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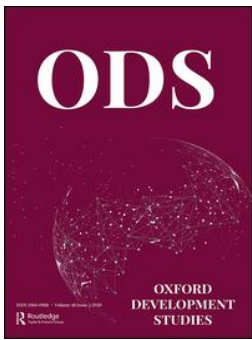
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Nigeria's Federal Character Commission (FCC): a critical appraisal

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ABSTRACT

Since attaining independence, Nigeria has experienced recurrent tensions due to the severe horizontal inequalities that exist between different regions and ethnic groups. After the end of the Biafran civil war, consecutive regimes embarked on a reform process intended to address the sensitive issues of inequality and ethnic domination. Key reforms included the adoption of the federal character principle to ensure the equitable representation of different groups in all tiers of government, and the formation of the Federal Character Commission (FCC) to monitor and enforce its implementation. While the FCC has raised hopes on redressing historical imbalances in Nigeria's civil service, this paper finds that little progress has been made over time. The workings of the FCC remain plagued by legal and administrative constraints, chronic underfunding, and political dependence. These issues will need to be addressed if the FCC wants to gain the legitimacy and power needed to fulfil its mandate.

KEYWORDS

Federal character; federal Character Commission; Nigeria; horizontal inequalities; civil service

1. Introduction

A growing body of literature has shown that while ethnic and religious diversity as such is not necessarily related to an increase in the risk of violent conflict, severe inequalities between culturally-defined groups, so-called horizontal inequalities, have been shown to significantly increase the risk of violent group mobilization in diverse societies (Cederman, Weidmann, & Gleditsch, 2011; Langer, 2005; Stewart, 2008). Such horizontal inequalities have also plagued Nigeria both before and after independence (Ukiwo, 2013).

The colonial intervention which brought Nigeria about forcedly amalgamated a large number of diverse ethnic groups into one state. Nigeria counts hundreds of ethnic groups, although the three major groups together, i.e. the Hausa-Fulani,¹ the Yoruba, and the Igbo, are estimated to encompass about 60% of the population (Mustapha, 2009, p. 562). Nigeria is also diverse in terms of religion, with Christianity and Islam each being practiced by about half of the population. While Islam is widely practiced in the North, a considerable number of Christians are living there as well, in particular in the North-Central region. Similarly, while Christianity is prevalent in the South, there is also a considerable number of Muslims in the South, in particular in the South-West.

At independence, Nigeria became a federal state with three autonomous regions: the North, South-East, and South-West. The federal government was dominated by the Northern region, which was by far the largest one (Diamond, 1983; Suberu, 2001). This structure of 'unequal federation' (Ukiwo, 2005) pitted the regions and dominant ethnic groups in each region against one another. Arguably, the most important cleavage exists between the North and the South of the

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country, and is rooted in these regions' different ethnic, religious, political, and economic make-up. While the South feared the North's demographic majority, the North worried about losing out to the relatively higher educated Southern elites, particularly in the public service (Coleman, 1963, pp. 353–408; Diamond, 1982, pp. 470–473; Mustapha, 2009). Tensions also exist between the South-East and South-West geopolitical zones, however, the home of the Igbo and Yoruba ethnic groups respectively. Furthermore, this tripolar structure also generated disaffection among ethnic minority groups. Even though the 1958 Willink commission of inquiry into minority fears of domination noted the concerns of these groups, they were largely ignored in the move toward independence (Suberu, 2001, p. 23–24).

The intensification of centrifugal forces in Nigeria's First Republic culminated in a military takeover in 1966 and subsequently the Nigerian Civil War which lasted from 1967 to 1970. The post-civil war era witnessed several efforts by the military regimes to address the sensitive issues of political inequality and ethnic domination that had contributed to the collapse of the First Republic and the onset of the civil war. A range of constitutional changes was introduced in the years following the civil war with the specific aim to promote 'national unity' and political stability (e.g. Diamond, 1982; Mustapha, 2007, 2009; Suberu, 2001; Ukiwo, 2005). These included a presidential system with a president who required the majority of the votes and at least a quarter of the votes in two-thirds of the states, the requirement that political parties had national character, and the introduction of the 'Federal Character Principle', requiring the fair and equitable representation of different ethnic and regional groups in the composition of all tiers of government. Most of these constitutional changes and rules were maintained in subsequent Republics and military regimes.

In the current paper, we focus on the Federal Character Principle, easily one of the most contentious and debated constitutional innovations introduced to manage and curtail horizontal inequalities in the political-administrative sphere. In particular, we will examine the impact and functioning of the Federal Character Commission (FCC), an institution which was established to work out a formula to ensure equitable and fair representation of Nigeria's diverse groupings in public service, monitor public service recruitment exercises, and prosecute violations of the federal character principle.

The federal character principle can be regarded as a direct approach to redress horizontal inequalities between different groups in society. Such an approach targets specific groups directly and associates a person's group identity with a certain benefit. Affirmative action policies (e.g. quotas) provide certain positions in government, public service, educational institutions etc. based on one's belonging to a marginalized group (Brown, Langer, & Stewart, 2012). Direct policies are often the most effective way to correct imbalances, but they may also have adverse consequences. These include a hardening of group identities as these identities become the basis for entitlements. This has occurred in India (Heyer & Jayal, 2012), and arguably in Nigeria as well (Suberu, 2001, pp. 111–140). Nevertheless, direct policies can still contribute to peace if they succeed in ensuring that all groups feel included in the country's governing system.

The key objective of the current paper is exactly to investigate whether the FCC, 20 years after its establishment, has been able to contribute to resolving and/or mitigating 'the nagging national problem of representation' (Mustapha, 2007, p. 21). In doing so, we aim to further Mustapha's (2007, 2009) pioneering research on this topic. By using FCC data from 2003 to 2013 and extending Mustapha's earlier analyses which ran until 2004, we aim to assess the evolution of Nigeria's political-administrative horizontal inequalities and critically evaluate to what extent the FCC has contributed towards keeping these horizontal inequalities in check. As part of this analysis, we have conducted a range of interviews with different FCC policymakers and commissioners.² During the period covered in this paper, the FCC has also embarked on its second mandate to ensure fairness in the distribution of socio-economic amenities. We hence also discuss how the FCC has implemented this task and reflect on the severe challenges that remain outstanding in this area.

Mustapha (2009, p. 574) perceived the federal character principle and the FCC as 'unavoidable necessities forced on Nigerian national life by the cleavages and inequalities that have scarred the

nation'. His critical analysis of the workings of the FCC in the first decade after its establishment was not only notable for pointing out the serious challenges and shortcomings of the FCC in implementing its mandate, but also because of its 'activist' streak by emphasizing that every segment of Nigerian society, including governments, communities, families and individuals, had 'a responsibility to contribute to eradicating structural inequalities' (Mustapha, 2009, p. 575). Moreover, Mustapha's research on the impact and workings of the FCC, which he conducted foremostly when he was a Senior Researcher at the Centre for Research on Inequality, Human Security and Ethnicity (CRISE) at the University of Oxford, emerged out of his profound interest in improving our understanding of how to systematically and constructively tackle pervasive horizontal inequalities in Nigeria and beyond.⁷

The paper proceeds as follows. In the following section, we delve deeper into the workings of the FCC with regard to its first mandate to ensure an equitable distribution of public service positions. We investigate trends in public employment statistics over time and discuss the lingering challenges of the FCC in implementing its mandate. [Section 3](#) focuses on the FCC's second mandate concerning the management of socio-economic horizontal inequalities. [Section 4](#) concludes.

2. The FCCs first mandate: ensuring federal character in public institutions

2.1. *Mandate and modus operandi*

The federal character principle was first included in the Second Republic constitution, but is now enshrined in provisions 14.3 and 14.4 of the 1999 Constitution. It requires that there is 'no predominance of persons from a few states or from a few ethnic or other sectional groups' in the federal government and its agencies. Similarly, state governments and local government councils and their agencies must reflect the diversity within their areas of authority. The Federal Character Commission (FCC) was created by decree in 1996 by the military regime of Sani Abacha. The 1999 constitution has included the FCC as one of the 14 independent federal executive bodies (153.1, Third Schedule Part 1). Its first mandate is to work out an equitable formula, subject to the approval of the president, for the distribution of posts in public service as well as political appointments.

The commission is composed of a chairman, 37 commissioners representing the 36 states and the Federal Capital Territory (FCT), and the Secretary of the Commission (FCC, 2016). The Chairman, commissioners and secretary are appointed by the President upon nomination by the state government and confirmation by the National Assembly. The FCC is supported by civil servant staff responsible for data gathering and monitoring, administration etc. The FCC has established 24 committees to monitor recruitments into about 600 ministries, departments and agencies (MDA) of the Federal Government. The state branches of the FCC monitor the states and Local Government Areas (LGA).

The distribution formula developed by the FCC is strictly based on geographical areas including geopolitical zones, states, local government councils and electoral wards, rather than ethnicity, religion and demography. Geopolitical zones are not formally recognised as administrative units in the constitution, but they are well-known and used, including by the FCC. Nigeria counts six geopolitical zones: North-Central, North-East, North-West, South-East, South-South, and South-West. The zonal level is used when the number of employees in an institution is small. In this case, each zone should count for between 15 and 18% of the employees.³ However, no state should dominate in a zone. The approved formula for equitable distribution across states is that each state should produce 2.75% of the total work force, with an acceptable range of 2.5% to 3%. The FCT should take up 1%. At the state level, the ranges are dependent on the number of LGAs in the state. At the LGA-level, the ranges are dependent on the number of wards. At all geographical levels, exceptions exist for junior staff, which may take up 75% of a specific 'catchment area' or the locality where the institution is based.

The FCC collects data on MDAs nominal rolls by year and produces an annual report for the President. It also monitors recruitment exercises, pointing out to the MDAs which states should

receive preference in hiring based on the analysis of the nominal roll. Candidates should firstly meet the criteria set out in the vacancy, and then fulfil federal character criteria. This implies that candidates with a lower score than others, but from underrepresented states, should receive preference, as long as the minimum criteria are respected. Vacancies for positions in the federal civil service are to be advertised in one Northern and one Southern newspaper for a period of six weeks, but increasingly also on the web. FCC commissioners monitor the recruitment process to ensure the implementation of federal character. The MDAs are required to present the names and states of origin of successful candidates recruited. While MDAs who meet the requirements are awarded a certificate of compliance after the recruitment exercise, Chief executive officers of MDAs who do not comply may be prosecuted for criminal offences. Penalties include fines of 50,000 Naira or more, and 6 months or 2 years of imprisonment (FCC, 2016).

2.2. Public service employment statistics

The FCC annually compiles the employment statistics of Nigeria's MDAs. However, record-keeping poses problems. The annual reports are not available online, although there are plans to make them publicly available via the FCC website in the (near) future. The reports are also not regularly kept at the FCC library. The statistics used for our analyses of employment in the federal public service were acquired via the Department of Monitoring and Enforcement and cover the period 2003–2013, with data for 2005 missing. The aggregate statistics do not always concern the same group of MDAs over time, however. Nonetheless, as it concerns aggregate statistics and shifts over time are moderate, we believe it is possible to use the statistics to analyse evolutions in public service representation. Furthermore, it is important to consider that not all MDAs are compliant with the data requests of the FCC, even though this is considered to be a minority (FCC, 2018, July 10).⁴

In his analysis of the representation of the six geopolitical zones in Nigeria's federal public service between 1996 and 2004, Mustapha (2009, p. 572) found that the FCC had not been able to redress historical imbalances, in particular the underrepresentation of the North-Western and North-Eastern zones. Furthermore, a smaller number of states were found to fall within the 2.5% and 3% range over time, implying that under and overrepresentation may actually become worse over time. Our data demonstrate that the pattern of underrepresentation has persisted over time, but there is no clear evidence that inequalities have become stronger. Figure 1 shows the percentages by geopolitical zone for our study period. The FCC's set range lies between 15% and 18% of employees per zone. Figure 2 confirms the pattern for senior civil staff only.

While the data of the FCC demonstrate that imbalances at the zonal level have not been remedied over time, it is important to note that serious imbalances exist between states in the zones as well. The dominance of the South-East is mainly driven by Imo State for instance (around 6%), while Ebonyi continues to lag (around 1%). While the North-West zone is underrepresented, Kaduna is overrepresented as such (around 4–5%),⁵ with all others lagging, especially Jigawa, Sokoto and Zamfara states. These imbalances also persist over time.

Finally, performance at the state level does not appear to be better. Most states do not achieve equal representation of LGAs, and the percentage of LGAs which fall within the prescribed range is rarely above 50 (See Table 1). Only four states (Bauchi, Borno, Edo, and Jigawa) have been able to address some of the gaps over time. Overall, FCC data themselves do not appear to support the idea that it has been able to achieve its set aims with regard to public service representation, even after 20 years.

2.3. Political appointment statistics

As noted above, the FCC is also responsible for monitoring the distribution of political appointments. It has not regularly published statistics on these positions, yet recent controversy and debate on President Buhari's political appointments and perceived bias towards the North (e.g.; Baiyewu,

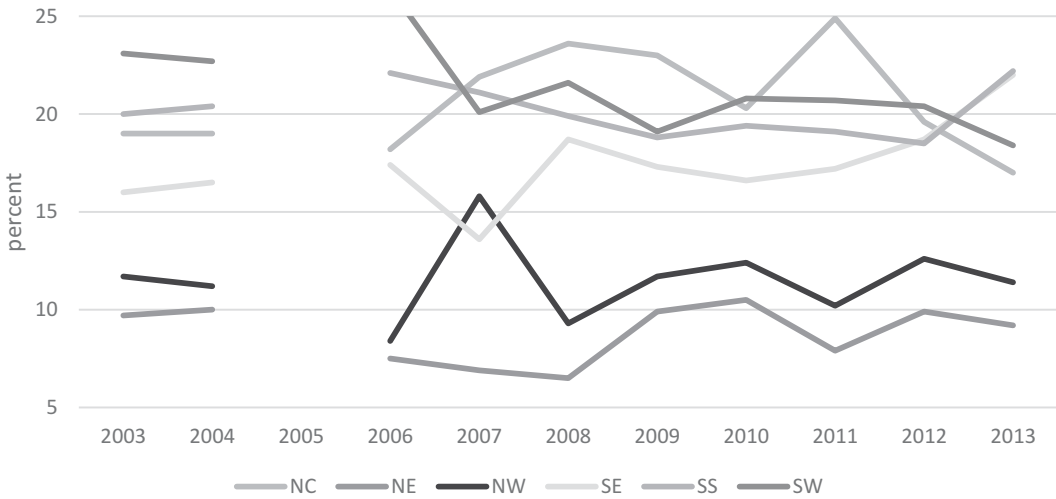


Figure 1. Representation by geopolitical zone in public service (2003–2013).

Sources: FCC annual reports. 2003: consolidated statistics federal civil service (Total = 220,263); 2004: consolidated statistics federal civil service (Total = 213,368). 2005: not provided. 2006: consolidated statistics federal ministries/extra-ministerial departments (Total = 90,617). 2007: consolidated statistics 114 federal parastatals (Total = 79,388). 2008: consolidated statistics federal ministries/extra-ministerial departments (Total = 80,520). 2009: consolidated statistics federal ministries/extra-ministerial departments (Total = 146,012). 2010: consolidated statistics 246 federal parastatals (Total = 225,940). 2011: consolidated statistics federal ministries/extra-ministerial departments (Total = 102,744). 2012: consolidated statistics 147 federal parastatals (Total = 187,105). 2013: consolidated statistics 178 federal parastatals (Total = 174,946).

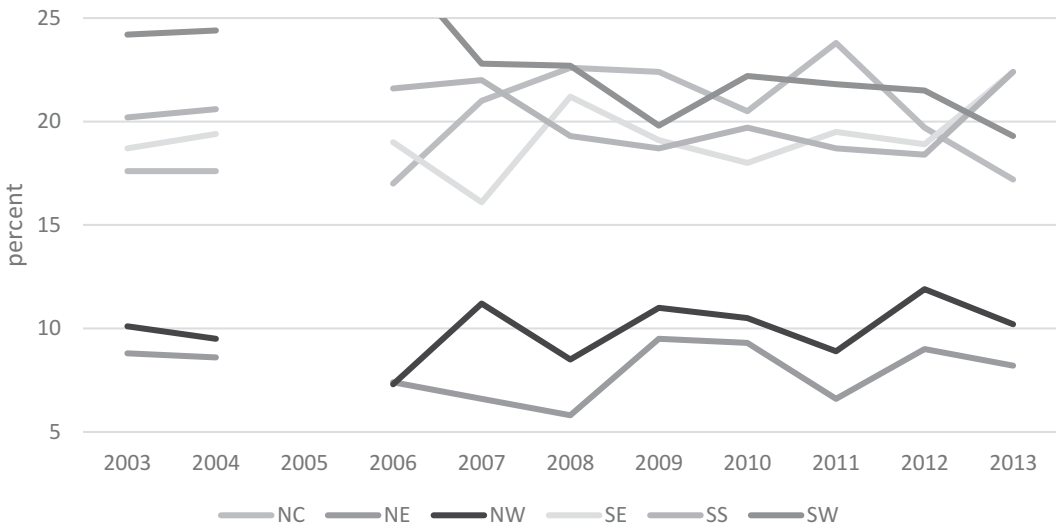


Figure 2. Representation of senior staff by geopolitical zone in public service (2003–2013).

Sources: see Figure 1. Senior staff comprise salary levels 8 to 15 in 2003 and 2004, and 7 to 15 for subsequent years.

2018; Ibeh, 2015) has led the National Assembly to call on the FCC to clarify the matter (Federal Character, 2018). The commission’s website now provides data on political appointments, but these data should be treated with extreme caution. Indeed, while the FCC has felt the need to publish the data as it is, the data is far from complete. Moreover, there is also no information provided on how much data is missing. The FCC website states that the information is as of August 2018, and no updates have been done in almost a year.

Table 1. Percentage of Local Government Areas adequately represented per state (grade scale 1–16), Nigeria 2007–2011.

State	2007	2008	2009	2010	2011
Abia	0,35	0,29	0,24	0,35	0,29
Adamawa	0,19	0,29	0,24	0,38	0,38
Akwa Ibom	0,68	0,48	0,26	0,29	0,45
Anambra	0,14	0,24	0,29	0,14	0,19
Bauchi	0,15	0,15	0,15	0,15	0,30
Bayelsa	0,50	0,38	0,25	0,38	0,38
Benue	0,26	0,43	0,17	0,09	0,30
Borno	0,15	0,15	0,15	0,19	0,19
Cross River	0,33	0,39	0,33	0,39	0,44
Delta	0,28	0,36	0,48	0,48	0,40
Ebonyi	Missing data	0,23	0,15	0,23	0,15
Edo	0,50	0,50	0,67	0,67	0,67
Ekiti	0,19	0,38	0,31	0,25	0,19
Enugu	0,18	0,18	0,18	0,24	0,18
Gombe	0,18	0,18	0,09	0,09	0,00
Imo	0,41	0,48	0,41	0,48	0,44
Jigawa	0,19	0,26	0,30	0,41	0,41
Kaduna	0,09	0,30	0,13	0,17	0,17
Kano	0,43	0,39	0,34	0,39	0,39
Katsina	0,38	0,26	0,38	0,26	0,26
Kebbi	0,05	0,19	0,43	0,10	0,05
Kogi	0,19	0,43	0,33	0,33	0,29
Kwara	0,19	0,25	0,13	0,19	0,25
Lagos	0,00	0,05	0,10	0,05	0,05
Nassarawa	0,31	0,23	0,46	0,15	0,15
Niger	0,36	0,32	0,28	0,36	0,36
Ogun	0,15	0,20	0,10	0,10	0,15
Ondo	0,44	0,44	0,39	0,33	0,33
Osun	0,43	0,50	0,43	0,33	0,50
Oyo	0,24	0,27	0,27	0,33	0,30
Plateau	0,24	0,24	0,47	0,29	0,29
Rivers	0,39	0,30	0,30	0,22	0,26
Sokoto	0,13	0,13	0,13	0,30	0,13
Taraba	0,19	0,25	0,19	0,19	0,19
Yobe	0,24	0,18	0,24	0,18	0,12
Zamfara	0,29	0,36	0,21	0,14	0,21

Note: FCC (2011).

Table 2. Representation of political appointments in the Federal Government, Nigeria by geopolitical zone (as of August 2018).

	Min.	Min. of State	Perm. Sec.	Chm. of Board	Mem. of Board	S. Adv. to Amb.	S. Adv. to Pres.	S. Ass. to Pres.	S. Ass. to Vice-Pres.	Chief Exec.	Total	%
NC	4	3	0	0	0	0	0	7	0	48	62	14.2%
NE	3	3	0	0	0	0	2	21	0	37	66	15.1%
NW	4	3	0	0	0	0	2	26	0	50	85	19.5%
SE	4	1	0	0	0	0	0	4	0	43	52	11.9%
SS	3	3	1	0	0	0	1	15	0	52	75	17.2%
SW	5	1	0	0	0	0	3	38	1	48	96	22.0%
Total	23	14	1	0	0	0	8	111	1	278	436	100%

Note: FCC (2018): federalcharacter.gov.ng

What we can derive from the data in Table 2 is that there is an equitable distribution of ministerial positions across the zones, which is due to the constitutional provision that requires each state to be represented by at least one minister in the federal executive council. It also appears that the South-West and North-West zones have a disproportionate number of presidential advisers and senior special assistants, and chief executive officers of MDAs. These two zones also produce the President and Vice President. Given the data, however, it appears that the debate on political appointments is yet to be clarified by the FCC. Furthermore, the capacity of the FCC to address

a situation where the president is perceived to violate the federal character principle is debated as the Commission is beholden to the president which appoints its members, and approves its rules and budgets (e.g. Ojeme, 2018).

2.4. Lingering challenges

Mustapha (2009) asserted that after 10 years in function, the FCC had not appeared able to redress the imbalances in the public service, in particular with regard to the North-Eastern and North-Western zones. Another 10 years later, the same finding emerges. Furthermore, the main reasons offered for this apparent ineffectiveness have largely remained the same. These concern the difficulties in addressing the gaps over time with limited recruitment exercises, promotions based on years of services, and limited opportunities outside the civil service to foster worker mobility (see also Mustapha, 2009, pp. 572–573). Moreover, the FCC does not want to be associated with forced dismissals to redress imbalances, (rightly) fearing that this would cause disaffection and protest. Finally, education levels in the North are still lagging behind those in the South. Nonetheless, the fact that no shifts have occurred over 20 years also necessitates an analysis of additional factors impeding the commission's functioning.

A first important issue concerns the practical workings of the FCC in redressing imbalances. While the statistics reviewed above are on the aggregate level, the FCC itself focuses on geographical representation on the level of each institution and recruitment guidelines are developed for each MDA in the public service. Imbalances in one institution can hence not be compensated by imbalances in a different direction in another institution, which is for instance located in another part of the country. This slows down the process of redressing imbalances in the public service as a whole, but the policy is deliberately chosen from the perspective that people 'should find their own' (FCC, 2018a, July 9) in each government institution, at least at the level of senior employees.

A second challenge concerns the balance of power between the FCC and the MDAs. As mentioned by several commissioners, they are fighting the human tendency of chief executives and permanent secretaries to hire their own kinsmen in public institutions. MDAs hence try to circumvent the rules by falsifying their nominal rolls. This also implies that balances can be more severe than indicated in the previous section as FCC data are based on the nominal rolls provided by the MDAs. Furthermore, MDAs often receive a waiver for the obligation to publish vacancies in two newspapers for a six-week period, because the associated costs are deemed too high.

The Integrated Payroll and Personnel Information (IPPIS) system used by the federal government offers the opportunity for the FCC to acquire the full staffing lists of MDAs, yet unfortunately the FCC has no direct access to the system. While an executive circular of 2017 stated that no salaries should be payed to people not mentioned on an FCC certificate of compliance, doubts have been expressed as to whether this rule is actually followed, as no one enforces it. Cooperation and data access is also a pertinent issue at the state level as the constitution (160,2) states that permission of the state governor is needed to enforce federal character at that level, which is sometimes refused.

Another power struggle takes place between the FCC and the Federal Civil Service Commission (FCSC) which is responsible for recruitment into the ministries and extra-ministerial departments. As both the FCC and FCSC are established by the constitution, the latter has for a long time argued that the former can have no power over it. The FCSC also operates a different allocation system, by which all new positions are divided equally across all states without taking into account prior imbalances. The FCC has a stronger role in monitoring the parastatals. Nevertheless, if we only take into account federal parastatals, it remains the case that imbalances have persisted over time (Figures 1 and 2).

While MDAs are not always cooperative, the FCC appears to have limited real powers to enforce compliance with federal character. Legally speaking, the FCC has far-ranging powers and can take chief executives to court for prosecution. This rarely happens, however, and if it does, it does not

result in a sentence. While some commissioners argue that the FCC works better when it resorts to a more informal, mediating role, others see the lack of sentences as a major weakness. This has also led some commissioners to argue for a separate federal character tribunal, as judges usually allow chief executives to settle cases outside of court. The FCC has also been sued itself for failing to ensure federal character (e.g. Ibeh, 2015).

The power balance between the FCC and MDAs is also affected by the resources put at the disposal of the FCC. A lack of adequate funds is consistently regarded to be the most serious impediment to the workings of the FCC. According to interviewees, the situation at the state offices is even worse. While the FCC receives numerous complaints, the commission often lacks the resources to deal with them effectively, and in particular, to start court cases. Furthermore, most of the time, MDAs fund part of the FCC monitoring costs, which raises doubts with regard to integrity. While a recent proposal would make it obligatory for all MDAs to fund a certain percentage of the FCC's work, the proposal has not yet been approved. The lack of resources can also foster corruption. One of the privileges of state commissioners is that they can occasionally nominate people for employment in MDAs, a rule which appears to encourage patronage and slot-selling (e.g. Umoru, 2018).

Another challenge lies with the number of commissioners in function. While Mustapha (2007, p.12; 2009, p. 573) expressed concern with the costs and inefficiencies of 37 full-time commissioners, as opposed to six zone-based commissioners, it appears that recent years have rather experienced serious shortages in the number of commissioners active. Multiple commissioners have not been replaced for several years. In July 2018 only 21 commissioners were in function, with about 15 more to retire by August. No new appointments were made and there was no contingency plan to safeguard the FCC's functioning. With only about six commissioners left, not equally divided by zones, the workload for the commissioners would have to rise significantly. As a rule, state commissioners replace adjacent states where necessary, mostly on a zonal basis. Yet six commissioners can hardly be present in all 24 committees of the FCC and liaise with all state offices. While the non-replacement of state commissioners appears to have been a general phenomenon under the first Buhari regime, most probably as a way to cut recurrent government spending, it does show a serious lack of interest from policymakers in defending and supporting the FCC (e.g. Agabi & Iloani, 2018)

This lack of interest is also reflected in the executive engagement with the FCC's annual reports. While the annual reports are produced and sent to the president on a yearly basis, according to one interviewee (FCC, 2018b, July 9), no president has discussed the report with the FCC since President Yar'Adua (2007–2010). Nor have there been written responses to the commission. The National Assembly conducts oversight on the FCC but appears mostly concerned with the budget rather than with the substantive workings of the commission. The FCC can also be faulted, in part due to the inaccessible format of the report, but also because it rarely undertakes public outreach activities. The reports of the FCC are not presented to news media and stakeholders, for instance, which could create a stronger push for policymakers to pay more attention as well. This development stemmed from the controversies that surrounded the early reports of the FCC. The planned new website could be an important outreach instrument but is still under construction. Moreover, the publication of incomplete data, as appears to be the case for political appointments, could also raise controversies.

In order to act as a voice in public debate, the FCC would also need to resolve some legitimacy problems. The issue of corruption has already been mentioned, but an additional concern is that the FCC itself does not seem to respect federal character. While the executive chairman and secretary of the commission should be drawn from the North and South and rotate (Mustapha, 2007, p. 12), all past chairmen have originated from the North which has led to criticism (e.g. Oloja, 2017). The position of acting chairman is an exceptional procedure, but has been used four times now. All past acting chairmen have also originated from the North. This issue has led MDAs and other stakeholders to question the FCC's integrity (e.g. Bello, 2018). In June 2019, a new acting chairman

hailing from Ondo state in the South-West was appointed, however, which may partly restore confidence in the commission.

Before concluding, it is worth considering two pertinent issues relating to the first mandate which the FCC cannot resolve on its own, and which undermine its larger objectives. The first issue concerns the indigene-settler dichotomy, which distinguishes between natives of a particular locality and migrants (e.g. Fourchard, 2015; Mustapha, Higazi, Lar, & Chromy, 2018; Ostien, 2009). Indigenes can receive certain entitlements such as access to public service jobs and scholarships that are not accessible to migrants as they can, in principle, receive those benefits in their locality of origin, regardless of how long they and their predecessors have resided in the area. In some cases, notably in Jos, the capital of Plateau State, contestation over who is indigene and settler has led to recurrent inter-group violence.

While the FCC has defined what an indigene is, it has done so in such a way as to direct the responsibility for identifying indigenes to local governments. Indigene certificates issued at the local government level are hence simply followed by the FCC, regardless of local implementations and controversies (e.g. Ehrhardt, 2017; Fourchard, 2015; Mustapha, 2009, pp. 571–572; Mustapha et al., 2018; Ostien, 2009). Criticism of the indigene/settler dichotomy is acknowledged within the FCC, but the commission is not inclined to intervene in this debate: ‘It’s not good for Nigerian unity, but we cannot change it’ (FCC, 2018a, July 3). The rule that women maintain the state of their father to protect their rights upon divorce also continues to be implemented regardless of resistance from many societal actors (Mustapha, 2009, p. 572).

A second issue concerns the FCC’s focus on geographical territory and not ethnic or religious group in assessing the distribution of public service positions. This appears to benefit larger ethnic groups such as the Hausa-Fulani, Igbo, and Yoruba as these are spread across states (Mustapha, 2007, p. 11). It is also ethnicity rather than state of origin that sometimes affects people’s perceptions of marginalization. Indeed, while Hausa-Fulani can originate from a number of states, their presence in public office as a group can still be regarded as a sign of dominance as people could argue that Hausa’s dominate rather than be interested in whether one is from Jigawa, another from Niger etc. (FCC, 2018a, July 3).

3. Second mandate: equity in socio-economic expenditure

3.1. Towards implementing the second mandate

Since the 1996 FCC Act, the FCC has also been legally empowered to pursue a second mandate, which focuses on the distribution of socio-economic benefits. This second mandate has not been included in the constitution, but holds as follows (FCC Act, 4, 1d):

‘to work out-

- (i) an equitable formula, subject to the approval of the President, for distribution of socio-economic services, amenities and infra structural facilities;
- (ii) modalities and schemes, subject to the approval of the President, for redressing the problems of imbalances and reducing the fear of relative deprivation and marginalisation in the Nigerian system of federalism as it obtains in the public and private sectors;’

Several sectors are highlighted in particular: education, electricity, health, commerce and industry, telecommunications, transport and youth development (FCC Act, 4,2b). The second mandate has not been embarked upon for a long time, however. According to Mustapha (2007, pp. 22–23), as well as some of our interviewees, this was due to difficulties with its implementation, including the development of a distributional formula. Renewed interest may have also been spurred by recurrent accusations of a lack of federal presence in certain regions of the country, in particular the South-East and South-South zones (e.g. Ndidi, 2017).

Yet, while the second mandate appears to experience a new élan, practical and political challenges are still paramount. For instance, the FCC developed a formula in 2013, with a minimum of 2% and a maximum of 5% of the total budget of every sector allocated per state, but the President has not yet approved of it. While this limits the power of the FCC to enforce equal distribution, it has not kept the Commission from collecting data on expenditure and projects per state or zone, and to discuss these issues with the MDAs. Six specific committees have been set up to this achieve this aim. For many at the FCC, the second mandate could strengthen the role of the commission and its impact on society as it touches upon the lives of every Nigerian, and not just the lucky few in public service.

3.2. Data collection

Statistics on the distribution of socio-economic services, amenities and facilities are not yet available in the FCC's annual reports as data collection efforts have only started relatively recently. There are some statistics available by MDA, however. By way of example, Table 3 shows the expenditure statistics for the Federal Roads Maintenance Agency (FERMA) between 2013–2016. The discrepancies in projects and investments are notable, with the North-East and South-East zones receiving considerably less funding. In this case it also appears that the number of projects and the level of expenditure are more or less in line. This does not necessarily need to be the case, however, as important differences can exist between small-scale and large-scale projects. Even though the proposed formula for distribution looks at expenditure, it appears that the FCC is mostly focusing on the project numbers in its statistics and discussion with MDAs for now. This can be related to a concern for overstepping its boundaries, in particular as budget monitoring is the task of the National Assembly, an issue we return to below.

Table 3. Projects and expenditure by zone, Federal Roads Maintenance Agency, Nigeria (FERMA), 2013–2016.

Zones	2013 Projects		2014 Projects		2015 Projects		2016 Projects		2013–2016	
	No.	Cost (N)	No.	Cost (N)	No.	Cost (N)	No.	Cost (N)	No	%
North Central	153	6 844 732 946,27	21	2 181 727 510,98	4	223 513 368,98	27	81 845 600,00	205	24%
North East	18	1 358 302 432,71	5	337 955 356,51	–	–	23	142 190 329,05	46	5%
North West	126	5 723 902 981,81	4	159 126 211,00	–	–	30	2 661 662 587,72	160	19%
South East	44	2 919 805 937,95	9	1 164 468 822,42	3	70 020 731,67	15	1 751 661 489,12	71	8%
South South	96	10 668 553 628,57	17	8 467 777 926,04	1	22 896 471,63	13	1 338 950 063,27	127	15%
South West	198	14 761 472 300,67	29	3 076 685 920,16	–	–	18	2 162 898 784,48	245	29%
Grand Total	635	42 276 770 227,98	85	42 276 770 227,98	8	316 430 572,28	126	8 139 208 853,64	854	100%

Source: FCC, internal document

3.3. Outstanding challenges

Acquiring the necessary data to evaluate socio-economic distribution is in itself a challenging task. While MDAs are relatively used to the first mandate requirements by now, the data required for the second mandate are more intricate, which results in delays, as well as mistakes that need to be corrected. Moreover, to evaluate how the MDAs are complying with federal character it is not only necessary to inspect which projects have been conducted in recent years, but also to take stock of the overall geographical distribution of services, amenities, and facilities in order to point out which

areas need correction. This is the logic that is followed for the first mandate, where the FCC first inspects the nominal roll, and then points out where corrections are needed. The FCC is currently planning such a large-scale stock taking exercise for the second mandate by requiring data from the MDAs on all structures (hospitals, roads etc.) that are currently in place and functioning in Nigeria, a daunting task which can take up several years.

Nonetheless, data collection at the level of MDAs is only one part of the exercise. A crucial second part is physical inspection to check whether structures are effectively in place and running. Indeed, the bane of corruption in Nigeria often takes place at the level of public expenditure with contracts awarded and paid for non-existing structures. With resources already stretched to monitor and enforce the first mandate, it is not clear for now how the FCC will be able to accomplish this exercise. One possibility is for the Commission to seek alliances with civil society actors (NGOs etc.)⁶ and potentially external donors.

Yet even when there is reliable information on the current distribution of services, amenities, and facilities, the question remains as to what should be the correct distribution. A first important issue concerns the historical marginalization of zones and states in Nigeria, which cannot be addressed with the currently proposed formula of equal distribution by state or zone. This conceptual issue of what constitutes distributional equity appears not to be resolved yet. A related issue is whether it is actually viable to analyse distribution at the level of the MDAs and enforce equal distribution at that level. As most interviewees agree, it is not because you have seaports in Lagos that you should start building them in Plateau State. The agreement is that one should look at the needs of the region in ensuring equal distribution. For instance, if Lagos has investments in seaports, then maybe Plateau needs investments in irrigation structures. While this logic is sound, for now it runs counter to the administrative logic of monitoring and enforcement by sector and MDAs:

We monitor the NEXIM Bank and want to know to what extent they spread loans. We monitor the Central Bank of Nigeria, why? If they have 200 million dollars they go to the bureaux de change. We want to know which ones and where. Our universities, colleges, polytechnics: are they equally spread amongst every zone? Mega-filling stations owned by the government: are they everywhere? Crude oil production licenses: who is licensed, is there spread? Indigenous contractors: who, where? Free school feeding: how many benefit per zone? (FCC2018b, July 3)

A final issue is the FCCs post-factum approach to public expenditure. For now, the FCC can monitor expenditure after it has taken place, but expenditure is not subject to an a priori certificate of compliance as is the case for recruitment in public service. To implement such a policy, it would be necessary for the FCC to inspect the Appropriation Bill, a task normally reserved for the legislative branch of government. For now, the Appropriation Bill itself does not detail expenditure by state in Nigeria. On the one hand, information on such allocations prior to expenditure could be an interesting opportunity to safeguard federal character. On the other hand, this also raises questions with regard to democratic accountability if an FCC composed of appointed commissioners would be able to direct the executive and legislative branches of government on where expenditure needs to occur.

However, the FCC could leverage on the role of the National Assembly in oversight in the appropriation process. This is because spread of expenditure and projects is a key aspect of legislative review of budgets as legislators have a primary interest in ensuring that federal projects are allocated to their respective constituencies. In fact, a major source of conflict between the federal legislature and the executive has been the tendency for the legislature to introduce expenditure not proposed by the executive (see Akinsanya & Lawal, 2014). The phenomenon known as 'budget padding' has arisen from the legislature's instrumentalization of oversight powers to redistribute opportunities across the country.

4. Conclusion

Nigeria's Federal Character Commission has since 1996 been mandated to monitor and enforce the constitutional principle of federal character in government employment and public expenditure. The creation of the FCC was widely seen – not in the least by Mustapha (2007, 2009) – as a positive step towards dealing with Nigeria's 'nagging problem of national representation' (Mustapha, 2007, p. 21). In this paper, we have analysed how the FCC has been able to fulfil its objectives. We found that imbalances in public service employment have largely remained the same since the inception of the FCC, and hence have not been mitigated. Even though we did not find that imbalances increased over time, this does raise questions with regard to the FCC's performance. While the federal character principle and the FCC have avoided the capture of government institutions by a single group and may have important symbolic value in strengthening power-sharing norms, this lack of progress requires further scrutiny.

In this paper we have highlighted the main reasons undermining the functioning of the FCC. Some of these have remained the same since Mustapha's (2007, 2009) earlier analysis: the slow turnover of personnel in public service, a lack of opportunities in the private sector, and educational inequalities between North and South. However, we also noted additional impediments, such as the lack of direct access to MDA payrolls through IPPIS, and the requirement of the governor's approval for the FCC to operate in a state. These issues are compounded by a lack of resources, the non-replacement of FCC commissioners, the political dependence of appointed commissioners, and a lack of executive as well as public engagement with the FCCs annual reports.

To strengthen the role of the FCC, important gaps in the current functioning of the institution will need to be addressed. To create the necessary support to do so, however, the FCC will have to brush up its image with regard to how the institution itself respects federal character. There are also notable concerns with corruption which need to be rooted out. Indeed, a more powerful FCC would not redress public service imbalances if oversight and control are primarily used to derive additional private rents.

Given the important reforms which appear necessary to improve the functioning of the FCC with regard to its first mandate, it is somewhat surprising that the commission has embarked upon its second mandate to monitor and redress socio-economic inequalities. While for many this was long-awaited, including Mustapha (2007, p. 22), our analysis also highlights important risks attached to the current process. First of all, this process takes place in an institutional environment already characterized by understaffing and underfunding. Furthermore, the FCCs current formula for the equitable distribution of socio-economic amenities focuses on expenditure, but in practice it appears to focus on the number of projects executed, which is a different issue. It is also not clear how distribution should be managed when MDAs' activities are predominantly restricted to certain regions (e.g. seaports), and how past imbalances need to be redressed.

The formula has not yet been approved by the president, but the FCC has embarked on a data collection exercise to map existing government provisions across Nigeria. For now, this appears to be the crucial first step in the process of implementing the second mandate. Exactly what constitutes equity in the distribution of socio-economic amenities appears first of all a political question, however, which will need to be thought out carefully before hastily implementing a technocratic formula.

Notes

1. The Hausa and Fulani are actually different ethnic groups, but as Fulani conquered Hausa territories in the early 19th century, Fulani rulers took on many Hausa customs. Consequently, they are often referred to as one group.
2. 14 interviews were conducted in July 2018. Interviewees were assured of confidentiality. Quotes are based on notes rather than literal transcriptions.
3. The FCT is understood to be part of the North-Central zone.

4. In an earlier interview, it was also mentioned that whereas some institutions never comply with the data requests, for others this varies by year depending, for instance, on changes in leadership (FCC interview, December 2017).
5. The 2007 spike for the North-West zone is mainly driven by Kaduna state (8,3%).
6. The BudgetIT initiative has similar interests, for instance: <http://yourbudget.com/>.
7. Arnim Langer and Ukoha Ukiwo- were colleagues of Dr. Mustapha during his involvement at CRISE from 2003-2010.

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No potential conflict of interest was reported by the authors.

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References

- Agabi, C., & Iloani, F. A. (2018, December 10). Absence of boards, commissioners slows SEC, character commission. *The Daily Trust*. Retrieved from <https://www.dailytrust.com.ng/absence-of-boards-commissioners-slows-sec-character-commission.html>
- Akinsanya, A. A., & Lawal, G. (2014). Executive-legislature relations. In J. Ayoade, A. Akinsanya, & O. Ojo (Eds.), *The Jonathan Presidency: The first year* (pp. 105–136). Lanham, MA: University of America Press.
- Baiyewu, L. (2018, October 24). Buhari's alleged lopsided security appointments split southern, northern senators. *Punch*. Retrieved from <https://punchng.com/buharis-alleged-lopsided-security-appointments-split-southern-northern-senators/>
- Bello, N. (2018, 14 August). Leadership crisis threatens Federal Character Commission. *The Guardian*. Retrieved from <https://guardian.ng/politics/leadership-crisis-threatens-federal-character-commission/>
- Brown, G., Langer, A., & Stewart, F. (2012). Affirmative action: Foundations, contexts, and debates. In G. Brown, A. Langer, & F. Stewart (Eds.), *Affirmative action in plural societies: International experiences* (pp. 1–23). Basingstoke: Palgrave Macmillan.
- Cederman, L.-E., Weidmann, N. B., & Gleditsch, K. S. (2011). Horizontal inequalities and ethnonationalist civil war: A global comparison. *American Political Science Review*, 105(3), 478–495.
- Coleman, J. S. (1963). *Nigeria: Background to nationalism*. Berkeley: University of California Press.
- Diamond, L. (1982). Cleavage, conflict, and anxiety in the Second Nigerian Republic. *The Journal of Modern African Studies*, 20(4), 629–668.
- Diamond, L. (1983). Class, ethnicity, and the democratic state: Nigeria, 1950–1966. *Comparative Studies in Society and History*, 25(3), 457–489.
- Ehrhardt, D. (2017). Indigeneship, bureaucratic discretion, and institutional change in Northern Nigeria. *African Affairs*, 116(464), 462–483.
- FCC. (2011). *16th Annual report*. Abuja: Author.
- FCC. (2016). *Federal character commission handbook. 2016 revised edition*. Abuja: Author.
- FCC. *Personal interview (Anonymised)*. (2017, December).
- FCC. *Personal interview (Anonymised)*. (2018, July 10).

- FCC. *Personal interview (Anonymised)*. (2018a, July 3).
- FCC. *Personal interview (Anonymised)*. (2018a, July 9).
- FCC. *Personal interview (Anonymised)*. (2018b, July 9).
- FCC. *Personal interview (Anonymised)*. (2018b, July 3).
- Federal Character. Senate to probe Buhari's appointments. (2018, July 19). *The Sun*. Retrieved from <https://www.sunnewsonline.com/federal-character-senate-to-probe-buharis-appointments/>
- Fourchard, L. (2015). Bureaucrats and indigenes: Producing and bypassing certificates of origins in Nigeria. *Africa*, 85(1), 36–57.
- Heyer, J., & Jayal, N. G. (2012). The challenge of positive discrimination in India. In G. Brown, A. Langer, & F. Stewart (Eds.), *Affirmative action in plural societies: International experiences* (pp. 54–79). Basingstoke: Palgrave Macmillan.
- Ibeh, N. (2015, September 1). Buhari sued over 'lopsided appointments'. *Premium Times*. Retrieved from <https://www.premiumtimesng.com/news/top-news/189383-buhari-sued-over-lopsided-appointments.html>
- Langer, A. (2005). Horizontal inequalities and violent group mobilization in Cote d'Ivoire. *Oxford Development Studies*, 33(1), 25–45.
- Mustapha, A. R. (2007). Institutionalising ethnic representation: How effective is the Federal Character Commission in Nigeria? CRISE Working Paper 43.
- Mustapha, A. R. (2009). Institutionalising ethnic representation: How effective is the Federal Character Commission in Nigeria? *Journal of International Development*, 21(4), 561–576.
- Mustapha, A. R., Higazi, A., Lar, J., & Chromy, K. (2018). Jos: Fear & violence in Central Nigeria. In A. R. Mustapha & D. Ehrhardt (Eds.), *Creed & grievance: Muslim-Christian relations & conflict resolution in Northern Nigeria* (pp. 225–268). Woodbridge: James Curry.
- Ndidi, O. (2017, October 9). South -South, South East governors decry federal presence in regions. *The Nation*. Retrieved from <https://thenationonlineng.net/south-south-south-east-governors-decry-federal-presence-regions/>
- Ojeme, V. (2018). Federal character not required in appointment of service chiefs – FCC. *Vanguard*. Retrieved from <https://www.vanguardngr.com/2018/03/federal-character-not-required-appointment-service-chiefs-fcc/>
- Oloja, M. (2017, 18 June). A Federal Character Commission without federal character! *The Guardian*. Retrieved from <https://guardian.ng/opinion/a-federal-character-commission-without-federal-character/>
- Ostien, P. (2009). Jonah Jang and the Jasawa: Ethno-religious conflict in Jos, Nigeria. Muslim-Christian relations in Africa. Retrieved from <https://ssrn.com/abstract=1456372>.
- Stewart, F. (ed). (2008). *Horizontal inequalities and conflict: Understanding group violence in multiethnic societies* ISBN: 9780230516809. Basingstoke: Palgrave Macmillan.
- Suberu, R. T. (2001). *Federalism and ethnic conflict in Nigeria*. Washington, DC: United States Institute of Peace (USIP) Press.
- Ukiwo, U. (2005). The study of ethnicity in Nigeria. *Oxford Development Studies*, 33(1), 7–23.
- Ukiwo, U. (2013). Managing horizontal inequalities and violent conflicts in Nigeria. In Y. Mine, F. Stewart, S. Fukuda-Parr, & T. Mkandawire (Eds.), *Preventing violent conflict in Africa: Inequalities, perceptions and institutions* (pp. 178–207). Basingstoke, Hampshire: Palgrave Macmillan.
- Umoru, H. (2018, 11 January). Our commissioners indulge in job racketeering, FCC Chair tells Senate. *Vanguard*. Retrieved from <https://www.vanguardngr.com/2018/01/commissioners-indulge-job-racketeering-fcc-chair-tells-senate/>