

# Federal Character Principle and Business Languages of the National Assembly of Nigeria: Learning From Experience

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## Abstract:

Nigeria is ethnologically heterogeneous and therefore highly diversified culturally. The adoption of federal system as the constitutional model of government for the nation was influenced more by this understanding than even by the geographical size of the country. The knowledge of diverse nature of Nigeria also prompted the inclusion of federal character principle in most of the Nigerian constitutions to avoid predominance of persons from a few states or from a few ethnic groups over others. The same constitutions, however, contradict and forfeit the notion of federal character principle by imposing three Nigerian languages as the business languages of the National Assembly. Drawing from experiences, the work argues that the imposition of languages on vastly diverse state like Nigeria will rather than bring unity result in disharmony among various groups. It recommended good governance among others as panacea to Nigeria's lingering disunity and political instability. The work adopted descriptive method in its analysis.

**Keywords:** Federalism, language, hegemony, ethnicity

## Introduction

Nigeria is ethnological heterogeneous and, for that reason, highly diversified culturally. Unlike the United States of America, for example, the country is not an outgrowth of immigrant settlement. The various peoples that make up the country are indigenous to the nation in two ways. From the ancestral standpoint, they are indigenes of their ethnic groups and land areas because their ancestors first established in and founded those areas as their homeland. In geopolitical terms, they are citizens of Nigeria by birth and descent. This second fact follows naturally from the first. They were born of parents who were indigenes. Colonialism brought the different peoples together and forged out of the ethnological conglomerate the country known as Nigeria today.

Accordingly, Nigeria differs from the United States of America, and indeed, many other Western countries, Nigeria does not have a core or central linguistic and cultural centre or mainstream comparable to America's White Anglo-Saxon Protestant (WASP) culture into which the diverse groups and subsequent immigrants, metaphorically, melt. Nigeria is, therefore, not a sociological melting pot. Nor is there any indication that it can turn one in the foreseeable future. This fact is one of the significant aspects of the nation's political reality.

Pre-independence constitutional technologists were rightly aware of this self-evident truth about the country. They realized early enough that when the individual units of a social organization are so strong, as the ethnic groups are in Nigeria, that the inclusive organization cannot absorb them, a federation stands out as the logical alternative that can ensure the continuity of the organization. Very timely was that realization. It influenced much in the constitutional development and political history of Nigeria.

Adoption of the federal system as the constitutional model of government for the nation was influence more by this understanding than even the geographical size of the country. The federal character principle ordained in the various constitutions of Federal *Republic of Nigeria* as the theory to guide the personnel composition of the governments of the federation is as much a recognition of the enduring multi-ethnic feature of the country and it is also a device for the achievement of national unity and command of national loyalty.

Success in achieving these objectives requires more than the facial representation for which the constitution apparently provides. The heterogeneous peoples of the country are to be made to identify with and feel as a part of the governmental structures. They need to see some reflections of themselves and their values in the ideals of their governments. Their political traditions, cultures, images and languages are to be incorporated into the national image of the country and appreciated as important resources of the nation. That is why the intent of selecting few languages as languages of National Assembly raises doubt and questions among other Nigerians whose language are neglected.

## The Theoretical Bearing

The central object of federalism is the extension and expansion of political space, autonomy and institutions for the benefit of geo-political units in a context in which the political community accepts that ethnic, religious and cultural differences exist and that their management would benefit from differential levels of governance (Awa 1976). The point of departure of the theory and practice of federalism therefore is that such differences are legitimate and should be accepted and incorporated into the structure of governance (Wheare 1963). The political systems of federal states are therefore constructed in such a way as to accommodate such differences. Institutions for managing the differences, for seeking compromise and for negotiating conditions for living

together are therefore central to federal politics. The federal structure conformed to Mill's (1948) federal instability thesis which holds that a federation faces the threat of collapse if one or more units dominate it. This explains why attempts, overtly or covertly, to impose any language or languages on Nigerian peoples is likely to face resistance and pose serious danger to Nigerian federalism.

### **The National Character**

Nigeria is a federation of thirty six component states and a federal territory capital occupying a geopolitical territory of 923, 700 square kilometers (Perkins and Stenbridge 1966). The population is over 160 million, comprising of over 300 indigenous ethnic and linguistic groups (Graf 1988). They do not speak the same language and they have highly divergent customs and ways of life and they represent different stages of culture. In effect, Nigeria is a federal state characterized by the presence of multi-sub-national and groups and diverse political cultures held together by a common sovereign authority (Arnold 1977). It is only through the British suzerainty that Nigeria was made one country. Socially, economically and politically there are deep differences between the different tribal groups that make up Nigeria.

Right from colonial period, the ethnic differentiation was recognized. Thus in 1920 as Udoiem (2006) opined, Sir Hugh Clifford, the then colonial governor assured different ethnic groups that were conglomerated to form a new nation that he would seek to secure to each separate people the right to maintain their identity, individuality and its nationality, its chosen form of government, and the peculiar political and social institutions which have been evolved for it by the wisdom and the accumulated experience of its forbearer.

From what Clifford had said one is correct to say that it was the desire of colonialist to give every citizen of Nigeria a sense of belonging in the new nation irrespective of their ethnic origin, culture, language or religion which may exist and which is their desire to nourish, harness to the enrichment of the nation.

The various federated units that came to be called Nigeria had existed for years with their own history of trade relations, intertribal wars and systems. As Clifford noted, as quoted by Tamuno (1922)

*Assuming that the impossible were feasible ... that this collection of self-contained and mutually independent native states, separated from one another ... by great distances, by differences of history and of tradition and by ethnological, racial, tribal, political, social and religious barriers were indeed capable of being welded into a single homogenous nation ... a deadly blow would thereby be struck at the root of national self-government in Nigeria which secure to each separate people the right to maintain its nationality its own chosen form of government and the peculiar political and social institutions which have been evolved for it by the wisdom and accumulated experience of generations of its forebears.*

Here Clifford noted with certainty the existence of federated independent nations within Nigeria but notes the impossibility of welding the mutually independent native states in Nigeria into a single homogenous nation. Ellah (1983) was to note 60 years later that what Clifford said is as valid today as it was on the date it was first said and that what was being achieved is that the mutually independent native states became a federation of state or a heterogeneous nation.

According to both oral and recorded history, the amalgamation was done without due consultation with the constituent units, their consent was not sought, and so despite their cultural differences, they were forcefully lumped together to form one nation state.

When Nigerian people desired to govern themselves the political parties, cultural organization as well as the various ethnic nations in the country fought for Nigerian independence on terms that they thought would be favourable to their cultural interests within a federal constitution. It is from here, too, that ethnic groups derive this share of credit for the creation of Nigeria.

Quite outside the best imagination of Britain whose interest was to facilitate the administration of the colony, the structural framework which operated the amalgamated units exposed the different ethnic peoples unavoidably to the notion of belonging in one country and having one central government whose policies applied to all of them in common.

In addition, it provided them with a framework and a scope within which to evolve into and create a state or nation-state as understood by the modern world in international law and diplomacy. They developed common interests, shared common colonial history as well as experience, and owed loyalty to a common authority. Inter-ethnic intercourse increased. In time, they extended some amount of their individual ethnic nations to the entire amalgamated set-up. While the adoption of indirect rule as the method of administering the country established. And sanctioned multi-ethnicity as the fundamental character of Nigeria, the administrative structure planted the seeds of federalism whose germination and growth process spasm the history of constitutional development in Nigeria. Finally, the multi-ethnic association attained its nation-state goal on October 1, 1960 when it gained independence from Britain as Nigeria. Three years later, October 1, 1963, the nation-state matured into a

republic. Nigeria is a political. Polymer whose molecules – the constituent ethnic nations are effectively both its creators and at the same time its inextricable parts.

Accordingly, Nigerian political history up to the present has been one long drama of inter-ethnic jogging for advantage or dominance. The state creation exercise, the civil war, Rotational presidency, zoning system and the division of Nigeria to six geo-political zones, attempts by Gideon Orkar to excise part of Northern Nigeria from the federation, the independence constitutional crises and parliamentary upheavals, and even the current fantasy called WAZOBIA are expressions of the indomitable resist of the multi-ethnic nature which is the real characteristic of the Nigerian nation-state.

Nigeria became, as it is today, a conglomeration of ethnic nations that also constituted those territories. It was, at best, a forced association of many nations. In retrospect, therefore, and without the least anticipation by Britain, the amalgamation of 1914 appears to assume the stature of the first significant act of nation-building and attempt at national integration in the political history of Nigeria.

While colonialism, acting through its officials, undeniably served as the efficient cause of the country, without the ethnic nation, there would have been no Nigeria. They served as the material for the formation of the country. In Aristotelian terms, therefore, the ethnic nations created Nigeria materially.

### **Attitude of the Ruling Class Towards The Heterogeneous Nature Of Nigeria**

Since independence, successive Nigerian governments have refused to accept ethnic plurality as a basic unavoidable character of the Nigerian nation-state. They have tended to look upon it as a liability rather than as a national asset. Accordingly, the country's leaders and governmental policies have exhibited unabashed duplicity, confusion, and contradiction. Some ethnic groups arrogate to themselves exclusive rights and privileges in the country.

While the political leaders uphold the tenets or values of the cultural groups of their origin and plot their dominance over others for instance, they condemn others who seek to preserve their identity. This hypocritical duplicity has not helped the country. Rather, it has evoked negative reactions from other cultural groups and has been a factor to the creation and exacerbation of what has gained notoriety as tribalism in the country.

There is also a strong view that it was General Ironsi's radio broadcast of May 23, 1966 in which he proposed a unitary government for the country which precipitated in the Northern Region a weekend of riots that month and the more serious disorders which followed in July and September of the same year. The dominant ethnic groups in Northern Nigeria feared that the unification of the civil service and the abolition of federalism would not only erode their control over the destiny of Nigeria, but that the changes would also give advantage to another ethnic group (Effiong,2000).

The proposal was perceived as a grand gimmick to joggle a group out of a natural right to fill the slot with another. One finds here a classic evidence of the fact that the idea that the country belongs to all the ethnic groups and peoples in common and that they are, therefore, equally entitled to all the rights and privileges of their citizenship without exception or preference is never entertained by some ethnic groups and political leaders of Nigeria.

### **Federal Principle Character**

There had in the past been inter-ethnic rivalry to secure the domination of government by one ethnic group or combination of ethnic groups to the exclusion of others. This made it essential to have certain provisions in the constitution to the predominance of persons from a few states or from a few ethnic or other sectional groups over others.

The federal character, as a scheme was supposed to ensure fair play or justice among the various groups that have, as a result of colonial conquest, been *chaotically crowded* (Ake, 1993) within the Nigerian state.

The 1999 constitution as constitution of other democratic societies was to fashion out for Nigeria a fundamental law which reflects the aspirations of the peoples of the country and not only avoids double – speaking, equivocation, and self-contradiction, but also fosters popular equality and other tenets of democracy that ensure stability in the country and enhance the welfare of its citizens.

Chapter two of the 1999 constitution lays down the fundamental objectives and directives principles of state policy. Included in this chapter are, among others, political, economic, social, educational, and foreign policy objectives of the nation.

More specifically, sub-section 3 of section 14 of the constitution, which is in this chapter, provides for the government of the federation that

*“ the composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such 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”.*

and in (4) it also provides for the state that

*“ The composition of the Government of a State, a State, a local government council, or any of the agencies of such Government or council or such agencies shall be carried out in such manner as to recognize and the conduct of the affairs of the Government of Council the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the Federation”.*

This is the Famous Federal Character Provision of the Constitution.

In this regard, section 14 (3) (a) secured a space in the 1999 Constitution of the Federal Republic of Nigeria. Uroh (2000) basically, what the principle of federal character has come to mean, in what Afigbo (1986) rightly describes as “unsophisticated everyday usage”, is “Nigeria’s multi-ethnic character”. And in that case, to reflect federal character means simply to ensure “that Nigerian affair is not dominated by persons” from a few states or ethnic groups. In practice, the notion of federal character has manifested, among other things, in the application of quota system in job placements and recruitment into military services, in the granting of special considerations for educationally disadvantaged states in admission into institutions of higher learning, and in the requirement for national spread in appointment into public offices and so on.

Even though most ethnic groups prefer to communicate in their own language, English, being the official language is widely used for education, business transactions and for official purposes. Despite the fact that English has been adopted as official language, it has remained exclusive preserve of the country's urban elite, and is not widely spoken in rural areas. With approximately 75% of Nigeria's populace living in the rural areas, the major language of communication in the country remains national languages, with more widely spoken being Hausa, Igbo and Yoruba. In recognition of this pluralistic nature of Nigeria as it relates to language, the constitution of the Federal Republic of Nigeria 1999 as amended partly recognized the language diversity of Nigeria.

From the provision just cited and as proposed by Professor B. O. Nwabueze in a lecture titled “Federal Character and Perennial Participation” which was serialized by the Sunday Times in March 1986, the federal character principle is “simply the application to the ethnic group of the democratic ideal of representational participation carried to the level of non-elective offices. The learned professor went on to say that “The prevention, is the central objective of the federal character principle”.

It is his view that

*“the use of the state rather than the ethnic group as the unit for the application of the federal character principle in the distribution of public appointments and other benefits is a distortion of its underlying objective”.*

“The tribes”, he emphasized, “are the groups for whom participation and protection against domination are sought to be provided through the federal character principle”.

An apparent natural inference from the constitutional provision and the foregoing discussion is that the federal character principle is intended to foster popular equality and other tenets of democracy that can ensure stability in the country as well as enhance the welfare of its citizens. Such an assumption is anything but accurate. There is, in this regard, a major flaw in the constitution.

### **A Major Contradiction and Flaw in the constitution**

The constitution of the Federal Republic of Nigeria 1999 provides in section 55 that “the business of the National Assembly shall be conducted in English and in Hausa, Ibo and Yoruba when adequate arrangement have been made therefore ...”

This provision ignores, thereby, the Federal Character principle or diversity of the peoples enshrined in Section 14 and fosters, consequently, the linguistic predominance of persons from a few states or from a few ethnic or other sectional groups prohibited in that same constitution.

Certainly, this is serious constitutional double –speaking, equivocation, and self –contradiction as well as a major flaw. By this provision, the constitution ordains domination. It is not enough that each group is represented in the organs, councils and agencies of the government if the government is permanently dominated by one group or a combination of the same groups. Domination arises here not only from numbers but also from control and exclusion from the vital machinery and mechanism for decision - making - recognition of language in this case. Only very few Nigerians who are not among the groups so favoured read section 55 of the constitution without a temporary loss of balance in their sense of belonging.

Apart from institutionalizing a superior – inferior syndrome among the peoples of the country, section 55 of the constitution, if it succeeds, is a potent weapon for a non-violent socio-cultural genocide. It is able to exterminate in 50 to 60 years the language, cultures, history and personality of those relegated to the status of inferiority by

reason of denying their languages national legitimacy. Inclusion of section 55 in the Nigerian constitution of 1999 and the previous constitutions, therefore, testify to the irrepressible propensity and subtle drive of the Hausa – Ibo-Yoruba triumvirate not only to dominate the other ethnic groups in the country but also to swallow them up completely. This inclination partakes of the nature of what could be characterized as the hegemonic tendency of the three ethnic groups. This tendency does more harm to the country than linguistic diversity. In fact, it underlies all the political instability in the country.

In effect and practice, the move to impose Hausa, Ibo, and Yoruba languages on Nigeria becomes a kind of eugenics whose philosophy is that Nigeria will be good and united when all Nigerians either speak or becomes Hausa, Ibo, or Yoruba or speak any other chosen or constructed language or *Esperanto*. Such provision like , the languages of National Assembly makes one to wonder what lingua franca proponents see that is so different, special, or excellent about Hausa, Ibo, Yoruba or the owners of any other language that may be adopted so that, when all other Nigerians will transform to the generic types of those chosen ethnic groups, the country will be better and united. The test of the practical and factual validity of the philosophy for the adoption of the three languages named in section 55 of the 1999 constitution as the only Nigerian language or languages for the National Assembly lies in the clearing of such doubt.

### **Learning from Experience**

It appears from all indications that the wise men who fashioned out the 1999 Federal Constitution wrote about national language, for that is the purport of section 55 of the Constitution, without adequate information or consulting the experiences of other countries on the matter. Available historical evidence portrays attempts of other countries to evolve national languages in situations similar to Nigeria's as retrogressive, wasteful, and futile.

On their attainment of independence, for example, many countries of South-East Asia upgraded the languages of the dominant groups that came to power to national languages – Burmese for Burma, Thai for Thailand, Malay for Malaysia, Bahasa Indonesia for Indonesia, Cambodian for Cambodia, Viet-nameese for Viet Nam, and Tagalog for the Philippines. In each case, massive disruption resulting in retrogression in education, economy, and social life followed immediately. The scheme failed totally (Hunter 1966).

imposing a language or languages on a federated multi-ethnographic and multi-lingual state exhibits ignorance of the metaphysics and importance of language to man and community. It sees language only as a sonic vehicle for communication.

It is important for Nigerians to note that a language is a natural gift. Cassirer (1963) in his book, *In the Expression of the Emotions in Man and Animal*, "Darwin has shown that expressive sounds or acts are dictated by certain biological needs and used according to definite biological rules. Language is natural to the people and a repository of their history and culture. Its functions are mythological, metaphysical, and pragmatic. "Human speech can be reduced to a fundamental instinct implanted by nature in all living creatures" and even the "most elementary human utterances... are expressions of human feelings". That is to say, language is traceable to the general biological causes of the people. So conceived, therefore, even phonetics and semantics as aspects of language become a branch of biology and physiology.

As Muller (1963) puts it, "language and thought, are inseparable". our view of the world is determined in the nature of our language. "other cultures with languages which have markedly different structures from our own ... also have quite different ideas about the world ... if we had been born into a culture with a language of very different structure we would think of the world in quite a different way" in other words, we think with language (Thompson 1964). Language defines our experiences and cosmology. A phenomenon so fundamental to the individual's and community's being and psychology cannot be subjected to such prostitution as proposed in the constitution.

The selection of languages builds its case on the argument that, since Nigerians think in their different ethnic languages, in addition to English which is common to the generality of Nigerians, their thinking about or understanding Nigeria and her people is wrong or inadequate. That is why Nigerians have the problem of unity. The remedy is to choose or construct a new national language or languages and or adopt some Nigerian language or languages and use same in thinking about and understanding Nigeria. When this is done, there will be unity in the country. Nigerians will understand one another, work together, and co-operate among themselves. Patriotism and nationalism will also be enhanced.

An inescapable fallacy in this argument is that the new or selected language or languages would have to be chosen, constructed and understood by means of the thinking that Nigerians are already able to do in the languages currently being spoken by the various ethnic groups in this country. If "our thinking is controlled", as here proposed, "by the language which made that thinking possible in the first place, we are not likely to get far in realizing our objective" (Thomson,1964). The whole exercise becomes a sort of futile gymnastics.

There are two things to share with Nigerian linguistic and sociological monists. Firstly, Nigeria is a federated State, and as such, it's essential necessity and source of strength are its elemental diversity which is ethnographic,

linguistic, social, cultural, economic, occupational, religious, etc. Next, Nigeria is not an occupied territory like the United States, Canada, or Australia. It is inhabited by indigenous people. Accordingly, the country is not a melting-pot and it not likely to change to this soon, for as Peil (1978) observed

*“neither the police nor the army has proved to be a ‘melting – pot’ which would transform ethnicity into true nationality, since both soldiers and policemen maintain contracts with their communities of origin and are responsive to attitudes of the wider population.*

By emphasizing the federal character of the country and advocating a recognition of ethnic diversity in many of its provisions, the 1999 Constitution did not, in fact, even contemplate a melting-pot for the country. Nigerian linguistic and sociological monists may well bear this in mind as they drive for a *linqua franca*.

Indeed, linguistic diversity poses the least problem for the country. From Sokoto to Uyo and Calabar or Maiduguri to Badagry, Nigerians across the nation communicate and agree when they want to do so. When political parties planned and agreed to cheat the masses and rig the elections during the Second and fourth Republics, for instance, diversity of the languages of the members caused no hindrance.

### **The Way Forward**

The Constitution Review Committee should be constituted to expunge Section 55 and others like it from a future constitution of Nigeria. In this place the Committee should insert such provision as will promote social justice and eliminate hegemonic vendetta among the three most numerous ethnic groups in the country to save the others from being always the grass that suffers each time these elephants fight.

Provision such as could bribery, corruption, nepotism, favoritism, vindictiveness, and victimization should be inserted in the constitution. Reasonable curb on these social ills and fidelity to the rule of law in the society will restore to the government the confidence of the people and make for unity and political stability in the country.

As Santayana (1966) puts it, what language a man shall speak is a historical accident. If the desire of a *linqua franca* or Section 55 of the 1999 Constitution is a kind of linguistic polyglotism, the approach to it is free intercourse of people in trade, business, and social life. Students exchange programmes between states at both the primary and secondary school levels can also eke out the efforts of the NYSC and the Federal Secondary Schools in this regard. Effective use of mass communication media-radio, television, the press, etc will expose Nigerian peoples to one another and enhance their appreciation of themselves while also fostering a recognition and acceptance of one another as citizens of the same country. Good leaders with whom Nigerians across the country can identify as their leaders irrespective of ethnic origin and deliberate policies of social unification can serve the cause of unity, better than a policy of ethnic mortification as engendered in section 55 of the constitution or a national language strategy.

### **Summary and Conclusion**

To summarize, the work opens with what can pass as a permutation of the task before future Constitution Review Committee. It makes reference to the *Constitution of the Federal Republic of Nigeria 1999* and draws attention specifically to Section 14(3) and (4) against which section 55 silhouetted to expose the latter’s oddity. A Constitution Review Committee should be constituted with mandate to expunge the obnoxious provision and others like it from the nation’s constitution while all effort should be made to nurture national leaders whom all Nigerians irrespective of ethnic affiliation can identify as leaders.

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