

FEDERAL CHARACTER PRINCIPLE AND UNEQUAL REPRESENTATION IN NIGERIAN LOCAL GOVERNMENT

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ABSTRACT

This paper examined the efficacy of the Federal Character Principle as a pilot for promoting equal representation in Nigeria. The paper argued that the Federal Character Principle has proved inadequate for effective equal representation because of its favoritisms on one group against the other. This study relied extensively on secondary sources of data collection. It provided analysis on the constitutional power of Federal Character Commission, its structure and method of operations, the guiding principles of Federal Character Commission in the distribution of post in civil service, criticism as an institute for national integration, as well as the challenges facing it for achieving equal representation. The paper therefore recommended that the policy and programmes of Federal Character Commission should be carried out fairly and transparently in the short to medium term, and that in the long-term, efforts must also be made to overcome the inequalities which gave rise to affirmative action in the first place. To this end, the paper concluded that while equality of ethnic, tribe and states' representation is necessary, certain percentage of merit should be considered for recruitment, appointment, promotion, admission, sitting industries, infrastructural development and state creation across the country. This equality should be guaranteed and inequality of any form should be curtailed to avoid intense contradiction which does not manifest to national integration, socio-economic and political development.

Key words: Federal Character, Nationality, National integration, Quota system, Inequality, Affirmative Action, Local Government.

Background

The objectives and purpose of the principle of federal character in Nigeria is commendable. But unfortunately, the applicability and operational system of the principle tended to distinguish its

purpose rather than integrate Nigeria (Mustapha, 2007). Over the time, Nigerian governments have affirmative action programmes aimed at bridging the profound inequalities between different segments of her population. Nigeria's population is estimated at 140 million. The country has between Two Hundred and Fifty (250) and Four Hundred (400) ethnic groups depending on the criteria used. Otite (1990), the eminent sociologist, identified a total of Three Hundred and Seventy Four (374) ethnic groups. These ethnic groups are broadly divided into ethnic 'majorities' and ethnic 'minorities'. The numerically and politically majority ethnic groups are the composite Hausa-Fulani of the north, the Yoruba of the southwest, and the Igbo of the southeast. The 2006 population census has the Hausa at 72,904,369 (52%), the Yoruba at 30,087,785 (27%), and the Igbo at 37,439,636 (27%), (NPC 2006). The numerical and hegemonic strength of these three ethnic groups within the Nigerian federation has meant that Nigeria has a tripodal ethnic structure, with each of the three majority ethnic groups constituting a pole in the competition for political and economic resources. The ethnic minorities are forced to form a bewildering array of alliances around each of the three dominant ethnicities.

As it was posited by Mustapha (1986), the interplay between this tripodal ethnic structure on the one hand, and administrative divisions and communal identities on the other, has led to eight major cleavages in Nigerian political life the most important of which are: the cleavages between the three majority groups; between the three majority ethnic groups on the one hand and the 350 odd minority ethnic groups on the other, between the north and south, between the thirty six (36) states of the federation and the six geopolitical zones, three in the north and three in the south into which they are grouped; and finally, between different religious affiliations. Some of these cleavages overlap: for example, the southeast zone overlaps with Igbo ethnicity and Christian religious affiliation, while the north-central overlaps with northern ethnic minorities. The ethnic, regional, and religious cleavages in Nigerian society are made more problematic by systematic and overlapping patterns of inequalities that correspond to the cleavages.

These inequalities are caused by a complex range of factors, including history, geography, cultural orientation, religious affiliation, natural resource endowments, current government policies, and past colonial policies.

CONCEPTUAL CLARIFICATION

Paradoxically, federal character principle and unequal representation can never metamorphose into national integration. This is because; federal character is purposive to bridge ethnic, tribal and religion rivalry for socio-economic and political stability. Effective application of federal character in revenue sharing, education, employment and location of industries and other development programmes will guarantee national integration, stability and development.

Federal Character

Federal character could be regarded as both a reaction and as well as a system. It is a positive reaction to correct those practices and operations of the past, especially in the conduct of public management which tended to exploit the diversities of the nation and by so doing cause ill will. It is also a reaction to those practices which tended to reflect selfish and parochial consideration, especially those negative forces which placed the self interests above national interest. The federal character principles involve a deliberate plan to construct means of ensuring the proper distribution of resources, amenities and government projects in all the tiers of government within a country.

Federal character suggest an attempt to build a nation where equal opportunities abound and where every individual must feel that he has equal chance to participate without bias of ethnic affiliations (Talih, 1987:2-3). Afigbo (1987:21) identified some stages of evolution of federal character which is originally a colonial heritage. The stages include: The period of informal Federation 1900-1946; the period of formal federation, first phase, 1946-1966, and the period of formal Federation second phase: 1967- present. Afigbo noted that the principle arose out of a compromise among the protagonists of the 1976 CDC. It was seen as an oily formula to silence

the troubled waters in Nigeria and the panacea to the issue of political economic instability which obstructs the balancing of the North and South on the one hand and the various ethnic groups mainly the three dominant ethnic groups (Igbo, Yoruba and the Hausa/Fulani) and also other minority ethnic groups on the other hand. Olagunju (1987:33) also defined Federal Character as a deliberate design to accommodate less dominant but often forcibly expressed interest. Essentially, it is a design which is aimed at depoliticizing new demand through an institutional arrangement hence this principle should be modified and gradually applied even to the private sector.

Similarly, Ezenwa (1987:87) noted that federal character arose out of the need to correct the anomalies that emanated from the random and uneven distribution of natural and economic resources and thus doubtful of whether such principle could correct such anomalies that have already been inculcated and imbibed by the various ethnic groupings in Nigeria. He however pointed out that this inequality which found succour in areas of revenue allocation and educational advancement worsened after independence.

Commendably, Ikejiani and Ikejiani (1986:7-8) noted that multi-ethnic and multi-racial affiliations in the country is the root cause of constant crises and blamed governments for not trying to arrest the ugly situation. They believed that the panacea to this problem lay in the adoption of federal character concept as it relates to the location, staffing and admission of student's into tertiary institutions in the country, employment and appointments or elections.

Many scholars have equally called for the creation of more new states along ethnic lines (for instance, Ijebu State) such that no ethnic group shall be dominated by another. At this instance, one might begin to wonder whether Nigeria is the only multi ethnic country in the world.

It is pertinent to note that, Canada and USA are also multi-ethnic countries yet they have not faced the kind of ethnic problem and unequal representation Nigeria faces. Thus the federal character principle is adopted in Nigeria to hold the federating units firm as Nigeria.

Affirmative Action

The Constitutional Powers, Structures and method of Operation of Federal Character Commission in Nigeria

Constitutional Powers

Emphasis on representation and power-sharing was given constitutional backing in 1979 under the Federal Character principle. The drafters of the constitution were of the opinion that the fear of domination or exclusion were salient aspects of Nigerian politics, and that it was essential to have specific provisions to ensure that there was no predominance of persons from a few states or from a few ethnic or other sectional groups in the composition of the government and its agencies. Accordingly, Section 14, Sub-section 3, of the 1979 Constitution stated: 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 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.

This section of the Constitution was non-justifiable. However, other justifiable sections which reiterated the Federal Character principles were: (a) Section 135, which stipulated that the President must appoint at least one minister from among the indigenes of each state; (b) Section 157, which compelled the President to take due regard of the Federal Character of Nigeria in appointing persons to such offices as the secretary to the federal government, ambassadors, permanent secretaries of federal ministries, and the personal staff of the President; (c) Section 197 (2), which stipulated that the officer corps and the other ranks of the armed forces must reflect the Federal Character of Nigeria; and (d) Section 199, which called for the establishment of a body to ensure that the composition of the armed forces complies with the Federal Character principle.

In section 150 of the 1989 Constitution, many new institutions, such as the governing bodies of state-owned companies and the governing councils of the universities, were brought under the purview of the Federal Character principle. The National Constitutional Conference convened by Abacha in June 1994 went furthest in promoting constitution power-sharing in Nigeria and also came to the conclusion that a Federal Character Commission was to be established, to ‘monitor and enforce Federal Character application and proportional representation’.

By the time the FCC was established by Decree No. 34 of 1996, its powers, including the powers (Section 4, Subsection 1c) to prosecute heads of ministries and parastatals for failing to carry out its instructions, were enormous. And the scope of its operations had been extended beyond governmental bureaucracies, to address the inequalities in social services and infrastructural development, along with the inequalities in the private sector (Section 4, Sub-sections 1di and 1dii). It also had powers: (a) to work out a formula for the redistribution of jobs; and (b) to establish, by administrative fiat, the principle of proportionality within the Federal Civil Service (FCS), (FCC 1996). Though it argued that the Commission ‘must not be used as a lever to elevate the incompetent’ or associated ‘with the lowering of standards’ (FCC 1996:30-1), it nevertheless established that within the FCS:

The indigenes of any State shall not constitute less than 2.5% or more than 3% of the total positions available including junior staff at Head office (FCC 1996: 33).

Where there were only two posts, one must go to the north and the second to the south; where there were six posts one must go to each of the six geo-political zones of the country. In short, the FCC leaned heavily towards one model. The quota model, out of four potential models of affirmative action:

(1) showing preference among equally qualified candidates (the ‘tiebreaking’ model), or (2) preferring a strong candidate to an even stronger one (the ‘plus factor’ model), or (3) preferring a merely qualified candidate to a strongly qualified candidate (the ‘trumping’ model), or (4)

cancelling a search unless a qualified candidate of the preferred sort is available (the ‘quota’ model)(Cahn, 2002: xiii).

In the Nigerian case, where a state cannot find a candidate to fill its slot, that fact is officially noted and a candidate from another state in the same zone must be sought. Indigenes of a zone should constitute a minimum of 15% and a maximum of 18% of the senior-level positions in each establishment. At the level of state bureaucracies, senatorial districts, local government areas and wards are the functional units used to distribute posts. In theory, under no circumstance is an unqualified candidate to be short-listed: ‘no institution wants to employ someone who *lacks merit*’ (Bowen & Bok, 2002: 176).

While arithmetic quotas were easily understood and implemented, they nevertheless shifted emphasis to the group and geographical zone represented, and away from the relative qualifications of the candidates under consideration. The individual establishments handle all technical questions about the competence and the short-listing of candidates. However the FCC expects the establishments to take Federal Character into account even at this early stage of the recruitment process, sorting the applicants by state of origin. What is often lacking in practice, however, is any effort to establish the most qualified candidate within each state, and to systematically relate the qualifications of applicants across states so as to monitor and manage the tensions between equity and merit. The FCC formula does not, therefore, ensure that the best candidate from a state is chosen. Concern for the relative qualifications of the candidates would have moved away from the pure ‘quota model’, more towards the ‘trumping model’. However, in the course of this research, I came across only one instance in which an effort was made to balance the pulls between equity and merit.

It is also important to note that the geo-political quota based on states and zones is explicitly silent about ethnicity and religion, two critical cleavages in Nigeria. It is therefore technically within FCC rules for a Yoruba from the southwest to be a director in an establishment, with another Yoruba from the North central as another director in the same establishment. Meanwhile,

many minority ethnic groups remain unrepresented. Similarly, it is possible to have Hausa-Fulani directors from the three northern zones. This means that the silence on ethnicity works out in favour of the majority ethnic groups spread across states and zones, and against the ethnic minorities, most of whom are contained in particular states or zones. And whilst the FCC may not be counting the religious affiliation of candidates for office that does not mean that other Nigerians are not counting, as a pamphlet released at a meeting of the Nigerian Supreme Council for Islamic Affairs in March 2005 made clear:

When Obasanjo constituted the cabinet for his second term in office, he appointed 42 ministers, comprising 16 Moslems (38.1 per cent) and 26 Christians (61.9 per cent). In the whole of Kwara, Kogi, South-West, South-East and South-South, there is not a single Moslem (minister).

The simple arithmetic quota is therefore deficient in not taking into consideration important variables like ethnicity, religion and relative merit. It also fails to take into account issues such as the relative population size of states, the number of ethnic groups in a state, the ethnic structure of the state, or the level of educational attainment by various groups within the state. It seeks to advance equity but not proportionality. Moving beyond the comfort zone of the arithmetic quota is a major challenge facing the FCC and the National Assembly in the implementation of affirmative action in Nigeria.

The powers of the Commission can be summarised as: (a) working out a formula for sharing posts and services; (b) monitoring compliance; (c) enforcement of compliance through the courts; (d) demanding and receiving data on staffing; and (e) instituting investigations. It is an offence in law to forward false information to the FCC or withhold information from it, or supply it with incomplete information. Along with these procedural offences is the substantive offence of failure to apply the Federal Character principle. More recently, the FCC has been

campaigning for new powers so that it can cancel any faulty recruitment exercise and order a fresh one. In case of repeated failure, the FCC is seeking powers to carry out the recruitment itself and surcharge the establishment for the exercise. Currently, the FCC cannot initiate legal action without the authorisation of the attorney-general. It is seeking new powers to allow it to initiate legal action without recourse to the attorney-general's office.

Structures and Method Operations

The FCC is supposed to be an independent commission recognised by the constitution. In reality, it functions as a presidential commission under the Presidency. The President appoints members of the Commission, subject to the ratification of the Senate. The President also appoints the executive chairman and the secretary; where the chairman comes from the north, the secretary must come from the south, and viceversa. The legislature has oversight functions with regard to the FCC, with both the Senate and the House of Representatives having committees on Federal Character.

Sometimes, these committees receive complaints, hold public sittings and investigate cases, virtually duplicating some of the functions of the FCC. In 2002/3, the FCC had about 303 staff in the Abuja headquarters and another 230 staff in the state offices. With 37 full-time commissioners who spend three weeks of each month in Abuja and the last week in the states they represent, the FCC faces huge operational bills. Funding is a major constraint, particularly, for the monitoring and investigation of parastatals outside Abuja. There have been calls to reform the FCC by appointing one commissioner for each of the six zones, and one for the Federal Capital Territory Abuja, thereby reducing the commissioners from 37 to seven. The law setting up the FCC is silent on the functions of the commissioners. The states have state coordinators, monitoring officers and statisticians. These state officers send annual reports on the composition of their state bureaucracies to Abuja.

The Guiding Principle of Federal Character Commission in The Distribution of Post in the Civil Service in Nigeria

The Federal Character Commission was established by Decree No. 34 of 1996. In exercise of the powers conferred on it by Section 4(1) (a) the commission prescribed the following guiding principles and formulae for the distribution of all cadres of posts in all services throughout the Federation:

Each State of the Federation and the Federal Capital Territory shall be equitably represented in all national constitutions and in public enterprises and organizations.

The best and most competent persons are recruited from each State of the Federation to fill positions reserved for the indigenes of that State or the Federal Capital Territory. Once a candidate has attained the necessary minimum requirement for appointment to a position, he shall qualify to fill a relevant vacancy reserved for indigenes of the State or the Federal Capital territory. Where the number of positions available cannot go round the States of the Federation or the Federal Capital Territory, the distribution shall be on Zonal basis but in the case where two positions are available, the positions shall be shared between the Northern Zones and the Southern Zones.

Where the indigenes of a State or the Federal Capital Territory are not able to take up all the vacancies meant for them, the indigenes of any State(s) or the Federal Capital Territory within the same Zones shall be given preference in filling such vacancies. Provided that where the Zone to which the preference is given fails to take up such vacancy, the indigenes from any other Zone shall be considered for the appointment.

Each State shall produce 2.75 percent of the total work force in any Federal establishment while the Federal Capital Territory shall produce 1 percent for the indigenes of the Federal Capital Territory provided that the commission may adopt a range so that the indigenes of any State of

the Federation shall not constitute less than the lower limit or more than the upper limit of the range as set out in paragraph 12(a).

In the case of distribution on Zonal basis, the commission shall adopt another range such that the indigenes of a particular Zone shall not constitute less than the lower limit or more than the upper limit of the range as set out in paragraph 12 (b)

The six Zones shall each consist of the following, that is;

North Central- Abuja, Benue, Kogi, Kwara, Nassarawa, Niger, Plateau.

North East- Adamawa, Bauchi, Borno, Gombe, Taraba, Yobe.

North West- Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto, Zamfara.

South East- Abia, Anambra, Ebonyi, Enugu, Imo

South South- Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Rivers.

South West- Ekiti, Lagos, Ogun, Ondo, Osun, Oyo.

Depending on the number of States within each Zone, the commission shall adopt three ranges such that the indigenes of any State within a Zone shall not constitute less than the lower limit or more than the upper limit of the range applicable to the Zone as set out in paragraph 12 (c)

As sound as these principles and formulae may seem, some leaders have decided to show outright disregard towards it by diverting all positions to their immediate local governments, Federal Constituencies and or Senatorial Districts. You will notice a case where some leaders tell their kinsmen to forge certificates of local government origins outside theirs within a particular State so as to get slots due to another local government. For example, an Idoma Inalegwu from Oturkpo bearing a certificate of local government origin of Gboko which is a Tiv local government just to collect a slot meant for a Tiv person. Such criminal acts have become so many, common and rampant. The effect of this is that while a State may fill up its 2.75 per cent, majority of the post will go to a particular part of that State because such people are opportune to have someone occupying a position, or holding an appointment at the Federal level and who may have decided to oversee all slots allocated to that State from the Federal government.

Federal posts should be shared equally among the three Senatorial Districts of each State which will in turn be split according to the Federal Constituencies and then local governments or else, a particular Senatorial District would go with 90 or more percent out of 100 percent of what is due for an entire State, thereby rendering the guiding principles and formulae of the Federal Character Commission useless.

Criticism of Federal Character Commission as An Institute for National Integration in Nigeria

Criticism has been posted against FCC in Nigeria. To some, ‘federal character is tribal character,’ (Oyovbaire, 1983: 19) while others condemned it as ‘geographical apartheid’ (Suberu 2001: 111). The major thrust of this criticism is that the Federal Character principle is inherently discriminatory and counter-productive. By implication, the FCC serves no defensible purpose. In culturally or racially divided societies with entrenched inequalities, difference-blind social policy is itself discriminatory in practice. It is not by accident that countries like the USA moved from ‘equal opportunity’ (treating everyone alike) to ‘compensatory opportunity’ (helping the neediest).

Group-based affirmative action is a legitimate concern of modern governance in highly divided societies, either for reasons of correcting for past discrimination and nepotism, or for advancing the public good through the promotion of diversity. A society that values its peace and relative cohesion cannot condone structurally embedded inequalities. That is why many European countries advance policies for ‘social inclusion’. For example, a Conservative Party politician sometimes ago advocated the introduction of quotas for ethnic minorities in some state schools in England because the prospect of racially segregated schools was to him ‘unacceptable.’ The values of social cohesion and integration dictated that society take drastic action to contain a potential threat. The fact that it might be an unavoidable necessity is not to suggest that

affirmative action is costless for individuals and groups. Without challenging the principle itself, it is right to demand that the costs and benefits be properly managed.

On the other hand, it can also be argued that the whole of society benefits from affirmative action, even if the costs are disproportionately shared. We only need to ask what price society is prepared to pay in conflict, potential violence, instability, and disrupted development, if long-term inequalities are allowed to fester unaddressed.

A second strand of criticism suggests that Federal Character encourages ‘mediocrity in positions of power’ (Oyovbaire 1983: 19). This concern for merit is often at the core of criticisms of the FCC, with some calling for a constitutional change to repeal the Federal Character principle. According to an influential Nigerian newspaper, Federal Character through the quota model has led to a situation in which:

Inevitably the public service became a dumping ground for incompetent, ill-motivated servants from different parts of the country. It became a bedrock of corruption, nepotism and inefficiency. Since 1999, both the World Bank and the UK’s Department for International Development have also investigated the FCC with an eye to closing it down on the grounds that it promotes inefficiency. It is true that the quality of manpower and service in the public sector across Nigeria is regrettably low. But this weakness is not limited to any part of the country; the public bureaucracies in educationally advanced states are not any better than those in educationally disadvantaged states. Federal Character might therefore be only of marginal significance in explaining these deficiencies. It is therefore illogical to blame Federal Character for a situation which applies even in circumstances in which Federal Character is not a factor.

Much of the argument about merit also suffers from the equating of paper qualifications with skills and efficiency. Studies across the world have shown that previous experience, education and training, and ‘paper-and-pencil’ tests are only weakly related to actual performance on the

job (Krislor 1974: 135). And according to the eminent American professor of law and two-time president of Harvard University, Derek Bok, ‘merit’ must be defined in terms of the objectives of the institution in question, and not in terms of any abstract criteria. He argues that the promotion of diversity and social cohesion is a legitimate concern of an educational institution, which dictates that affirmative action be an intrinsic part of the definition of ‘merit’ in the institution (Bowen and Bok 2002:178). The same arguments can be made for public bureaucracies in countries like Nigeria. The history of the Australian bureaucracy shows clearly how the objectives of institutions affect their definition of ‘merit’. Krislor stated that:

This egalitarian society frowned upon university degrees, and established a ‘closed bureaucracy’ with initial recruitment at age 16, with promotion from within for the administrative class. University degrees were required only for doctors, lawyers, and engineers, and university recruitment was deliberately eschewed for other posts. Limited recruitment of graduates was finally achieved in the 1930s and then expanded (pp, 49).

The Australians valued social egalitarianism over paper qualification, and consistent with Bok’s argument, defined the ‘merits’ they sought in new recruits accordingly. Yet another fallacy of the merit argument is the implied assumption that if you did not have affirmative action, then the best candidate would be automatically chosen. In real life this is often far from the case, particularly in a country like Nigeria. In some American universities, many people will accept the admission of a relatively less-qualified student because he will strengthen the sports team, yet the same persons will complain of ‘lowering standards’ when it comes to offering the same advantages to African-Americans and women (Bergmann, 1996: 24-25). It has always been understood in the USA that the President must include people from different regions in his cabinet. This is regarded as being fair to all. However, efforts at tackling gender and race

exclusion immediately raise opposition because the women and the racial minorities are often thought to be inferior and lacking 'merit' (Bergmann, 1996: 5)

A third criticism of the FCC is that Federal Character is directly responsible for the divisive indigene/settler syndrome which has blighted Nigerian national life (cf. Mamdani, 2005). While it is true that under current conditions, Federal Character legitimates group prerogatives throughout society and thereby encourages group cohesion and elite manipulation, it is *not* the foundation for the malignant indigene/settler split. It only reinforces indigeneity through the use of indigene certificates issued by local governments. Similarly, women married to Nigerians from other states and zones continue to be seen under FCC rules as indigenous in their natal states, denying them representation in the states and zones where they live and work. If the constitutional criteria for state citizenship are modified to include residency rights in one form or another, this problem will be taken care of without doing damage to the principle of affirmative action.

In a similar vein, the Human Rights Committee of the 2005 National Political Reforms Conference argued that the FCC should be changed to an 'Equal Opportunities Commission' because 'the constitution and operations of the present FCC was lopsided and strongly was in favour of the major ethnic groups in the country.' Implied is a criticism that the FCC is yet to create 'equal opportunities' for all Nigerians, particularly from the ethnic minorities. Others argue that FCC rules do not address the discrimination in the sensitivity and clout of particular offices, leading to the domination of particular important offices by some groups, while others are consigned to inferior portfolios. For his part, the influential Igbo politician, Chief Emmanuel *Iwuanyanwu*, took a swipe at the activities of the federal character commission', challenging it to ensure that the Federal Character principle was extended to the allocation of federal projects. It should apply also (sic) on projects that means if you award a contract for a dam project costing N50 billion or so in a zone, you must compensate other zones with other projects costing about the same amount. So we want equity in the distribution of resources.

The Challenges Facing Federal Character Commission For Achieving Equal Representation In Nigeria

The rationale behind the creation of FCC and Nigerian's expectations is that, the commission will promote 'equal representation' within the federal bureaucracy. The arithmetic quota adopted by the Commission encourages this perception. What is invariably ignored is the real difficulty in achieving representativeness in bureaucracies all over the world. All modern bureaucracies are inherently unrepresentative and cannot be a microcosmic reproduction of their societies; bureaucracies seek to approximate representativeness, even when they never fully achieve it (Krislor, 1974: 63). The reason for this difficulty is because of the nature of representation and the nature of the bureaucracy; the two do not mix easily. Representation can be of three types: (a) political (i.e. with the express intention of changing policy outcomes); (b) symbolic (abstract representation with no policy connotations and may even be performed by an inanimate object); and (c) descriptive: 'representation by persons who, as much as possible reflect the complexion of the constituency' or 'morons should be represented by morons' (Krislor, 1974).

Nigerians tend to expect the FCC to promote descriptive representation, yet this is practically impossible once you combine it with the nature of bureaucracies. Bureaucracies, by their very nature, perform specialist functions. Membership of the bureaucracies is based on a 'selection' process that sifts those with the ability to perform those functions from those without. Since the skills needed are not evenly distributed in any society, it follows that bureaucracies, by their very nature, are biased towards those with the requisite skills. For various historical, cultural, familial, and structural reasons, personal, ethnic, regional and religious biases are a feature of the distribution of these skills in most societies. As a consequence, the bureaucracy is heavily dominated by the middle classes in most societies. Therefore, 'the concept of a representative bureaucracy is an oxymoron' (Krislor, 1974: 22). Bureaucracies do not sit easily with representativeness; in some cases, bureaucracies even find it necessary to distort representativeness. The police force, for example, has certain minimum height requirements because this is directly related to its efficiency, although this might justifiably be seen as

discriminatory by ethnic groups whose members predominantly have lower-than-average height. These qualifications of representativeness do not mean that societies stop aspiring towards it. However expectations of what can be achieved must take these difficulties into consideration. Instead of the current fixation with quotas and numbers in Nigeria, emphasis should shift to the promotion of *both* inclusive diversity and a deeper concern with interest articulation: ‘Analytically, the test of representation is whether, in public policy-making, the demands or interests of every relevant definable public have been effectively articulated’ (Krislor 1974: 37).

Recommendations

It is emphatically relevant to say that FCC has not in any way brought bureaucracy to an adequate level of representativeness in Nigeria, and it is reasonable enough to demand that it should try as much as possible for efficient and effective attainment of its constituted purpose. Although, the institute has some commendable record of achievement such as; generating the data through which the nagging national problem of representation can be objectively assessed, monitored, and pronounced upon, the FCC has positively changed the culture and norms of bureaucratic recruitment in Nigeria towards inclusive diversity, the FCC has had a positive impact on Nigerian ethno-regional politics.

Consequent upon these achievements, this is not to recommend that all is well with the FCC or the wider political calculus of Federal Character within which it operates. It is important to know that there is an urgent need to arrest those criticisms of the FCC, such that the objective will be to devise a short to medium term approach of improving its performance.

Therefore, it is recommended that the policy and programmes of FCC be carried out fairly and transparently in the short to medium term, and that in the long-term, efforts must also be made to overcome the inequalities which gave rise to affirmative action in the first place. With the constitution-ability of the FCC, the institution has particular responsibility for managing the short to medium-term agenda. All the deficiencies of the arithmetic quota system, from the bias

in favour of majority ethnic groups to the limited concern for merit within states and the insufficient attention to ensure a measure of fairness across states should be addressed. There is no reason why candidates currently disaggregated by state of origin or tribe cannot be further disaggregated by qualifications and experience, gender, ethnicity, religion, and urban or rural residence to ensure that the most qualified and the most diverse candidates are chosen from each state across the federation.

The arrangement in the simple arithmetic quota system is fast becoming a liability which needs to be addressed in conjunction with the National Assembly. The FCC can also ensure greater openness and transparency in its operations and selection. Relevant data and information should be made available on the internet. Also, the complaint procedure clearly worked out and spelt out. The relative roles of the FCC and the Federal Character committees of the National Assembly should be worked out without political influence and bias, to avoid confusion and possible conflict.

Nigerian government should take a leaf from both South Africa and Malaysia, where affirmative action was about both transferring wealth to the disadvantaged elite and improving the socio-economic circumstances of the majority of the disadvantaged, enabling them to perform better in open competition.

Since federal rules stipulate that junior posts (levels 01-06) should be filled with candidates from the ‘catchment area’ (location) of the federal establishment, affirmative action has been effectively reduced to ‘senior service’ or elite posts from Level 07. It is highly disappointing that even during this current political dispensation, no commendable effort has been made on the persistence of deep socio-economic and political inequalities in the country. Most of the current concern of FCC is strictly to the political and bureaucratic elite concern to the detriment of the general population.

It is therefore advisable that Nigerian as a whole (governments, communities, families, and individuals) should strive to contribute in eradicating unequal representation and structural inequality. The challenge is to develop policy with the right mix of encouragement, information, support, and sanctions to ensure that every individual and segment plays its rightful part.

Conclusion

Among and between various states, tribe and ethnic groups that make up Nigeria, there exists socio-economic and political imbalances. These imbalances are a result of nature and character of the post colonial Nigerian state. Imbalances exist in almost every sector hence most people feel marginalized. The current situation of the nation and the emergence of insecurity and insurgency ravaging in Niger Delta and some part of the North is an indication of the existence of rivalries between groups or government over share of national cake and equal representation. Consequently, the state of the nation is so lugubrious that ethnic majority seems to be so strong that they can dominate the minorities' interest. Therefore, this has relegated state and ethnic minorities of their constitutional right of self development and actualization. Against this background, the Federal Character Commission was set up to correct these anomalies, to uphold federal character principles. The Federal government set up this Commission in order to guarantee that government decisions and operations reflect federal character on sitting industries, building roads, awarding scholarships, appointment of public office holders, admission, employment and revenue allocation.

For socio-economic and political convenience, federal character should reflect at all level of government with adequate emphasis be placed on merit, qualifications and quota system to promote efficiency in government operations and to prevent mediocrity and parochialism in the running of various sectors of the economy.

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