

FEDERAL CHARACTER A PANACEA TO THE PRESENT DAY NIGERIA'S SECURITY CHALLENGE

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ABSTRACT

The federal character principle can be seen as an official term for ethnic, religious and regional balance in resource allocation, ministerial and other key appointments in government and enrolment of students in unity schools. Through this age long process there is a careful selection process that among the qualified we try to cover the whole ethnic and other groups as long as they are involved in the process. In this present administration there has being a clear deviation of this process which has more or less caused a very huge problem for us in Nigeria. As a country of multiple ethnic groups, it is of utmost importance that every part of the country is involved in the governance of the country so as to give that sense of belonging to the people and a level of trust on the government that they are working for their common interest. The present neglect of this principle has somehow given rise to several pockets of security challenges here and there, which over time has reared its ugly head as a full blown security breach in the country because the people no longer trust the security arrangement from the federal government. This study then tried to examine if the neglect of the federal character in the allocation of resources and other appurtenances from the federal government has a part to play in the security challenge of the country and what is the implication of this neglect. Therefore, taking into considerations the findings of this work, the study concludes that there is an urgent need for the reinstatement of the federal character principle in the governance process and finally it recommends in strong terms the need to make the federal character principle violation punishable, its execution indispensable and the commission independent, as this will be a panacea in restoring trust on the government by the people and also reduce the insecurity that is trying at this time to drown this nation.

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1. INTRODUCTION

The federal character principle as enshrined in the constitution of Nigeria is a very vital principle of governance to help in governing the country considering its diversity in tribe, religion, etc. According to Agu (2019), the federal character was stated in Nigeria's 1999 Constitution. This statement is to ensure the principle that all public service institutions fairly reflect the linguistic, religious, ethnic, and geographic diversity of the country. Here are the lines from the constitution: The government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a 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 in any of its agencies. The main idea is to create conditions where no tribe is favored above another. In stressing further Elaigwu in TMLT (2020), has it that "where the sharing arrangements are working well, there are less agitations and citizens have a feeling of belonging and equity". On the other hand where the quota system is not working well the citizen agitates and makes all sorts of demands such as call for national conference, etc. However, in Nigeria, after a series of debate in 1975 the constitutional drafting committee was set up which established federal character commission as a body charged with the responsibility of implementing the federal character principle in order to ensure equitable sharing of posts in the public services. This was also enshrined in the 1999 federal constitution of federal republic of Nigeria.

The federal character as enshrined in the constitution of Nigeria is to ensure equitable distributions of bureaucratic and political roles in the public service at federal, states and local government levels. The objectives of the policy are to

foster national unity and give every Nigerian a sense of belonging in the country. In support of this view Usman in TMLT (2020) said that “it was an effort to redress the unbalanced structure and ethnic domination in government so that national integration could be achieved”. Furthermore, a commission was established to monitor the affairs and the activities of the government as regards the implementation of the federal character. According to Agu (2019), the Federal Character Commission is one of the executive bodies; the commission was established by the Section 153(1) of the 1999 Constitution. The principle of the commission is set in Constitution. The commission should monitor the implementation of rules and principles proclaimed in the federal character, but unfortunately this commission is also under the direct supervision of the Presidency who violates this same character with nobody to question their excesses. Security of lives and property is one of the prime responsibilities of any government knowing full well that when the country is secured the normal economic and social activities will thrive, giving opportunity for the growth of the economy. Insecurity as long as Nigeria is concerned is no longer a new thing, it has been an age long tradition considering the formulation of the Nigerian nation with multiple ethnic groups which is akin to a man marrying more than one wife, we can attest that quarrellings and fighting’s will not be a visitor in that home rather it will be part of that home. The insecurity in Nigeria has gone so bad that we had to face the civil war of 1967 – 1970 of which it is still an open wound for some and always seen as a point for more trouble.

According to King in NSACC (2016) insecurity is defined as “the state of fear or anxiety, stemming from a concrete or alleged lack of protection.” It refers to lack or inadequate freedom from danger. This definition reflects physical insecurity which is the most visible form of insecurity, and it feeds into many other forms of insecurity such as economic insecurity and social insecurity. Unfortunately in the recent times the security situation of Nigeria has been as described above akin to that of a failed nation. It has become very difficult for one to travel to any part of this country without experiencing one kind of security challenge or the other. On a daily basis we hear stories of all manners of attack from different groups operating at different areas of the country ranging from the Boko Haram, Fulani Herders, Bandits, Unknown Gun Men, etc. which specialize in armed robbery, kidnapping and demand for ransom, bombings, assassinations, etc. These security challenges have become a thorn in the flesh of the economy of this country owing to the fact that the situation at hand is slowing down, if not bringing to a halt most of the economic activities in the country. Having seen the Nigerian story and its complexities as regards security and the place of the federal character as an important statement that aims to uproot social inequality, and also to bring inclusiveness for the desired peace to exist, several regimes of government has vigorously pursued it so as to maintain this oneness and relative peace but presently the height of insecurity in the country makes one to wonder.

1.1 Statement of problem

Presently, the peaceful co-existence of the people of Nigeria is of great importance for the continued existence of the entity called Nigeria. However, the sudden jettisoning of the federal character as enshrined in the constitution and the introduction of high level nepotism in the Nigerian system now is a bane of the high level insecurity being witnessed in the country now. This means that the continued use of the federal character in running the affairs of the country will always maintain a high level of peaceful co-existence and also bring to an end the present security challenge in the country. Given the importance of the federal character, several governments have thrown their weight behind the federal character principle knowing how necessary it is to be observed even though some other government regimes had sidelined it especially the military government and have taken home its resultant effects. Oyadiran and Toyin (2015) have it that, with the disruption of the democratic process of the second republic upon where the 1979 constitution was based, the Federal Character Principle was also affected as various military governments clearly ignored the principle both in appointments and allocation of resources. Imbalances still existed with deep feelings of real and imagined marginalization and deprivation expressed by many Nigerians. Crises arising from deprived sectors and sections of the nation were known to disrupt the peaceful co-existence of Nigerians for year. This is the challenge we face whenever the federal character principle is tampered with, just as we said earlier about the polygamous home where crisis is domiciled at all times not because they love trouble but because the wives may feel that one of them is more favoured than the others hence agitations that will lead to crises. Hence, the normal Igbo peace saying that goes thus, “na-eme nwanyi ka emere ibe ya obi ga adi ya nma” (when a woman is treated like her fellow women her heart gladdens)

However, overtime the continuous breach of this principle have always come to hunt us as a nation where people who feel marginalized go about in agitation to register their grievances and when nothing is being done some take up arms in order to get the needed attention through violence and insecurity. According to Duerksen (2021) this understates the complexity and multidimensional nature of Nigeria’s security challenges, which impact all of the country’s regions. At the same time, armed violence is not omnipresent across Nigeria and is primarily concentrated in specific geographic corridors”. This is the present condition of Nigeria where almost everybody is feeling the heat of all kinds of insecurity. According to the 2021 Global Peace Index (GPI) Nigeria was ranked 146 among 163 independent nations and territories, according to its level of peacefulness and she ranked 8th among the least peaceful countries in Africa after South Sudan, Somalia, Democratic Republic of Congo, Libya, Central African Republic, Sudan and Mali (Guardian, 2021). All these countries have at least one thing in common and that being that they are multi-ethnic in nature or divided among regions

and religious lines which makes it difficult for them to cohabit, keeping them insecure most times. Nigeria's use of the federal character has really helped us a lot in piloting our affairs but presently it is being flouted without any recourse especially where it concerns security making almost every region to be on high security alert. Almost all the countries service chiefs are all from one region and religion leaving others out of the security discussions of their nation with so many other offices handed over to the same people leaving all the rest at their mercies. Therefore, it is against this backdrop that this study is geared towards finding out if the federal character principle is the actual reason for the security challenge we are witnessing presently in Nigeria and the implications of the neglect of the federal character as it regards the present security challenges in Nigeria.

2. LITERATURE REVIEW

2.1 Federal Character Violation as the Reason for the Present Security Challenge in Nigeria

We cannot sever the present security challenge of Nigeria from the violation of the federal character principle but again we can say that the federal character violation is not the only reason for the present security challenge in Nigeria. There are so many reasons for the present security challenges in Nigeria and we will be considering some of them at this point.

i. **Unemployment:** There is a high level of unemployment in Nigeria, especially amongst the youth. So many graduates flood the streets seeking employment within the country. These employment opportunities are lacking resulting in too many young people being jobless and without means of livelihood. Nwagboso (2012) argued that the failure of successive administrations in Nigeria to address challenges of poverty, unemployment and inequitable distribution of wealth among ethnic nationalities is one of the major causes of insecurity in the country. The frustration that results from this and the need for survival makes the youth vulnerable to manipulation into committing crimes even for a very little pay. Others pick up guns and resort to robbery, kidnapping for ransom and other violent acts just to get by.

ii. **Poor Control of Borders:** Nigeria has very porous frontiers where movement of individuals are largely untracked. The porosity of the Nigerian borders has made it possible for unwarranted influx of migrants from neighbouring countries such as Republic of Niger, Chad and Republic of Benin (Adeola and Oluyemi, 2012). The result of this is smuggling of weapons, drugs and other equipment that all promote violence into the country. Small Arms and Light Weapons proliferation and the availability of these weapons have enabled militant groups and criminal groups to have easy access to arms (Hazen and Horner, 2007).

iii. **Terrorism:** The violent extremism of various terrorist groups in Nigeria in recent years remains a major cause of insecurity in the country. Stemming from discontentment, ethnic and religious superiority, separatist agenda and the likes, different militant groups have emerged and are causing serious havoc in various parts of the country. They have employed tactics such as suicide bombing, kidnapping, sabotage of oil facilities, vandalization, and other means that all result to destruction of property and loss of lives. Boko Haram, Fulani herdsman, Bandits and Unknown gun men are some of the major violent groups and whatever the reasons for their actions continue to pose a problem of security in Nigeria.

iv. **Lack of Faith in Security Agencies:** When it comes to weapons, it seems as if the perpetrators of criminal acts are better equipped than most security agencies in Nigeria. Inadequate equipment for security personnel results in poor disposition to tackle criminals. Besides equipment, the expertise to handle crime scenes is lacking in the majority of security personnel, some of whom joined the force due to unemployment and not to fight crimes. The masses have lost faith in the security agencies and in many cases take matters into their own hands as seen in jungle justice cases around the country. One can also consider the recent past End Sars protest, where people raised against the security operatives meant to protect them as a way of showing their distrust towards them.

v. **Corrupt Government Officials:** Corruption is a term very commonly associated with government officials in Nigeria. Stealing public funds has become a norm. In a bid to get into or stay in power, some of them fund terrorist groups as there is usually a political undertone to the activities of these groups. Some Politicians have been known to create armies of political thugs during election periods and this usually results in election violence.

vi. **Poverty:** The rate of poverty in Nigeria is quite alarming and the result of this is an increase in petty crimes, gang membership, and other social vices that add to the problem of security in the country.

Federal Character Violations in Present Nigeria

So far we have been enjoying relative peace in Nigeria in the recent past as previous governments has tried as much as they could to implement the federal character principle but recently we have experienced the height of nepotism without recourse to the implications of these activities. At this juncture we will be considering these activities that clearly portray the neglect of the federal character principle which are many but for want of space we will consider the following; According to the (HURIWA, 2020), as regards the employment of the Director General of National Pension Commission (PENCOM). First, it is on record that PenCom; a critical agency tasked with regulating, supervising and ensuring the effective administration of pension matters in Nigeria, has been without a board or substantive head since April 2017. Secondly, President Buhari has injected his sectional politics into the National Pension Commission, and further

accentuating the leadership crisis bedeviling PENCOM by nominating Aisha Umar from the North-West geopolitical zone as director-general of the regulatory body.

According to Section 20(1) and section 21(1) and (2) of the National Pension Commission Act 2014: “In the event of a vacancy, the President shall appoint a replacement from the geopolitical zone of the immediate past member that vacated office to complete the remaining tenure.” For the records, Anohu-Amazu was appointed DG in 2014 for a renewable five-year term by then President Goodluck Jonathan, but was controversially removed by President Buhari in 2017 along with 22 other heads of federal agencies. Shortly afterwards, President Buhari presented Aliyu Abdurahman Dikko from another zone to the Senate for confirmation as the DG along with five others as chairman and executive commissioners. This immediately provoked a storm of protests. Senators pointed out the illegality of the choice, as “an absolute breach” of the provisions of the Pension Reform Act 2014. Unconcerned, President Buhari continued to pursue his sectional mission. Though forced to withdraw Dikko’s candidature, he retained Umar as acting DG since then, perhaps to wait out Anohu-Amazu’s term, which ended in 2019, so as to circumvent the law and deny the South-East zone the slot.

In the same vein considering the appointment of the chairman and members of the National Population Commission (NPC) which created controversies in the Nigerian presidency. HURIWA, (2020) have it that, according to media reports, the list of appointees previously published by various media houses had Silas Agara; a Christian named as chairman of the NPC. The other six nominees on the list were Muhammed Dottijo (Sokoto); Razaq Gidado (Kwara); Ibrahim Mohammed (Bauchi); Joseph Shazin (FCT); Bala Banya (Katsina); and Bimbola Salu-Hundeyin (Lagos). However, hours after the story was published, presidential spokesperson; Garba Shehu, sent a brief message to reporters saying a different person was confirmed as chairman. According to the presidential spokesperson, Nasiru Kwarra; a Muslim was confirmed as chairman of the commission and not Agara. Shehu explained that the earlier circulated name of Agara was a mistake. Even, a statement made by the president of the senate Ahmad Lawan also showed that a list of names, different from the ones previously published by the media, was approved by the council for the NPC. In the appointment of the service chiefs which is very vital and sensitive the federal character principle was clearly violated. (Aladekomo, 2021) in describing its importance said, “Indeed, if there is any sector where federal character or regard for the sectional, ethnic and religious diversity of a nation like Nigeria should be respected, it is in the appointment of the heads of security agencies. This is because this will give all the sectional, ethnic and religious interest groups a sense of belonging and see the national project as a common aspiration.”

Again coming from the constitutional stand point for federal character and security formation, Unini, 2021 have it that, The armed forces for the federation is a creation of the constitution of Nigeria. The constitution of Nigeria clearly in section 217(3) emphasis that the composition of the officer corp and other ranks of the armed forces must reflect the federal character of Nigeria. Furthermore, the constitution of Nigeria mandates the National Assembly of Nigeria (the federal legislature) to make a federal law that will establish a body, which will have the power to ensure that the composition of the armed forces reflects the federal character of Nigeria. Knowing the stand of the constitution on the 26th of January, 2021 new service chiefs were named at the resignation of the former service chiefs and they are as follows;
Major-General Lucky E.O Irabor, Chief of Defence Staff Delta State
Major-General Ibrahim Attahiru, Chief of Army Staff from Kaduna State
Rear Admiral Awwal Zubairu Gambo, Chief of Naval Staff from Nasarawa State
Air-Vice Marshal Ishiaka Oladayo Amao, Chief of Air Staff from Osun State.

All these were done knowing full well that the sitting Inspector General of Police Mr. Mohammed Abubakar Adamu hails from Nasarawa State and the sitting National Security Adviser Maj. Gen. Babagana Mohammed Monguno is from Borno State. The latest is the issue with the appointment of the chairman and secretary of the Federal Character Commission, the body charged with implementing the federal character principle and this can be seen as the height of violation of the federal character. According to (Ogune, 2021), lawyers under the auspices of FS Onifade and Associates have dragged President Muhammadu Buhari, Attorney-General Abubakar Malami and the Federal Character Commission (FCC) to court over alleged lopsided appointment into the commission.

In a suit marked FHC/ABJ/2021 against Buhari, Malami and four others, the plaintiff, Festus Onifade, is challenging the appointment and continuous holding of office of the chairman of FCC, Muheeba Farida Dankaka and the secretary, Mohammed Bello Tukur. According to Onifade, the appointment is in violation of the principles of federal character as enshrined in the Constitution of the Federal Republic of Nigeria. The suit seeks an order directing Buhari to immediately appoint other persons into the positions:

2.2 Implication of the Neglect of the Federal Character in Nigeria

According to McCrudden in Okotoni and Odegbami (2021) any policy measure or anti-discrimination law that could be termed as affirmative action must intend to affect the position of individuals whose prospects are impeded by unequal and unjustifiable treatment from other members of a particular group. That is, any affirmative action law should be able to guarantee equity, and far from bias and prejudice; such that a group of people must not be given preferential treatment

over the other within a nation. The Federal Character Principle is a non-discriminatory principle, which aims at guarding against the monopolization of governmental activities or the apparatus of government by a particular ethnic group or section of the country. Put differently, the intention behind the introduction of the federal character principle was to accommodate all the component units of the nation in all the governmental activities. Hence, when this principle is violated there is every tendency that there will be consequences like insecurity, threat to national unity, apathy towards government, aggressive opposition towards the government and her agents, economic regression/sabotage, etc. The present security challenges we are experiencing in Nigeria today and a situation where almost every section of the country is clamoring for secession cannot be severed from the constant neglect of the federal character principle by this government. The current situation has so heightened the tension in the country that almost every ethnic group or section of this country has become unstable security wise.

3. METHODOLOGY

The study adopted a secondary data analysis as the research method. The choice of the research method becomes imperative in view of the fact that it is a research method in which we had to analyze existing data collected by others. This type of method is suitable, because, the principle of federal character which this study is centered on has been in operation for some years and so many scholars have researched on it from various angles which we leveraged on in providing appropriate data on which to base a sound decision. The study area is Nigeria which is a sovereign nation with a whole lot of security challenges considering her nature of multiple ethnic groups and sectors. The selection of Nigeria is on the grounds that this principle has kept us going and maintaining it will be for the good of the generality of the citizens of Nigeria.

4. CONCLUSION

From the foregoing we discovered that the unnecessary neglect of the federal character principle by the government is a problem for us in Nigeria. The federal character principle was instituted in the first place to help tackle the problem of nepotism and other vices that come with multi ethnicity, religion, etc. considering our experience which led to the civil war. The present security challenge we are experiencing from almost every quarter of the country cannot be severed from the wanton violation of the federal character principle and this has even caused the most peaceful areas of the country to live in fear of insecurity. The citizens of Nigeria are no longer at ease with the activities of the government especially those who feel they are being marginalized. The EndSars protest is a clear indication of the realities on ground where the citizens are venting their anger on government and her agencies at any slightest provocation. Even though the protesters had some things against the Police (SARS) but they were so many other things attached to the protest against the government. The sudden appearance of the faceless group in the eastern part of the country known as the unknown gunmen is also an issue arising from the clear violation of the federal character principle where citizens feel their interest are not represented by the government especially when none of their own is part of the government. They go about killing and maiming people who they feel are of essence to the government and also destroying government properties all in the name of registering their grievances to government and calling them back to order. These things if not checked at this time and managed can lead us back to the place we are coming from some fifty four years ago.

5. RECOMMENDATIONS

5.1 Punishment for Neglecting the Federal Character Principle

The study recommends a very severe punishment for any government or persons that violates the federal character principle. It advocates that even though there is a punishment already existing for violators of the principle according to (Unini, 2021) failure to adhere to the federal character principles is a criminal offence punishable with fine of N50,000.00 or to imprisonment for a term of six months or to both such fine and imprisonment. Where an offender is a President or Vice President of Nigeria or a Governor or Deputy Governor of a state in Nigeria, the offender cannot be prosecuted during his tenure in office, due to executive immunity. Such a person can only be prosecuted after expiration of his office and there is no expiration period for prosecution of criminal cases in Nigeria. A more severe punishment should be given which the immunity cannot cover and with strict compliance so as to discourage the violation of this principle.

5.2 Constitutionally Declaring Such Position or Office Null and Void

Unfortunately, due to the wrong mindset of some Nigerians as regards power, of which they are willing to occupy positions or offices they know they are not meant to occupy and are even ready to die struggling for those offices. This study therefore recommends that laws should be made which declares any appointment or position given against the federal character principle as null and void automatically without any consideration and further punishment given to any offender as this will discourage the violation of this principle.

5.3 Independence of the Federal Character Commission

This is very important to the implementation of the federal character principle because without the autonomy of the commission they will just be a tool in the hand of the government of the day. Considering where the principle was also violated in the very commission whose duty it is to see to the implementation of the principle. Therefore, this study recommends that there should be a measure of independence given to this commission especially as it concerns the hiring and firing of the chairman, secretary and other commissioners, so as to help them work without fear or favor and to avoid any kind of interference from any quarters.

5.4 Establishment of Regional or State Police

A situation where some regions of the country are not represented in the security arrangement of the country making them feel that their security is not important and also making some security strategies that affects them adversely, people tend to take up arms all in the name of protecting themselves but at the long run it does not favour anyone. Therefore, this study recommends the urgent need for legalizing the regional or state police like the Amotekun, ESN, etc. so that everybody will still feel secured under this one entity even if they do not have a representative at the federal level and again they will know how best to manage their security situation in their own locality.

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