

**AN OVERVIEW OF FEDERAL CHARACTER PRINCIPLE UNDER THE
1999 CONSTITUTION OF NIGERIA.**

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GOU/U21/LAW/392

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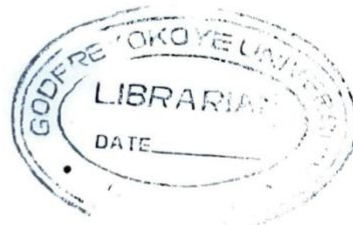
DECLARATION

I, **AMAECHI AUGUSTUS OKWUDIRI** with registration number **U21/LAW/392**, hereby affirm that this work was duly and diligently carried out by me in the Faculty of Law, Godfrey Okoye University, Enugu under the supervision of Dr ONWA ALI ONWA.

The primary and secondary sources used to carry out this legal research, are acknowledged appropriately and referenced herein, within this project. This work is an original and has not been submitted in part or in full for the award of any degree in this or any other Faculty of Law within and outside Nigeria.



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CERTIFICATION

I, Amechi Augustus Okwudiri, with the registration number GOU/J21/LAW/392, certify that the project is done by me, under the diligent supervision of Dr. Onwa Ali Onwa and has been approved by the Faculty of Law, Godfrey Okoye University, Enugu state, in partial fulfilment of the requirement for the award of Bachelor of Laws (LL.B) degree.

Apart from the reference made from other peoples work which has been duly acknowledged, this research work is original and has not been submitted in part or full for any degree of this university or any other university.



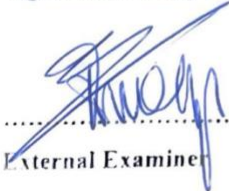
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DEDICATION

This project is dedicated to the Almighty God that this long essay was completed successfully.

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LIST OF ABBREVIATIONS

All NLR — All Nigeria Law Reports

CFRN — Constitution of the Federal Republic of Nigeria

FWLR — Federation Weekly Law Reports

LFN — Laws of the Federation of Nigeria

NLR — Nigerian Law Reports

NWLR — Nigerian Weekly Law Reports

FCC ----- Federal Character Commission

CDC ----- Constitution Drafting Committee

FCT ----- Federal Capital Territory

FCSC ----- Federal Civil Service Commission

SC — Supreme Court

RMAFC ---- Revenue Mobilization Allocation and Fiscal Commission

ABSTRACT

Nigeria is a culturally diverse country with various ethnic, religious, and cultural communities. Due to these various diversities, the Nigerian community faces challenges with regards to the provision of inclusive representation in governmental and institutional positions. Therefore, the Federal Character Principle was established to address such difficulties. This paper highlights some of the information concerning the Federal Character Principle as practiced in Nigeria. It focuses on the origin, objectives, practice, and implementation of the principle, as well as discusses various ways in which various multinational communities cope with the problems associated with diversity. Moreover, the paper highlights the challenges facing the implementation of this policy in Nigeria.

Research shows that the Federal Character Principle plays an important role in enhancing representation and inclusion in various public bodies and institutions. Nevertheless, there are some challenges related to this principle, which include the problem of interference with its implementation processes, favoritism, inefficiency, and political issues.

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

The issue of constitutional management of diversity in plural societies has been one of the most pressing issues of constitutional governance worldwide. Federal power, the allocation of public offices and governmental resources to the constituent units, in particular, is a key determinant of the degree of national integration and political stability in federal states. Federalism became a way to incorporate diversity into a single political system, and to retain the identities and interests of component groups. Federal government is a system of government in which the powers are divided between a central government and regional governments and each has its own constitution within its own authority.

Nigeria is one of the most complicated cases of a plural society. The nation is made up of many ethnic, linguistic, cultural and religious groups with different identities that have an important impact on political relations and governance. Nigeria is known to have over 250 ethnic groups and over 500 indigenous languages, though the figures vary from one source to the other. The fact that a number of those groups live within one political community has raised concerns about representation, participation and equitable access to government opportunities throughout the history of the federation.

The modern state of Nigeria has to a large extent been created by the merger of the Northern and Southern Protectorates in 1914 under British colonial rule. Before this coming together, the diverse ethnic nationalities that are Nigeria now were separate political units with different forms of government, different economic systems and different cultures. The reason behind the unification of the Nations under the colonial rule was economic and administrative convenience, not the consciousness of a nation of Nigeria as a homogeneous state. The Nigerian state thus received deep fissures in society, culture and politics which would become a basis for constitutional development and governance in Nigeria. Nigeria's evolution of a constitution has been marked by an ongoing process of reconciling these differences. All three of the constitutions of 1946, 1951 and 1954 the Richards, Macpherson and Lyttleton Constitutions respectively, attempted to create institutions that would allow the balance between national unity and regional autonomy.

The federal system in the Lyttleton Constitution was adopted, in part, to take into account diversity within the nation and to ensure that one region would not be at the mercy of another. Political competition however during the pre-Independence and post-Independence era took ethnic and regional forms. Political parties tended to form on regional and ethnic basis and rather than promoting national integration, they reinforced divisions.

After independence in 1960, issues of ethnic domination and unequal access to public offices and the disparity between regions increased. The crisis that hit the First Republic from January 1966, culminating in the military coup of the same year and civil war between 1967 and 1970, revealed the weakness of national unity and the necessity of constitutional devices which could facilitate inclusiveness in governance. The Nigerian Civil War was a notable example of how political exclusion and the sense of marginalisation of the constituent groups could be dangerous. This led post-war governments to seek policies to reinforce the bond of the national unity and to cultivate a feeling of belonging among all members of the federation.

The Federal Character Principle was one of the key constitutional solutions to these issues. It gained a lot of visibility during the discussions of the Constitution Drafting Committee (CDC) set up by the Murtala/Obasanjo government in 1975. The Committee saw such a mechanism as crucial to fostering national loyalty and thereby to lessen the fears of domination among the various elements of the federation and believed that a constitutional principle would be necessary for this purpose. This idea was later defined by the Constitution Drafting Committee as the Federal Character, which means the peculiar desire of the peoples of Nigeria to promote national unity, foster national loyalty and ensure that no section of the country gains predominance over other sections of the country in governmental

affairs. This was later adopted in the Constitution of the Federal Republic of Nigeria 1979 and more recently in the Constitution of the Federal Republic of Nigeria 1999 (as amended). Thus, the principle has constituted one of the longest lasting innovations in the history of the Nigerian constitution in political and legal terms.

The concept of Federal Character Principle is very strong and prominent in the Constitution of 1999 among the Fundamental Objectives and the Directive Principles of State Policy. Section 14(3) provides that the composition of the Government of the Federation and its agencies shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity while ensuring that there is no predominance of persons from a few states, ethnic groups or sectional interests. Equally, section 14(4) also imposes a constitutional duty upon government institutions to ensure equitable representation in appointments, recruitment and provision of public opportunities.

To facilitate the implementation of this constitutional mandate, the Federal Character Commission was established under section 153 of the Constitution and the Federal Character Commission (Establishment, etc.) Act. The Commission is empowered to monitor compliance with federal character requirements, work out equitable formulas for the distribution of public offices and ensure adherence to

constitutional guidelines by public institutions. The Commission is the major institutional framework to ensure the implementation of the Federal Character Principle in Nigeria through these functions.

Despite the importance of this constitutional tenet, the Federal Character Principle has been one of the most divisive pillars of Nigeria's constitution. The supporters believe that the principle is an indispensable tool for national integration, political stability and the equitable participation in governance. The principle is a reflection of a desire to strike a balance between unity and diversity in a highly plural society. It is also claimed that otherwise minorities would be subjected to political exclusion and domination by major ethnic groups.

On the other hand, critics argue that the Federal Character Principle has sometimes led to poor performance in terms of merit, efficiency and competitiveness in the public service sector. Some scholars have suggested that the principle has evolved into a form of geographical balancing, as opposed to selection skills. The constitutional requirement for equal representation and the necessity of merit-based administration continue to be one of the major challenges in the Nigerian constitutional order, despite the implementation of the rule for many years.

Moreover, judicial decisions related to the enforceability of the Fundamental Objectives and Directive Principles of State Policy have raised further doubts

about the working of the Federal Character Principle. Section 14 represents a significant constitutional vision but questions remain about the power of courts to enforce compliance with its requirements, in the context of section 6(6)(c) of the Constitution.

The debates have significant implications for constitutionalism, administrative justice and democratic governance in Nigeria. In this background, the study evaluates the Federal Character Principle under the 1999 Constitution of Nigeria through an appraisal of both the constitutional bases and the implementation of the principle, challenges encountered and the effectiveness of the principle as a tool for promoting national integration, equity and good governance.

1.2 Statement of the Problem

The Federal Character Principle was incorporated into the Nigerian Constitution to give the country national unity, allow for equal representation of the various ethnic, religious and regional groups in the country and prevent the dominance of the country's public institutions by any particular group. Although the 1999 Constitution of the Federal Republic of Nigeria (as amended) recognises it as a constitutional right, issues on its implementation have been raised.

The phenomenon of under-representation, marginalisation, favouritism, and non-compliance with federal character in appointments, recruitment and allocation of public office has been a recurring issue over the years. Meanwhile, the doctrine

has been challenged for its alleged geographical focus, and not its merit and competence, and for this reason has raised doubts about efficiency in public administration.

In addition, the Federal Character Commission was created to ensure compliance, but the principle is still in dispute. This challenges has raised questions on the effectiveness of the Federal Character in promoting national integration, fairness and belongingness among all segments of the Nigerian society. Against this background, the present study aims to assess the effectiveness of the Federal Character Principle in the 1999 Constitution of Nigeria, its constitutional structure, its problems and challenges, as well as the implementation of the principle.

1.3 Research Questions

This study seeks to answer the following questions:

1. What is the legal and constitutional foundation of the Federal Character Principle in Nigeria?
2. To what extent does the implementation of the Federal Character Principle under the 1999 Constitution affect the principle of merit in public service recruitment and appointments?
3. What challenges hinder the effective implementation of the Federal Character Principle in Nigeria?

4. How effective has the Federal Character Commission been in enforcing compliance with the Federal Character Principle?

1.4 Objectives of the Study

The broad objective of this study is to critically appraise the Federal Character Principle under the 1999 Constitution of Nigeria. The specific objectives of the study are to:

1. Examine the legal and constitutional foundation of the Federal Character Principle in Nigeria.
2. Assess the extent to which the implementation of the Federal Character Principle affects the principle of merit in public service recruitment and appointments.
3. Identify the challenges hindering the effective implementation of the Federal Character Principle in Nigeria.
4. Evaluate the effectiveness of the Federal Character Commission in enforcing compliance with the Federal Character Principle.

1.5 Scope of the Study

This study focuses on the overview of Federal Character Principle under the Constitution of the Federal Republic of Nigeria 1999 (as amended). It explores the legal and constitutional foundation of the principle, its application in public service recruitment and appointments, the effectiveness of the Federal Character Commission and the challenges confronting its effectiveness. The study also takes

into account the link between the Federal Character Principle and the principle of merit in public administration.

The study also focuses only on the constitutional and legal framework of Federal Character Principle in Nigeria. It is not engaged in an in-depth empirical study of appointments and recruitments in all government institutions. Apart from this, in the deference required, reference may be made to events that happened before the 1999 Constitution, where necessary, but the study is primarily on the operation of the Federal Character Principle under the 1999 Constitution (as amended).

1.6 Significance of the Study

The study is important in both academic and practical aspects. The study adds meaning to the existing body of literature on constitutional law, federal system and public administration in that it critically examines the Federal Character Principle and its position in the Nigerian constitution.

The study will also be useful to students, researchers and scholars who want to appreciate the legal underpinning, implementation and problems of the Federal Character Principle in Nigeria.

From a practical perspective, the implications of this study would be of great benefit to the Federal Character Commission, government agencies, legislators and policy makers in determining the effectiveness of the existing legal framework

and what needs to be done to reform the legislation. The study could also contribute to the discussion of fair representation versus merit in appointments and recruitment in public service.

Lastly, the study makes its contribution to the general debate on national integration, good governance and constitutionalism in Nigeria.

1.7 Research Methodology

This study is based on doctrinal research method in legal research. The doctrinal approach entails the study and analysis of appropriate legal instruments which are relevant to the Federal Character Principle in the 1999 Constitution of Nigeria. The sources of data used in the study is mainly from secondary sources. Such documents cover the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Federal Character Commission (Establishment, Etc.) Act, judicial judgments, laws, textbooks, journal articles, conference papers, government publications and other relevant legal documents.

Relevant electronic sources (when appropriate) such as online legal databases and academic articles, are used in the study as well. The collected materials are analysed qualitatively and analytically to assess the legal framework of the

Federal Character Principle and challenges of its implementation. This methodology is deemed suitable because it allows for a broad examination of the constitutional and legal issues of the Federal Character Principle in Nigeria.

1.8 Limitation Of The Study

It is important to note that each and every academic research is bound by certain limitations, and these limitations may affect the scope, depth, and applicability of the research. The limitations, as they are called, are the boundaries within which the research is conducted. This particular research on the Federal Character Principle as enshrined in the 1999 Constitution of the Federal Republic of Nigeria (as amended) is not an exception. Although the intention behind the research is to have an all-encompassing legal and analytical evaluation of the principle, the researcher encountered certain limitations in the course of conducting the research. The first limitation of the research is that the research is based on the doctrinal method of conducting legal research, and the doctrinal method is based on the analysis of the relevant statutes, case laws, textbooks, and other scholarly materials. This method, although appropriate and relevant in conducting legal analysis, is not based on the collection of data through the use of questionnaires, interviews, and statistical analysis, and as such, the research may not fully capture the practical implications and the real-life experiences

of the individuals affected by the federal character principle. Another important limitation has to do with a lack of accessible and reliable empirical data on the implementation of the federal character principle in Nigeria. Data on Federal appointments, Recruitment patterns in public service, Distribution of infrastructure and resources, etc., are often not publicly available or are poorly documented. When such data does exist, they may also be outdated, incomplete, or inconsistent this limitation affects the ability of this study to do a detailed quantitative analysis of how effectively the principle has been implemented.

1.9 Literature Review

The Federal Character Principle has attracted a lot of scholarly discussions in Nigerian constitutional law, as to why it is just, its constitutional foundations and implications for meritocracy and national integration. The literature is in general divided between those who look upon it as a necessary mechanism of a plural federation to manage diversity and those who see it as a structural compromise on efficiency and merit.

Nwabueze is one of the most authoritative commenters on Nigerian constitutional law today. In his book, "Federalism in Nigeria under the Presidential Constitution", he investigates the structural problems of the Nigerian federalism and the political

need for power-sharing arrangements like the Federal Character Principle. Nwabueze sees federalism in Nigeria as not "pure" or "classical" but one that has been deeply influenced by ethnic pluralism and past distrust between ethnic groups. He argues that, in a politically competitive society that is becoming ethnically polarized, constitutional protection is needed against the domination of any single group. Nevertheless, Nwabueze says the federal character has its merits, but has challenged its strict use, particularly when it compromises competence and good administration. He believes that representation is essential, but must be coupled with merit in order not to compromise state institutions. Hence his essay is a complex one, which favors the principle but cautions against its misuse in practice.

In his seminal work on Federalism and ethnic conflict in Nigeria, Suberu does a more critical and empirical evaluation of the power-sharing system in force in Nigeria, including the Federal Character Principle. Suberu situates the principle in the context of the broader field of ethnic conflict management in divided societies. He contends that federal character was created to foster inclusion and mitigate ethnic tension, but that it has often been seen as strengthening ethnic consciousness, not diminishing it. The principle propagates ethnicity by establishing ethnic origin a key criterion in political and administrative allocation, he said. Suberu also argues that the proportional representation system has not

eradicated the issue of marginalisation as political elites have been able to use the principle for patronage. It is therefore not an effective tool of conflict resolution, and may in fact reinforce the divisions it is meant to overcome, he writes. However, he recognizes that “in the absence of a better integrative institutions, federal character continues to be a political compromise in Nigeria's delicate federation”.

In *Crippled Giant: Nigeria Since Independence*, however, Osaghae offers a more general and sociopolitical perspective on Nigeria's governance problems, such as representation and inclusion. He says Nigeria's post-independence political crisis is not an ideological one, but rather one related to access to state power and resources. Osaghae's Federal Character Principle was a reaction to the ongoing fear of exclusion among Nigeria's various groups. He admits the principle has helped lower the level of tacit domination by specific areas in the allocation of federal jobs, but notes that the rule has its drawbacks. Osaghae notes that federal character is not a panacea to the ethnic competition, but rather a mechanism to institutionalise ethnic competition. The focus on group identity for governance has also damaged the building of a strong national identity, he also says. In his words, the challenge goes beyond representation, it is a creation of a state that is not based on ethnic bargains. Hence, although he agrees that the principle is intended to bring stability, he doubts its ability for long-term national integration.

In his article on National Integration and Power sharing in Nigeria, Ayoade presents one of the strongest criticisms of the Federal Character Principle. He calls it a "political rule" that "involves more about balancing by geography and ethnicity than about competency and efficiency. Although the concept of federal character is grounded on the idea of fairness, Ayoade contends that the reality is that it has often led to what he calls the "mediocratisation" of the public service. He observes that quotas in certain institutes often determine the recruitment process, not qualifications. This, he said, 'takes away the professionalism and weakens the institutional situation'. Ayoade is also challenging the notion that proportional representation necessarily translates to national unity, highlighting that it could foster ethnic consciousness by always reminding citizens of their regional identities. But in spite of his criticism, he admits that it has become a political fact in Nigeria, and is not easy to replace without further aggravation.

Sagay has offered a constitutional critique of the Federal Character Principle, which he calls one of the most controversial provisions of the 1999 Constitution. In his analysis, Sagay says the principle also leaves out a balance between equality and merit, enforcing fixed quotas in public offices. He argues that the intent is to make it inclusive but the result is to promote the federal character over competence. In particular, Sagay is worried about how it's used in fragile sectors like the judiciary, military and civil service, where competence plays a key role in

effective governance. On the other hand, he claims it undermines the spirit of the equal treatment before the law by using it to deal with individuals not as citizens with equality but as representatives of ethnic or regional groups. However, he admits that there is a need for balance in Nigeria which has a history of mistrust and fear of domination. His work thus demonstrates the underlying conflict in the Constitution between distributive justice and merit-based government.

Based on the critical study of literature, there is a good amount of research in the political and sociological aspects of the Federal Character Principle, but not much research that addresses the doctrinal aspects of constitutional operations of the Federal Character Principle under the 1999 Constitution. By far, most of the studies are either on ethnic conflict or on political stability or on administrative efficiency, but fail to make a detailed legal appraisal of the constitutional provisions and institutional enforcement mechanisms, and the judicial constraints on the principle. The study therefore aims to close this gap by offering extensive constitutional and legal study of the Federal Character Principle, its effectiveness, challenges and implications for governance in Nigeria with an emphasis on effectiveness.

CHAPTER TWO

CONCEPTUAL AND THEORETICAL FRAMEWORK

2.1 Conceptual Framework

2.1.1 Concept of Federal Character Principle

The Federal Character Principle is a constitutional principle that came into existence in Nigeria's political landscape due to the nation's multi-ethnic, multicultural and multi-regional makeup. It is aimed at making appointments to public service institutions, allocation of governmental resources and access to political opportunities a reflection of the diversified nature of the Nigerian state. The ultimate goal is the prevention of domination by any particular ethnic group, region or portion of the country and the promotion of inclusion, equity and national loyalty amongst citizens.

This is constitutionally protected in Section 14(3) and 14(4) of the Constitution of the Federal Republic of Nigeria 1999 (as amended). Section 14(3) stipulates that the composition of the Government of the Federation and its agencies shall be done in a way that reflects the federal nature of Nigeria and a spirit of national unity and that no predominance of any person from few states or ethnic groups shall be allowed. Section 14(4) applies the same requirement at the state and local government level. While under Chapter II of the Constitution, which is considered

non-justiciable per se by virtue of the conferral of section 6(6)(c), the principle has been institutionalised and translated into practice.

It was as a reaction to Nigeria's post-colonial political crisis, particularly the ethno-regional tensions that marked the 1960s era of its First Republic and would see the military coup of 1966 and the Nigerian Civil War (1967-1970) that the principle came into being. Successive military governments stressed the need for mechanisms to rebuild trust between Nigeria's various groups and to promote national cohesion after the Nigerian Civil War.

This prompted the deliberations of the Constitution Drafting Committee (CDC) in 1976 where the principle of the Federal Character of the State was clearly expressed in Nigeria's constitution structure. The definition of federal character by the CDC is a “distinctive desire of the peoples of Nigeria to promote national unity, foster national loyalty, and give every citizen a sense of belonging to the nation notwithstanding the diversities of ethnic origin, culture, language or religion.” Federal character is thus a principle of inclusivity and distributive fairness, but not necessarily equality. It strives for a representative justice in a plural federation.

From the institutional perspective, the Federal Character Principle is implemented through the Federal Character Commission (FCC) which was set up by the 1999 Constitution under section 153 and is regulated by the Federal Character

Commission (Establishment, etc.) Act. The Commission has the authority to ensure adherence to the principle in public appointments, recruitment, enrolment to federal institutions and allocation of public appointments to various geo-political zones.

The Federal Character Principle, though constitutionally entrenched, has been a source of much controversy on the legal and political landscape of Nigeria. The issue of equity versus merit continues to be one of the most talked about in the Nigerian Constitution. In practice the principle has also been influenced by political concerns and there have been charges of selective compliance by governments. This has led to doubt over if the principle has actually lived up to its constitutional goal of national integration or has simply become a tool for promoting ethnic consciousness in the institution of government.

2.1.2 Concept of Meritocracy in Public Service

Meritocracy in public service means a recruitment, promotion and appointment system that relies solely on the individual's competence, qualifications, skills, performance and professional ability without sex, ethnicity, state of origin, religion and political affiliation. The essence of meritocracy is that offices within the government should be filled by the top individuals with the most capability to provide effective governance, services and enhance efficiency and productivity. It

is closely identified with the idea of professionalism, of neutrality of the civil service, and of institutional competence.

The idea of meritocracy is intellectual descendant of liberal political philosophy and contemporary administrative theory, which stress the rational process of selection and equality of opportunity. In public administration, merit-based systems are rationalized in terms of the assumption that a merit-based selection of employees for positions and jobs in government institutions leads to better performance of government.

In Nigeria, the concept of meritocracy is created implicitly in the constitution in relation to equality of opportunity and efficiency of public service. It is however not specifically stated as a blueprint in the 1999 Constitution of the Federal Republic of Nigeria (as amended). Rather, it works in conjunction with other constitutional principles, such as the Federal Character Principle that is provided for in section 14(3) and (4) of the Constitution, which mandates that public appointments and utilisation of resources be fair and take into account the diversity of the federation. This presents an inherent tension between merit-based appointment and representational fairness.

The public service was originally organised based on the British model of a civil service during the colonial era. Following the consolidation of the nation after independence, especially the growing ethnic sensitivities and calls for

inclusiveness, there was pressure for reforms based on the different ethnicities of Nigeria, which would involve more than just competitive examinations and professional qualifications. The concept of meritocracy in Nigeria have been said to have been drastically changed with the introduction of the federal character. In public service recruitment, merit is still a formal criterion, but is now subject to certain limitations regarding geographical representation, which some scholars call “qualified meritocracy” or “balancing merit with equity.” The implications of this tension have also been underscored in recent scholarship, which has pointed out how a greater focus on representational equity could have negative impacts on efficiency and professionalism in public service delivery. Others suggest that a meritocratic system in a polarized society could intensify polarization and endanger the unity of the nation.

2.1.3 Concept of the Federal Character Commission (FCC)

It is the main constitutional and statutory body set up to facilitate the implementation, monitoring and enforcement of the Federal Character Principle in Nigeria, this is the Federal Character Commission (FCC). It is derived from the Constitution of the Federal Republic of Nigeria 1999 (as amended) section 153(1) (c) and the Third Schedule, Part I(C) of the Constitution which provides its functions and powers. The Federal Character Commission (Establishment, etc.) Act enhanced the powers of FCC. The Commission comprises of one member each

from the 36 states of the federation including the FCT and is Chaired by a Chairman to ensure geographical representation.

The basic functions of the FCC are to ensure compliance, monitor compliance and promote compliance in relation to the Federal Character Principle in the Federal Ministries, Departments and Agencies and Federal Public Institutions. It has the power to ensure fair distribution of posts and to give advice to government regarding policy matters on federal character compliance.

The FCC in practice will review the recruitment procedures and employment records in federal institutions to make sure they meet the constitutional requirements. But its effectiveness has been doubted because it does not have the authority to enforce—its rulings are advisory in nature. Some questions have been raised about political interference in how it is operated, influencing its independence and neutrality. Yet, despite these problems, the FCC has continued to play a critical role in Nigeria's constitutional structure in regulating diversity and fostering inclusion in governance.

2.1.4 Concept of Equity and Fair Representation in Public Service

Equity and fair representation in public service means that there is equality of opportunity for access to government opportunities, appointments, employment and the allocation of resources in a way that is consistent with the diversity of a

society governed. Equity is a more specific concept than equality and takes into account past inequities and imbalances in the system.

Fair representation in plural societies like Nigeria is associated to political stability and national integration. When groups feel excluded, it can result in mistrust of government and a call for restructuring.

The Federal Character principle of equity and fair representation in Nigeria is entrenched in the constitution under section 14(3) and (4) of the 1999 Constitution. The principle makes sure that none of the groups dominates the government institutions. The idea has not been accepted as a fact, though. The use of equity in Nigeria is also affected by political considerations, thus doubting whether it is a constitutional principle or political instrument. There is also a concern about whether equality is a constitutional principle or a political instrument.

2.2 Theoretical Framework

2.2.1 Consociational Democracy Theory

The theory of consociational democracy, as articulated by Arend Lijphart, is used as the basis of this study. The theory is especially important for highly polarised and plural societies in which ethnic, religious, linguistic or

regional divisions can lead to the weakness of majoritarian democracy. Consociationalism suggests that political stability of these societies can be achieved through the realization of a structured power sharing mechanism among elite representatives of different segments of the population. Of the four elements, proportionality is of particular interest to this study, since it is directly related to the Federal Character Principle which aims at achieving a balance between the representation of Nigeria's various groups in public institutions.

The concept of consociationalism offers a framework that can be used to understand the constitutional principles of the Federal Character Principle in Nigeria. Nigeria is known as a truly plural society, having more than 250 ethnic groups, strong regional identities and religious divides.

These structural divisions have been a source of political instability, inter-group mistrust and regular calls for inclusion in governance in the past. Thus the Federal Character Principle may be read as a consociational principle that aims to defuse tensions by achieving parity in the representation of all the federated units in the institutions of government.

The theory, however, provides a good basis for explanation, but its implementation in Nigeria has been imperfect. In Nigeria, power-sharing is different from the classical consociational systems in which elite agreements are stable and institutionalised, but instead are often informal, politically negotiated

and contested. This has resulted in problems in implementation, and allegations that the federal character compliance is sometimes motivated by political patronage instead of the constitutional principles.

However, consociational democracy continues to be very relevant in understanding the reasons for the incorporation of the Federal Character Principle into the Nigerian Constitution and its operation in the Nigerian federalism. Gives a normative argument for balancing representation in a society with high ethnic and regional diversity, and puts the design of the constitution in the context of political stability.

2.2.2 Distributive Justice Theory

The theory of distributive justice is also applicable in this study, especially the one developed by John Rawls. Distributive justice is concerned with the just allocation of rights, resources and opportunities in a society. Rawls proposes that social and political institutions should be organized to ensure that inequalities are “directed to the benefit of the least favoured members of society” (taken from the original in the United States); this is known as the “difference principle” (DP).

Distributive justice, in its moral and philosophical sense, gives some sort of justifying ground to policies that seek to remedy the imbalance in structures between groups. In terms of that, it reinforces the notion that equality of treatment alone might not be enough in societies that have experienced inequities in the past

and that need something more (preferential or corrective) to attain substantive fairness.

The Federal Character Principle in Nigeria can be understood as a distributive justice mechanism to redress the historical and structural inequalities between ethnic and regional groups. There are historical inequalities in the access to education, access to political power and economic development, hence certain groups feel disadvantaged regarding distribution of public offices and resources. The Federal Character Principle thus aims to redress such imbalances by ensuring that appointments and recruitment to the public service are made in an equitable manner.

However, the application of distributive justice in Nigeria raises important constitutional tensions, particularly in relation to meritocracy and efficiency in public administration. While the principle promotes fairness in representation, critics argue that it may sometimes result in the appointment of less qualified individuals, thereby affecting institutional performance. The challenge therefore lies in achieving a balance between corrective justice and functional efficiency within the framework of constitutional governance.

CHAPTER THREE

LEGAL AND INSTITUTIONAL FRAMEWORK OF THE FEDERAL CHARACTER PRINCIPLE IN NIGERIA.

3.1 Constitutional Framework of the Federal Character Principle

The Federal Character Principle is very entrenched in the 1999 Constitution of the Federal Republic of Nigeria (as amended), which is part of the constitutional approach to tackling ethnic, regional and religious differences in Nigeria. The principle thus acts as a constitutional solution to the problems of pluralism in a federal state.

Section 14(3) of the constitution has been considered to be the main thrust of Nigeria's commitment to inclusiveness in government, which is grounded in the federal character of Nigeria and promotes national unity. Other constitutional provisions also support this through specific institutional arrangements like the Federal Executive Councils and appointments of Ministers, highlighting the fact that the Federal Character Principle is not only aspirational, but should have practical impact at every level of government. The Constitution also provides that the Federal Character Commission should be an institutional instrument to ensure compliance with the principle, thus providing it with administrative and regulatory powers.

While the principle is entrenched in the constitution, however, there is a substantial debate on the impact of the principle on meritocracy and efficiency in public administration.

3.1.1 Section 14(3) of the 1999 Constitution (As Amended)

The Constitution of the Federal Republic of Nigeria 1999 (as amended) stipulates that:

“The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be such as will ensure that the federal character of Nigeria and the need to promote national unity is reflected and command national loyalty thereby securing that no one state, nor a few ethnic or other sectional groups have a predominance in that government or in any of its agencies.”

The cornerstone of the Federal Character Principle is this provision. It is a constitutional requirement for the government to have a representative body in public institutions. These phrases in the section clearly reflect two major goals: one being the promotion of national unity, and the other being to prevent any ethnic or regional group from dominating. Section 14(3) from a constitutional law point of view is also directive and normative. Establishes a standard of governance and acts as a framework for institutional compliance. The provision is not in its strict sense self-executing as it needs institutional mechanisms to be effective, especially the Federal Character Commission. Section 14(3) has been criticised for its conflict with the principle of merit in public service recruitment. The provision

is inclusive, but very general, meaning it can be politically used and therefore will affect governance efficiency. Likewise, researchers say the section was an attempt at “balancing act between equity and competence” in Nigeria's federal system.

There has been limited judicial understanding of section 14(3); however, in most cases it has been used as a guiding constitutional principle and has not been seen as directly actionable by individuals, unless there is a supporting statutory or institutional framework.

3.1.2 Section 14(4) of the 1999 Constitution (As Amended) and the State Character Principle

Section 14(4) of the Constitution extends the Federal Character Principle to State and local governments. It requires distribution of authority in the government of a state, local government council, or any of their agencies, in a way that acknowledges the diversity of the people in this area and fosters a sense of belonging and loyalty among all parts of the population.

The State Character Principle is a provision that is often used when referring to the State level provision in section 14(3), but is more aligned with the sub-national level. In principle, it is aimed at removing the possibility of one ethnic group, one local government area or one political bloc dominating the internal executive system of a state. In practice, it implies that the internal executive system of a state, including local government areas and state agencies, should represent the

diversity of the state. In this regard, Section 14(4) confirms the overall constitutional goal of the management of diversity at all levels of government in Nigeria. It acknowledges that ethnic and sectional tensions are not just a federal issue, but are found at the state and local level.

In line with this, it establishes inclusivity as a good governance principle in Nigeria's federal structure. But section 14(4) has met with criticism. In some states, the majority ethnic groups have been able to dominate politics and as a consequence, there has been an “internal federal character imbalance” in which minority groups are under-represented in state institutions, as noted by scholars.

The issue here is the effectiveness of the enforcement of the constitution on the sub-national level, especially no dedicated body at the state level like the Federal Character Commission to enforce the constitution. In spite of such obstacles, section 14(4) of the Constitution is an important principle of political inclusion and social cohesion. It reinforces an argument that the principle of federal character is not only a rule for federal executive but a general rule of governance in Nigeria.

3.1.3 Section 147(3) and Ministerial Appointments

Section 147(3) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides that any appointment to the office of Minister of the Government of the Federation shall be made in a manner that reflects the federal

character of Nigeria, and in particular, the President is required to appoint at least one Minister from each state of the Federation. This provision is one of the most direct and practical constitutional applications of the Federal Character Principle.

The essence of section 147(3) is that geographical inclusiveness in the composition of the Federal Executive Council be ensured. The Constitution's requirement for each state to be represented has an obvious national unity effect and helps to avoid the localization of executive power in a few regions or ethnic groups. This also strengthens the notion of the Federal Government having to mirror Nigeria's pluralism in its decision making process.

The provision in practice, therefore, imposes a constitutional constraint on the discretion of the President in making ministers. The President's powers to appoint Ministers are not unlimited, however, because they must be exercised in accordance with the requirement for the federal character that must be included in the Constitution. This means that there is a balance between executive discretion and inclusion in the Constitution.

But academic writing has expressed some doubts about the effect of section 147(3) on competence-driven governance. Others suggest that the requirement of at least one Minister per State sometimes results in the appointment of someone who may not be the most qualified for a particular portfolio and thus adversely impacts administration. Others, however, argue that the provision is a political

necessity that is intended to keep the federation united amidst its high internal diversity. There is still a limited amount of judicial interpretation of s147(3) and the courts have been hesitant to get involved in appointments of ministers, which they have regarded as a political matter as long as the constitutional requirements are fulfilled.

3.1.4 Section 171 and Presidential Appointments into Federal Public Service

The discretionary power of the President under section 171 of the Constitution, to make appointments for establishment of certain public offices in the Federal Republic of Nigeria, including the Secretary to the Government of the Federation, ambassadors, principal representatives in foreign countries and others in the senior public service of the Federation, is constitutionally limited by the requirement to ensure that appointments are made in accordance with the Federal Character Principle, as stipulated in section 14(3).

This means that the executive nature of presidential appointments should reflect the diversity of Nigeria, with the implication being that the appointments are executive in nature. The provision thus implements the Federal Character Principle at the top levels of the executive branch. In reality, section 171 has created some controversy, especially as it relates to the wide interpretation of presidential discretion. The flexibility has been criticised for allowing for selective

compliance with the federal character requirement, depending on political considerations.

Despite the absence of a clear enforcement mechanism under section 171, the provision is an important constitutional element to incorporate inclusiveness into the Federal Executive in Nigeria.

3.1.5 Section 153(1)(c), the Third Schedule, and the Federal Character Commission

The Federal Character Commission (FCC) is one of the Federal Executive Bodies established by Section 153(1)(c) of the Constitution. The Commission is the core institutional framework for the monitoring, enforcement and compliance with the Federal Character Principle in all ministries, departments and agencies (MDAs) as set out in Part I(C) of the Third Schedule to the Constitution.

Thus, the Commission is tasked with developing an equitable formula for the distribution of all cadres of posts in the public service, to step up the promotion, monitoring and enforcing compliance with the constitutional principle and to advise the government on measures to ensure national integration. Though the FCC has constitutional support, it has been lambasted for lax enforcement efforts and political manipulation. Others contend that the Commission's institutional weaknesses stem from legal constraints that keep it from being a strong regulator, as well as from the fact that it is too reliant on executive authority. However, the

FCC is still at the heart of the Federal Character Principle, in that the agency spells out how the constitutional ideals are translated into the implementation of public service recruitment and distribution of opportunities.

3.2 Statutory Framework for the Implementation of the Federal Character Principle

In addition to the constitutional bases, the Federal Character Principle is also supported by the statutory provisions, with the most notable being the Federal Character Commission (Establishment, etc.) Act. The statutory framework is designed to give practical effect to the constitutional mandate under sections 14(3) and 153(1)(c) of the 1999 Constitution (as amended). It therefore serves as the operational bridge between constitutional ideals and administrative implementation.

The strength of enforcement institutions and political will goes a long way to determine the effectiveness of the statutory regime, as it is designed to ensure that federal character considerations are not only declaratory but enforceable in the recruitment, promotion and distribution of public opportunities across Ministries, Departments and Agencies (MDAs).

3.2.1 The Federal Character Commission (Establishment, etc.) Act

The Federal Character Commission (Establishment, etc.) Act provides the legal framework for the activities of the Federal Character Commission (FCC) and their

functions, powers and guidelines, including its role on monitoring adherence to the Federal Character Principle in the Federal public service.

The Act vests on the Commission the power to ensure that appointments, promotions and recruitments to the public service is in accordance with the “federal character” of Nigeria. It also has power to create and implement formulas for the equitable allocation of posts and socio-economic facilities among the federating units. The legislative support provides the Commission with a legal basis for regulating compliance, in addition to the constitutional basis. Further, the Act includes reporting and advisory powers, which are to be exercised periodically, and the Commission is to give recommendations to the federal government for improving the fairness of public service representation. Even with these measures, however, the Commission has been noted in the scholarly literature as having limited enforcement powers, as the Act does not provide it with much coercive power.

3.2.2 Enforcement and Compliance Mechanisms under the Statutory Framework

Monitoring, evaluation and administrative controls under the Federal Character Commission Act are the tools used to enforce the provisions of the Act; no judicial or punitive measures are provided for. The Commission monitors compliance of

the federal character requirements through audit of the recruitment process in MDAs, and intervenes whenever an imbalance is detected in the records of appointments. But enforcement is mostly of an administrative character. FCC has weak prosecutorial powers and its recommendations are frequently ignored or approved by executive powers, causing complaints of voluntary, not mandatory compliance in practice.

In addition, the lack of explicit rules and regulations that set penalties for not complying with the law reduces the effectiveness of the legal system to deter non-compliance. Consequently it is a political process in the executive branch of government that has a major impact on the effectiveness of the statutory regime, which gives it structure.

3.3 Institutional Framework for the Implementation of the Federal Character Principle

This institutional arrangement is a web of institutions which have roles and responsibilities in the implementation, monitoring, and compliance of the Federal Character Principle on equitable representation as stipulated in the constitution and statutes of the Federal Republic of Nigeria. The success of the Federal Character Principle is heavily reliant on the way these institutions operate in coordination with each other, as they are meant to give effect to sections 14(3) and 153 of the Constitution.

The multi-institutional approach is aimed at mainstreaming the Federal Character issue throughout governance structures in addition to the Federal Character Commission as the main regulatory body.

3.3.1 The Federal Character Commission (FCC)

The Federal Character Commission (FCC), as it is currently known, is still the main body to keep track of, and enforce adherence to, the Federal Character Principle. The Commission has been created pursuant to the constitutional provision in section 153(1)(c) and is given effect to by the Federal Character Commission Act, and its job is to ensure an equitable distribution of public offices and socio-economic opportunities between the states and geopolitical zones.

The FCC can also review the recruitment of personnel, check the lists of candidates submitted by MDAs and ensure that no ethnic or state group is overrepresented in the federal units. The FCC also recommends national policies that foster national integration and fairness in public administration. The Commission has been, however, much condemned for the lack of enforcement powers, although it is constitutionally entitled to have them. Its reliance on the executive branch of government has been interpreted by scholars as a threat to its autonomy, which has a negative impact on compliance enforcement.

3.3.2 Ministries, Departments and Agencies (MDAs)

The Federal Character Principle is implemented in the day-to-day governance through Ministries, Departments and Agencies (MDAs). These institutions have the responsibility to ensure that their recruitment, promotion and appointments are in line with the federal character requirements within their respective structures. In practice, MDAs will need to submit recruitment plans and appointment lists for review and approval by FCC, which is designed to ensure representation balance. Yet, compliance is unevenly distributed between MDAs, with some practising selective compliance as a result of political and/or operational pressures.

Institutional discipline and robust FCC oversight, therefore, will be major factors that will determine the effectiveness of MDAs in implementing federal character.

3.3.3 Federal Civil Service Commission and Other Oversight Bodies

The Federal Civil Service Commission (FCSC) is a very significant body in the field of recruitment and disciplinary control in the federal civil service. It is not the main institution in place for the enforcement of the Federal character, but the recruitment processes of the institution must conform with the requirements of equitable representation. Other accountability mechanisms like recruitment boards and public service commissions also play an indirect role in the implementation of the principle in terms of ensuring fairness in employment practices.

The National Assembly also has oversight powers in its committees, including the oversight of the adherence to the constitutional provisions in respect of appointments to public service and budget allocations. Another check on the discretion of the executive.

3.4 Judicial Attitude Towards the Federal Character Principle

The judiciary has an important role to play in the interpretation of provisions of the Constitution including those on the Federal Character Principle. The attitude has affected how the Federal character issues are adjudicated in Nigeria. In most federal character disputes, especially those involving appointments, recruitment, and distribution of offices, the courts have historically been hesitant to intervene in matters of politics and administrative policymaking. This judicial restraint may be rooted in the fact that questions of federal character are intimately related to the politics and policy decisions of the executive branch.

3.4.1 Judicial Understanding of Constitutional Principles on Federal Character

In areas where the Federal Character Principle has been considered by courts, the courts have recalled the Constituent Act of 1973 but have also recognised the

discretionary space of the executive. So, in *Buhari v Obasanjo*, the Supreme Court gave a broad interpretation to the constitutional obligations of compliance in appointments and governance but without making an express finding of a constitutional violation.

Likewise, the courts have repeatedly ruled that the meaning of a provision of the Constitution should be found in the context of the provisions which give the executive the power to make appointments. This construction, which has been repeated over the years, has restricted the direct enforceability of federal character claims unless there is a clear violation. This judicial position is so supported by scholarly commentaries which have noted that in Nigeria, courts have been reluctant to replace their opinions on public administration in general and balancing competing constitutional principles in particular with that of the executive.

3.4.2 Selected Judicial Approaches and Case Law Trends

While there is no rich jurisprudence in Supreme Court applications of the Federal Character Principle, there are some cases of appointments and constitutionalism, which shed light on judicial thinking. The Court has, in general, accepted the adage that constitutional requirements should be observed, but not that the courts should become the overseers of the executive branch unless it can be established that such action is illegal.

The conservative stance has attracted criticism that the Federal Character Principle is not strongly enforced by the judiciary. Others contend that this is part of the “soft constitutionalization” of federal character, as the principle is codified in law but is not well entrenched in the courts and lacks judicial enforcement mechanisms. A few argue, however, that judicial restraint safeguards separation of powers and averts undue encroachments on executive governance.

In general, the attitude of the judiciary is constitutional interpretation without interfering in the implementation of federal character with respect to those disputes.

CHAPTER FOUR

APPLICATION, CHALLENGES AND CRITICISMS OF THE FEDERAL CHARACTER PRINCIPLE

4.0 Introduction

The Federal Character Principle is one of the most unique constitutional mechanisms used to overcome the problem of diversity, inequality, and imbalanced development in Nigeria. The principle is stipulated in Section 14(3) and (4) of the Constitution of the Federal Republic of Nigeria 1999 and is designed to safeguard the national unity by ensuring that the public institutions are not

dominated by any particular ethnic, regional, or sectional group. Despite its constitutional importance, practical side of the Federal Character Principle has caused a lot of discussion both in academia and in the policy community. Although it has also been instrumental towards enhancing inclusiveness in the public service and government, its application has equally been criticized to have undermined meritocracy, creating the encouragement of political manipulation and also the failure to remove the perception of being marginalized. The chapter thus looks into how the Federal Character Principle can be applied in the practical field especially in the public service, political appointments and resource allocation. It also questions the issues that surround its implementation and the review of the criticisms aired by scholars and by the masses.

4.1 Application in Public Service and Appointments

The main field within which the Federal Character Principle is operationalized in Nigeria is the public service. This is a constitutional directive under Section 14(3) of the Constitution of the Federal Republic of Nigeria 1999 that makes the federal government obligated to ensure diversity of the federation is reflected in the appointments, promotion, and distribution of personnel in the federal establishments.

4.1.1 Institutional Framework for Implementation

The character of the application of the Federal Character Principle to public service is primarily facilitated by the Federal Character Commission (FCC) which is constitutionally established based on the provisions of Paragraph 8 of Part I of the Third Schedule to the Constitution (as amended). The FCC is also empowered in the performance of its functions to develop fair formulas on what and how much of the public service positions should be distributed and to ensure that no state or ethnic group gets a bigger share than any other state or ethnic group. Nevertheless, though it has a wide scope of mandate, the effectiveness of the FCC has been curtailed by structural and legal restrictions. It is worth noting that the Commission does not have strong enforcement powers as it is not able to impose binding sanctions on defaulting institutions. Its functions are mostly supervisory and advisory, thus restricting its ability to ensure compliance.

4.1.2 Application in Recruitment into the Federal Public Service

One of the most visible applications of the Federal Character Principle is in recruitment into the federal civil service. In practice, it is expected that vacancies are distributed across the thirty-six states and the Federal Capital Territory, Abuja with each state being expected to have a fair share of representation. Although this system ensures inclusivity and opportunity to individuals in less developed regions, disparities in recruitment standards have also become a reality. In

some cases, educationally disadvantaged states have been granted the privilege of lower qualifications to achieve a balance of geographical diversity.

The practice also poses significant legal and policy concerns about the equity/merit balance. Although the constitutional purpose is to provide fairness in representation, the fact that the quotas rely on the state origin is a fact that can jeopardize the provision of fairness in representation.

4.1.3 Application in Promotion and Career Advancement

The Federal Character Principle does not only apply to entry-level recruitment, but also to promotion and career advancement in the public service. In theory, civil service promotion should also address the notion of merit as well as that of federal character so that no single group of people would be dominating senior administrative positions. Practically, though, the exercise of the principle at this stage is still less organized and frequently at the discretion of the administration. Although seniority, competence and political factors are put into consideration when determining who will be promoted, they have not been able to balance these three factors regionally when it comes to decisions affecting promotions. This poses a crunch of upholding representational balance and upholding professional values in the field of the public service. In cases where the aspect of federal character is overemphasized, the efficiency and institutional capacity might be jeopardized.

4.1.4 Application in Strategic and Sensitive Appointments

Application of the Federal Character Principle is especially important in the process of appointments to strategic and sensitive posts in the public service, including the armed forces, police and other key regulatory agencies. They are important posts to the governance and national security of any nation, and their distribution is likely to draw the attention of the media and the public. Indicatively, during the rule of Muhammadu Buhari, there was a concern that there is undue regionalization of appointments at strategic security positions. The controversiality of such patterns was pointed out by critics as inconsistent with the spirit of Section 14(3) of the Constitution and, in general, as undermining the purpose of a national inclusiveness.

4.2 Application in Political Offices

The application of the Federal Character Principle in political offices represents one of the most visible and constitutionally structured dimensions of its operation in Nigeria. Its application in political appointments is more specifically based on constitutional provisions and thus has a greater normative power than when it is applied in the public service which is dominated by administrative functions. The goal is the same; to make sure that the composition of the federal government reflects the diversity of the federation and prevents the pre-eminence of certain particular group.

4.2.1 Constitutional Basis for Political Appointments

The principles of the application of the Federal Character Principle to political offices are largely based on particular provisions of the Constitution of the Federal Republic of Nigeria 1999. Section 14(3) contains the general directive on federal character, but there are other provisions that provide it with a concrete form in the case of political appointments. An important illustration is the provision of Section 147(3) which requires that the President shall appoint at least one Minister to represent each state of the Federation.

Though this section does not specifically reiterate the requirement of federal character, such appointments are simply supposed to be in line with the greater constitutional imperative under Section 14(3).

4.2.2 Appointment of Ministers

This appointment of ministers gives us by far the most graphic illustration of the practical application of the Federal Character Principle with respect to political offices. The Constitution guarantees the geographical inclusivity at the very top of the executive decision-making process. Practically, this has fulfilled this constitutional requirement since Presidents such as Olusegun Obasanjo, Goodluck Jonathan and Muhammadu Buhari have not only appointed their individual ministers per state, but have also not necessarily ensured fair allocation of influence within their respective cabinet. Concentration of key ministerial

portfolios like finance, defence and petroleum is often exercised to the favour of persons in certain regions, raising questions of substantive as opposed to merely formal compliance with the federal character.

4.2.3 Appointment of Ambassadors and Heads of Agencies

The Federal Character Principle is also applicable to appointment of ambassadors, high commissioners and heads of federal agencies. These have been appointed by the President pursuant to Section 171 of the Constitution of the Federal Republic of Nigeria 1999, and are expected to reflect, the diversity of the federation. The membership of boards, and the heads of federal agencies are supposed to exhibit federal character, according to guidelines given by the Federal Character Commission.

In spite of such expectations, the appointment process of ambassadors and the heads of agency have been criticized in the past as being non-transparent and being subject to political influence. Appointments have in most cases been seen as rewards of political loyalty, and not as the result of a balanced and merit-based appointment process.

4.2.4 Appointment of Service Chiefs and Security Officials

One of the most controversial things about the implementation of the Federal Character Principle has been the application of the principle in the appointments of service chiefs and senior security officials. The geographical balance of

leadership roles within the sectors of military and security is thus under a close examination owing to the strategic significance of the military and security institutions. When Muhammadu Buhari was in power, the concentration of most major security appointments to favour some regions was raised. In their defence, those who supported the administration argued that such appointments were not only made based on competence, experience, and trust, but also in issues that concerned the national security. This tension brings out a greater dilemma to the implementation of the Federal Character Principle; the necessity to balance the need of representational equity with the requirements of efficiency and national security.

4.2.5 Limitations in the Application to Political Offices

Despite a constitutional support, the use of Federal Character Principle in political offices is subject to a number of limitations. First, though some of these appointments are directly controlled by the Constitution, e.g., the appointment of ministers, many others are subject to broad discretionary powers vested in the President. This gives the possibility of selective compliance and imbalanced application of the principle. Second, it lacks clear enforcement mechanisms hence making it weak. Although the Federal Character Commission has the power to check the compliance, its powers remain limited in the political appointment and it does not have the powers to override appointments which

have violated the requirements of the federal character. Lastly, the principle can be frequently applied on the surface level of formal representation without tackling the underlying problem of power distribution. Consequently, even in the situations where the appointments seem to be equalized on paper, some areas or groups may still maintain an unequal distribution of influence in the political system.

4.3 Application in Resource Allocation and Education (Quota System)

The application of the Federal Character Principle extends beyond appointments into the public service and political offices to encompass the distribution of national resources and access to educational opportunities. In its expansion to these spheres, unlike in its relatively structured application in public service appointments and political offices, its extension to these areas is largely mediated through policy instruments and administrative practices, rather than explicit constitutional directives. This puts a complicated legal environment where constitutional ideals, statutory laws and executive discretion overlap to create conflicts between equity, merit and legality. But the Constitution does not specifically grant a quota in either the distribution of resources or the admissions to schools. As a result, the principle application on these grounds brings critical issues on the constitutional scope, legal validity, and normative justification of the principle.

4.3.1 Federal Character and the Legal Framework of Resource Allocation

Section 162 of the Constitution of the Federal Republic of Nigeria 1999, which stipulates the Federation Account and the allocation of revenue between the three levels of government, is the primary guiding principle in resource allocation in Nigeria. Even though the Fair Character Principle is not directly mentioned in Section 162, one can find the objective principle of fairness and inclusiveness in the overriding constitutional promise of fairness and inclusion. Practically, revenue apportionment formulae created by agencies like the Revenue Mobilization Allocation and Fiscal Commission (RMAFC) endeavour to balance competing considerations, such as control of resources, fiscal capacity and national cohesion.

Nevertheless, the lack of an explicit connection between the federal character and the process of distribution of resources has great legal consequences. In contrast to Section 147(3) which defines resource distribution within the framework of the political negotiation process and administrative discretion. In this regard, the Federal Character Principle as a rule of law is more of a guiding principle than enforceable rule of law in this regard. This brings up a significant constitutional issue whether the existing regime of resource distribution emblematically reflects

the spirit of Section 14(3), or whether it continues the structural inequalities of the name of federal balancing.

4.3.2 Application in Educational Policy and the Quota System

The most evident implication of the Federal Character Principle beyond the area of public appointments is the sphere of education and specifically, the admissions to federal secondary schools and universities. The quota system is an intentional policy action that strives to provide access by the federal educational establishment to students of all states of the federation.

In this system, admission is usually organized in accordance with various criteria, such as merit, catchment area, and educationally less developed states (ELDS). Although a certain percentage of admission slots will be allocated strictly on merit, a considerable percentage will be set aside in order to achieve geographical dispersion and inclusiveness. In policy terms one can justify the quota system as a means of achieving national integration and levelling opportunities throughout the country. Nonetheless, in the legal perspective it has a much more uncertain status. In contrast to the ministerial requirement of the section that requires 147(3) there is no direct constitutional provision that mandates that there should be different admission standards based on the state of origin.

4.3.3 Tension Between Merit and Equity

A fundamental constitutional tension between the Federal Character Principle and the right to freedom of discrimination under Section 42 of the Constitution of the Federal Republic of Nigeria 1999 comes to the fore due to the application of the quota system in the education sector. On the face of it, the quota system seems to be in violation of this provision, as candidates are treated differently, based on their state of origin. The candidates of some states might have a chance to obtain admission with lesser scores, whereas the candidates with greater scores might be left out. This presents a *prima facie* case of unequal treatment.

Nevertheless, a more subtle approach will show that the quota system can be justified as a type of affirmative action directed at the achievement of substantive equality. In constitutional theory, substantive equality acknowledges that the same treatment of the unequal groups can assist in perpetrating the existing disadvantages. Therefore, the use of differential treatment can be treated as necessary in order to establish historical imbalances and enhances inclusiveness. The courts of Nigeria have not specifically touched on the issue of constitutionality of the quota system in education. However, the cases outlined in the constitutional interpretation could also be applied to the case in which the Supreme Court argues that Section 14(3) and Section 42 need to be read together, with the former informing the latter in situations where national integration is at stake.

Simultaneously, when there is no direct judicial pronouncement, legal uncertainty arises. The quota system is a grey area that is perpetuated more by political agreement and administrative tradition than by constitutional approval.

4.3.4 Constitutional Appraisal of the Quota System

In purely legal terms, the quota system of education is in a neutral status within the constitutional order of Nigeria. On one hand, it facilitates the aims of Section 14(3) promoting inclusiveness, and eliminating regional domination. However, it also throws in grave considerations under Section 42 which assures the absence of discrimination. The fact that the constitution does not directly authorize the use of a quota system in order to arrive at admissions to schools implies that the system is extra-constitutional in nature. It does not have its legitimacy through clear legal provisions but rather through policy considerations and political necessity. This makes it a risky scenario where a more commonly exercised system has no strong constitutional basis.

Furthermore, the lack of judicial scrutiny means that the legality of the quota system remains unresolved. As observed in *Adesanya v President of Nigeria*, restrictive rules on locus standi have historically limited access to constitutional litigation in Nigeria, thereby preventing many public law issues from reaching the courts. This may partly explain the absence of authoritative judicial pronouncements on the matter.

4.4 Challenges of Implementation

The introduction of the Federal Character Principle in Nigeria has been marred by a number of legal, institutional and practical challenges. Although the principle is intended to deliver inclusiveness and national unity, the practice of the principle has in most cases generated unintended consequences that render the practice ineffective. The challenges related to its implementation are a combination of constitutional limitations, ineffective enforcement mechanisms, and political interference, as well as vague conceptions about its scope and application. This has had far-reaching consequences to the enforcement of the principle; as persons and organizations tend to be powerless in seeking the remedy of judicial forbearance to the violator. Consequently, the Federal Character Principle is more a political and administrative principle than a legal principle that is strictly enforceable. This vulnerability is the basis of most of the struggles mentioned below.

4.4.1 Sacrifice of Meritocracy

The predisposition of the Federal Character Principle towards compromising meritocracy in institutional settings could be considered one of the most enduring and analytically relevant issues that the proposal of the Federal Character Principle introduces. The principle frequently results in a situation whereby the principle of competence and qualification is subordinated to that of the

geographical balancing. The combined impacts of the provisions are that, whereas the Federal Character Principle is a constitutional institution, there is no explicit judicial process to ensure compliance or solve dilemmas between representational equity and merit-based selection.

Theoretically, the implementation of the principle in hiring and job assignments, especially in the federal civil service and in educational institutions has resulted in institutionalizing quota systems that emphasize state representation. Even though such systems are intended to enhance inclusiveness, they tend to lead to dissimilar standards of evaluation with a candidate in one state being admitted or appointed with lesser qualifications compared to their counterpart(s) in a different state.

This progress brings up some critical constitutional and administrative issues. Even though the Constitution does not clearly establish merit as a justiciable standard, the effective operation of the public institutions presupposes the competence, efficiency and professionalism. The fact that the merit is not explicitly safeguarded by constitutional provisions creates a gap through which the consideration of the merit within a federal character can be implemented without due regard to the institution capacity. This has brought a sharp division in scholarly opinion over this issue. As observed by Ben Nwabueze, although the

principle was originally developed as a tool to manage diversity, it has had several unconventional effects, such as the erosion of meritocracy in the civil service.

On the doctrinal side of the matter, this dilemma is indicative of a greater push and pull between the competing values of equity and efficiency. The Federal Character Principle reflects the dedication to distributive justice and inclusiveness, whereas meritocracy focuses on competence and performance. Without explicit legal frameworks which would reconcile these ideals, the principle would be applied unevenly and vulnerable to exploitation. Judicial authorities, though with little input in the field, give some insight about how such tensions can be dealt with. Exploring this principle, it can be argued that Section 14(3) cannot be scientifically viewed in isolation, but in a manner that also accommodates the need to have the effective governance and administrative competence. Moreover, the restrictive approach to locus standi which is taken in the case of *Adesanya v President of Nigeria* has historically limited the potential of any individual to challenge in court the implementation of the Federal Character Principle.

The other side of the issue is the framework of operations of the Federal Character Commission that is in charge of controlling compliance. Although the Commission has the power to develop guidelines and to research complaints, it does not have the power to initiate binding sanctions against non-compliant institutions. It is crucial, though, to remember the counter-argument that meritocracy as such is not

a neutral concept within a society with strong structural inequalities. Supporters of the Federal Character Principle state that such a system that is purely merit-based would disproportionately favour people in more educationally advantaged regions, and would thus continue to perpetuate historical imbalances. In this respect, it is possible to think of the principle as a corrective mechanism that is designed to attain substantive equality. However, the lack of a well-articulated legal framework outlining the boundaries of federal character has led to its overextension in some situations. Instead of working as a balancing mechanism, it is at times used as a domineering criterion, thus replacing the concept of merit altogether. Not only does this have a negative impact on the effectiveness of the public institutions, but it also erodes the trust of the people on fairness and integrity of the system.

4.4.2 Politicization of the Federal Character Principle

The progressive politicization of the Federal Character Principle is another huge challenge that faces the implementation of the Federal Character Principle. Though the principle has a constitutional basis with Section 14(3) of the Constitution of the Federal Republic of Nigeria 1999 having a specific constitutional foundation, its practical implementation is strongly guided by the political considerations as opposed to the strict observance of the constitutional ideals. Theoretically, this principle is to incorporate in the appointments and

allotments of the public resources the diversity of the federation. But in reality, what has come to be understood and actually applied by successive administrations is that it may be interpreted and applied depending on political loyalty, regional alliances, and strategic interests. This has led to a condition where federal character is not so much a constitutional norm that is neutral and does not arise in political matters, but rather a political instrument of flexibility. The major aspect of such politicization is the vast discretionary authority which is vested in the executive arm of the government especially the President. In Sections 147 and 171 of the Constitution, the President has a wide discretion in appointing ministers, ambassadors, and heads of key bodies in the State as well as in judicial and administrative bodies in the State and Federal editions respectively.

In reality, this discretion has allowed selective adherence to the principle. As an example, administrations have frequently been formally compliant, that is, they are numerically represented but power is not substantially distributed. Another example of the politicization problem is the role of the Federal Character Commission. Though the Commission is constitutionally required to oversee and impose compliance it has a limited institutional independence. This structural dependence undermines its ability to effectively act as an independent constitutional watchdog.

This issue has been pointed out in scholarly commentary. Suberu notes that elite manipulation often frustrates the operation of diversity management mechanisms in Nigeria so that instead of being the instrument of constitutional protection, the federal character principle is transforming into the tool of political accommodation.

Judicial intervention in this area has remained limited, largely due to the combined effect of constitutional structure and justiciability constraints. In *Adesanya v President of Nigeria*, the Supreme Court adopted a restrictive approach to standing, thereby limiting public interest litigation in constitutional governance matters. This has had the indirect effect of reducing judicial scrutiny over politically sensitive issues such as compliance with federal character requirements. Also, although theoretically litigation can be taken in such areas as appointments and governance, the courts have been inclined to take a deferential approach to executive discretion in such areas as appointments and governance. In *Attorney-General of the Federation v Abubakar*, the Supreme Court emphasized constitutional interpretation in a manner that respects institutional roles and political judgment.

4.4.3 Weak Enforcement Powers of the Federal Character Commission

One of the theoretical structural constraints in the application of the Federal Character Principle is the low enforcement capability of the Federal Character

Commission (FCC). This institutional design can largely limit its capacity to enforce compliance with federal character requirements across Ministries, Departments, and Agencies (MDAs). Consequently, most of the decisions of the Commission are in the form of a recommendation or guiding principles, which may be bypassed by executive agencies without legal penalty. This gives rise to structural enforcement gap between constitutional intent and administrative reality. Lack of coercive powers is most problematic in politically sensitive appointments. In situations where the federal character clashes with the executive preferences there is not much institutional capacity on the part of the FCC to compel compliance. This fortifies a system, where compliance on political goodwill is a major aspect as opposed to law enforcement.

This institutional weakness has been illuminated by scholars commenting on it in various respects. An example of this is the argument by Oyeboade that many Nigerian constitutional bodies have a design deficiency, in the sense of institutions being established with ambitious mandates and lacking the institutional tools to enforce these mandates. This organizational constraint is also worsened by the administrative placement of the FCC under the federal executive apparatus. Though it is constitutional, it does not possess complete institutional autonomy like other institutions such as the judiciary. As a result, its capability to provide challenge to politically motivated infringement of federal character is, in

itself, inherently limited. The judicial interpretation too has not helped much in enhancing the enforcement ability of the FCC. The Nigerian courts have always held a conservative view of issues that are characterized by executive discretion in appointments and governance. Although not the subject of a specific federal character enforcement, the case demonstrates that the judiciary is unwilling to meddle with executive administrative determinations unless there is a serious constitutional violation.

The joint role of the weak institutional power and little judicial intervention is that the federal character obligations can often be enforced by self-regulation. Practically, MDAs can selectively comply with FCC guidelines, at least where non-compliance is not immediately followed by any legal or administrative penalty. This undermines the normative power of the principle and turns it into a policy aspiration instead of a constitutional requirement that is binding. Also, the fact that the FCC does not have any enforcement capabilities associated with data collection and reporting mechanisms, curbs its effectiveness. The Commission has no powers to invalidate appointments or force a remedial action, even in the event that a violation is found. This results in what according to the legal scholars within the community of legal practitioners, is known as a compliance deficit, whereby regulatory authorities are able to monitor and report on breaches but is unable to affect any meaningful remedy to those breaches. Enforcement institutions

charged with managing diversities, tend to have more powerful remedial powers, such as the authority to issue binding directives, or to invoke judicial review. The lack of such mechanisms in the FCC framework in Nigeria highlights a very high level of institutional gap in the enforcement of federal character obligations.

4.4.4 Perception of Tokenism and Continued Marginalization

A further and deeply significant challenge in the implementation of the Federal Character Principle is the widespread perception that it operates as a mechanism of tokenism rather than genuine inclusion. Though the principle is constitutionally designed to achieve fair representation under Section 14(3) of the Constitution of the Federal Republic of Nigeria 1999, its practical application has been criticized in numerous ways to produce symbolic and not substantive inclusion of marginalized groups.

In this sense, tokenism means appointing a person to an office of authority without granting the individual the actual power or influence to make decisions. It gives an illusion of adherence to constitutional standards and leaves the structural bases of dominance in large part unchanged. The consequence is that one is left in a situation where there is form but not substance of representation. This is a major issue especially with regards to high level political and administrative appointments whereby individuals may be included in cabinets, boards or agencies but are not included in core policy formulation processes. When this

happens, federal character turns into a quantitative process as opposed to a substantive redistribution of power. The constitutional aim of helping a country to integrate is thus undermined since inclusion is not equal to effective participation.

Constitutionally speaking, this poses some critical issues regarding the difference between formal equality and substantive equality. Although the Federal Character Principle is supposed to provide safeguards that no group is left out of representation, the fact that the principle lacks guarantee on influence and authority implies that equality is usually attained only on a superficial level. This strain has been generally recognized in comparative constitutional theory, in those jurisdictions that embrace affirmative action or consociation.

This structural drawback has been pointed out in the scholarly commentary through various angles. As Nwabueze notes, constitutional arrangements that focus on representation without pay attention to power allocation risk creating a false sense of federalism whereby inclusion is a myth and not a reality. Duru, notes that in Nigeria, due to the lack of a proper diversity management framework, it is common to find the creation of an illusionary federalism, whereby inclusion is merely a myth and not a reality. Another way in which the judiciary has indirectly recognized the value of serious, but not token, adherence to constitutional principles. In *Attorney-General of the Federation v Abubakar* the Supreme Court

pointed out that constitutional provisions should be interpreted in a way that would advance the purpose behind the provision and not necessarily the literal meaning of the provision. When applied to federal character, it would imply that the mere numerical representation may not be productive to achieve the constitutional objective as long as it does not result in actual involvement in governance.

4.4.5 Punishment for Non-Compliance

One of the key weaknesses of the implementation of the Federal Character Principle is that there are no effective punitive measures against non-compliance. Despite the fact that the principle is constitutionally entrenched with a specific provision on breach in Section 14(3) of the Constitution of the Federal Republic of Nigeria 1999, the Constitution does not specify clear sanctions to be applied to violate the principle, nor does it provide a robust enforcement mechanism, which can compel Ministries, Departments, and Agencies (MDAs) to comply.

The Federal Character Commission is constitutionally mandated under the Third Schedule to monitor compliance and promote adherence to federal character requirements.² However, its powers are largely administrative and advisory in nature. It is free to inquire into violations, provide guidelines and make recommendations, however it does not have the authority to impose binding sanctions against errant institutions like nullification of appointments, fines, or

disciplinary measures. This institutional constraint is a major undermining factor of the deterrent aspect of the principle.

Practically, this implies that when the federal agencies fail to provide in line with the federal character requirements, they tend to do so without any legal action being taken against them. Even in cases where the Commission has detected actual cases of imbalance or infraction, enforcement is both reliant on voluntary compliance on the part of the offending institution or through intervention by higher executive authorities. It is based on goodwill instead of coercion which makes the entire framework less effective. In administratively well-organized systems of regulation, the oversight bodies are generally given the capacity to sanction offenders or initiate judicial review mechanisms. The lack of such mechanisms in the federal character regime in Nigeria makes its ability to serve as a binding constitutional safeguard limited. The judiciary too has been a party in this gap in enforcement through its reserved attitude to issues pertaining to executive appointments and administrative discretion. This has had the effect of limiting the subject of the public interest litigation in matters such as federal character compliance.

On the same note, the courts have been unwilling to interfere with the appointment issues and therefore, very rarely have the courts invalidated the executive action on the ground of federal character violations, unless there was a

clear and explicit violation of a constitutional provision. Although this helps maintain the separation of powers, it also places limits on the ability of the Court to enforce adherence to the broad constitutional principles such as the federal character.

Lack of punitive mechanisms as well has wider connotations on constitutional governance. In the absence of sanctions, compliance is mostly ceremonial and relies on the goodwill of the politicians and not the law. This also compromises the principle of the principle to serve as a stabilizing mechanism in the federal system of Nigeria. Institutions can comply formally on paper, but fail to comply substantively with the intent of what is equitable representation. This is an area of weakness in enforcement, which has been highlighted in scholarly commentary. Sagay has argued that the efficacy of regulatory rules cannot be achieved solely through institutional design but also by the presence of sanctions that will ensure compliance and discourage noncompliance.

The repercussions of this enforcing gap can be seen through repeated accusations of imbalance in the federal appointments and recruitment procedures. Although violations may be widely known, no legal action is often taken, and the cycle of repetition and institutional inertia is perpetuated. This undermines popular belief in the Federal Character Principle and supports beliefs that it is a negotiated, not a binding, principle.

Diversity management frameworks in comparative constitutional practice frequently include enforceable remedies, such as judicial review, administrative penalties, or constitutional commissions with binding proper authorities. Such a lack of mechanisms in Nigeria points to a structural deficiency in the enforcement architecture of the Federal Character Principle.

4.5 Criticisms from Scholars and Public Opinion

The Federal Character Principle, although constitutionally entrenched, and with a purported aim of fostering national unity, has been long a subject of criticism among scholars, jurists, and commentators of the common people. The criticisms tend to be around its effects on meritocracy, constitutional coherence, administrative efficiency, and its alleged inability to eradicate inequality. Such criticisms are part of a larger discussion on whether the principle has fulfilled its intended purpose or whether such a principle in practice has generated other forms of institutional and political imbalance. The main point of the critique is that the principle, when applied to the operation of the Nigerian government, tends to destroy merit-based governance. Although Section 14(3) of the Constitution of the Federal Republic of Nigeria 1999 stipulates that federal character is an administration guiding principle that has informed the personnel of public institutions not necessarily on the principle of competency but on the basis of state origin.

Scholars such as Dicey's classical conception of equality before the law has been invoked in Nigerian constitutional discourse to argue that differential treatment based on origin may be inconsistent with the idea of legal equality. In the Nigerian context, critics contend that while the principle seeks to promote inclusiveness, it may inadvertently institutionalize mediocrity by prioritizing representation over qualification, particularly in technical and professional roles.

Another critiquing line is the claimed inconsistency between the Federal Character Principle and Section 42 of the Constitution that guarantee freedom of discrimination. Critics state that the rationality behind federal character with its quota-based logic may in some instances serve to establish unequal levels of opportunity in the name of national integration. There have been intense divisions in the operation of the principle that have reflected in the public opinion. In most cases the character of the federalism as a political entity has been perceived by the citizens instead of a neutral constitutional protection. This image is enhanced when it becomes observed that appointment and admissions seem to favour some group despite the apparent adherence to the constitutional provisions. The outcome is a gap in credibility between the constitutional design and lived experience.

On an institutional level, the success of the Federal Character Commission has also been questioned. Whereas some commentators claim that the Commission is a

reporting arm rather than a regulatory body with correctional powers to rectify systemic imbalance. Structurally, scholars like Diamond have argued that consociationalism/quota-based systems can only work effectively when there are strong institutions and clear enforcement mechanisms.

The other important critique is that the Federal Character Principle has not been able to eradicate a sense of marginalization of various groups in Nigeria. Though it has been in use over the decades, claims of discrimination and superiority persist in various regions. This implies that the principle has not addressed the underlying structural inequalities that it is intended to do. Instead, it could have simply repackaged the perceptions of exclusion instead of eradicating them. Another way that judicial talk has indirectly contributed to criticism of the principle is through the indirect influence of the judiciary on the formation of the rule of law. Although courts have not in any way extensively struck down federal character practices, the restrictive approach to constitutional litigation, as observed in *Adesanya v President of Nigeria*, has minimized any chance of judicial clarification of the scope and limits of the principle.

Conversely, the proponents of Federal Character Principle affirm that by abolishing or weakening it, they would contribute to escalating ethno-regional differences in Nigeria. They argue that with such a profoundly plural society, meritocracy with no corrective action would simply entrench historical

inequalities. That said, even within the supporters, the understanding that the current implementation framework is imperfect and needs to be reformed in order to enhance transparency, accountability and fairness.

This conflict between these competing views raises a central constitutional dilemma, which is whether equality should be sought by treating people in a uniform manner, or by structurally accommodating the differences between groups of people. The Federal Character Principle is an effort by Nigeria to pursue the latter but its success has been debated due to gaps in implementation and institutional weaknesses.

CHAPTER FIVE

SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSION

5.1 Summary of Findings

This research critically examined the Federal Character Principle under the Constitution of the Federal Republic of Nigeria 1999 (as amended), with emphasis on its constitutional basis, application in governance, institutional framework, and practical challenges. The study also assessed the role of the Federal Character Commission, relevant constitutional provisions, and judicial attitudes towards enforcement of the principle.

The study found, first, that the Federal Character Principle is firmly established under Section 14(3) and (4) of the Constitution of the Federal Republic of Nigeria 1999 and is intended to promote national unity by ensuring equitable representation in government and its agencies. In practice, its application is most effective in constitutionally structured appointments such as ministerial positions under Section 147(3), where each state is guaranteed representation in the Federal Executive Council. However, in other areas such as recruitment, education, and resource allocation, its implementation is largely administrative, inconsistent, and dependent on policy discretion rather than strict legal enforcement.

The study further found that the implementation of the principle is significantly constrained by weak enforcement mechanisms and persistent tension between representation and merit. The Federal Character Commission lacks coercive powers to enforce compliance, while the non-justiciability of Chapter II under Section 6(6)(c) limits judicial intervention. Consequently, although the principle promotes inclusiveness in form, its application often results in perceptions of imbalance, tokenism, and uneven distribution of influence across regions, thereby undermining its effectiveness as a tool for national integration.

5.2 Recommendations

Arising from the findings above, the following recommendations are made:

First, there is a need for constitutional and institutional reform to strengthen the enforcement framework of the Federal Character Principle. This includes either amending the Constitution or enacting detailed legislation to make key aspects of its implementation justiciable and to clearly define enforceable standards for compliance across public institutions. Strengthening the legal status of the principle would enhance accountability and reduce selective or politically motivated application.

Second, the powers of the Federal Character Commission should be expanded to include stronger enforcement authority. The Commission should not remain purely advisory but should be empowered to impose sanctions or trigger binding corrective measures where violations occur. This would enhance compliance and ensure that the principle operates as a substantive constitutional safeguard rather than a symbolic guideline.

5.3 Conclusion

The Federal Character Principle remains a central constitutional mechanism for managing Nigeria's diversity and promoting national unity. Its inclusion in the 1999 Constitution reflects a deliberate attempt to address historical imbalances and ensure inclusive governance across the federation.

However, this study concludes that while the principle has achieved a degree of representational inclusion, its effectiveness is significantly limited by weak

enforcement structures, lack of judicial enforceability, and tension between merit and regional balancing. Without meaningful reform, the principle risks continuing to function more as a formal constitutional requirement than an effective instrument of equitable governance. A stronger legal and institutional framework is therefore necessary to ensure that the principle achieves its intended purpose of fostering unity, fairness, and stability within Nigeria's federal system.

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