



Diversity question in Nigeria: Analysing the role of the law and the challenges in ensuring the unity of the nation

Dr. Akpoghome Theresa U

Associate Professor, Department of Public Law, Faculty of Law, Benson Idahosa University, Benin City, Edo State, Nigeria

Abstract

Diversity refers to the combination within a population of people with different backgrounds. These differences can be ethnic, religious, socioeconomic, and gender imbalances within a group. The law on the other hand represents the laid down rules for governance or the maintenance of stability within a system. This paper examines diversity and the law with reference to Nigeria. The paper discusses the historical overview of the Nigerian nation as it helps us to understand the root of the diversities in the nation. It further discusses the challenges or problems that have helped deepen the diversities rather than uniting the people. The paper further discusses the constitutional provisions that should help us to see our diversities as our strength. The paper highlights the breaches of these provisions where they have occurred. It notes that the most fundamental issue to sustaining our diversity is the crafting of a federal constitution that would entrench true federalism. Several recommendations which include the separation of state and religion, independence of the judiciary and the elimination of socioeconomic inequities were made. The paper concludes by urging the government to rise up to the task of uniting Nigerians by making policies that are fair and equitable to all.

Keywords: federal character, federalism, religion, judiciary, accountability, ethnicity, regions

1. Introduction

This paper examines the critical issue of Nigeria diversity and how the Law has addressed some of the burning issue related to diversity. This is necessary because most of the crises experienced in Nigeria have been traced to our diversity. Diversity according to Blacks Law dictionary relates to ethnic, socioeconomic and gender heterogeneity within a group; the combination within a population of people with different backgrounds ^[1]. The above definition aptly fits into the Nigerian situation, a country made up of people from different ethnic, religious socioeconomic groups which has given rise to conflicts. Is Nigeria diversity a blessing or a curse? What role has the law played in ensuring that we exist as one indivisible entity? How are the people reacting to the issue of our diversity? These and other issues will be addressed in this paper. This paper is divided into six parts. Part two discusses the history of Nigeria. Part III discusses the legal framework for diversity, part IV addresses some of the challenges and this will be done in relation to constitutional and other legal provisions, part V discusses the way forward and part VI concludes the paper.

2. Historical overview of Nigeria

The entity known as Nigeria never existed prior to 1914. Nigeria occupies a land mass of 923 Km and a population of over 170 million people ^[2]. By 1914 the colonial masters created the country known as Nigeria. The British government gave us independence in 1960 and ever since 1960, precisely 56 years now, we have been torn by conflicts and violence based either on religion or ethnicity. The most devastating conflict was the Nigeria/Biafra civil war that lasted for 3 years from 1967-1970. The war was as a result of the attempt by the

Eastern part of the country to secede. The problems of Nigeria did not begin in 1960 but can be traced to the era of British rule from 1901-1960 ^[3].

Nigeria is made up of people with different ethnic, religious, regional and communal differences. In Nigeria, citizens have dual identities for political purpose and the one connected to citizenship, resources and privileges. The colonial rule split Nigeria into north and south with different land tenure systems, local government administration, educational systems, and judicial systems ^[4]. This pattern was quite different where they had a single administrative system ^[5]. The two administrative systems of the North and South operated as two separate countries joined together by currency and transportation system ^[6].

Most people in Nigeria have their education within their regions and as such know little or nothing about their neighbours. This has created room for fear and prejudices to thrive. During the struggle for independence, the nationalist fought each other as much as they fought the colonial masters ^[7]. Every region in Nigeria had a nationalist "hero" who the whole region adored. There was no single individual that was seen as a rallying figure in our quest for independence as happened in India, South Africa and Ghana. This made us regional champions in our own rights and regionalism is one of the problems militating against our quest for national development.

In order to tackle the problem of regionalism, the founding fathers adopted federalism and urged for a policy of unity in diversity. It is sad to note that the inability to consolidate Nigeria federalism on values and positions we commonly share shows that our divisible historical legacy will continue to haunt us and affect our development as a nation. The

manifestations of this could be seen in the ongoing controversy on the issue of indigenes and non indigenes or settlers. This is one issue that has divided us more rather than unite us. This has been the basis for some ethnic and religious violence. A case in point is Plateau State where there is conflict between “indigenous and settlers” as reported by the various judicial Commissions of Inquiry set up between 1994 and 2010^[8] and from then till now.

It is trite to note that conflicts based on ethnic or religious sentiments are not new to Nigeria but the rate at which they occur and their impacts on lives and property leaves much to be desired. Nigerians must rise above ethnic/religious sentiments and see ourselves as citizens of a great nation. We must learn from our past in order not to fall into its errors. We must make deliberate efforts to refuse to see ourselves as victims of our history. We have a duty to live above the challenges presented to us by our history.

Nigeria is rich in oil but our greatest asset is the people with population of over 173.6 million divided into more than 250 ethnic groups^[9]. Nigeria has been ascribed the name “Giant of Africa”, this name is not because we have institutions and values that can be measured with that of any country in developed climes but because of our population and oil wealth. It is important to note that if we must retain the name-Giant of Africa, we must work to earn it. India and China are known to have the largest populations in the world but that did not place them anywhere previously but now they have risen to be countries to be recognised as important global players^[10]. Japan on the other hand has few natural resources it is a world economic power^[11].

What counts today for a country are its skills, industriousness, productivity and competitiveness? Nigeria must strive to achieve these and build institutions and values that will sustain the collective community and be the giant of Africa indeed.

Why has it been difficult to build a strong nation with our tremendous human and natural resources? What is the role of the law in ensuring that our diversity becomes our strength? Nigeria presents a good example of a difficult relationship between the law and society. It is important to note at this juncture that the law may have very good provisions to support our diversity and help us achieve greatness as a nation but the implementation of the law is another issue altogether.

3. The legal framework

This section discusses the constitutional provisions that support our oneness as a people of a great nation that must see themselves first as citizens rather than indigenes. The Constitution is the supreme law of the land the laws laid down therein binds all. Precisely the Constitution provides that it is supreme and its provisions shall have binding force on all authorities and persons throughout the Federal Republic^[12].

It further states that if any other law is inconsistent with the its provisions, the Constitution shall prevail and that other law shall to the extent of its inconsistency be void^[13]. This foundation is important as it will help us to appreciate the issue under consideration. The Constitution recognises and accepts that a person becomes a citizen of Nigeria either by birth, registration or naturalisation^[14]. The implication of the above provision is that a person born in this country irrespective of the region or section of the country where he is

born is a citizen of Nigeria and not an indigence or non indigene, wherever he decides to reside or make his permanent abode, is a citizen of Nigeria and not otherwise.

Citizenship confers rights and duties on the people and one of such rights is captured in section 42(1) and it provides that a citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not by reason only that he is such a person:

- (a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, place of origin, sex, religion or political opinions are not made subject, or
- (b) be accorded either expressly by or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places or origin, sex, religious or political opinions^[15].

(2) No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth^[16].

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

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

That the motto of the Federal Republic of Nigeria shall be Unity and Faith, Peace and Progress, accordingly, national integration shall be actively encouraged, whilst discrimination on the grounds of sex, religion, status, ethnic or linguistic association or ties shall be prohibited^[17].

The implication of the above is that in pursuit of peace, progress, unity and national integration of Nigeria, issues bothering on sex, religion, status, ethnic or linguistic association should not be made paramount. But is this the case in Nigeria? The answer is in the negative. Nigeria thrives on ethnic, religious and linguistic sentiments. You can be appointed to any position if the man/woman in charge belongs to the same religious, ethnic and linguistic group and this has deepened our diversity and has made it impossible for citizens to believe that they have a stake in the country. In Nigeria, married women are denied jobs on the bases that they would someday and be pregnant and be entitled to maternity leave which is not contrary to labour laws. Single ladies are sometimes employed with clauses in their appointment letters to the effect that they would not be married until after a number of years. What a shame. The number of women employed in offices and in politics are nothing to write home about because most of them are still tied to some ethnic and religious sentiments in line with the popular slogan that ‘women ought to be seen and not heard’.

To foster unity in the country, the Constitution further

encourages inter-marriage among persons from different places of origin, or of different religious, ethnic, or linguistic association or ties; and promotes or encourages the formation of association that cut across ethnic, linguistic, religious or other sectional boundaries^[18]. Nigerians are making efforts in the areas of marriages and formation of associations that cuts across all boundaries. Some of these Associations include the Academic Staff Union of Universities (ASSU), Nigerian Bar Association (NBA), Nigerian Association of Law Teachers (NALT) to mention but a few. One critical group that has helped in this area is the National Youth Service Corp (NYSC)^[19]. This is a national body designed to bridge the gap in all areas of our national life. Under this scheme, graduates of Universities and Polytechnics are posted to different areas of the country to serve for one year. In this scheme, the participants are posted to areas different from where they come from^[20].

The essence is for these graduates to integrate into the system, learn languages and ways of life of other citizens of the country. This is geared towards the promotion of national unity and the eradication of prejudices that tend to divide rather than unite us^[21]. Some of them are retained to work in such parts of the country and they also end up marrying from those areas thereby strengthening our ties as citizens of a nation. The corps members are encouraged to eschew religious intolerance and are encouraged to seek for employment in areas of their primary assignments and employers are encouraged to employ them on a permanent basis in order to encourage free movement of labour within the country^[22]. These corps members are seen and regarded as Federal Government Children because they are on national assignment and are protected from any kind of adverse behaviours^[23]. Today, the story has changed. Those on national assignments prefer to remain in their regions to serve thereby defeating the purpose of NYSC scheme. This is so because; corps members have been killed and maimed on ethnic and religious grounds. Parents no longer feel safe to release their children and wards to serve outside their localities. Some have called for the eradication of the scheme as it no longer fulfils the purpose for which it was designed.

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

Closely related to the above is the federal character provision in the Constitution and for purpose of emphasis the provision will be quoted verbatim:

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^[24].

The same section provides that

The composition of the Government of a state, a local government council, or any of the agencies of such government or council, and the conduct of the affairs of the Government or council or such agencies shall be carried out in such manner as to recognise 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^[25].

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

He has failed to make appointments based on the federal character principle discussed above giving all the impression that he is pursuing a Northern agenda. In making appointments, the Southern region produced 37 appointees and this region is made up of South East-12 appointees, South South 17 and South West 18. The Northern region on the other hand has 75 appointees. The Northern region is made up of North Central 16 appointees, North East 25 and North West 34^[26]. The political class especially the spokesman for the president, Mr. Femi Adesina has tried to justify these appointments claiming that there are some appointments that are not necessarily subject to federal character^[27]. He said that besides federal character, there are other factors that are considered in making appointments which are germane to the administration. He further stated that some major appointments are done for strategic reasons against the principle of the federal character^[28]. Unfortunately, the Constitution which is the supreme law of the land did not provide for such instances where the federal character principle would be thrashed and this paper, notes that if the federal government can trample on the federal character principle, they have set the tone for disunity and national disloyalty and these fan the embers of violence.

The South East and Niger Delta regions are shouting about marginalisation and have gone ahead to engage in acts capable of jeopardizing the unity and corporate existence of this great country. One important feature of the federal character principle if properly applied is that it will build in Nigerians a sense of belonging thereby engendering patriotism, national peace and unity. Where appointments by government

Ministries, Departments and Agencies are lopsided, it further breaches the provision of section 16(2) of the Constitution which provides that States shall direct its policy toward ensuring that:

The economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group...^[29]

The federal character principle will also help us achieve fairness, equity and justice in our national life. Application of the federal character will help us jettison the indigence and non indigene syndrome and help us see ourselves as citizens of one nation determined to put our history behind us and forge ahead making deliberate efforts to be recognized as world players. But a divisive interplay of ethnicity, religion and politics will continue to engender militancy and religious movements of the various ethnic groups. Militancy and religious extremism have been a huge challenge to this country since the 1980s to date and there appears to be no end in sight. It is important to note that diversity in religion, ethnicity and culture do not necessarily lead to violence but considering the extent of bitterness, fear and prejudices created by these, the paper is of the view that the law on its own is not able to address the issues noting that the provisions of the law means little or nothing to those charged with the responsibility of ensuring compliance and where the laws are breached at will without punishment, there is a problem.

4. Challenges to our diversity

(a) Absence of solid national institutions for development and democracy.

Nigeria is one nation that has failed in the area of nation building. The success or failure of any nation is predicated on the institutions it has built to enable it handle the challenges of nation building. Management of social and political disputes without allowing them to degenerate into conflict that will claim the lives of citizens, sustainable economic growth that will eliminate social inequalities and sustainable educational system that will move the nation forward all depends on the quality of the relevant national institutions we are able to build and the people in charge of its management. This paper notes that effective national institution building will be hinged on three basic points.

The first involves setting the rules or standard, secondly, appointment of people with the relevant technical expertise to interpret and implement the laid down rules in order to achieve the purpose or objective of the institution and thirdly the organization must be fair, transparent and consistent in their practices as this will help build confidence in the people. These institutions of nation building include the judiciary, the public service and institutions for public integrity. It is an overstatement to say that the judiciary is important to the success or failure of any nation. The judiciary decides and settles disputes between the government, citizens and the private sectors. Considering its key function in the economic growth and national stability of any country, they must strive to be seen to be fair, transparent and consistent in their practices.

There is a common saying that the “judiciary is the last hope

of the common man”. This will be true if standards/the rule of law is maintained. Today, people have lost faith in the judicial system. In recent past, the Supreme Court inspired much public confidence and respect because of the quality of their judgment. Can we still say the same in 2016? Some of the political crises are as a result of the fact that the people “feel robbed” by the judiciary. For the sustainability of our political processes, the courts must be above board in their acts. Politicians now resort to courts; this confidence in the judiciary which is preferred to shedding of blood must not be abused by the judges.

Recently, some judges were relieved of their appointments for conducts not acceptable by the National Judicial Council (NJC). Sanctioning of judges that have betrayed the trust reposed in them is one sure way of ensuring public confidence in the judiciary. Few weeks back, precisely July 2016, Nigerians were happy to hear that the cases of some past governors involved in corrupt practices will be reopened and that some judge who presided over those cases will be tried. This paper submits that, this is a welcome development. A key factor to judicial effectiveness is the independence of the judiciary. This must not be played down. Where the Executive appoint judges not by merit and determines what fiscal allocation the judiciary gets is not proper as it impinges on the independence of the judiciary. There must be separation of powers for effective service delivery and checks and balances. Another institution of importance is the institution for public integrity. Here again, we refer to the courts but aside the courts we have the Independent Corrupt Practices Commission (ICPC), Code of Conduct Bureau (CCB) and the Economic and Financial Crimes Commission (EFCC). These are institution or organizations created by law not only to interpret rules but also to ensure a system of value that stops the abuse of public offices for personal gains. How have they fared in their duty to foster integrity in the public sector?.

The mandate of the EFCC includes combating financial crimes-money laundering, financing of terrorists activities and fraud in the financial sector^[30]. The ICPC’s roles include reviewing public sector systems and procedures aimed at eliminating corruption, public enlightenment and mobilization against corruption and enforcing the law in these areas^[31]. The Code of Conduct Bureau is to receive declaration by public officers, examine the declaration in accordance with the requirements of the law, retain custody of such and make them available for inspection by any citizen and to receive complaints about non compliance with or breach of the provision of the law, investigate such breach(s) or complaint and where appropriate refer some to the Code of Conduct Tribunal^[32].

The functions of the CCB are quite different from that of the ICPC and EFCC even though they are geared towards one goal-ensuring a corrupt free nation. There are complaints of overlap of function between the EFCC and the ICPC but this overlap can only be seen in the definition of economic crimes as including corruption. These agencies have been alive to their responsibilities by inspiring public confidence but this confidence will be higher when the citizens see convictions with sentences that are considered adequate and not just the types that helps public officers walk home with their loot (the plea bargaining system). Here again the judiciary plays a key

role. There is a need for public enlightenment on the roles of these organizations and a clear definition of roles and duties to avoid clashes. The EFCC has been accused of uneven handedness in their mode of operation by prosecuting suspects from selected regions while others walk the streets free. The paper submits that this is not entirely correct. These assertions bother very strongly on the fact that Nigerians are tied by some ethnic or religious chains and it has made it difficult for the citizens to be objective in their assessments.

The last institution of importance is the public service delivery which involves the civil service. The civil service supports the policy making functions of the three tiers of government, they regulate the private sector and provides management leadership for public sector enterprises^[33]. For the Nigerian civil service to perform its statutory roles, there must be willingness to employ highly skilled professionals and the civil service must also be willing to pay attractive and competitive salaries and wages and other benefits. The civil service must also be equipped with modern infrastructure to aid service delivery.

The reforms in the civil service has focused on the improvement of salaries and emoluments and the hiring of professionals and improving services to the public through the service compact with Nigerian (servcom)^[34], at the federal level. What is going on at the States and local governments? Some States in Nigeria owe several months' salaries to their workers^[35]. In Ekiti State and some others, salaries have not been paid. In Edo State, a local government owes 17 months' salary to its staff^[36]. In Imo State civil servants only work for three days out of five in a week^[37]. The minimum wage being paid cannot be said to be enough in these times. Where workers are not adequately remunerated, one wonders how effective they will be in ensuring that the policies of government are executed.

Again, at the federal, state and local government levels, the civil service commissions must base the employment of professionals on the federal character principle and the doctrine of non discrimination based on tribe, religion or other prejudices. This will help entrench professionalism and competence for effective service delivery.

b. Developing a functional constitution

The problem of drafting a Constitution that will be acceptable to the majority of Nigerians has plagued the country since independence. Our founding fathers also faced this challenge but at the end they were able to come up with federalism^[38]. As we know, federalism has its own challenges. The present Constitution of Nigeria has not been accepted by all. While we pretend to be a Federal State, the style of leadership appears to be unitary in nature, while some are clamouring for a confederal system. The military interjections that lasted for about thirty years have contributed in no small measure to the problem. Since 1999, Nigeria has been a democratic State based on federalism but have we achieved fiscal federalism? What is the basis for the federal government owning all the natural resources and then share monies among the states^[39]? Who determines the rationale for sharing monies? Should the government at the federal level deduct monies belonging to the federating units without seeking approval from such states? Should state governments control allocations meant for

local governments under them? These are questions that we have no clear answers to. While we agree that we remain a federal state, it is imperative that we come together to define the bases for this union.

The 1999 Constitution was not negotiated; it was imposed by the military government of late Major General Sani Abacha. Nigerians must come together to build the foundation for our existence and this foundation must recognize our diversities and how power must be shared. Issues of fiscal federation must be resolved as well. The quest for resource control and marginalization has led to several years of conflict in the Niger Delta Region and there seems to be no end in sight.

Our democracy as currently practiced is defective and the political class and their parties should know that power should not be delivered to the highest bidder at any level of governance. Accountability and transparency and service delivery that will cover the gap of socio-economic inequities should be the focus.

c. Religious Differences

Nigeria pre supposedly is a secular state as enshrined in the Constitution^[40].

The constitution provides that

Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance^[41].

The above is titled freedom of thought, conscience and religion. Religion is one issue that has divided Nigeria more than uniting it. Prior to the 20th and 21st centuries, most Nigerians practiced traditional religions which were discouraged by the British colonialist. By the time Nigeria became an independent nation in 1960, most of the people were either grouped as Moslems or Christians^[42]. It is important to note that till date, some people professing to be Christians or Muslims still perform certain rituals of traditional religion^[43]. A supreme God identified and acknowledged by many is worshipped through different intermediaries. While the Ibos know him as Chukwu Abiama, the Yorubas call him Olodumare, in Edo, he is Osalobua, in cross Rivers and Akwa Ibom States, he is known as Abasi. Religious problems began as a result of the politicization of religion by the State. The adoption of Islamic law in some parts of Northern Nigeria in the Fourth Republic, led to the spread of more diversity and more religious conflicts all over the country^[44]. Since 1980, religious extremism has increased in Nigeria^[45]. With the emergence of Islamic fundamentalists like the Boko Haram sect and the Shiites recently, so many Nigerians have lost their lives and others fled their habitual places of residence either to become internally displaced persons within the country or refugees in other countries. The killings of Christians by these sects in recent times have deepened the division. In 2014, over 270 Chibok girls were abducted from their school hostel in the night, although 53 of them escaped^[46] the others are yet to be found and rescued and the non Muslims amongst them were forcefully converted

to Islam in contravention of the provisions of the Constitution. In 2016, in Abuja a woman was killed by some Islamic fundamentalist for preaching^[47]. Another non-Muslim was killed for eating during Ramadan fast^[48]. A woman, Bridget was killed for allegedly desecrating the Koran^[49]. These acts have been condemned and the government has been called upon to search for, arrest and prosecute the perpetrators of these religious crimes but up to the time of writing this paper no arrests or prosecution had taken place. What message does this convey to non Muslims? A message of inferiority and that the lives of non Muslims do not count.

Although some of the conflicts between Muslims and Christians may have strong ethnic undertones, some other factors may have heightened it and such include the politicization of Muslim identities and State policies and interventions which Christian allege are anti Christianity. For instance the incessant killing by herdsmen which the government has neglected to nip in the bud, sponsorship of pilgrims to Mecca, adoption of Sharia law in a number of states and the attempt to extend Sharia law at the federal level and membership of Nigeria in the Organization of Islamic Conference (OIC). These are all indices pointing to the fact, that Nigeria is only a secular state on paper and that one religion is preferred over and above others.

Our political leaders-Muslim and Christians alike have invoked the name of God in politics, and have used religion freely to influence the polity, decisions, and appointments thereby swaying national political and economic policies^[50]. The Constitution provides that the Government of the federation or of a state shall not adopt any religion as state Religion^[51]. The above provision suggests that there must be a separation between the state and religion. Where the law uses the word shall, it means that there is an obligation to obey such provision. Is this the case? With such clear mandate in the Constitution there is a mosque and a church at the Aso Rock Villa-Nigeria State House. This allows a Christian or Muslim President to hold religious services. This paper posits that it will be difficult for us to coexist peacefully until there is a clear separation of State from religion.

d. Inequality in the distribution of socio-economic benefits

One problem that has affected our diversity negatively is the issue of socio-economic inequality. How can we profess to be citizens of one country when the quality of life of a person from Edo State is radically different from that of a person from the Creeks in Bayelsa State? There is an urgent need on the part of government to develop the economy and provide equal opportunities for all. This will be achieved through the development of social welfare schemes but how can this be achieved where the economic^[52] and social^[53] objectives as contained in the Constitution are not justiciable? They are mere objectives which the State is encouraged to attain progressively based on the availability of resources. The denial of socio-economic rights in any nation breeds marginalization and social exclusion of the citizens. Where some parts of the federation feel marginalized, it will be difficult for such citizens to be motivated to support the State. Patriotism is dead in Nigeria because the citizens feel that the country is not concerned about their welfare.

Nigeria is an oil rich nation and one would expect that the

regions responsible for the wealth of the nation should be properly catered for in the Budget if the hues and cry about marginalisation will end. There are nine States in Nigeria designated as the oil producing States and they include: Abia, Akwa Ibom, Bayelsa, Cross Rivers, Delta, Edo Imo Rivers and just recently a tenth State Anambra^[54]. Among these States, five have been marked as the highest oil producing States in Nigeria and they are – Akwa Ibom, Bayelsa, Cross Rivers, Delta and Rivers^[55]. These States have and are still suffering from environmental degradation and pollution caused by the operations of the Multi National Oil Companies in addition to acts of sabotage unleashed in the region by militants agitating for true federalism in Nigeria.

It is surprising to note that the 2016 Budget did not adequately take care of the region. A breakdown of the allocation for capital projects in the six geo-political zones including the Federal Capital Territory are: Federal Capital Territory (FCT)- N209 billion; North West Region- N73. 7 billion; South West Region-N48.97 billion; North Central Region- 47. 9 billion; North East Region N46. 69 billion; South South Region N35.31billion; and South East Region- N28.22 billion^[56]. The North West Region where President Buhari hails from received the largest allocation after the FCT even though the region contributes very little to the economic growth of the Country. A breakdown of the allocation to the South South Region shows that Cross Rivers received N10. 75 billion, Delta N7. 55 billion, Akwa Ibom 1. 92 billion, Bayelsa N3.21 billion, Rivers N7.29 billion and Edo N4. 58 billion^[57]. With such miserly allocation to the oil producing communities, there appears to be no end in sight for poverty and conflict in the region. Inequity in the distribution of resources has further deepened the gulf between the various regions. Nigerians want equity, fairness, justice and the rule of law to prevail.

Right to education does not also exist in Nigeria. Education^[58] falls into the category of objective and directive principles of state policy. It is a shame that in the 21st century, Nigeria cannot guarantee free basic education for the citizens. Education is for those that can afford it and same applies to quality health care delivery system and housing. Again, where these inequalities exist, it engenders fear and suspicion which further divides us a people. Inequalities are a threat to a common citizenship^[59].

e. Leadership

Our diversity will become our strength if we have leaders who have integrity, are honest, committed and competent. These leaders must also have common vision, focus and desire for the development of the country as a whole. The qualities of our leaders over the years have not been commendable. We have had leaders who see themselves as champions of a section of the masses. We have had leaders that did not understand the economic and political problems of Nigeria and consequently could not find solutions. We have had leaders who were more interested in silencing their opponents rather than pursuing justice, equity and fairness. Our leaders speak from the two sides of their mouth at the same time. They do not recognize competence and professionalism. They preach federal character, peace and unity and at the same time flout the laid down rules.

Our leaders over the years are responsible for the decay in the

polity. They are responsible for the polarization and divisions among the citizen. They are termite leaders who do not have any sense of tomorrow. Their mission is to grab as much as they can and boost their private pockets. Little wonder the immediate past British Prime Minister, David Cameron described Nigeria as a ‘fantastically corrupt nation’. The leaders are shamelessly corrupt without any form of remorse. They hold on to their positions while facing trials on corruption charges. Recently, the National Assembly tried to amend the Constitution in order to provide immunities for the Senate President and his counterpart in the House of Representatives but Nigerians rejected this move. In saner climes, these public officers would have resigned to allow free investigation and where they are not guilty, they can resume their duties but that is not the case in Nigeria. Leaders weep up religious and ethnic sentiments and set the citizens against each other in order to cover up their crimes.

We need leaders that have the vision and capacity to move this nation forward irrespective of their tribes, sex and other prejudices. In respect of the above, every citizen shall have equality of rights, obligations and opportunities ^[60]. Leadership positions should not be reserved for the highest bidder or those from certain ethnic or religious inclinations. The wordings of our independence national anthem are very instructive. It reads:

Nigeria we hail thee; our own dear native land, though tribe and tongue may differ, in brotherhood we stand, Nigeria, am proud to serve our sovereign mother land ^[61].

The wordings of the anthem reflects our diversity but encouraged us to stand for one another and render selfless service to our land. Nigeria is the only country we have and our leaders must strive to keep this nation as one.

5. Way Forward

a. Recognition of our history

To move forward and overcome the problems associated with our diversity we must recognise and acknowledge our history while we make deliberate efforts to move away from the past. We have a lot of leaders who are ignorant of our history. Achieving peaceful coexistence will be a mirage if we fail to understand the problems associated with our history. We must not forget that Nigeria was a union formed to foster colonial administrative strategy to fuel their greed/quest for power and wealth. Our past leaders never presented themselves as national heroes and a rallying point for all. They fought for independence to further regional, ethnic and religious interests. The Northern nationalists fought to protect the North and same was the case for the East and West.

b. Union Formation

During the quest and struggle for independence, the Northern, Eastern and Western regions came together to fight the colonial masters, but this coming together did not achieve the goals of a union. For purposes of peaceful co-existence, Nigeria must form a union which implies freedom of choice, the act of voluntary association and of moral affinity. The Nigerian Union must be a temple of liberty, based upon mutual wants, sympathies and concessions of people who love and pursue peace. This bond must be of friendship, mutual protection and amity.

c. Federal Constitution

If we truly believe that we are a federal state, we must show it by crafting a federal Constitution which would involve negotiations and compromises among the citizens. We need to work out modalities for our existence and find answers to some of the contentions issues that have plagued our unity and existence. The representation must be encompassing. The components of the federation and their representatives must play vital roles in the debates on their future and in asserting to the outcome of the deliberations. The present Constitution which was negotiated on behalf of the citizens by the military must be jettisoned as it does not represent the collective wish of the citizens and its implementation has widened the existing gaps between the people. Nigeria must entrench effective democracy where the citizens will actively participate. The people must play an active part in selecting those that will govern them and in choosing the way they want to be governed.

d. National Identity

Nigeria has never had a leader that can be called a national leader in the real sense of the word. Beginning from 1960 till date, we have had religious/regional leaders. For instance in the Eastern region it was *Zik* and *Ojukwu*, in the West-*Awolowo*, in the North-*Tafawa Balewa*, in the Midwestern Region it was *Anthony Enahoro*. The leaders were either seen as Moslems from the North or Christians from the South. This is different in other climes. In South Africa Nelson Mandela was the national hero, in India it was Ghandi, in Ghana it was *Kwame Nkrumah*. Nigerians have never seen themselves as Nigerians. Ethnic and religious loyalty precedes national unity. The citizens commonly identified themselves as *Ibos*, *Yoruba*, *Hausa-Fulani*, *Efiks*, *Ibibio*, *Bini*, *Itsekiri* and so on. Our identity as Nigerians is buried in the shadow of our tribal and parochial affiliations. This must change.

e. Entrenchment of true federation

True federalism is the only solution to our diversity when we consider the country’s rich multi-ethnicities, religions cultures and languages. There will be no peaceful coexistence if we neglect the principle of true federalism. In true federalism our histories must be recognized and respected, no government will subordinate the other or encroach on the powers of the other. For instance, the federal government cannot deduct money from states without the states permission or consent. States on the other hand cannot withhold allocations or deduct from such allocations made for the local governments. The rationale for sharing the wealth of the nation must be discussed and agreed upon by all concerned.

f. Elimination of socio-economic inequalities

Government at all levels must ensure that the basic needs of citizens are provided and these include quality health care, provision of housing and most importantly education. No part of the country should be marginalized. There is a need for the amendment of the Constitution, so that these socio-economic objectives can translate to enforceable rights and allow citizens to hold government accountable in the event of failure. Education is very vital to the development of any nation and must be made accessible to all. Elimination of

poverty and inequalities will build confidence and a sense of patriotism in the citizens.

g. Independence of the judiciary

The success or failure of any federal state is largely dependent on its judiciary. The judiciary in Nigeria must be independent and free from interferences from the Executive. They must be allowed to arbitrate between government and its agencies, or the people or between the people themselves and the government / the people and the private sector without interference. To this extent, the judiciary should have financial autonomy, selection of judges and judicial officers must be on merit as this will impact on the quality of judgments emanating from the hallowed temples of justice. The masses must have confidence in the judiciary in order to reduce conflicts.

h. Accountability

This has to be encouraged among the leaders and the political class. Nigerian leaders will be more faithful in the discharge of their responsibilities if they know that they will be held accountable. Holding leaders accountable in Nigeria is a huge problem and anytime the issue arises, it is hinged on ethnicity or religion. This has led to the level of corruption being experienced in Nigeria. Leader wilfully divert public funds into their private bank account within and outside the country because citizens do not ask questions and are not ready to challenge these leaders. This is a dangerous trend and has led to the inability of government to address socio-economic inequalities discussed earlier.

i. Separation of state and religion

The government must remember that Nigeria is a secular state and should not do anything that shows the preference of one religion over the other. Using religion as a means of attaining political goals has contributed to the problem of the nation. It has led to so many religious crises. Some political leaders will use religion as the basis for holding on to power and go ahead to mobilize the adherents of such religions to protest and exploit others in order to achieve their selfish political ambitions. The entrenchment of Sharia Law in some parts of the North runs contrary to sections 10 and 38 of the Constitution respectively. Peaceful coexistence cannot be achieved if the principle of separation of state and religion is a dead letter law which is honoured more in breach.

6. Conclusion

The core of this paper is the Nigerian diversity and the role of the law. The paper notes that the country called Nigeria never existed prior to 1914. The people brought together by the British colonial rule to foster the administrative and economic greed of the colonial masters were sovereign entities that had well established religions, government and trade. The union of these entities has presented several challenges from the date of independence in 1960. The paper discussed the historical past of the people of Nigeria and the challenges facing Nigeria. The paper noted that the Constitution which should be the bases of governance was not negotiated by the people but was imposed on them. The principle of federalism is not practiced and Nigeria's democracy is defective. The paper also noted

that ethnic and religious sentiments have widened the gap between Nigerian citizens. More pitiable is the fact that against constitutional provisions, there is a huge overlap between the state and religion and this has made governance difficult. Nigeria has never had a national leader rather, we have thrown up and still producing regional and ethnic champions. There is no sense of national identity for Nigerians.

Every Nigerian is first and foremost a member of a tribe or ethnic group bound together by a common language or religion before being a citizen of Nigeria. This has engendered fear and mutual distrust. The federal character equation which should help Nigeria to solve some of the issues thrown up by their diversities has been abused by past and present governments. Socio-economic inequalities have given rise to marginalization's and conflicts. Different people in the same country do not have equal opportunities to social amenities. Access to education is denied to majority of Nigerians. The situation is pitiable as provision of education and other social and economic infrastructures are mere objectives of government and not a right to be enjoyed by the citizens.

The paper calls on the government to urgently address these issues if there will be trust, co-operation and peaceful coexistence among the citizens. Nigerians must have a sense of belonging and see themselves as partners in this great project of nation building. True federalism which includes agreeable fiscal federalism must be enthroned. Nigerians must be actively involved in the political process of choosing their leaders and leaders must be held accountable for their stewardship. These can only be achieved if Nigeria convenes an all inclusive constitutional conference that will help the citizens decide the criteria for remaining a united indivisible entity. There is need for a restructuring of Nigeria and the time is now. Finally, the paper calls for the independence of the judiciary in all ramifications.

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14. Sections 25, 26, 27 of the Constitution of the Federal Republic of Nigeria 1999 as amended 2011
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