

The Concept Of Unity And Diversity In Relation To The Experience Of Nigeria Federalism Beyond A Successful Political Transition

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Abstract

Most political scientist agreed that a political community exist in a society whose members possess mutual sympathy and loyalty with respect to their participation in a common political unit. In other words, regardless of differences in custom, religion, social economic status and nationality in a political community, there is among the people, a shared national identity. Unity in a federation does not mean or imply uniformity of behaviour or outlook of the people on all things and in all circumstances, rather it involves the existence of minimum consensus. There is bound to be disagreement among people on many issues but where public policies have passed the test of legitimacy, the dissenting groups must submit without rancour to the will of the majority. It should be clear that in the emerging multi-nationality in Nigeria's federations, the idea of unity does not imply the destruction of the essential cultural trait of the ethnic groups but that all the people should be socialised so as to share a national identity, embracing common values and norms which will constitute part of their personality structure irrespective of their religion, tribe or language. With the aid of secondary data, this paper therefore examined the experience of Nigeria on the issue of federalism in relation to unity and diversity within the country beyond a successful transition.

Keywords: Unity, Diversity, Federalism, Minority, Majority and Political Transition.

Introduction

Diversity in the culture of the component units in a federation like Nigeria would be left largely intact especially in so far as this does not jeopardise the existence of the minimum consensus. Loyalty to the federal government does not depend merely on emotional trappings. Ideally, for a system in a federation to persist under conditions of minimum friction and maximum effectiveness, there must be a balanced development of the units (Awa, 1976). This will generally involve a great reduction of variability in those elements of diversity which are not essential to the maintenance of the system under federal condition.

In Nigeria, the problem of ensuring a reasonable degree of unit under conditions of diversity is central in the structuring and running of the federal government. The degree to which unity is achieved will determine whether the inclusive government will persist as a political system and whether the system is federal or a different political system. Thus, in every society, it is the common political structure shared by the members that tends to create minimal affective bonds among them. As pointed out by (Cohen: 1976), the point is that if men are committed to the same values, they recognise a common identity as against others. They will accept common goals and certain prescriptions and prohibitions concerning the means for achieving the goals. The choice of conduct made by each individuals will be determined by these common standards and by the psychological satisfaction obtained from conformity. The commitment to values enables men to devise means for reconciling or adjusting conflicting interest and for turning coercive force into legitimate authority.

Nigeria as a nation-state emerged in 1914 when the northern and the southern parts of the country were amalgamated. This was initially carried out for the selfish interest of the colonial master to enhance easy administration. In 1946, Nigeria achieved what we may refer to as territorial and constitutional integration and this kind of integration was reinforced in 1967 through the creation of more states in the country. This was also increased to 19, 21, 30 and now 36 states structures respectively.

From the above scenario, it cannot be successfully concluded that Nigeria now possess that minimum consensus which one finds readily in both the great Britain and the United

States of America. The idea of one nationality, implying the existence of shared identity, is found in its embryonic form because sectional loyalty is still being of primary importance among the nationality groups in the Nigerian Federation. Therefore, there was a need for the emergence of such programmes as the Federal Character Commission and the National Youth Service Corps (NYSC) to douse the tension of the disgruntled minority and even majority groups. This paper therefore examined the concept of unity and diversity in relation to the experience of Nigerian Federalism beyond successful transition.

Methodology

This paper was written with the aid of secondary data dwelling extensively on textbooks, journals and newspapers.

Conceptual Analysis

There is no consensus among authors as to the exact definition of federalism. Many founding fathers of federations and some writers on federalism often use terms federal, federation and confederation interchangeably. The essence of the federal system is that the national government in the one hand and the state government on the other are autonomous in their respective spheres. The agreement here focus on the fact that, each of the terms used implies a fact or treaty among independent states, whereas, in some modern federations, the unit were created more or less by a fiat of the founding fathers. In other words, once the units are created for the purpose of incorporating them into a federal system of government these units assumes a status of independence viz-a-viz the inclusive government.

The concept of federalism has attracted the attention of scholars, political activists, politicians and public affairs commentators over the years. It has been observed that federalism did not begin as a concept of social and political organisation evolved by reflective philosophers or postulated by didactic political scientists (Ramphal, 1979). The earliest most profound theoretical exposition is probably the 85 essays that appeared in 1788 under the now famous title ‘the federalist (Igbuzor, 2002). These essays were actually written in defence and support of the 1787 constitution of the United States. Though, the discussion of

contemporary federalism normally started with K.C. Wheare who stressed the formal division of power between levels of government (Wheare, 1963). According to Wheare, the federal principles include the following:

- a. The division of powers among levels of government
- b. Written constitutions showing this division, and
- c. Coordinate supremacy of the two levels of government with regard to their respective functions (Wheare 1963).

The Encyclopedia Americana(2001) perceived federalism as the principle according to which two levels of governments, general and regional, exist side by side in a state, each possessing certain assigned powers and functions. According to Livingstone (1956) the essential nature of federalism is to be sought for, not in shading of legal and constitutional terminology but in the forces such as economic, social, political and cultural factors that have made the outward forms of federalism necessary. In other words, the essence of federalism lies not in the constitutional or institutional structure but in the society itself. Thus Livingstone concluded that federalism is a device by which the federal qualities of the society are articulated and protected.

In furtherance of the discussion on federalism, some writers or political leaders regards federalism as some kind of decentralised government. The term decentralization implies the existence of a primary centre in a political system and these are units which are clearly subordinated to this centre. Thus, the central government alone possesses inherent authority, but devolves some powers on the unit as a means of facilitating the administration of the country. In some countries, particularly in new states, federalism is regarded as regionalism, ethnicity being the distinctive feature which delineates the unit. Federalism actually involves cooperation, bargaining and conflict. There has always been a measure of cooperation between the two levels of government if such cooperation increase in scope and quality as the federation matures. In other words, as a federation grows older, the areas in which cooperation is sought and used increase greatly in number and cooperation itself is characterised by more understanding and smoothness than in the initial stages of the union.

According to Akinyemi (1979), Federalism is characterised by cooperation, negotiation and conflict among the diverse people in the Federation. Federalism is a system of government that sustains national cohesion on the one hand and accommodates diversity of states on the other. It recognised the existence of multiple units of government having concurrent jurisdiction, co-ordinate and independent of one another. Each tier of government is expected to have a final say on matters within its own sphere of authority. Federalism in a simple form implies a political system in which sovereignty is statutorily shared between and among the central government and the constituent units. It must be noted, however, that the exact way power is shared varies from one country to another. This according to Ugwu(1998) is a function of whatever agreements form the basis or foundation of the country. In most cases the agreement reached during the formation of the federation is expected to form the major components of its constitution. Therefore, the basis of federalism must be streamlined into what Ugwu (1998) perceived as “well defined permanent structures and boundaries for major political sub-divisions through which power is dispersed. Federalism is therefore not based on arbitrary action, but on specific well laid out rules.

In the views of Jinadu (1979), federalism was conceived as a form of government that was purposely designed to cope with the twin, but difficult task of maintaining unity while at the same time preserving diversity. This assertion is also in tandem with the views expressed by Elaigwu (1994) when he described a federal system of government as one that arises from the desire of people to form a union without necessarily losing their identity. Watt (1966) contends that bargaining also assure more importance as the federation becomes more highly developed. There is always some conflict in the relations between the regions and the federal government and among the regions and the federal government and among the regions themselves, though these conflicts tend to fluctuates with economic trends in the society. In addition, there is no pure federal model, where a whole range of international variation implementing the principle of coordinate authority is possible. There are variation in the way in which authority is distributed and the actual scope of the functions which are assigned to each level of government may differ according to the needs of a particular society and the attitudes of the leaders. The degree of mutual interdependence also varies as well as the institutional arrangements for protecting and amending the constitution.

Livingstone (1956) distinguished between a federal constitution which is the legal document and a federal society which is characterised by historical, cultural and linguistic background and geographical location. According to Ramphal (1979), the broad patterns of classical federalism include:

- a. The need for supreme constitution,
- b. A predetermined distribution of authority between federal and state governments.
- c. An amending process which allows revision of the federal compact but by neither the federal government nor the state government acting alone.
- d. A supreme court exercising power of judicial review
- e. Some measure of financial self-sufficiency (Ramphal, 1979).

It could be deduced from the above that three issues are clear. First is that constitutional specification is the starting point of any federal arrangement. Second, economic, social, political and cultural factors determine and affect the nature of any federal system. Third, federalism is a concept for promoting unity in diversity and has to be worked upon by the country to reflect economic, social, cultural and historical reality.

Nigerian Federalism

There is no doubt that the federal system in Nigeria is unique. Prior to the establishment of a twelve — state structure in 1967, some observers equated the government system with regionalism because the three original units were broadly related with the ethnic structure of the country. Though, there are specific factors that led to federal formation in Nigeria which include among other reasons diversity of the country, desire for political unity in spite of ethnic and religious differences, shared colonial experience since 1914 amalgamation by lord Lugard, problems associated with the emergence of tribal nationalism and ethnic based political parties, desire for economic and political viability as a country and general disenchantment with experimenting of unitary constitution and the eventual breakdown of the 1951 Macpherson constitution.

It is clear from the above that the choice of federalism in Nigeria started with the Richards constitution of 1946 which created three regional councils for the western, Eastern and Northern Regions. The Macpherson constitution consolidated this by providing that whenever central and regional laws were inconsistent, that of the central government will prevail. The 1954 Lyttleton constitution concertized the federal structure for Nigeria when it provided the exclusive legislative list which specified the items on which the federal government could legislate and concurrent list stating the items that the federal and regions could legislate. Although, whenever there is a conflict, the federal law would prevail over regional laws, the residual powers resided with the regions. The independence and republican constitutions of 1960 and 1963 retained most of the provisions of the Lyttleton Constitution. Thus at independence, each region in Nigeria had its own constitution, coat of arms, motto and semi-independent missions. The federal list contained items such as archives, aviation, external borrowing, copyright, defence, currency, external affairs, extradition, immigration, meteorology, armed forces, and nuclear energy while the regional list contained items such as antiquities, arms and ammunition, census, higher education, labour, prisons, security, traffic etc. The advent of military regime completely undermined federalism in Nigeria. The regions were broken into States by the military (from four regions to 12 States in 1967 to 19 states in 1976 to 21 in 1986 to 30 states in 1991 and 36 states in 1996). The constitution was suspended throughout the almost 35 years of military rule. On return to civilian rule in 1999, there is only one constitution for the whole country which recognised 774 local governments.

Federalism in Nigeria particularly as it affects resource allocation and minority group can be divided into two phases: the phase before military rule and the phase after the military takeover in 1966. During the first republic (1960-1966), the revenue of the country was distributed based on derivation principle. 50 percent of the revenue from mineral resources was given to the region from where the minerals were extracted (Igbuzor, 2002). Another 30 percent was put in a distributable pool, which was divided among all the regions including the producing region. Only 20 percent went to the federal government. The military took over power in 1966, which was followed by a 30 month civil war. Most of the oil producing communities was in the republic of Biafra that was declared by then Col. EmekaOdumegwuOjukwu. In 1969, when the Federal Military Government had successfully

liberated the oil producing communities, it promulgated the petroleum decree (No 51) of 1969 that vested all the lands and the resources in, under or upon the land on the Federal Military Government. There is no doubt that the Federal Government has continued with this war strategy on the Niger Delta people till date through the attempt of checking the activities of the militants and the introduction of amnesty programmes for militants who are ready to lay down their arms.

Discussion

Challenges of Unity and Diversity in Nigeria

The ethnic and religious composition of Nigeria and its manipulation by the political elite has posed a lot of challenges to governance, security and unity in Nigeria. This has been aggravated by the failure of the state to perform its core duties of maintaining law and order, justice and providing social service to the people. For instance, the failure of the state has led to the emergence of ethnic militias in several parts of the country such as Odua Peoples' Congress (OPC), Baakasi Boys, Boko Haram and the Arewa consultative forum that felt manipulation and its attendant frustration has led to militancy, kidnapping and other social vices.

Meanwhile, it has been documented that the nature of violent conflict in the world is changing in recent times particularly in terms of the causes of the conflict and the form of its expression (Bloomfield and Reilly, 1998). According to Harris and Reilly, one of the most dramatic changes has been the trend away from traditional inter-state conflict (that is, a war between sovereign states) and toward intra-State conflict (that is one which takes place between factions within an existing state) (Harris and Reilly, 1998). They argued that conflicts originating largely within states combine two powerful elements: potent identity based factors, based on differences in race, religion, culture, language and so on with perceived imbalanced in the distribution of economic, political and social resources (Harris and Reilly, 1998).

Various scholars have written on the politicization and manipulation of ethnic and religious identities in Nigeria (Otite, 1990; Nnoji, 1978). In the past fifty years, there has been a resurgence of ethnic and religious violence in Nigeria. It is instructive to note that this resurgence coincided with economic crisis experienced in Nigeria and the global economic recession ravaging the whole world (Oyovbaire, 1993; Osaghae, 1995 and Egwu, 1998). Shawalu has argued that the source of conflict in Nigeria include militarism, absence and distortions of democracy, economic problem, collapse of the educational sector, the growing army of almajiris in the North, security of individual lives, intensification of micronationalism instead of macro nationalism, absence of justice and equity and weakness of Civil Society groups (Shawalu, 2000). One common trend that runs through the writing of scholar is the argument that most ethnic clashes in Nigeria often have religious dimensions (Okafor, 1997; Alemika, 2000 and Okoye, 2000). This crisis creates more disunity in Nigeria and they are always causes for worry for Nigeria Federalism.

Lessons from Nigeria's Experience on Steps Taken to Ensure Unity and Diversity

There are a lot of lessons that can be learnt from Nigeria's experience in managing unity and religious diversity. First, constitutional engineering after the failure of the first republic in Nigeria has prevented the emergence of religious parties in Nigeria. Although some of the recent political parties have more following in certain regions of the country (Action Congress of Nigeria, ACN) in South western Nigeria, Congress for Progressive Change, (CPC)in Northern Nigeria, All Progressive Grand Alliance, (APGA)in eastern Nigeria though, the PDP and APC appears unique, the outlook, programmes and mobilisation of all the parties are national. Second, the Nigeria experience has shown that constitutional provisions alone cannot prevent ethnic and religious conflict. Furthermore, the Constitutional prohibition of state religion has not prevented governments (both Federal and State) from giving preferential treatment to certain religions, it has also not stopped some state governments in Northern Nigeria from introducing the Sharia legal system and some iota of sentiments towards religion.

In addition, the experience of Constitution making in Nigeria shows that the people have never really participated in the making of a constitution for the country. The present

1999 Constitution was imposed by the military government. Since the people did not participate in the making of the constitution, they cannot relate to the final product as their own. They are therefore alienated from the political process and the end result is lack of respect for the rule of law, Corruption and Conflict. The issue of killing of Youth Corps members in Bauchi state was another factor that attempted to threaten the unity of Nigeria after the declaration of the winner of the presidential election in 2011. Thugs and hooligans in some of the northern state took to violence when their candidate could not win the election against their expectations. The federal government took various steps to douse the tension that would have arisen as a result of the killings and wanton destructions. Religion is used by the elite as a tool of manipulation to have access to power.

There is therefore a big difference between constitutional provision and reality. The challenge is to ensure the creation of institution and mechanism that will anticipate, forecast and try to prevent this conflict and mobilise the people to ensure good governance, accountability and transparency while ensuring that there are institutions of horizontal accountability that are independent. The Economic and Financial Crime Commission (EFCC) seems not to be independent. They are found to be involved in selective prosecution of certain category of public official and Politicians.

Conclusion

Generally, it should be noted that as a political system develops, especially as severe economic problems compel the units to demand increased aid in the areas of health, education, welfare, etc., from the federal government, the degree of interdependence between the levels of government tends to rise. To entrench and sustain unity in Nigeria federalism, many analysts and scholar had always focus attention on the degree of integration that has occurred and the amount of interdependence that can be discovered between the three levels of governments. The problems of ensuring a reasonable degree of unity under condition of diversity are Central in the structuring and running of the Nigeria Federalism. The degree to which unity is achieved will determine whether the inclusive government will persist as a political system and whether the system is fair and just to the federating units and their people. The federal polity is expected to be structured deliberately to ensure some degree of

diversity because social institutions are of unequal value in the maintenance of balance between the regional unit and the inclusive government in a federation. Ideally, in all federations, uniformity in the granting of political and civil right is considered essential to the operation of modern government. In practice what is achieved is not eradication of disparity but some degree of balanced development, assuring the abolition of glaring disparities. It however seems unlikely that uniformity can be achieved in these areas because variables such as availability of resources in units, quantity and quality of regional population, etc. which help determine achievement, cannot be equalised by legislation. Therefore, variability in these social and economic matters remains partly because it is considered essential to the maintenance of a federal system of government and partly because of the difficulties involved in an attempt to assure even development in the Nigeria political environment.

Nigeria is a nation with great ethnic and religious diversity and a very rich history of constitutional development. This diversity has posed a lot of challenges to unity, security and governance in Nigeria which was manifested by many religious and ethnic conflicts. There have been various efforts to address these challenges but the manipulation by the political elite has led to the persistence of the problems caused by this diversity. At present, there are a lot of efforts to tackle these challenges that are threatening our federalism. Other countries have a lot to learn from Nigeria's experience. But whether the problems posed by these challenges will be resolved will depend on the balance of forces within the Nigerian State and the mechanism and institution that are put in place for political accommodation, and management of social diversities and religious differences which could determine whether Nigeria's federation could be sustained or otherwise. The recent clamour for restructuring by some parts of the country was as a result of perceived marginalization and lopsided appointments into government offices.

Recommendation

To ensure adequate and proper federalism sustenance in Nigeria, the following ideas are suggested:

Adoption of federalism in Nigeria:

It was reasoned that with the diversity of Nigeria, federalism would be the best system suitable for the country. As noted earlier, the move towards federalism, which started with the Richards constitution of 1946, was consolidated by the Lyttleton constitution of 1954 when there was co-existence of the federal government alongside the regional government of North, East, and West. In 1963, the Midwestern region was created bringing the number of regions in the country to four. Each region had its own police, Courts and Prisons. The intrusion of the military into governance changed all these and turned the country into more or less a unitary state after the manner of military high commands. A recent argument canvassed by advocates of Nigeria federalism is the call for the establishment of State police or community police to curb the incessant security threat witnessed in the country.

Entrenchment of fundamental human rights provisions in the Constitution:

During the 1954 constitutional conference that led to the making of the Lyttleton constitution of 1954, minority groups in Nigeria experienced and expressed fear of discrimination, marginalisation and oppression. This led to the setting up of the Willinck commission on 26th September, 1957. The commission recommended the entrenchment of fundamental human rights in the constitution. This recommendation was accepted and fundamental human rights provision has formed part of Nigeria constitution from the independence constitution of 1960 till date. A review of the 1999 constitution should further allay the fears of the minority by ensuring the fundamental human right and adequate implementation of the rule of law.

Adoption of multi-party system:

It was reasoned that multi-party system would give the ethnic minorities an opportunity to protect their interest. However, 97 political parties is a misnomer for the country. The political parties should be reduced to four or five for maximum efficiency.

Modification of electoral system:

To become a president of Nigeria, a successful candidate is not only required to obtain a majority of votes cast but must also obtain not less than one-quarter of the votes cast in the election in each of at least two-thirds of all the states of the federation. This was provided for in sections 125-126 of the 1979 constitution and replicated in sections 130- 132 of the 1989 constitution and section 131-134 of the 1999 constitution. This should however include a clause such that, the president shall not be a man with ethnic sentiments and should not be a fanatic in favour of any particular religion.

Constitutional prohibition of ethnic and religious parties:

In the first republic, the major political parties were of ethnic origin. The Northern people's congress (NPC) emerged from a Northern based cultural group known as Jam'iyyar Mutanen Arewa with the support of Hausa-fulani while the Yoruba cultural organisation EgbeOmoOduduwa metamorphosed into the action group with its base in western Nigeria. The National Convention of Nigerian Citizens (NCNC) had its base within the core of Igbo land in eastern Nigeria. Other smaller parties like Northern Elements Progressive Union (NEPU), United Middle Belt Congress (UMBC), and Niger Delta Congress had their ethnic support from the Hausa/Fulani peasant, Tiv and Ijaw/kalabari respectively. It has been argued that the ethnic orientations of the political parties were one of the main reasons for the collapse of the first republic (Abubakar, 1997). Similarly, some political parties in the 2011 general elections were ethnic based. Action Congress of Nigeria, ACN in the South West, Congress for Progressive Change, in Northern Nigeria and the All Progressive Grand Alliance, APGA in eastern Nigeria. It was only the People's Democratic Party, PDP that was national in outlook. Thus its presidential candidate won in about 28 states of federation in 2011. The parties in the 2015 and 2019 elections were basically PDP and APC and the parties were adjudged to be national in outlook.

In other to address this pit fall, the 1979 and 1999 Nigerian constitution prohibited the formation of political parties with ethnic or with religious connotation. These are some of the

policies, ideas and programmes that the government can adopt to ensure sustainability of Nigerian federalism beyond a successful transition.

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