



## **The miscarriage of the constitutional tenets of Nigeria and the position of the Igbo Social Group**

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### **Abstract**

*This paper titled ‘The Miscarriage of the Constitutional Tenets of Nigeria and the position of the Igbo Social Group of Nigeria’ tried to call attention to some of the divisive factors which often lead to restiveness among people in the Nigerian nation. The paper discussed among other things such points as the historical origin of Nigeria as a nation and that of Igbos as a people in particular. Areas of infringements on the rights of the Igbos as well as the place of the social contract that brings a people together were also discussed to show that “two cannot walk together unless they agree. The factors listed and discussed here should not be viewed with prejudiced eyes, but should serve as eye openers so as to be able to toe the right path in addressing the numerous points that the Igbo people mention or lament about when frowning at the ills they suffer in Nigeria as one of the social groups in the country.*

**Keywords:** *Constitutional Tenets, Social contract, Social group, Igbo people*

### **Introduction**

One important aspect of human and social life is the concept of social contract. From the time it was conceived that men could enter into contrast with fellow men in society, many laws guiding man have come into place to guide the interactions of people in the society. Many theories have also risen to explain the nature of the contrasts men enter into in society. Societies have developed and accepted fundamental right of citizens. For instance, Thomas Hobbes’ (1588 – 1679) in his text *Leviathan* published in 1651 showed the idea of an irrevocable contract, today known as social contract, between the citizens of a state and the state. In the contract, the state would be given absolute power in return for securing peace and security. He had been influenced by personal experiences had during the English Civil War. His experiences convinced him that the price of peace and security could hardly be too high in terms of individual freedom.

Another social contract theorist was John Locke (1632 – 1704). Locke an English philosopher supported the idea of social contract in which the citizens surrender their powers to the state for the state to be providing peace and security. The state should be made the final arbiter. Locke rejected the idea of the contract, being irrevocable. He also rejected the idea of the



absolute sovereignty of the state. To him, only those rights necessary for the smooth running of government should be given or surrendered to the state. Those rights should be surrendered for the protection of the lives, liberty and property of the citizens of the state. Again, he opined that if the state does not perform these functions properly it should be changed for one that does. In this view, a government can only continue if it performs and should be over thrown by which ever means is appropriate if it does not perform.

Baron de Montesquieu (1689 – 1755) a French social philosopher also tried to say what the relationship between the citizens and the state should be. In his work *L'Esprit des Lois* published in 1748, he showed the difference between autocracy and the principle of the separation of powers. He showed the difference between the autocratic leadership of Louis XV of France and the three arm system of Government in England of George II. The separation of powers saw the legislative arm being different from the executive arm and then from the judiciary. To Montesquieu, the separation of powers ensured that tyranny was totally avoided all things begin equal. This was the principle of the contract between the state and the people.

The highest body of laws in a society is the constitution of such a society. Such body of laws specifies the tenets for interaction of people and people and the people and the state in such a society. Every nation under the sky has her owned body of laws. Some have what is referred to as written constitution, while some have unwritten constitution. In written constitution as we have in Nigeria, all the laws guiding the relationship of people are found in one book called the constitution of Nigeria. The reverse is the case in unwritten constitutions as it exists in Britain.

There are so many rights which the constitution of Nigeria as a federation accords the citizens of Nigeria as well as the strangers that come into Nigeria. To ensure peace and progress in nation, such citizen rights which are known as fundamental to them must not be violated. This is stipulated in the constitution as a social contract document. However, if such fundamental rights of citizens are abused, the peace and progress of the nation become disturbed. The end result of such a situation becomes crises and conflict between Individual with individual in the society, individual and the state, between group and groups in the society or between groups or communities and the society (Nation) in general.

The paper's objective is to examine how the infringement of the fundamental right of the citizens as enshrined in the federal republic of Nigeria constitution can cause any part of the



nation to become unprogressive. The focus here is the Igbo people of Nigeria. The paper examines how the infringement on the social, conomic and political rights of the Igbo people of the south-east Nigeria have contributed to slowing down their peace of social progress.

For the progress of this paper, we will present an overview of the Igbo people of Nigeria, evidence of infringements on their rights as part and parcel of Nigeria and of Igbo indigenes as bona fide citizens of Nigeria as a society.

### **The Igbo People of Nigeria**

The Igbo people of the South-Eastern part of Nigeria can be looked at from two ends in this paper. They can be looked at as both a people and as civilization. To do this, references will be made to their location in Nigeria as a nation. We have to note that the Igbo nation existed even before the creation of Nigeria in the 1990s. The Igbo nation can be said to have stopped existing as such after the amalgamation of the protectorates of Nigeria by Britain in 1914. The amalgamation forced the eastern, northern, southern and western parts into a union named Nigeria. By this, Nigeria is an artificial creation and an amalgamation at that. The Igbo people of eastern part Nigeria are a people a distinct nation or ethnic group within Nigeria bounded by the Igala people to the north-east (Present day Benue and kogi states and their neighbors. the Idoma people to the north, the Ekoid Bantu people to the north-west, the Ibibio to the east, and the Ijaw people and their neighbors to the west (Afigbo, 2000).

Apart from being one of the major groups in Nigeria, The Igbo nation began to be divided into states. The journey was from being a protectorate, to being in the twelve states creation, to being in 19 states creation then the thirty six states creation. Out of the 36 states of Nigeria, The Igbo people are found in eight states of Nigeria. This gives the people a one over four of the states in Nigeria (Ekwonwa, 2011). For the above feature, any discussion of the Igbo people of Nigeria, the economy, political religion, education etc. must take into cognizance their territorial share of Nigeria (Obaeri2001).

Politically, right from time, the Igbo people have never had centralized governments as are found in the other ethnic groups (Hausa & Yoruba) Nigeria. Till today, the Igbo can be said to have remained republican in nature (equalitarian) which is why there is a saying (Igbo enwe eze). The Igbos do not have a king. This does not however mean that they do not have their



political and traditional leadership ways of life. They do, but are not manipulated from a very strong, central government as seen in the feudal lords of the northern Nigeria. Economically, the Igbo people of Nigeria without prejudice are described as the most industrious people in Nigeria, or even the black race of the world. They are only equated with the Jewish people in economic discusses. People often wonder how the Igbo people who lost almost everything during the Nigeria-Biafra civil war were able to survive and lift themselves from twenty pound per person who lost their monies and industries to the high economic pedestal they are found today.

On the social scene, the Igbo people of Nigeria are incontestably among the most sociable, receptive, outgoing and the most adaptive of all people. The Igbo people without doubt are found almost in all the societies of the world doing one business or the other.

The Igbo people can be described as a people with the best spirit of nationalism. This can be seen in the fact that while other ethnic groups in Nigeria seem to be less mobile in nature, the Igbo man finds his way into all the nooks and crannies of Nigeria and beyond. According to Ekwonwa, characteristically, Igbo society thrives on the principle of competitiveness and high sense of individual possessiveness”

The above nature of the Igbo people instead of constituting an object of blessing to them has also become a source of suspicion, distrust, hatred, envy and marginalization for them in their own country. The Igbo people are gifted in many other areas of life. They had their own original traditional religious system that was very powerful and a source of social control for them before the incidence of Christianity and Islam. They have maintained a very rich cultural heritage.

### **After the Nigerian civil War**

The Igbo people without question are very resourceful, enterprising and resilient when it comes to fending for themselves. The courage and industry even in the quelling circumstances of marginalization sets them apart as pace-setters in all spheres of Nigerian life. As a peace loving people, they believe in justice and equality. This explains why they have over the years continued to advocate for a workable political, social and economic Nigeria that will promote efficiency, meritocracy, creativity, and innovativeness. The Igbos cherish all that will give



Nigerian citizens the freedom to develop according to their capabilities and possibilities (Ekechi, 1982). Where do they not set up their businesses?

With the characteristics described above and attested to by all, the Igbo people of Nigeria still have been accused of things. They are accused of being proud. Yet this is a people who could travel to any part of the world and humble themselves to do many menial jobs to build themselves up. Where then is the pride? They are accused of unhealthy rivalry all over Nigeria, yet they do not struggle or fight with people over what they possess. All over the states of Nigeria, the Igbo may live with his host society without forcefully taking anything from them. They buy the lands upon which they build houses if they have the money. This is not the case with the Igbo people in their own territory where they are currently being forced out of their residential territories by AK-47 rifle wielding strangers while the government and the security agencies look the other way.

The Igbo people are accused of being materialistic, loving money too much and too possessive. The question is who is not materialistic? Who does not love money or who does not take care of what he has? Over the years, the Hausa, Igbo and Yoruba politicians have been found guilty of embezzlement. Over the years, Hausa, Igbo and Yoruba citizens have equally been caught as drug pushers, secessionists, bandits, kidnappers, terrorists and so forth. The question then is, what is the reason for the misconception given to Igbo people for which some right thinking members of other ethnic groups are speaking up against. The Igbo people more than any other ethnic groups in Nigeria are ready to marry from outside their territory or empire in marriage to them not minding religion differences,

As exploratory human beings, the Igbo graduates are the ones more eager to go to any part of Nigeria during national youth service requirement to serve. Igbo people build their industries in other areas of Nigeria which are sources of development. They are eager to participate wherever they are found and this is what has earned them the epitaph “greed.”

### **Areas of Infringements on the Rights of the Igbos**

As has already been stated above, immediately after the Nigeria-Biafra civil war in which many nations of the world joined the Nigeria government to destroy both the lives and properties of the Igbo people, instead of being given proper rehabilitation, confidence building and right to economic activities participation, what the Igbo people got was the banking obligation decree No. 46 of 1970. The Nigeria finance minister then was Chief Obafemi Awolowo. The invocation of the decree helped to muzzle all the confidence, industry and economy of the Igbo people after a war that people decided to term “a war of no victor, no vanquished.” What an irony. The finance minister used his power to limit all that the Igbo man could withdraw from his account in the banks not minding how much such a person had to only twenty pounds, this was only forty naira then (Ekwonwa,2011; Umuozurike,2000). It was from this very shifting start after the war that the Igbo people had to rebuild their lives.

This is year Two Thousand and Twenty Three (2023), about 53 years after the civil war, should we still be talking about this? Ordinarily, the answer should be no, however, it has become necessary when we consider the type of treatment still given to the Igbo people in Nigeria today.

First, the Igbo people still seem to be almost at war in their own territory. The government of the day in a subtle way is hiding under the cloak of the Biafra agitation to occupy Igbo land. There are hundreds and thousands of army and police check points and the check points of other paramilitary groups in Igbo land. This restricts very much people’s free movement in the territory. Lives are lost every day under the guise of any excuse. These check points have become another money making machines extracting from the Igbos for those manning them. This continues to help in crippling economic and social activities in the territory.

In Nigeria, people of other ethnic groups have come out openly to threaten and state that the Igbo man can never be the president of Nigeria, instead, elections will be rigged in favour of the least qualified and least competent candidate. Such threats were made to come to pass during the 2023 general elections. All over many states of Nigeria, voters of Igbo extraction were forbidden from voting for candidates of their choice. Such persons as Asari Dokubo, MC Oluoma and a sitting governor in the person of the governor of Rivers state and many others openly threatened the Igbo voters without the government of Nigeria and her security agencies



doing anything. Nobody was ever arrested or questioned for this. Yet, a certain traditional ruler of Igbo extraction in Lagos (Eze ndi Igbo in Lagos) made a statement that if the Igbo people in Lagos and their businesses were threatened that they would be forced to invite the Eastern Security Network organization (ESN) formed by Nnamdi Kalu to come to their aid. He was immediately arrested, detained and denied bail by the Nigerian government.

One of the new political games became making the Igbo people afraid to force them to dance to the tunes of the government. Any name that sounded Igbo made the bearer a victim and a target of the government and security agencies. Nnamdi Kalu cannot be set free even after courts of law in Nigeria have declared him not guilty of any crime because of his name and ethnic group. He is not the only person in Nigeria to have sought for an independent nation for his people. Asari Dokubo did it; today he is the closest friend of the government of Nigeria. He brandishes AK 47 riffles while threatening the Igbo people and the government and her security agencies pretended that they did not hear or see anything. Petitions have been written and signed by people and organizations for his arrest but nothing has been done as at the Monday the twenty eight of August, Twenty hundred and twenty three.

Godwin Emefiele who only served under the government of General Mohammed Buhari is under lock and key of the Department of State Service. This is a department that has become more powerful than the government and the judiciary of Nigeria. Those who have the nerve have come out to say that Emefiele is suffering because of his name that sounds Igbo and not for his crime. After all, he served as a Central Bank Governor under a government. Whether he is actually Igbo or not does not matter. He is Emefiele.

Almost every notable Igbo man has become a member of the ruling political party in Nigeria directly or indirectly out of fear. This is either to gain political favour and a political appointment or to avoid being prosecuted for political crimes that politicians from other ethnic groups would not be charged with. Those who seem to be in other political parties and occupy important political positions are accused of being there under the irony of sworn political oaths. The result of this in Igbo land is the concept of “voice of Jacob, and the hand of Esau” political governments and exercises. The indications of the imposition of governors on the Igbo states even with some proven cases of certificate forgery and lying under oath are there.



Today, we claim to be under the rule of democracy, however, the pseudo hands of military Decrees still seem to apply in our social life. For instance, the indigenization decree of 1972 which was supposedly targeted at the Multinational Corporations (MNCs) operating in Nigeria then had more effects on the Igbo businesses and still is in operation against the Igbos. Then the decree denied the Igbo man the advantage of having and using money which was granted the Hausa-Fulani and the Yorubas. Even until today, the major government industries, ministries and parastatals in Nigeria are still concentrated in the hands of the Hausa-Fulani and Yoruba directly or indirectly financed by the Nigerian government. For instance today, Aliko Dangote is the only person who can produce cement, build a private refinery, import rice etc. Ibeto cement license was revoked. Oil wells and blocs in Nigeria are mainly in the hands of the Northern and Western politicians. The Hausa-Fulani and the Yorubas have very important ministerial and political positions reserved for them. The Igbos cannot be trusted with such because they are not 'trustworthy.' Even where they are appointed to such important posts, they are retired in two or three months after appointment.

The Igbo people are a business people. They go far and wide in their quest to better their lives. They take business risks that others do not dare to take. They go into far and remote corners of the world to import goods. To do this, they need incentives. However, such incentives as seaports which would help in boosting their business activities are not given too much priority in the Nigerian government businesses. What is the fear? They will become independent. The Calabar and Portharcourt seaports which are closer to the Igbo people have over the years remained excluded in major seaport developments in Nigeria. Ekwonwa, (2011) noted that the Calabar and Portharcourt seaports would boost the economic and industrial activities of the Igbo people and Nigeria in general. Not much is said of Onitsha seaport which would have also been a major business seaport in Nigeria. This would save importers of having to travel to Lagos or Calabar all the time to clear their goods. There have been disparities in the freedom given to the different business operators in the different parts of the country. Observation has always been the case of marginalization against the Igbo people. Cases of market and business destruction in parts of Lagos for instance Ladipo market, Alaba international market and other areas are all mainly against Igbo businesses.

Recently, in Lagos, different laws were to be made on land ownership issues. One law was to be made for the indigenes, while the other was to be made for the strangers. To this, we know





that the Igbos more than any other groups in Lagos own lands and properties. This becomes the case of ‘if a Hebrew woman delivers a baby boy, kill him, if it is a baby girl, allow her to live.’ The hand writing on the wall can now be read and interpreted by all. There are many Daniels around now.

Let us consider the area of infrastructure and development in general. Over the years there have been very huge losses in capital because of the poor policy matters in Nigeria. The southern part of Nigeria is good for agriculture, but then huge amounts of capital are lost in the attempt to invest in agriculture in the desert north. While the oil refineries in Portharcourt and other places were decaying and wasting, the government of Mohammed Buhari went into a fruitless exploration of oil in the Lake Chad basin of the northern Nigeria. Prioritizing things properly would have been the best answer. Putting square pegs in round hole policies in the effort to favour one and disfavor the other can only continue to result in losses. Even till today, most of the federal government presences are in the northern parts of Nigeria. Think of military posts and formations. There are no proper international air ports in any of the Igbo states. This is however not in favor of the fact that much of the Igbo travelers embark on international travels.

### **Conclusion**

The truth is that we can continue on the grey areas of the interaction of Nigeria as a nation and the Igbos as a people without end. There are so many doubts raising issues on the continued existence of the Igbo people in Nigeria. We are witnesses of the very disastrous comments made by the former president of Nigeria calling the Igbo nation “a dot” in Nigeria. We are not ignorant of the comments made by the current president of Nigeria Bola Tinubu on the Igbos during the 2023 political campaigns on how he didn’t need the Igbos to become president of Nigeria. We are aware of many other comments, statements and threats issued against the Igbos of Nigeria. All these go to show the level of hatred and jealousy with which the people of other ethnic groups hold the Igbos. Should we still be talking of this in place of a very strong inclusive national development today? Things can only fall apart when the centre cannot hold together.

The experience of the Igbo people of Nigeria since even from the amalgamation of the parts of Nigeria, the independence and till through the civilian and military periods to the present day civilian rule can best be summarized as that of deprivation, victimization, and cheating, (Ekwonwa, 2011). This unsavory situation has led over the years to many forms of agitations



from the Igbo people. Many have called for the review of the Nigeria socio-political structure; others have called for the outright separation from Nigeria.

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