

Throwback to My Experience Challenging Ethnic Quota System in Nigeria

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Just stumbled on The New York Times account on the 1988 struggle of my family against constitutionalized ethnic discrimination in Nigeria. The problem of Federal Character remains a major challenge to development in Nigeria. The Constituent Assembly that foisted this injustice was chaired by late Chief Rotimi Williams and promulgated by General Olusegun Obasanjo as Head of State. It has been upheld as the grundnorm since 1979. However, it seems former President Obasanjo is now surprised that President Muhammadu Buhari is ignoring Federal Character as it pleases him as reflected in the former's letters to the current president. I wonder what Chief Rotimi Williams would say today if he were alive. We fought this case through to the Court of Appeal with late Chief G.O.K. Ajayi (thanks to late Pa Alfred Rewane who provided consideration for the services of the SAN) and Solomon A. Olugbemi Esq., whose consideration was only conviction and friendship. We had technical win but lost the constitutional substance. We went on to the Supreme Court with Olugbemi alone. The Supreme Court was divided along lines that appeared to me as probably north and south with superb arguments that upheld our right to fight but rejected the suggestion that correcting a constitutional wrong of this magnitude cannot be overtaken by events. Reactions would be much welcomed.

See below as reported by New York Times

<https://www.nytimes.com/1988/11/06/world/ethnic-quota-for-nigerians-is-challenged.html>

Ethnic Quota For Nigerians Is Challenged

By James Brooke, Special To the New York Times Nov. 6, 1988

At the age of 11, Adeyinka Badejo is learning the hard way about affirmative action, Nigerian style. The daughter of an eminent political science professor here, Miss Badejo hoped last month to win admission to a Nigerian Unity School - a Government-financed prep school for top universities here and abroad.

To Miss Badejo's dismay, she discovered that several of her sixth-grade classmates scored lower than she did on a national test, but that they won admission to the prestigious boarding school system. In this West African nation where virtually, everyone is of the same race, the difference is "state of origin" - often a code phrase in Nigeria for tribe.

Miss Badejo scored 293 on a 400-point test - three points below the cutoff for girls from Ogun state, a southern state largely populated by members of the Yoruba tribe. If she had been born to parents from Kano state, the northern heartland of the Hausa and Fulani tribes, she would have sailed into a Unity School with a score as low as 151. 'Federal Character' Policy.

Miss Badejo's rejection was a result of Nigeria's policy of "reflecting the federal character." Through nationally mandated quotas, this policy is intended to ensure that Nigeria's disadvantaged tribal groups have equal access to higher education and to Government employment.

Femi Badejo, Adeyinka's father and a professor at the University of Lagos, decided to sue Nigeria's Minister of Education on the grounds that the Unity School's admission policy constitutes discrimination.

In Nigeria, Africa's most populous nation and one of its most diverse, the case has attracted attention comparable to lawsuits challenging affirmative action programs in the United States.

Late last month, Nigerian reporters packed the three wooden press benches in Court 19 of Lagos High Court as opposing lawyers in black robes and white wigs argued their positions.

During a recess, Mr. Badejo, clad in a yellow dashiki-style shirt favored by the Yoruba people, limited his comments to saying: "There is no comparison between affirmative action in the United States and 'federal character' in Nigeria."

For Nigeria's southerners, Mr. Badejo's case has become a minor cause celebre, and several southern educators and politicians have sharply attacked the 10-year-old quota system. 'Unjust Discrimination'

"I think it's unjust discrimination," Lateef Kayode Jakande, a former governor of Lagos State, told a Nigerian reporter. "The way out is to encourage the underdeveloped ones to catch up, rather than to bring down the developed ones."

In Ibadan, the nation's largest city and one that is largely Yoruba, Dapo Ajayi, a high school principal, said the national quota system discourages southern students who see it as reverse discrimination.

Support for the federal character policy comes from Nigeria's north. The northerners, most of them Muslim, long resisted Western-style education first introduced by Britain, the colonial power here until 1960. Nigerians on the Atlantic coast - Yoruba in the west and members of the Ibo tribe in the east - sent their children in large numbers to British colonial schools.

Today, almost 30 years after independence, a new generation of Nigerians bears the stamp of this colonial inheritance. In the test Miss Badejo took last September, the cutoff point was set by the score attained by the 500th-ranking boy or girl in each state.

Cutoff scores for students from states largely populated by the Ibo or the Yoruba ranged from 280 to 303. Cutoff scores for students from northern states with high Hausa and Fulani populations ranged from 151 to 252.

"The South has had longer access to Western education than the north -you can't run away from that fact," Rotimi Williams, a Lagos lawyer, said in an interview.

In 1978, Mr. Williams served as chairman of the committee that drafted Nigeria's 1979 Constitution. Today, he defends the quota policy as "a necessary evil." 'A Stake in This Country'

"What some might call discrimination is actually making everyone feel they have a stake in this country," he said in his law offices. "Otherwise, an outsider might say the universities are dominated by southerners, that the civil service is dominated by southerners."

Nigerians are debating a new constitution and the concept of federal character will probably be preserved untouched, said one of Mr. Williams' sons, Ladi, a lawyer who is a delegate to the Assembly. Under law, 5 percent of certain grade-level jobs in the civil service and in Government-owned corporations are reserved for applicants from each of Nigeria's 21 states.

In a separate interview in October, Nigeria's President, Gen. Ibrahim B. Babangida, said that federal policy should require "very good representation of the different regions of the country at points of entry."

"From then on, very much depends on performance," the President said. Ladi Williams argued that the ethnic quota policy should not apply to some areas, such as Olympic teams, university presidents and the Nigerian delegation to the United Nations.

But, he said, Nigerians often look at life through an ethnic lens. A few years ago, he recalled, many Nigerians were disgruntled when the national junior soccer team, the Eaglets, traveled to Beijing and won the junior world cup. Commentators noted acidly that the coach and 9 of the 11 starting players were from Bendel state.