the quality or state of being appropriate or suitable for adjudication by a court. It derives from the word 'justiciable' which relates to a case or dispute being properly brought before a court of justice; capable of being disposed of judicially.<sup>34</sup> Non-justiciability would therefore mean the very opposite of justiciability, to wit: the quality or state of an issue or question or matter being inappropriate or unsuitable for adjudication by a court. The term 'justiciability' refers to the ability to claim a remedy before an independent and impartial body when a violation of a right has occurred or is likely to occur. Justiciability implies access to mechanisms that guarantee recognized rights. Justiciable rights grant right-holders a legal course of action to enforce them, whenever the duty-bearer does not comply with his or her duties. The existence of a legal remedy – understood both in the sense of providing a procedural remedy (effective access to an appropriate court or tribunal) when a violation has occurred or is imminent, and the process of awarding adequate reparation to the victim – are defining features of a fully-fledged right.

The Federal Character of Nigeria is basically contained in *section 14(3) & (4) of the Constitution of the Federal Republic of Nigeria 1999* which section is under *Chapter II of the Constitution of the Federal Republic of Nigeria 1999* and generally, all the provisions under *Chapter II of the Constitution of the Federal Republic of Nigeria 1999* are non-justiciable in view of the ouster clause contained in *section 6(6)(c) of the Constitution of the Federal Republic of Nigeria 1999* which ouster clause states that:

*The judicial powers vested in accordance with the foregoing provisions of this section shall not, except as otherwise provided by this Constitution, extend to any issue or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the Fundamental Objectives and Directive Principles of State Policy set out in chapter II of this Constitution.*<sup>35</sup>

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<sup>31</sup> *Esse* is Latin word for existence or being.

<sup>32</sup> *Obu & Ors v. SPDC Ltd. & Anor* (2013) LPELR-21241(CA) pp. 15 – 16 paras A – B.

<sup>33</sup> K Arambulo, 'Strengthening the supervision of the International Covenant on Economic, Social and Cultural Rights' in I Merali & V Oosterveld (eds), *Pennsylvania Studies in Human Rights* (Philadelphia: University of Pennsylvania Press, 2001) p. 280 cited in O Ajigboye, 'Realization of Health Right in Nigeria: A Case for Judicial Activism' (2014) 14 *Global Journal of Human Social Science*, 27 <<http://socialscienceresearch.org/index.php/GJHSS/article/download/1133/1075>> accessed on 12 April 2021

<sup>34</sup> B A Garner(ed), *Black's Law Dictionary* (8<sup>th</sup>edn, Minnesota: Thomson West Publishing Co., 2004) p. 882.

<sup>35</sup> Constitution of the Federal Republic of Nigeria 1999, section 6(6)(c).

However, the ouster clause is not total because that *section 6(6)(c) of the Constitution* made allowance for exceptions when it says “...except as otherwise provided by this Constitution...”. By that, it is meant that where there is a provision in the Constitution outside Chapter II of the Constitution requiring compliance with the Federal Character of Nigeria, then that provision which is outside Chapter II shall be legally enforceable. A good example of such provisions outside chapter II is in *section 147(3) of the Constitution* wherein provision is made requiring the President to conform to and comply with the Federal Character of Nigeria in the appointment of Ministers for the Federation.

Another way by which the Federal Character of Nigeria can become justiciable is vide an Act of the National Assembly pursuant to *Item 60(a) of the Exclusive Legislative List* contained in *Part I of the 2nd Schedule to the Constitution*. The said *Item 60(a) of the Exclusive Legislative List* contained in *Part I of 2nd Schedule to the Constitution* provides for the “*establishment and regulation of authorities for the Federation or any part thereof to promote and enforce the observance of the Fundamental Objectives and Directive Principles contained in this Constitution*” by the National Assembly. So far, the researchers are only aware of the *Federal Character Commission (Establishment, Etc) Act*,<sup>36</sup> as the Act so enacted by the National Assembly. Meanwhile the Federal Character Commission has already been created and its basic functions specified by the Constitution.<sup>37</sup> In giving effect to the Federal Character Commission, the Commission is vested with power to:<sup>38</sup>

- a. work out an equitable formula subject to the approval of the National Assembly for the distribution of all cadres of posts in the public service of the Federation and of the States, the armed forces of the Federation, the Nigeria Police Force and other government security agencies, government owned companies and parastatals of the states;
- b. 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. take such legal measures, including the prosecution of the head or staff of any Ministry or government body or agency which fails to comply with any federal character principle or formula prescribed or adopted by the Commission; and
- d. carry out such other functions as may be conferred upon it by an Act of the National Assembly. These other functions conferred upon it by the Federal Character Commission Act include: (i) working out an equitable formula, subject to the approval of the President, for distribution of socio-economic services, amenities and infra structural facilities; (ii) working out modalities and schemes, subject to the approval of the President, for redressing the problems 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.<sup>39</sup>

The researchers are not aware of anyone who has been prosecuted by the Federal Character Commission till date.

## **6.0 The Present Situation in Nigeria vis-à-vis Compliance with Federal Character and Quota System**

<sup>36</sup> Cap. F7, L.F.N. 2004

<sup>37</sup> Constitution of the Federal Republic of Nigeria 1999. section 153(1) (c) & (2)

<sup>38</sup> Paragraph 8 of Part I of the 3<sup>rd</sup> Schedule to the Constitution of the Federal Republic of Nigeria 1999

<sup>39</sup> The Federal Character Commission (Establishment, Etc.) Act, Cap. F7, L.F.N. 2004, section 4

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The foregoing provisions of the Constitution with regard to the federal character principle is a lofty ideal as it is intended to foster unity and a sense of belonging to every Nigerian of all creeds and cultures. However, its implementation is a far cry from its intentions and this has made a section of the citizenry restive. This has created a lot of doubt in the minds of the perceived victims as to the objectivity of the government in implementing the federal character principle as enshrined in the Constitution. This is mainly the reason President Muhammadu Buhari's appointments to federal offices have drawn a great deal of criticism, especially across the southern half of Nigeria. The immediate cause of the disenchantment is the ethnic origins of the officials named by the President to the positions in question. The appointments have been described as "lopsided", as reflecting insensitivity to the plurality / heterogeneity of the Nigerian State, and as having stirred up "outrage across Nigeria." Some have even gone to the incendiary length of characterizing President Buhari as "President of Northern Nigeria."<sup>40</sup> Thus, it has been largely believed and insinuated in Nigeria that all the appointments of the President Buhari administration are lopsided as they tilt predominantly in favour of the *Hausa/Fulani* (the tribe of the incumbent President).<sup>41</sup>

It has been asserted that the key positions are from the North: the major security offices – Chief of Army Staff, National Security Adviser, State Chief of Protocol, Chief of Air Staff, Chief of Defence; the main economic offices – Accountant General, Deputy Governor of Central Bank of Nigeria, Group Managing Director of Nigerian National Petroleum Corporation, Comptroller General of Customs and Immigration. Other core offices such as Chairman of Independent National Electoral Commission (INEC), Inspector General of Police, Attorney General of the Federation *etc* are occupied by persons from the same section of the country contrary to the federal character principle enshrined in the Constitution. In a nutshell, it can be asserted without contradiction that there has never been such brazen abuse of the federal character principle as witnessed in the present administration.<sup>42</sup> This is a gross violation of not only the federal character principle but also the very principle of federalism on which the nation is perceived to be founded. Such a situation cannot foster unity and cannot give anybody any sense of belonging.

### **7.0 Conclusion and Recommendations**

In conclusion, it is the researchers' submission that since the federal character of Nigeria is constitutionally recognized and declared as a distinctive desire of the people of Nigeria, there should be ample and able legal framework for the advancement and enforcement of that distinctive desire of the people. This is because according to Section 14(2) of the Constitution, sovereignty belongs to the people of Nigeria from whom government through the Constitution derives all its powers and authority.

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<sup>40</sup> OI Eme& MI Okeke, 'Buhari Presidency and Federal Character in Nigeria: A Human Needs Theory Perspective', *International Journal of Philosophy and Social-Psychological Sciences* (2017) Vol. 3(1) 74 – 90 at 74

< <https://sciarena.com/storage/models/article/hcmTZ0FEK5AW5bZts73sVAZUJVUndATWVanGucb1Dpkpar4dQFyADUtL9oHy/buhari-presidency-and-federal-character-in-nigeria-a-human-needs-theory-perspective.pdf> > accessed on April 13, 2021.

<sup>41</sup> M Humbe, "Mike Ozekehome Flays Alleged Lopsided Appointments in Interior Ministry", *The Guardian of 18<sup>th</sup> January 2017* <<https://guardian.ng/news/mike-ozekhome-flays-alleged-lopsided-appointments-in-interior-ministry/>> accessed on April 13, 2021. See also F. Ndubuisi, 'Buhari's Slanted appointments: Matters arising', *National Mirror*, Thursday, September 10, 2015; and O Agbede, 'Buhari: Fresh concerns on national unity over alleged lopsided appointments', *The Guardian of 6<sup>th</sup> June 2020* < <https://guardian.ng/politics/buhari-fresh-concerns-on-national-unity-over-alleged-lopsided-appointments/> > accessed on April 13, 2021.

<sup>42</sup> I Ogunniran, 'In Search of a Viable Federalism: the Federal Character Principle in the Nigerian Constitution', *IACL-AIDC Blog* (2018) <<https://blog-iacl-aidc.org/blog/2018/9/10/in-search-of-a-viable-federalism-the-federal-character-principle-in-the-nigerian-constitution>> accessed on April 13, 2021.

The researchers are of the view that where and when the composition of the Government of the Federation or any of its agencies and the conduct of its affairs are in such a manner that is brazenly inconsistent with the Federal Character of Nigeria, there will arise a very strong likelihood that some citizens will lose their sense of belonging to the nation.

Such a loss of sense of belonging to the nation whether by a majority or a minority of the citizens becomes a great threat to national integration, unity, loyalty, peace and progress. The citizens whose sense of belonging to the nation has been injured and/or lost will begin to feel marginalized and such ill-feeling will make such citizens naturally disloyal and/or opposed to the government. That is how certain clamours and/or agitations were and are birthed and nurtured including the agitations by some indigenous peoples in Nigeria for secession or rather for the exercise of their perceived right to self-determination. The researchers further opine that there is no sufficient and strong constitutional and statutory framework for the efficiency and enforcement of the federal character of Nigeria.

In the premises of the foregoing, the researchers make the following recommendations:

1. The National Assembly should further amend the Constitution and/or enact an Act making breach of the federal character of Nigeria a criminal offence for which the President or Governor may be tried during his tenure of office as an exception to the immunity donated to them under section 308 of the Constitution, and if found guilty and convicted, shall stand removed from office. The original jurisdiction to try the offender should be donated to the Supreme Court of Nigeria and a reasonable time-frame should be stipulated for such trial.
2. Apart from removal from office being the automatic legal consequence of a finding of guilty and conviction for a violation of the federal character of Nigeria as recommended above, the authors further recommend that such violation be made equal to the penalty for the offence of treason or treasonable felony.
3. The National Assembly should further amend the Constitution to provide for six (6) Vice-Presidents, one from each of the six geopolitical zones in Nigeria and spell out the extent of their powers and functions. Alternatively, Nigeria should return to the regional structure with the powers of the federal government and the regional governments well set out.
4. The law should be made in such a way that where the Federal Character Commission fails to prosecute an offender, the Chairman and all principal officers of the Commission shall be liable to be charged with the offence together with the principal offender.

It is believed that the implementation of these recommendations will go a long way in not only remedying the inequitable situation but will also ensure that the federal character principle provided in the Constitution is seen by all to be observed and respected. This is one of the ways citizens can be given a sense of belonging in a country that demands their faith and loyalty.