

CONSTITUTIONAL STRUCTURE AND SOCIAL INJUSTICE: THE BANE OF POLITICAL CONFLICT IN NIGERIA

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Abstract

Social Injustice, inequality, and imbalance constitutional structure are the banes of conflict in society. A contention that the rich get richer and the poor get poorer appears to be a regression in social justice. It is fundamental for all human beings to benefit from a safe and pleasant environment; this entails the fair distribution among social groups. These circumstances are sufficient reason for public action and real danger of social breakdown. This is why the constitution of the federal republic of Nigeria 1999 advocated the principle of state social order based on the ideals of freedom, equality and justice. In furtherance of this social order, an act to establish the Federal Character Commission with responsibility to promote, monitor and enforce compliance with the principles of the proportional sharing of all bureaucratic, economic, media and political posts at all levels of government was done in 1996. The paper therefore examines the social justice and social structure: the bane of political conflict in Nigeria. The Social Contract and social justice theories were used as the Theoretical framework. The study adopted a survey research design method which was exploratory in nature. Structured in-depth and key informant interview sessions were conducted with two hundred respondents. Data collected through the interviews were analyzed using frequency tabulation, and percentage. The sample for the study was randomly selected from the population of the study. In conclusion, social justice should be a set of ideas, values and social practices to ensure that all persons and groups enjoy economic security, can participate effectively in democratic decision-making, exercise mutual respect and caring for one another and live their lives in ways that protect and sustain the natural environment for future generations.

Keywords: political conflict, Social Injustice, constitutional structure, social order

INTRODUCTION

"Injustice anywhere is a threat to justice everywhere"

– Martin Luther King

In Nigeria, social injustice is well- pronounced, especially in the Eastern part of Nigeria. The present political dispensation has created act of unfair and inequitable distribution of social goods among the multi ethnic groups in the Eastern part of Nigeria. This has resulted in the sharpening of the individual's allegiance to ethnic inclinations rather than to state authority (Essays, UK, 2018). The reality of this fact has led to the weakening of the federal government and state authorities in propagating agendas of national interest and development. In a further analysis of the Nigerian socio-political situation, it was observed that the deepening effect of social injustice in the Nigeria polity developed ethic pervasiveness, structural imbalance and poor distribution of social wealth. Furthermore, Ograh (2014 in Essays, UK, 2018) avers that structural imbalance and social injustice in Nigeria is represented in two main forms. First, the exertion of control and appropriation of state resources by more advantaged ethnic groups in Niger Delta Region even when the later seem to be the main producers of such resources. Second, structural imbalance and social injustice in

the Nigeria polity consists in the overwhelming gap between the living standards of the few elite citizens and the majority commoners in Nigeria.

The citizens of Nigeria have the right to an efficient social Justice System. Without justice in the society there can be no order and stability which are the necessary conditions for development. Injustice breeds anger, social strife, disorder and instability. In Blacks Law Dictionary 5th Edition, *Justice* is defined as *the constant and perpetual disposition of legal matters or disputes to render every man his due*. For a man to have his *just due*, it must be given to him *when due*. When due, connotes that it must be without delay, otherwise the right for all practical intents and purposes would be lost. As Justice J.S. Verma (2011) had rightly remarked, "Human dignity is the quintessence of human rights". According to Donnelly (1990), the emergence of Justice in the society is the prerequisite for human Rights. Rights are literally what one has simply because he is a human being. Donnelly (1990) argued that human rights set out minimum conditions for a dignified life, a life worthy of a fully human being. They are the entitlements individuals or groups enjoy.

The Nigeria 1999 constitution in Article 17(2) (a) and Article 42(1) guaranteed freedom from discrimination and equality before the Law. Article 34(1) of the Fundamental Rights provides right to personal Liberty. Human Rights guarantee different members of the citizenry equal conditions and treatment. These include the Magna Carta of 1215; French Revolution: *Liberty, Equality, Fraternity*; the Charter of Fundamental Rights of the European Union; the African Charter on Human and Peoples' Rights (Vasak,1977,p.35). Jaffrelot,(2003) &Ikpeze, (2011)refer to policies that take into consideration race, ethnicity and gender in an attempt to promote equal opportunity in all spheres of life such as employment, education, holding public office and decision-making as Affirmative Action . The policy is to counter discrimination against minorities. Affirmative action seeks to redress past discrimination through active measures to ensure equal opportunities for both women and men. Affirmative action can also be referred to as positive policy. It involves equity for every human being. Affirmative action is a subtle systematic and gradual machinery of achieving both equity and liberation without force. It is predicated on Governments' positive policies and the will to actualize such positive policies (Chukwuka, 2017d).First of all, under the natural law the concept of Natural Rights emerged. The theory of Natural Rights is based on the view that these rights did exist prior to the birth of the State itself and therefore, cannot be violated by the State. This theory of Natural Rights of individual was used to checkmate the theory of Divine Rights of the Kings. John Locke has beautifully summed up this principle. To him, "absolute monarchs are but Men." These rights are supposed to be absolute in nature.

Statement of the problem

In the past years, the Eastern Region of Nigeria has been the focal point of massive marginalization in Nigeria. For instance, the outcry of marginalization by the south eastern Nigeria over the recent appointments made by the Federal government is a case in point (Akinboye, 2015, Eke, 2015, Akinlotan, Zebulon, 2015).The recent consistent call for a state of Biafra by the Indigenous peoples of Biafra (IPOB) which has vowed to resist the 2019 general Election if they are not given a referendum could result to another civil war if it is not properly manage. The Federal character principles aimed at achieving distributive justice and a state of equality has been mired by conflicts and controversies, which most times threaten the unity and corporate existence of Nigeria as a federating nation. All these have great consequences on National Development. So the question is, how can federal character principles be made to strengthen democracy in Nigeria?

Objectives of the Study

The specific objectives of the study are:

To explore the effects of social injustice in Eastern Nigeria

To x-ray the etiology of social injustice in Eastern Nigeria

To find out the consequences of weak implementation of the constitutional laws in Nigeria

To suggest suitable remedial measures to improve social justice in Eastern Nigeria

Relevant Literature Review and Crux of the Matter

Since Nigeria got its freedom from Britain in 1960, some privileged Nigerians assumed the leadership of the new state left by the colonist. But to their utter confusion and disappointment, within a short period they noticed that the predatory character of their former taskmasters had already reappeared in the character of their present leaders. The differences were only in name, skin, colour but ideas, thinking pattern, behaviour, actions and reactions were the same with those of colonial masters. It was a will to survive among the leaders-a will that broke no opposition; hence they engaged in war of words that latter resulted in the outbreak of Nigerian civil war. In 2014, the North part of Nigeria successfully allied with the Western Nigeria (South-West) to form the All Progressives Congress (APC) in order to wrestle power from the People's Democratic Party (PDP) and the rest of the Eastern Nigeria (South-East and South-South). This was done through the use of hate speeches in public domains. Fasoranti (2014) noted that rather than creating an enabling environment for rational discourse and contestation of ideas for the electorate to be able to make informed choices, many of the political actors were making inflammatory remarks to inflame and deepen the divisions within the country in order to make political gains This is the same region (South-West) who under Obafemi Awolowo in 1967 allied with the same Northern Nigeria to engage civil War with the rest of Eastern Nigeria (South-East and South-South) between 1967 to 1970 (Chukwuka, 2017c). After the All Progressives Congress,(APC) government led by President Buhari was inaugurated on 29th May, 2015, the political appointments neglected the zoning formula. Some have even gone to the incendiary length to characterizing Buhari as "President of Northern Nigeria." During his first visit to the United States of America, he explained that "it would amount to an injustice to treat those who voted for him and those who did not vote for him equally"(Ezeibe et al,2016). Since the South-East did not massively vote for Buhari in the 2015 Presidential election, the geo-political zone should not expect much from his government (<http://www.opinionnigeria.com/the-biafra-question-and-buhari-s-pledge-of-an-inclusive-nigeria>).

The 1999 Constitution and the social justice administration have a reciprocal relationship. While the Constitution sets certain ideals of securing justice to the people and maintaining unity and integrity of the nation, the social justice administration plays a crucial role on the process of achieving the objectives of the Constitution. It is its responsibility to prevent violation of people's rights and maintain order but its failure leads to a chaotic situation where the Constitution will be nothing but a mockery. The people cannot enjoy their constitutional rights freely in an atmosphere of distrust, hatred, fear and insecurity (Bharti,2003).The Constitutional Drafting Committee (CDC) inaugurated by the late General Murtala Mohammed on the 18th October, 1975, defines Federal Character as:

the distinct desires of the people of Nigeria to promote unity, foster national loyalty and give every citizen of Nigeria a sense of belonging to the nation notwithstanding the divestitures of ethnic origin, culture, language or religions which may exist and which it is their desire to nourish, harness to the entrenchment of the Federal Republic of Nigeria (Asaju,2015).

The 1999 Constitution" Section 14 (3) clearly spelt out the modus operandi of the Federal Character principles as follows:

The composition of the government of the Federation or any of its agencies be carried out in such manner as to reflect the Federal Character of Nigeria and the need to promote national unity and also to command loyalty thereby ensuring that there shall be no predominance of persons from a few ethnic or other sectional groups in that government or any of its agencies (The Constitution of the Federal Republic of Nigeria, 1999).

In order to avoid conflict and to ensure equal representation of states in federal institutions, two office distribution arrangements – the principles of federal character and zoning emerged as modalities for

resolving elite conflicts over distribution of offices (Chukwunka, 2017c). As controversial as the federal character principle may look, it is enshrined in the constitution and any lopsided appointment by any government is illegal and unconstitutional. (Arsenio 2006). These were such injustices which gave birth to the Niger Delta crisis such as the Movement for the Emancipation of the Niger Delta (MEND), Niger Delta People Volunteer Force (NDPVF), Niger Delta Peoples Salvation Front (NDPSF) and Niger Delta Vigilante Force (NDVF) and also this gave input for the declarations to the Indigenous peoples of Biafra (IPOB), The Movement for the Actualization Sovereign State of Biafra (MASSOB) and Biafra Independent Movement (BIM) the boost for demand to Self-determination. These injustices occur mainly in the different ethnic groups based in the South-East and South-South geographical zones of Nigeria. NicCheeseman, professor of African politics at the University of Oxford, noticed the present protests are a result of similar factors that led to Original Biafran Uprising, in particular, a sense of political disenfranchisement among the Igbo people. The protesters do not want the Igbo race to be part of Nigeria where marginalization, injustice, inequality and violence remain entrenched in the national life (Chukwunka, 2017d).

Theoretical framework

Social justice theory

. This is where I find the theoretical postulations of John Rawls on social justice very useful because Rawls' conception of justice contains ideological guides for rectifying social injustices in multi-ethnic societies like the Nigerian federation. Rawls believes that the major function of the basic structure of any society is to distribute the benefits and burdens of that society equitably. The benefits of social cooperation are wealth and income, food and shelter, authority and power, right and benefits among others while the business of the social cooperation included duties, obligations and liabilities. However, the most important value of this research is to reemphasize the critical role of the concept of social justice in the formation and sustenance of a stable, viable, humane and progressive society.

Social contract theory

Social contract theory, nearly as old as philosophy itself, is the view that persons' moral and/or political obligations are dependent upon a contract or agreement among them to form the society in which they live. What men would most want is to be able to commit injustices against others without the fear of reprisal, and what they most want to avoid is being treated unjustly by others without being able to do injustice in return. Justice then, he says, is the conventional result of the laws and covenants that men make in order to avoid these extremes. Being unable to commit injustice with impunity (as those who wear the ring of Gyges would), and fearing becoming victims themselves, men decide that it is in their interests to submit themselves to the convention of justice. While living under the authority of a Sovereign can be harsh (Hobbes argues that because men's passions can be expected to overwhelm their reason, the Sovereign must have absolute authority in order for the contract to be successful) it is at least better than living in the State of Nature. And, no matter how much we may object to how poorly a Sovereign manages the affairs of the state and regulates our own lives, we are never justified in resisting his power because it is the only thing which stands between us and what we most want to avoid, the State of Nature. *The Social Contract* begins with the most oft-quoted line from Rousseau: "Man was born free, and he is everywhere in chains. Humans are essentially free, and were free in the Stat of Nature, but the 'progress' of civilization has substituted subservience to others for that freedom, through dependence, economic and social inequalities, and the extent to which we judge ourselves through comparisons with others.

Methodology

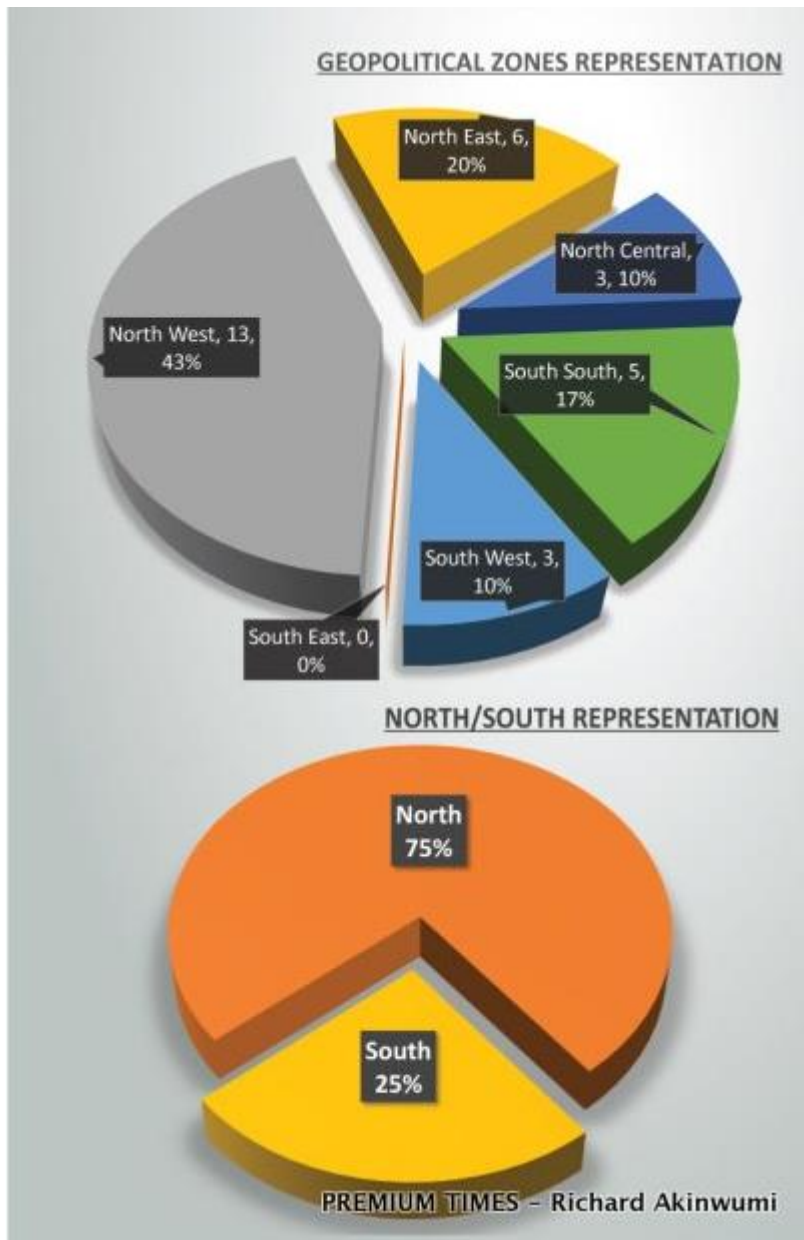
The study is an exploratory survey by design. It employed qualitative and quantitative methods of data collection. The study was carried out among residents in Aba and Port Harcourt of South East and south-south Geographical Zones of Nigeria respectively. The study adopted probability sampling design, meaning that, the sampling techniques were based on random selections. Purposive sampling technique was adopted. 500 respondents were to selected for Indigenous peoples of Biafra (IPOB),The Movement for Actualization of the Sovereign State of Biafra (MASSOB), and the Biafra Independent Movement (BIM),Ezes and Leaders

of Thought who participated in both In-depth Interviews (IDIs) and Key Informant Interviews (KIIs). This is considered appropriate because the study sought to ensure variation related to educational background, gender, cultural background and age in order to unfold hidden knowledge of the study matter from different categories of people with different perspectives. Using Statistical Package for Social Sciences (SPSS), descriptive statistics such as frequencies and percentages were employed to analyze background information of respondents consisting of univariate variables. Qualitatively, data collected through IDIs and KIIs were transcribed and analyzed by both content and thematic analyses. Ethical principles guiding social sciences research such as informed consent, non-maleficence to participants, anonymity and confidentiality were adhered in the course of the study.

Demographics

The socio-demographic characteristics of the respondents show that respondents' ages ranged from 18 to 70 years with a mean age of 35.0 ± 10.4 years. Majority of the respondents were age below 40 (65.2%). The 65.2% of the respondents being below age 40 is attributed to able bodied persons (Youths). Majority of the respondents (78.1%) were male. This is also attributed to the physical strength of male gender. More than half of the respondents (59.4%) had above secondary education compare to 15% of them who had obtained secondary education. This implies that the study had more of educated respondents. More than half of the respondents (52.5%) were currently married, while 42.4% were single.

Table 2- Show political exclusion of the Igbos of the Eastern Nigeria in this present political administration in Nigeria. The table shows the skewed appointment in favour of the North.



Source: <http://www.premiumtimesng.com/news/headlines/189117-outrage-grows-across-nigeria-as-buharis-lopsidedappointments-continue.html>

. Table 1 below compares the allocation of the various positions among the six geopolitical zones in Nigeria from 1999 to 2015.

Table 1: Zoning Distribution in Nigeria by Geopolitical Zones, 1999-2015

| S/N | Positions | May 1999- May 2007 | May 2007 – May 2010 | May 2010- May 2011 | May 2011- May 2015 | May 2015- present |
|-----|------------------|--------------------------|------------------------|--------------------------|--------------------------|----------------------|
| 1 | President | South-West | North-West | South-South | South-South | North-West |
| 2 | Vice-President | North-East | South-South | North-West | North-West | South-West |
| 3 | Senate President | South-East | North- Central | North- Central | North- Central | North-East |
| 4 | Speaker, | North-West | South-West | South-West | North-East | North- Central |

FINDINGS

The Director of IPOB, during the interview opined that in all these political exercises, the Igbos were absent or at best spectators. He argued that Nigeria is created and not born. 'As a created Family between Husband and Wife, they ought to part their ways peacefully when it seems that the Union is no longer viable' he concluded.

80% of the respondents were indeed shocked by the turn of events, which are totally at variance with Mr. President's earlier stand that he was for nobody but that he was for everybody. A leader of thought in the South- South Geo-political zone confirmed that he developed 'cultural shock' when the Federal appointments were made. He said, "We are at a loss where this statement fits in, considering all the actions he has taken so far, which are all against the interest of Ndigbo. "Where is the justice; where is the equity; where is the one Nigeria? How long Ndigbo shall be pushed to the wall? He mourned.

CONCLUSION

It is true that Nigeria is made up of diverse ethnic groups, making it a fact that the Nigerian nation is a colonial creation. Thus, Awolowo remarked that Nigeria is but a geographical expression (Awolowo, 1968) but as argued by (Arikpo, cited in Otite, 1976), nations are made and not born. A weak federation should be adopted where there will be proper division of powers, making the component units to be strong so that they will not depend on the centre for funding. And According to (Smith, 2005) the division of powers between regional and national governments has been seen as an additional safeguard of the rights of the people and against governments misusing their powers. And to (EmekaAnyaku, 2014) true federalism is the only way to progress and development as the present structure breeds high cost of governance, tribalism and religious bigotry.

With this, the federating units will be strong where politics will be more manageable and provide the opportunity for hegemony to grow from the component units and coalesce at the centre, to form a ruling class and build a strong and viable state. In addition, the centre would be more peaceful because it will be devoid of the 'do or die' struggle that characterizes Nigerian politics, making political competition a zero-sum game. These federating units should be incorporated into the present six geo-political zones in Nigeria and Presidential elections should be allocated to these zones in alphabetical sequence.

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