

State Creation, Federal Character and the Igbo Question: A Comment

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Abstract

A major issue of the colonial and post-colonial state in Nigeria has been the contention over the institution of mechanisms with which to mitigate ethnic conflicts. There has been the federal character or quota and the creation of states. In this regard quota was established to ensure ethnic balance in the federation while state creation exercise was later embarked upon in order to break the historical collusion between ethnic groups and politics while. However, the process of state creation has been jettisoned albeit temporarily given its inimical effects. Yet the federal character remains in active operation even though it is almost as problematic as state creation. This paper argues that the issue of state creation in Nigeria is about justice and so is beyond the often bandied argument that further creation of states is inimical to the practise of federalism in Nigeria.

Keywords: Federal Character, State Creation, Ethnic Conflicts

Introduction

The issue of state creation in Nigeria has remained a constant source of friction ever since states became the basis for resource distribution and political representation. In recent times the Igbo speaking peoples have hinged their allegation of marginalisation on the issue of state deficit in the Southeast *vis-à-vis* other geo-political zones. However, concomitantly, state creation has come under rude examination in recent times, given its debilitating effect on the practice of federalism in Nigeria. This article argues that at present, the state creation question as it pertains to the Igbo speaking peoples is beyond its effects (negative or positive), rather it lies wholly in the realm of fairness and justice to a people.

State Creation in the context of Nigerian history: an expeditionary foray

The movement for the creation of new states in Nigeria began in 1952 with the formation of the Benin Delta Peoples Party (BDPP) under the leadership of Oba Akenzua II. Similarly, in the Eastern region, the Calabar-Ogoja-Rivers (COR) movement surfaced in its quest for a separate region in 1953 with the United National Independence party whose leaders were Eyo Ita and Udo Udoma. In addition, on 6th March 1956, Mallam Ibrahim Imam tabled a motion asking that the issue of creation of a Middle Belt state be placed by the Northern House of Assembly on the agenda of the 1956 constitutional conference (Ekanade, 2013: 158). By 1957, there was a metastasis in the demands for the creation of more states which led to the establishment of numerous political parties such as the Benin and Delta Peoples Party (1953), Midwest State Movement (1956), Calabar-Ogoja River States Movement (1954), United Middle Belt Congress and the Borno Youth Movement (Adeyeri, 2013: 19). In fact, given the frenzy behind the agitation for state creation, it

served as a useful electoral plank in the 1950s in Calabar, Ogoja and Rivers areas in the Southeast and in the Middle Belt. In the near mortal contests between the regions in the First Republic, politicians ‘used self-determination as a bait to attract (minority) voters away from the regional majority party’ (Peil, 1976: 85), thus the minority parties, served as ‘affiliates of external majority parties’ for the subversion of political strongholds (see table 1 below) (Alapiki, 2005: 55).

Consequently, it was based on the strength of the demands by the minority ethnic groups for state creation that the imperial government set up the Willinks Commission to ascertain the feasibility and strength of these agitations. The findings of the commission showed that ‘even when allowance had been made for some exaggeration, there remained a body of genuine fears and the future was regarded with real apprehension’. For example, on its observation of the minority peoples of the North the Commission described them as ‘a section of the population which the northern system has touched very little, around which, rather than over which, it has flowed, which has never been absorbed into the (Northern) system but merely enclosed within it’ (Egwu, 2011: 56).

Nonetheless, despite this disquieting observation, the commission concluded its inquiry by pointing out that it was not necessary to create any more states in the federation but that the human rights provision in the proposed independence constitution should be reinforced although it also noted the difficulty of enforcing this provision (Alapiki, 2005: 54). The agitation for more states, despite this intervention, persisted and was indeed fated to play a major part in the subsequent violent political development in Nigeria.

Table 1: Ethnic Groups/Party Platforms in the Regions before 1967

(A) Northern Region:

Majority Ethnic Group: Hausa/Fulani (Party - NPC)

Minority Groups:

(a) Kanuri - Demanded Borno State through the Bornu Youth Movement (BYM).

(b) Middle Belt Minorities - Tiv, Birom, Angas, Idoma, Igala, Igbirra, Higgi, Gwari, Chamba, Shuwa, Kaje, Nupe - Demanded Middle Belt State through the UMBC.

(B) Eastern Region:

Majority Ethnic Group: Igbo (Party - NCNC)

Minority Groups: Efik, Ibibio, Ekoi, Ijaw, Kalahari, Ekpeye, Ogba, Okrika, Bonny - Demanded a Calabar-Ogoja-Rivers (COR) State through the UNIP and NDC.

(C) Western Region:

Majority Group: Yoruba (Party-A.G.)

Minority Groups: Edo, Urhobo, Isoko, Itshekiri, Ijaw and Ika-Ibo - Demanded and received a Mid-Western region in 1963 through the BDPP in alliance with NCNC.

Alapiki (2005: 55)

In the immediate post-independence period, the staunch refusal of the AG to participate as a coalition partner in the federal government meant that it was a ‘greatly disadvantaged player’ (Alapiki, 2005: 56). Added to this handicap was the persistent campaign of the AG leader Chief Obafemi Awolowo for the creation of a state in the minority area of the North, and revision of the North-west boundary to transfer several hundreds of thousands of the Yoruba to the West (Sklar, 1966: 125; Oyediran, 1979: 12).

Thus by his political posturing and utterances, Awolowo became a gadfly on the hide of the ruling coalition especially the Northern Peoples Congress (NPC). Consequently, the creation of the Mid-West Region in 1963 from the Western Region appears as Alapiki suggests, subjected to the ‘whims and caprices and political manipulations of those in power’ in order to subdue the errant Awolowo, as no ‘official nationwide criteria or principles were outlined or adopted’ for the delineation. The Prime Minister Tafawa Balewa had simply explained away the mauling, literally, of the Western region, by the coalition government of the NPC-NCNC, by flippantly observing that ‘when people belonging to a particular area want a separate state and ask for the support of the federal government, we are obliged to aid them’ (HOR Debates, 3rd Session, quoted in Alapiki, 2005: 56).

Shortly after Nzeogwu's January 15th bloody coup, the demand for new states assumed a militaristic if not an outright rebellious streak. On February 23, 1966, Isaac Adaka Boro, an Ijaw, former student of the University of Nigeria Nsukka and an indigene of the Niger-delta area hastened to arms against the Nigerian state on the account of the deprivation of the region. However, rather than demand the creation of a Niger-delta state, Boro sought its complete secession from the body politic, charging his men to: 'fight for your freedom!' (Kalu, 2008: 175). Boro and his men were soon seized and gaoled but he died a year and a half later, fighting for his erstwhile captors, in the attritive Nigerian-Biafran war.

In Nigeria the current mania for state creation actually began on 27th May 1967 when General Gowon in a 9pm broadcast announced a decree dividing the country into 12 states (Ajala, 2013: 160); five major principles served as the basis for the creation of the twelve states:

1. No one state should be in position to dominate or control the central government.
2. Each state should form one compact geographical area.
3. Administrative convenience should take into account the history and wishes of the people.
4. Each state should be in a position to discharge effectively the functions allocated to regional governments.
5. The new states should be created simultaneously.

In the aftermath of the exercise and with the benefit of hindsight the overly optimistic official view was that now 'with the creation of twelve states in Nigeria, the fundamental problems, which threatened to dissolve a political association of over 30 years, has been solved. It is clear that the states represent a successful attempt to reconcile conflicting interests of the ethnic communities with their desire to participate in the federal process as one people' (Mid-West State Government, 1968, quoted in Alapiki, 2005: 51).

In the post-civil war period, the demand for more states literally exploded into a rapacious political past time as the demand for states were no longer the sole 'preserve of minority ethnic groups' and also as the 'struggle for more access and control over state resources by various factions of the power elite assumed greater saliency' (Alapiki, 2005: 59). As earlier noted state

creation had been initially conceptualised as a mechanistic tool for the destruction of the collusion between ethnicity and territory in ethnically conscious Nigeria, however the extent to which it has been able to achieve this objective is now largely a ‘moot point’ (Otite, 1990: 90). First and foremost, state creation reconfigured the ethnological terrain and led to the rise of the ‘majority minorities’ although this was attained through the auspices of the federal character principle. The term ‘majority minorities’ was coined to describe ethnic groups who, hitherto minorities in the three region structure became the majority in newly created states but retained their minority status in the politics of the federation. This category includes Edo, Ijaw, Tiv, and Ibibio while the ‘minority minorities’ are groups that remain minorities even in new states (Ukase, 2013: 91). And so it has come to be that ‘majority minorities’ are often, in a somewhat macabre repetition of history, accused of terrorizing the ‘minority minorities’, thus, in the final analysis ‘vindicating the position of the Willinks Commission that states creation was not the solution to the minority problem’ (Abutudu, 2010: 31). It is thus by apprehending these discontinuities inherent in state creation that Ake (1996: 30) could condemn state creation as being in the main a ploy of control by local elites which has ended up reproducing the ‘contradictions of the federal state locally’ and thus spurning the ‘movements for ever more states’.

Meanwhile at the mass level in Nigeria the common people often tend to have a common, if erroneous belief, that the creation of more states will be the solution to all their economic problems and also an opportunity to have their ‘own share of the national cake’ (Ajala, 2013: 188, Alapiki, 2005: 52). Thus, the search for new states is naturally intense in Nigeria because of their utility as ‘instrumentalities of survival’ (Young, 1976: 21). Indeed more than four decades ago, with state creation still taking its first infantile but steady steps, Aluko (1975: 23) had lamented that in civil to civil relations in Nigeria, ‘Statism has taken over’. Aluko noted the virtual impossibility of a

non-native of a state holding ‘administrative, teaching, political or even commercial position of any consequence in a state, unless he is an employee of a foreign-owned enterprise’. The best such a one can hope for is an ‘appointment on contract, pending his displacement by an indigene’.

Many years later Alapiki (2005: 63) similarly could observe sadly, that statism through the agency of state creation ‘structurally undermines the process of political integration and promotes a vicious cycle of separatist agitation’. Furthermore, Kalu (2010: 171) bitterly lampoons the state creation exercises for introducing dissension among formerly friendly peoples. For example Kalu observes that there was a point in time ‘when Cross-River and Akwa-Ibom states were collectively known as South-Eastern areas, but today the nomenclature ‘Southeast’ refers exclusively to the five mainland Igbo states which had been ‘drawn under a punitive post-war mind-set of ethnic separation’. Kalu argues that this development may have ‘enabled some sectors of the borderline Igbo communities to attempt for a new identity, contrasting assimilative coincidences in language with more genuine and indisputable issues of genealogy’. In this regard an Igbo respondent in Margret Peil’s empirical study on Nigerian politics observed that ‘we were one with our brothers in Port-Harcourt but now we cannot go there anymore because of state creation’ (Peil, 1976: 91).

Alapiki (2005: 63) on his part has carried out a well detailed study of the disruptions occasioned in the body politic by the sharing of assets in the aftermath of the 1991 state creation exercise, within people of the same ethnic stock even of the same language. The crisis arising from the division of assets occurred virtually between the old states and their new offshoots; Anambra and Enugu, Sokoto and Kebbi, Imo and Abia, Delta and Edo, Oyo and Osun, Kano and Jigawa, Bornu and Yobe, Adamawa and Taraba, and among Kogi, Benue, and Kwara States. To complicate issues, the major ethnic groups acquire more states on every round of state creation thereby leading to their increased stranglehold on the country’s politics’ and resources (Ukiwo, 2005: 10).

Ihonvbere (1996: 212) argues that contrary to popular opinion minority communities have never really had a relatively easy time under military rule in Nigeria because ‘the leaders of the armed forces have often come from the major ethnic groups, and they have generally succumbed to pressures from traditional interests’.

Most disastrously the agency of state creation, in the hands of noxious, renegade, delinquent rulers, has degenerated to being a tool for laundering the image of ‘well worn’ military regimes which had long lost the faith and trust of the people. Thus the lure of state creation due to the increasing resource scarcity in the country is a veritable tool for managing ‘grassroots politics by holding out the hope of creating more local units, which in turn would receive federal subventions’ (Paden, 2005: 207). For example the state creation exercise of 1991 by Babangida had been consciously and systematically and cynically deployed to ‘garner support for a regime whose strength was ebbing and to compensate its close allies’ (Ihonvbere, 1996: 168). The same chicanery surrounding state creation was re-enacted under Abacha who earnestly used the state creation process to shop for legitimacy for his interloping, illegitimate regime (ibid 169). Not surprising, given these devious ends to which state creation has been put, and despite the continuous creation of states, the strain on inter-ethnic relationship grew taut leading to increased North-South polarization (ibid 49). Thus, it may be in some wise, and as Ibrahim Baba Gana rightly argues, that creation of states in Nigeria is a child of ethnic competition and a political strategy’ (ibid 171).

Thus in Nigeria state creation as a solution to the problems of power sharing and ethnic domination in Nigeria appears, to all intents and purposes, to have simply failed. In other words, under the guise of creating states there is a decided tilt toward the creation of ‘boundaries of

inclusion and exclusion' to enable more efficiently 'the quest for political power, thus the control of national resources have become more important than political integration' (Alapiki, 2005: 64).

It is in the observation of the above developments that there has been a general demand in Nigeria, both in policy and academic circles, for a moratorium on further state creation exercises. Besides this call, there has been a concomitant dynamic gravitational re-aggregation of the states through the un-codified 'geo-political zone' system toward the old regional system. Consequently, at present, the geo-political zones of North-east, North-central, North-west, South-east, South-west and South-south constitute, for all practical purposes, the political and economic node of Nigeria. Indeed there have been suggestions that they be constitutionally recognised since; one, the states are not effective economic units, two, zoning arrangements only makes formal what is observed more in the breach, in that the states in each of the zones already see themselves as being a contiguous unit, and finally, re-regionalization will enhance resource generation and segmental autonomy (*The Nation*, June 3, 2011). This outlook had influenced in part the drafting of the unfulfilled 1995 constitution in which the zoning principle was made constitutional.

Therefore, standing on the basis of the aforementioned reasons and many not stated herein the clamour for a new state by the Igbo speaking peoples may be characterised as unavailing and even detrimental to the well being of the Nigerian state. However, the clamour for a new state by the Igbo extends beyond the mere physical outcomes of state creation, edifying or debilitating, rather it reflects the moral and equitable nature of the action itself; that is the act of creating new states to reflect equality among the diverse peoples of Nigeria. Thus the lynchpin of the argument by the Igbo elite and groups on the marginalisation of the Igbo has hinged centrally on the state deficit in the South-East *vis-à-vis* the other geo-political zones of the federation.

This structural anomaly has serious financial implications for the South-East region. In this regard, since the states have been operationalised as the basis for the sharing of material and political resources through the Federal Character principle since 1979, the region with a lesser number of states must necessarily lose out in the distribution of resources (Suberu, 1991: 500). Of the six geo-political zones in the country, the South-East remains the only zone with the least number of states with just five states, while other zones have six or seven.

As a leading Igbo constitutional lawyer succinctly put it: ‘until this anomaly is corrected to create a fair balance between the three main tribes of Nigeria, the prospects of harmony and stability in the country will remain shaky’ (Nwabueze, 1983: 307). Thus given this structural lacuna in the South-East, the question which naturally arises is whether justice, in the light of the current ‘unwritten’ moratorium on state creation, has been served to the Igbo the evils of state creation notwithstanding?

In most modern political societies, ‘justice has often been identified as the single most important objective of political activity’ (Boyd and Harrison, 2003: 9). Prior to this period the ancient fathers of political thought such as Socrates, Plato and Aristotle averred that justice must lie at the foundation of any polity. In one of Plato’s work, one of the characters, Simonides claims that justice consists of ensuring that everyone is given their due. Another view sees justice as proportional equality which means that two persons who act alike under comparable circumstances should be treated alike. In order to make the concept of justice operational one must inevitably discuss the concept of ‘right’. Rights in its simplest form connote the unobstructed ability to choose or decide for oneself from among a series of alternatives. The issue of rights became the central focus of political discourse in the aftermath of the horrors of the Second World War. Chief among these rights was the right of diverse people to self-determination.

In Nigeria issues of self-determination have been a perennial accoutrement of the country's political architecture since the outset of the colonial state (Tamuno 1970). For example, in the immediate aftermath of the amalgamation act of 1914, notable Northern nationalist Ahmadu Bello had insisted that:

Lord Lugard and his Amalgamation were far from popular among us at that time. There were agitations in favour of secession, we should set up on our own, we should cease to have anything more to do with the Southern people, we should take our own way (ibid 565).

However, despite this early demand for self-determination by the Islamic Caliphate, it is fair to say that the sword of self-determination was brandished relentlessly by all the ethnic groups, especially the 'big three', Hausa-Fulani, Yoruba and Igbo, throughout the colonial and immediate postcolonial era (Dudley, 1973: 63, 69, 177; Ayoade, 1973: 68; Orobator, 1987:313; Ibrahim, 1999: 13; Tamuno, 1970; Onuoha n.d 99; Suberu, 2002: 391). The advent of the civil war through which the Igbo attempted to actualise their right to self-determination cost the Igbo in lives and property and 'effectively halted the Igbo challenge in Nigerian politics' (Onuoha, n.d).

In the post-war period the political neutering of the 'Igbo challenge' was largely achieved through the machinations of state perpetuated emasculative policies such as the FMG-instituted Abandoned Properties Implementation Committee (APIC); the 'Twenty Pound Scandal' and the Banking Obligation (Eastern States) Decree of 1970 and the Indigenization Decree of 1972. These policies effectively helped to keep the Igbo 'uninvolved' in Nigerian politics and also simultaneously help spark widespread feelings of exclusion among the Igbo. This neglect is exemplified by the dearth of the Igbo in executive state positions, such as the Head of State, (for instance there has been no Igbo head of state since Aguyi Ironsi) and structural deficiency such as the aforementioned state deficit in the Igbo homeland.

Now even though it has been accepted almost generally in the critical literature that state creation, as the review has shown, is deleterious to the economic and political well being of

Nigeria, yet if it is also accepted that the basis of a federation of diverse peoples is justice, if justice is taken to mean giving every man his due, should the number of states in the Igbo speaking areas not be commensurate with their equals across the federation? the evilness such states, if created for the Southeast, will wrought on the entire federation notwithstanding. Let justice be done even if the whole world will perish. If seen in this light the argument, then that state creation should be halted because of its negative side effects becomes unavailing and defective. If the side effects of state creation are so debilitating as to be corrosive to federal cohesion as it is claimed then the rest of the regions needs to be downgraded to be equal to the South-East, or better still let all be reduced to one region each as it was during the First Republic.

Most importantly, it must be noted that state creation is not the only agency of ethnic management in Nigeria which has become quite anachronistic. There is the federal character or quota system which has been operational in Nigeria for almost as long as state creation and subjected to as much criticism as state creation, yet quota as a basis for representation and resource distribution in Nigeria has continued to withstand its most virulent enemies. Why is this so? In order to fully understand this paradox, one must turn briefly to the history, theory and praxis of quota in Nigerian politics and society.

Quota System in the Context of Nigerian Politics and Society; its history and meaning

Quota for A.E. Afigbo (1989) has been with Nigeria, in various hues and shades since 1898 when the British decided on the administrative amalgamation of the entity later called Nigeria, practiced *albeit* on a less intense scale. Afigbo has broken the political history of Nigeria's federation into three epochs. The period of informal federation 1900-1946 under which the British policy of administrative federalism had produced a duality, the North and South, which was marked by mutual suspicion and conflict. The period of formal federation (1946-66) first phase, saw the country broken into three segments, the Hausa-Fulani, Yoruba and the Igbo which set off a new

frenzy of ethnic balancing to the detriment and dismay of the minorities. The period onwards, the formal federation second phase, witnessed the creation of states which allowed Nigeria's multi-ethnic character to emerge from the doldrums of British obscurantism. Thus for Afigbo, the federal character of Nigeria was historically pre-ordained by its structural outlook.

Whilst essentially following the same line of thought but differing in specifics, Ekeh (1989) has isolated three epochs in Nigerian political history. The historical imperative which was marked by North-South rivalry; the political imperative which encompasses the evolution of Nigerian federalism, which was disaggregative in nature and which Ekeh notes has made the federation more oriented towards resource distribution than resource generation and the sociological imperative which refers to the various ethnic communities which bestride the Nigerian federation. An analysis of the three imperatives, for him, forms the firm basis of the federal character principle. Added to the structural imperatives behind the federal character has been the belief that the federal character was orchestrated by the North due to its growing social inadequacy in relation to the South. Ekeh avers that because the North was fully aware that it could not compete with the South on equal terms it had sought involvement in government and the paraphernalia of government through the refuge provided by the canopy of quota.

Managing the Colonial and Post-Colonial State in Nigeria: From Quota to the Federal Character Principle

In actual fact the ado over quota had actually begun with the Northernisation frenzy which had in itself being spawned by Northern fears over Southern domination in an independent Nigeria (Albert, 1998). Right from the outset the number of Southerners in the federal bureaucracy has been for the Northern elite a major obstacle to real national unity (Mustapha, 1986: 89). The paranoia which characterised the North as political independence loomed is very neatly encapsulated by the then prevailing sentiment in the North that: 'in all different departments of

government it is the Southerner who has power' (Olusanya, 1973: 152). Almost at the same period the political leadership of the North had warned through Balewa in Parliament in 1957 that the large quantum of Southerners in the Federal service (about 46,000), 'unless some solution is found will continue to be a cause of dissatisfaction and friction' (Albert, 1998: 52).

Consequently, in 1958 the North earnestly sought to fill the federal bureaucracy on quota basis following the recommendation of the Gorsuch Commission. Characteristic of its colonial policy of fawning over the North, the British had warned the North not to lose the 'federal service in its anxiety to Northernise its own service' (Gboyega, 1989: 170). Much earlier in 1950, the North had at the Ibadan Constitutional Conference, through the Emir of Zaria seconded by the Emir of Katsina raised the issue of equal representation for the North in the forthcoming Central legislature or in the alternative, the secession of the North (Osuntokun, 1979: 101). Under the threat of Northern secession, the colonial government and the Eastern and Western regions quickly capitulated to the Northern demands. And so with this capitulation of parliamentary equality to the North other arenas soon fell to quota system; like in the army (Adekanye, 1989; Adejumbi, 2002), and in office distribution (Orji, 2008; Osaghae, 1989). By the turn of the seventies decade quota was being used actively for admission into tertiary federal institutions (Mustapha, 2004: 34).

Thus though the quota has not always been popular with the South, it was largely helpless in the face of an overwhelming Northern political strength and determination to curb the growing 'influence of the South' (Clark, 1991: 126). The key underlying reason behind the adoption of the quota system had been to prevent political hegemony by the South. Speaking at a senate debate on May 1, 1965 minister of state for army affairs, Tanko Galadima made quite clear the philosophy behind the quota:

We introduced the quota system in the army thus preventing the possible fear that the army would become unreliable. If any part of the country is not

represented in the army, we may harbour some fear that it is being dominated (Adekanye, 1989: 237).

The overwhelming Southern despondency with the quota is aptly typified by a Southerner, Adewale Ademoyega's (one of the five majors behind the January 15th 1966 coup) encounter in August 1961, with the praxis of the quota system during an army recruitment exercise. Ademoyega described the recruitment as a near sham as the:

Northerners were already billed to be 50% of the total number to be selected. Moreover, they already knew the eight Northerners to be selected and they knew that at least four of those Northerners would never have made it but for the quota system. This explained why they were carefree. After all we were all Nigerians and there should be no cause for discrimination of any kind (Ademoyega, 1981: 23).

The 1970s 'super-permanent secretary' Philip Asiodu (1979: 92) also noted that the application of quota leads to favouritism, denial of the 'stimulus of competition' and 'depressed morale' in the Nigerian civil service.

Several years later, despite the misgivings over the quota system, the philosophy of equality and the cry for equitable ethnic balance in the Nigerian federation was used to justify quota system when it made its appearance formally under the guise of the Federal Character principle under the Murtala Muhammed regime. It was here defined by the Constitutional Drafting Committee (CDC) as:

the distinctive desire of the peoples of Nigeria to promote national unity, foster national belonging and giving 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 is their desire to nourish, harness to the enrichment of the Federal Republic of Nigeria (FDR Report of the Constitution Drafting Committee, 1976: ix).

In section 14(3) which outlines the fundamental objectives and directive and principles of state, domination of government by a section of the country was outlawed. In several other sections attempts were made by the CDC to operationalise the term (see section 135(3) section 157, sections 197-199, section 203(b) Third Schedule, Part 1 of the 1979 constitution).

In the years since its operation, favourable comments have been passed on the practice of the federal character principle in the critical literature. In this regard the federal character has been described as being appropriate for the equitable distribution of primary goods and political positions to all parts of the federation (Sogolo 1989); as a mechanism which ‘has proved critical to both a sense of fairness and a level playing field, and to a conflict prevention capacity’ (Paden, 2005: 160); as a political conduit pipe for the accumulation of ‘legitimate prebends’ (Utume, 1998: 204) and as a political mechanism of inclusion (Kalu, 2008: 182).

However, the federal character principle has also been heavily criticised for selective implementation (Uroh 1998; Obasanjo in Suberu, 1988; Ekeh 1989; Ayoade 1998). In this regard, Ayoade (1998: 114) has commented that the federal character principle appears oriented towards a ‘politics of envy that seeks deliberately to retard the progress’ of the advanced areas by consciously attacking the principle of excellence. Second, it has been deemed as a mechanism of economic plunder (Bodurin, 1989); third, as intensifying ethnic consciousness by highlighting their differences which led, as for example, to the intra-ethnic crises in Oyo and Anambra states in 1991 (Ekeh, 1989; Ayoade, 1998, Nnoli, 1995: 155; Gboyega, 1989: 406). Fourth, it was unnecessarily politicized in its practise, as areas such as the civil service that otherwise should be outside its purview were ruthlessly invaded (Agbodike, 1998; Ekeh, 1989). The unrelenting deployment of federal character created constituency consciousness in the service and tension and frustration in Southerners whose promising career were cut short on account of balancing ethnic quota (Agbodike, 1998; Gboyega, 1989). Five, the federal character is built on the plank of participation by all sections of the Nigerian society yet participation does not necessarily translate into ‘having a say’ (Sanda, 2011: 129). The example of the minority oil producing areas made it absolutely clear that this is not so. Although, the minority peoples in Nigeria's oil bearing Delta

area were visibly seen by all to be participating actively in all governments since the adoption of federal character yet resource derivation as a mode of revenue distribution was downgraded, oil assigned to the federal government and their eco-system all but shattered (Oyeoziri, 1989: 414).

On this basis,

it is quite possible for a state to include a minority group in government while not protecting the rights of that group. Alternatively, a state can protect but not acknowledge the minority voice when making decisions of governance. A state can have one without the other but true ethnic accommodation requires both (Reynolds, 2007: 50).

From 1984 upwards it was now all too apparent to perceptible Southern political observers that the North was beginning to dominate the government using the federal character as its veritable handmaiden (Osaghare, 1989; Suberu and Diamond, 1988). Osaghare in a detailed study of federal cabinets (1951-1984) noted that the North had a preponderant share of the most powerful portfolios which went a long way to show where political power actually lay as a ruling class appoints only 'those who would defend its interests' (Osaghare, 1989: 147). The federal character principle, it would appear, had sufficiently satisfied the quantity aspect of representation while paying lip service to the quality involved as some portfolios wield more influence than others (Ayoade, 1998, Ayoade, 1986: 86).

To all intents and purposes, the foregoing suggests that the federal character had, in the main, been instituted to ensure Northern representation in the federal bureaucracy. This representation had become expedient in view of the Igbo boast during the civil war that the federal civil service will collapse upon the Igbo exit. Thus, Muhammed Haruna, Managing Director of *the New Nigerian* Newspapers had declared in 1985 that it [*The New Nigerian*] 'would continue to fight for the introduction of Sharia, the application of quota system or the federal character in all spheres of national life' (Kukah, 1993: 78). More importantly for the Northern elite the federal character principle is synonymous to 'justice' for the Northern region. For example, in defending the federal

character principle a prominent Northern statesman Ibrahim Tahir has argued that the federal character is an instrument for ‘ventilating historical wrongs’ (Ayoade, 1998: 110). Thus, as can be seen from Table 2 below, even though the North remains backward educationally it has been able to maintain, through the agency of the federal character, a formidable presence in the federal bureaucracy. For the North and proponents and supporters of federal character this is ‘justice’ for the North.

Table 2 Composition of Federal Civil Service by Zones and Regions as of 2000
(Consolidated Statistics)

Region	No. of Staff	% of Total Staff
North	35,977	19.1
Middle Belt	34,989	18.6
Northern Region	70,966	37.7
Yoruba	47,349	25.2
Igbo	30,490	16.2
Niger Delta	39, 153	20.8
Southern Region	116,992	62.2
Total	187,958	99.9

Source: adapted from Federal Character Commission 2000: 2.

However, Ayoade has rightly fulminated against this notion of the federal character as a Northern vehicle for the attainment of justice since the progressive areas have not in any way contributed to the social and educational retrogression of the backward areas. This handicap had been due exclusively to the activities of the British colonial rulers and the North itself (Kastfelt, 1994; Abubakar, 1998; Mustapha, 2004; Nnoli, 1995:38; Albert, 1998). This is quite unlike, for example the United States or South Africa, where one section held back the social progress of the other. In this regard, in Nigeria ‘federal character as it is presently being interpreted and practiced in Nigeria is more akin to or synonymous with a spoils system than positive Affirmative Action. Affirmative Action after all runs on merit’ (Dauda, 2013: 516). It is thus on this basis that Akinpelu Oluwatobi fulminated that ‘the essence of affirmative action is curative and not pre-emptive’, applied in ‘situations where there has been subjugation of another ethnic group within a nation or in cases of gross racial or class discrimination’, ‘not intended to be lifelong but temporary’ and ‘never

designed to encourage mediocrity'. Furthermore, he regretted that 'the composition of public parastatal, appointment into public offices, award of scholarships and even admission into public institutions is now based on the federal character or the quota system' with more 'attendant problems than the intended national integration'. For Akinpelu this is anomalous because 'no ethnic group has suffered such level of gross discrimination and subjugation that warrants the provision of the federal character into the constitution of Nigeria' (*National Development: Legal equality and federal character principle*; the Guardian November 17, 2015, p.56).

Furthermore, despite being termed as a 'nationalistic' approach to the ethnic question, federal character has been shown to be very discriminatory in practice (Agbodike, 1998; Olowu, 1991:168; Suberu, 1988: 432). For Nnoli and Ayoade, federal character provisions in sections 14(3) and (4), sections 135 (3), sections 203 (1) (b) and 2(b) created 3 types of Nigerian citizens. The person who belonged to the indigenous community where he resided was the most privileged. The indigenes of other states were less favoured. The least favoured were those who could not prove that they were indigenous to any state in Nigeria (Nnoli, 1995: 158, Ayoade, 1998).

It has been argued and proven to a large extent that federal character leads to the entrenchment of prebendal practices in the polity (Abubakar, 1998). In a paradoxical way the federal character is itself directly responsible for the continuous hankering for the creation of states because states were operationalised by the Constitution Drafting Committee (CDC) as the units for the division of federal largesse (Osaghare, 1991). Thus, ethno-regional intermediaries and political entrepreneurs, it is argued, have seized the loophole offered by the federal character principle to unleash a slew of unviable states on the federation.

However, despite these many apparent lapses of the federal character principle it has remained entrenched in Nigeria's political lexicon. No challenge has been made toward dethroning it from

its exalted position as a mechanism for the moderation of resource distribution and political representation. Thus the federal character continues to be fully implemented and its greatest beneficiary has been Northern Nigerians while concomitantly leaving the Nigerian federation the poorer. If the federal character principle remains because of its propitiation of certain group interests specifically the North, why should a new state not be created in Igbo land if it will mitigate feelings of exclusion which has dwelt among the Igbo since the end of the war?

It is one thing to say that the Igbo have been fully integrated into the Nigerian state but it is quite another to put this assertion into operation. 'Justice' as we have seen was appealed to by the Northern elite in their defence of the application of the federal character principle in state management. The same 'justice' should be applied in the state creation issue as it concerns the Igbo. This much was recognised by the 2014 Constitutional Conference in Nigeria which, after taking stock of previous Constitutional Conferences and the Belgore Report of 2012, resolved *inter alia* that; 'in the spirit of reconciliation, equity, fair play and justice, there shall be created an additional State for the South East Zone'; 'State creation should be on the basis of parity between the geo-political zones to ensure equality of Zones', and that 'additional States should be created in each of the six (6) geo political zones to bring the number of States in each zone to nine (9)' (National Conference, Final Draft of Conference Report, 2014: 279).

Conclusion

The agitation for new states in the Southeast is simply a demand for justice. Thus the lacuna of state deficit in Igbo land has served, since and now, as the fulcrum of most of the agitations for self-determination in Igbo land, because it is a reality to which the common Igbo folk can relate to. From history we know that the punitive Treaty of Versailles at the end of the First World War One, and the later French occupation of the Ruhr, the German industrial heartland, enabled Adolf Hitler to rally ordinary Germans to himself and thenceforth to war by frequently referring to the

treaty and occupation as a gross injustice against the German peoples. After the Second World War, the allies wisely minimised any grievance which could serve as a plank for future agitation in Germany. Thus a sensible and deliberate address by the Nigerian state, of the state deficit issue in the Southeast may remove a fundamental plank behind the recent agitations in that part of the country. The agitations cannot be diminished through appeal to coercion and intimidation. More tellingly, the agitation of the Igbo for more states is being rejected against the backdrop of the operations of another equally anachronistic mechanism – the federal character. It is gross injustice and hypocrisy to reject the one and operate the other.

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