

Below are excerpts from the topic "Unitarianism or Federalism?" as in the book "Thoughts on Nigerian Constitution" written by Chief Obafemi Awolowo and published by the Oxford University Press in 1966.

Federalism: A necessity

It must be generally agreed that the making of a constitution is not an end in itself. It is a means to the welfare and happiness of the people, the fountain of which, in a material sense, is economic prosperity. Of all the factors which conduce to the economic prosperity and, again in a material sense, to the greatness of a nation and its people, the most important is political stability. Without it, natural resources, manpower, and capital, whatever their quantity and quality, plus technical knowledge, will avail very little.

It is common knowledge that the quantity and quality of natural resources, and perhaps the quantity of manpower as well, are the bounties of nature. But not so the quality of manpower, the quantity and quality of capital, the state of technical know-how and political stability. These are entirely and unexceptionably the results of the creative genius of man.

In our view, three factors combine to produce political stability: the type of constitution, the form of government, and the calibre and character of political leaders in and outside government. For the moment, we are concerned only with the first factor; but we shall deal with the other two later on.

As regards the type of constitution, political scientists and analysts have reached two firm conclusions: namely, that a unitary constitution will not work in circumstances which warrant a federal constitution; and conversely, that a federal constitution will fail where the circumstances only favour a unitary constitution. Suitability is, therefore, of the essence of a constitution. This is so for all countries of the world. It is so for Nigeria where the search for a suitable constitution has gone on for more than 20 years, and still goes on today with renewed vigour and reanimated fervour.

We predict that the search will go on after this generation of Nigerians has passed away, unless we are realistic and objective enough to give ourselves now a constitution which is suited to the circumstances of our country and which will, therefore, endure.

Our own stand in this matter is well known. We belong to the federalist school. Nevertheless, we have elected to adopt a completely

objective and scientific approach to our present search and are prepared to abandon our stand if we see sound reason for doing so. Accordingly, we have made a much more careful study of the constitutional evolution of all the nations of the world with a view to discovering whether any if so what principles or laws govern such evolution. We have found that some countries have satisfactorily solved their constitutional problems; whilst others have so far not. In consequence of our analysis of the two sets of countries, we are able to deduce principles or laws which we venture to regard as sound and of universal application. We certainly cannot and should not be expected to give full details of our investigation in this discourse. But we can and certainly will state as briefly as possible, the facts from which the principles or laws are deduced.

These are altogether six continents in the world: Africa, North America, South America, Asia, Australia and Europe. We will take the continents one by one, but not in the order in which we have mentioned them. In treating the countries in each continent, we will ignore all the colonial and Trust Territories, not because we have left them out of our study, but because they do not affect our conclusions one way or the other. For all theoretical and practical purposes, a colonial or Trust Territory cannot, in our view, be said to have a rational constitution. Besides, of the 3,135 million people in the world, only about 24 million - i.e. 0.76 per cent - live in dependencies.

Let us now begin this global mental excursion with the continent of North America. The three leading countries there have a federal constitution. They are the United States of America, Mexico, and Canada. The United States was the first country in the world to have a federal constitution, and Canada and Mexico, its immediate neighbours to the north and south respectively, followed in its footsteps.

What is now known as the United States of America was colonized by England, in the seventeenth century, through some of her nationals who had emigrated there. The emigrations took place in groups, at different times, and for different reasons which, in the main, were religious and economic. On their arrival in the new territory, each group of immigrants chose a different area for its permanent settlement and, by force of arms or without resistance, appropriated to the indefeasible ownership of its members sufficient parcels of land for use and cultivation. Each group of immigrants was a law unto itself. The groups were ever conscious of the fact that it was for worthy and overpowering causes that they had left the country of their birth, and undertaken the hazards of some thousands of miles of sea voyage to found the new settlement. They were certainly not going to brook any interference with their freedom of conscience, thought, worship, or occupation, for which they had sacrificed so much. Consequently, they regarded themselves as constituting a more or less sovereign state - separate from and independent of their neighbours, but owing allegiance to their mother country to which they looked for protection against other colonial powers, and which in her turn exercised a measure of administrative control over them. As time went on however, and for reasons which are to relevant to our discussion, the administrative control exercised by Britain on the American colonist proved irksome, and it was terminated in 1776 by the famous American Declaration of Independence.

On independence, the separate settlements strongly desired to retain their autonomy and to be independent of their neighbours as before. This is perfectly understandable. After a century or more of political, geographical, and economic separateness, each group, though they belonged to the same ethnic and linguistic stock as the others had developed a distinct national identity which they passionately and patriotically wanted to preserve.

At the same time, in the course of the same long period, the various groups of settlers had developed profitable commercial intercourse among themselves, as well as a substantial measure of political co-operation which had enabled them to act in such perfect concert against the mother country before and during the War of Independence. Then there was the fear of attack from foreign powers. If they remained as separate sovereign units, they were sure to lose their newly won independence. United, they would be strong enough to defend their joint sovereignty. It was clear, therefore, to all the groups of settlers that they must find a basis of unity among themselves for purposes of defence, free and unrestricted commercial intercourse, and international relations.

There were thirteen states which, in 1776, were confronted with the problem of reconciling the passionate desire for independent regional governments with the equally passionate desire for an all-embracing and uniting central government. At first, they settled for confederalism. But many American men of affairs soon discovered that this arrangement was 'too weak at the centre and too strong at the circumference'. A public debate ensued. It was inspired by George Washington, and conducted by Alexander Hamilton, James Madison, and John Jay on the side of federalism; and in 1787 a new constitution was evolved which, with some amendments, has remained till this day as the sacred fountain of American legalism, and the archetype of federalism in other parts of the world.

It is true that the United States has which its borders two other races; the Negro and the Indian. But it is also true that, save for the colours of their skins, these two races have, in all respects, been completely assimilated into American way of life and culture.

The story of Canada is somewhat different. In 1605 and 1608 respectively, the French founded Port Royal (now Annapolis Royal) in Nova Scotia and Quebec. Both of these settlements became British possessions during the first 60 years of the eighteenth century; the one by the cession of Nova Scotia which formed a part and the other by conquest.

After the usher American Declaration of Independence, a very large number of American loyalists crossed the frontiers into Canada and settled in Ontario, New Brunswick, and Nova Scotia, all of which were under British control and administration.

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