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# Constitutional Change For Minorities In Nigerian Federal Arrangement

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## ABSTRACT

The minority problem in Nigeria is the direct product of the existence of the federal system's growth and creation. In order to foster creation of national meaning, the emerging framework should resolve the interests of all communities in an ethnically varied political climate. Where national consciousness is replaced by ethnic identification, national integration wishes to encourage solidarity through treatment. A sense of national consciousness was not stimulated at the beginning of the federal system in Nigeria. Unfortunately, at the detriment of national unification, independence political actors politicised the minority problem. As a result, calls for self-determination, ownership of land, and Sharia law were moved in many phases, as well as the creation of additional States, and a recent national conference on sovereignty was convened. This paper suggests that overall institutional corruption in Nigeria exacerbates the turmoil generated by these demands and the subsequent crises over the years. While in the various units of the federation there are minority groups, politics are more a matter of the more prominent minority than politics. Devices designed to alleviate minorities' fears have become a catalyst for federal instability. The paper states that Nigeria should examine the minority problem for the second time and undertake further concrete steps in order to develop a federal political system isolated from divisive trends.

**Keywords:** Minority, Nigeria, Federalism, Ethnicity.

## INTRODUCTION

Nigeria is one of the most diverse and divided countries in Africa. In 1914, the decision to merge northern Nigeria with the southern Nigeria created a single political entity with a limited common history and cultural connection, mainly for administrative reasons. Colonial rule has exacerbated these differences, strengthened religious and ethnic identities as major political differences and creating conditions for continuous instability (Mustapha, 2007; Agbibo, & Okem, 2011). The divide between North and South continues and is characterised by significant changes in economic development and access to basic social services. Challenges over religion have frequently led to tensions within the regions particularly since more fundamentalist strains of Islam grew in the 1980s (Agbibo, 2013). Nigeria's regional structure also fostered competition among ethnic groups below this level (Suberu, 1993; 1996). In their respective regions, the Yoruba, Igbo and House/Fulani have been designated as dominant ethnicities and are tensioner to ethnic minorities (Graf 1988). The strong association between communities in a specific territory has also led to a conflict between 'indigenous people' claiming birth and other Nigerians who are considered internally migrant, denied equal rights and afforded limited access to the land (Mamdani, 2001). Concurring in the spoils of the natural resources of Nigeria

especially oil), encouraging corruption to control the state institutions, has further contributed to these sources of instability (Uzodike, Allen, & Wetho, 2010).

Despite a tangled history in Nigeria, observers indicate that Nigeria has "mitigated more severe violence" as ethnic "federal character" (Federal Character Commission, 2000). Multi-state federalism has located conflicts and created a balance between large ethnic groups that prevents any group from seizing control of governmental authority. The diversity of each region has also been preserved. In the 1979 and 1999 constitutions, the "Federal Character" principle establishes the aspiration to use a federal political structure as a resource to transcend the group differences by stating that national unity must be promoted and that the composition and conduct of government entities must be promoted and persons from a few States or ethnic or other groups prevented from being predominant. At the same time, the use of the federal system to provide a strong stimulus for winner-taking policies in economically and culturally diverse regions has promoted redistributive tendencies on the basis of group identity and has failed systematically to address major gap levels in the life of all countries. These profound disparities have partly stimulated the rise of Boko Haram and the ongoing Niger Delta conflict.

In this context, this paper investigates how Nigero's federal model encouraged pluralism to recognise and promote a sense of belonging among the people in the Federation in line with current constitutional requirements. To what extent have since 1966 federal arrangements mitigated grievances among groups instead of serving as a venue for a rabid ethnocultural competition? How effective has the Nigerian Federal State coped with or adapted to new challenges in light of ongoing socioeconomic regional inadequacies and the emergence and span of the "homegrown" religious radicalisation in northern Nigeria?

The paper starts with the identification of the Nigerian minority groups. It then explores the constitution of Nigeria and how the Nigerian multi-ethnic society is handled. The paper concludes by considering whether and to what extent efforts have been successful to build inclusive institutions, build interethnic accommodation and encourage pluralism in Nigeria.

## **OBJECTIVES**

Objectives of this study are as follows:

- 1) To study about the various minority groups in Nigeria.
- 2) To study about the constitutional provisions for minorities in Nigerian Constitution.

## **MINORITY GROUPS IN NIGERIA**

The ethnic diversity of Nigeria varied from 250 to more than 400 in estimates of the number of different ethnic groups. The most frequently measured is the language, which in many cases was considered ethnically different by people speaking a different language and having a different language term, or its speakers. In the 1970s, the number of language groups was above 400, depending on whether or not closely associated languages were mutually understandable. In Nigeria, minorities are usually ethnically defined and all ethnic groups outside the majority of ethnic groups known as Hausa-Fulani, Yoruba and Igbo are considered as minority groups. The trio represented 60% of the population of Nigeria: with 29%, 22% and 18% each of the

population, groups like Ijaw, Kanuri and Tiv are categorised as minorities with a significant number. (See Table 1). It can also be remembered that ethnic communities in different areas of the world may also be considered, such as in the far north the Christian minority and in the centre and south-east the Islamic minority.

The history of the Nigerian minority or minority instability goes back to the time of colonialism, in line with the regionalization strategy of the colonial government. In North Nigeria for example, minority concerns centred on enforcing Hausa-Fulani leadership on indigenous ethnic groups. This indicated that indigenous communities, like consumer power, were removed from political and economic opportunities. The search for independence in the 1950s consolidated minority fears over their future as the colonial administration left the country. These concerns of discrimination and exploitation did not only refer to minorities in the North but also to their peers from other countries. They then formed or urged the authorities to put in place steps to ensure their autonomy, such as the development of the Calabar Ogoja state in the East and the Mid-West state in the West and the Midskybelt state in the North.

**Table 1: Population of Speakers of the 12 Largest Ethnic Groups**

Language	1963 Population	1986 Population (projected)
Hausa	11,653,000	23,233,000
Yoruba	11,321,000	22,571,000
Igbo	9,246,000	18,434,000
Fulfulde	4,784,000	9,538,000
Kanuri	2,256,000	4,498,000
Ibibio	2,006,000	3,999,000
Tiv	1,394,000	2,779,000
Ijaw (Izon)	1,089,000	2,171,000
Edo	955,000	1,904,000
Nupe	656,000	1,314,000
Urhobo	639,000	1,274,000
Igala	582,000	1,160,000

## **NIGERIAN CONSTITUTION AND DIVERSITY**

This section discusses the constitutional provisions that support our oneness as a people of a great nation that must see themselves first as citizens rather than indigenes. The Constitution is the supreme law of the country where all the laws are bound. It is given specifically by the

Constitution for becoming supreme and for the rules of its Constitution to extend to all authorities and individuals throughout the Federal Republic. Moreover, where other statutes conflict in its clause and the other statute is invalid to a point of incoherence, the Constitution shall prevail. This is an important foundation that will help us understand the issue. The Constitution recognises and acknowledges that a person is born, registered or naturalised as a Nigerian citizen. The implication of the above provision is that a person born in this country irrespective of the region or section of the country where he is born is a citizen of Nigeria and not an indigene or non-indigene, wherever he decides to reside or make his permanent abode, is a citizen of Nigeria and not otherwise.

Citizenship confers rights and duties on the people and one of such rights is captured in section 42(1) and it stipulates that he or she is a citizen of Nigeria not for the sole reasons of his or her origin, ethnicity, sex, or political opinion, from a particular community:

- a) subjecting Nigerians to disabilities or restrictions not to be submitted by or through the realistic usage of law enforcement in Nigeria or through any executive or government acts by Nigerian inhabitants of other cultures and ethnic groups or through their places of birth, sex, faith or political views.
- b) any act of force in Nigeria or any executive or administrative activity, right or profit that is not given, expressly by or in actual usage, to Nigerians of other communities, ethnic groups, locations or backgrounds, genders, faith or political opinions.

Nigeria citizens are not subject only by reason of circumstances of their own birth to disability or deprivation.

The provisions of the Constitution set out above is entitled 'right to freedom from discrimination' and a careful reading of the provisions would reveal that the Constitution recognises the fact that Nigerians are diverse in many respects but quickly adds that this diversity must not be a basis for discriminating against any citizen of the country. All Nigerians are free to live and work in any part of the country and must be given equal opportunities with other citizens of the nation irrespective of where they decide to dwell.

Another germane provision is section 15 of the Constitution of Nigeria and it thus provides:

The slogan of the Federal Republic of Nigeria shall be Unity and Faith, Harmony and Development, to vigorously encourage national cohesion and to avoid discrimination in relation to sex, religion, rank, ethnic and language affiliation and relations.

The implications should not be made primordial to Nigeria's search for stability, development, reconciliation and national integration in the sense of sex, faith, status, racial or linguistic affiliation. But is this the case in Nigeria? The answer is in the negative. Nigeria thrives on ethnic, religious and linguistic sentiments. You can be appointed to any position if the man/woman in charge belongs to the same religious, ethnic and linguistic group and this has deepened our diversity and has made it impossible for citizens to believe that they have a stake in the country. In Nigeria, married women are denied jobs on the bases that they would someday and be pregnant and be entitled to maternity leave which is not contrary to labour laws. Single ladies

are sometimes employed with clauses in their appointment letters to the effect that they would not be married until after a number of years. What a shame. The number of women employed in offices and in politics is nothing to write home about because most of them are still tied to some ethnic and religious sentiments in line with the popular slogan that 'women ought to be seen and not heard'.

To foster unity in the country, the Constitution also promotes or encourages the development of associations which transcend ethnic, linguistical, religious or other sectional boundaries between individuals of different sites of origin or between different religious, ethnical, or linguistic associations. Nigerians are making efforts in the areas of marriages and formation of associations that cuts across all boundaries. Some of these Associations include the ASSU, NBA, and NALT to mention but a few. One critical group that has helped in this area is the National Youth Service Corp (NYSC). This is a national body designed to bridge the gap in all areas of our national life. Under this scheme, graduates of Universities and Polytechnics are posted to different areas the country to serve for one year. In this scheme, the participants are posted to areas different where they come from.

The essence is for these graduates to integrate into the system, learn languages and ways of life of other citizens of the country. This is geared towards the promotion of national unity and the eradication of prejudices that tend to divide rather than unite us. Some of them are retained to work in such parts of the country and they also end up marrying from those areas thereby strengthening our as citizens of a nation. The corps members are encouraged to eschew religious intolerance and are encouraged to seek for employment in areas of their primary assignments and employers are encouraged to employ them on a permanent basis in order to encourage free movement of labour within the country. These corps members are seen and regarded as Federal Government Children because they are on national assignment and are protected from any kind of adverse behaviours. Today, the story has changed. Those on national assignments prefer to remain in their regions to serve thereby defeating the purpose of NYSC scheme. This is so because; corps members have been killed and maimed on ethnic and religious grounds. Parents no longer feel safe to release their children and wards to serve outside their localities. Some have called for the eradication of the scheme as it no longer fulfils the purpose for which it was designed.

The provision of section 42 cited above is quite laudable but how have we implemented this? Most Nigerian citizens complain of discrimination on grounds of their birth, religion and ethnicity. The problem of indigenes and non-indigenous is a stark reality and a disease that has permeated even the Ivory towers. It begins with the appointments of Vice-Chancellors to the least staff of the Universities and trickles down to admission processes. This has made us lose our best brains and hands and have entrenched a culture of mediocrity in all areas of our national life. As long as this continues, we may never be able to be giants of Africa indeed.

The rules of the federal character in the Constitution are directly linked to this and are referred simply to the following for the reason of emphasis:

It is the composition of and behaviour of the Government of the Federation or of any of its agencies to ensure the absence of predominance of persons from certain States or of some racial

or section of the community from which they come and that the need to foster national unity and to preserve national allegiance is conveyed.

In this section, it is important to compose the Government of a State or of a Council of Local Government or any of the authorities of that government or Council, and carry forward the business of government or of a Council and some other entity, in order to consider the plurality of persons in their field of competence and to promote a sense of belonging.

Section 14(3) first calls for a federal existence in terms of the structure of government, government departments and the management of its affairs. The extent of compliance with these provisions by the very government that ought to protect and implement the provisions of the Constitution leaves much to be desired. There has a public outcry on the appointments made by the President-Mohammadu Buhari in the year 2015 and 2016. The appointments have been lopsided favouring the northern part of the country. The masses believe that the President is pursuing a northern agenda. On his inauguration as the President of Nigeria on May, 29 2015, President Buhari in his speech said 'I belong to nobody, I belong to everyone'. This was a statement of hope for all Nigerians but his appointment of officers in his cabinet has not shown that he belongs to everyone.

## **CONCLUSION**

The 1999 Constitution makes an audacious move to include national minorities and racial plurality within its structure. It does this under the legislative order of the President and the Democratic Republic. It interlocks the privileges of ethnic minorities with citizenship and in compliance with the universal tradition of human rights since freedom is enshrined in a statute defining the ability to quickly establish human rights abuses. The arrangement of the three-six states is recognised and more can be expected, since this process is the strongest means of demonstrating internal self-determination by empowering national minorities within the democratic framework with their own states.

This promotes the growth, at national and local level, of national minority interests and the enhancement of basic human rights as well as the defence at national level of ethnic minorities and other collective rights. The relevance of this issue is compromised by the reality that Nigeria has little to no argument before the courts in relation to national minority groups. After evaluating certain substantive legislative requirements, the Author has concluded that it remains the most productive way to allow national minority communities to create minority states within the federal constitution. Through the creation of new states, new majority and minorities would be established. Statistics and Nigeria's Federalist Theory are some of the concerns that believe that Nigeria's ethnic minority communities are achieving complex privileges.

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