

Meritocracy- 0 versus Mediocrity-1: and Mediocrity Won: The Case of the Nigerian Federal Character Principle (FCP)

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Abstract

Nigeria is said to be an artificial creation of the British colonial masters through the Lugard's Amalgamation Act of 1900-1914 from over 374 ethnic groups. Each of these ethnic groups speak different languages with different ways of life. With a population of over 150 million people it is unarguably the most populous country in Africa and 1 in 5 African is a Nigerian. The constitutional provisions of the 'Federal Character Principle' (FCP) was 'invented' on 18th October 1975 by the Constitutional Drafting Committee (CDC) of 1975 to try to solve the problems created by the colonial masters. This paper relying on the descriptive and historical data examines the effectiveness of the Federal Character Principle through the Federal Character Commission. The paper concludes that the FCP created more problems than it attempts to solve by glorifying mediocrity over meritocracy.

Keywords: Federal Character Principle and Nigeria.

Introduction

There has been a lot of concern regarding how best to manage workforce diversity and promote inclusiveness and recently scholars in the United States of America, Europe, Australia, New Zealand and other multicultural societies are concentrating on how best to get the best out of the situation or how to maintain a peaceful co-existence (Williams & O'Reilly 1997; Wilson & Iles 1999; Miller & Rowney 1999; D'Netto & Sohal 1999; Shapiro 2000; Kersten 2000; Koonce 2001; Stark 2001). The management of diversity had its origin from the USA in the late 1980s and by the late 1990s it spread to the United Kingdom (Mavin &

Girling 2000). The problem management of diversity in Africa (Nigeria inclusive) originated from the colonial period when people from different socio-cultural backgrounds were brought together to become 'one nation' (George, 2010). Nigeria, is no doubt a divided country and there is a need for an affirmative action programmes aimed at least correcting or managing the weighty inequalities between different 'nationalities' within the population (Mustapha, 2007). This paper enumerates the Nigerian case for managing workforce diversity and inclusiveness in the public service, through the establishment of the Federal Character Commission (FCC), which has the mandate to enforce the Federal Character Principles (FCP). The paper will also examine how successfully this has been achieved.

Justification for an Affirmative Action in Nigeria and the Need for the Federal Character Commission to Execute the Action

Nigeria has a population of nearly 150 million with about between 250- 400 ethnic groups depending on the yardstick adopted (Mustapha, 2007). Otite (1990) identified 374 ethnic groups divided into ethnic 'majorities' and ethnic 'minorities'. The ethnic 'majorities', the Hausa's (without the Fulani's (20.9%) , the Yoruba's (20.3%) and the Igbo's (16.6) constitute about 57.8% of the total population (Afolayan, 1983; Jibri, 1991). This accounts for the tripod structure of the country while the other minorities have to form alliances with one of the 'big three' politically (Mustapha, 2007).

In terms of economic inequalities, according to Hamalai (1994) between 1986 and 1990 70% of the registered companies in Nigeria are located in the South West, 16% in the 3 Northern zone and 14% in the two Southern zones. Soludo (2007) added that Lagos (located in the South West in the SW zone) accounted for 48% of all bank deposits and 69.96% of all loans in 2006, the Northern zone accounts for 10.75% of deposits and 8.5% of all loans. Adamu (2003) opines that by 2001 about 46% of the industries in the Northern zone have been forced to close down due to infrastructural and macro-economic difficulties.

The educational inequalities as at 2000/2001 were reported as follows: In the South West zone with about 19.7% of 2005 population there were about 1575 (27%) of Nigerian post primary institutions with about 8763 (17.4) students admitted to Nigerian universities. In the South Eastern zone with about 11.7% of 2005 population , had 1208 post primary institutions and about 19820 (39.4) students admitted into various Nigerian universities. The North West zone had 25.56% of 2005 population with 567 (9.7%) post primary institutions and 2341 (4.7%) students admitted to various Nigerian universities. The North east had 13.53% of 2005 population with 343 (5.9%) of post primary institution and about 1979 (3.9%) students admitted to Nigerian universities. The South South consisted of about 15% of 2005 population with 1114 (19.1%) post primary institutions and about 11734 (23%) of students admitted into Nigerian universities (www. Jambng.com). With the above inequalities there is no doubt a need for an affirmative action to correct or manage the inequalities and this was what gave birth to the Federal Character Principle and the creation of the institution referred to as Federal Character Commission (expected to execute the affirmative action) which will be discussed

Origin and the Workings of the Federal Character Principle

The need for an affirmative action was given a Constitutional backing in 1979 and tagged the 'Federal Character Principle (FCP)'. FCP was expected to take care of the inequalities and the fear of domination and marginalisation of a few State/ ethnic group. Section 14: Sub- section 3 of the 1979 Constitution stated that '-The composition of the Government of the Federation or any of its agencies and the conduct of its affairs should be carried out in such manner as to reflect the Federal Character of Nigeria and the need to promote national unity and also to command national loyalty thereby ensuring that there shall be no predominance of persons

from a few States or other sectional groups in that government or in any of its agencies'. Section 14:3 of the 1979 Constitution further stipulated that the President must appoint at least one minister from the indigenes of each State of the Federation. Section 197/2 of the same Constitution stipulated that the officer corps of the Nigerian Armed Forces and other rank and file must reflect the Federal Character of Nigeria.

In June 1994, the National Constitutional Conference convened by the late General Abacha established the Federal Character Commission through the Decree No. 34 of 1996 with powers to prosecute heads of ministries and parastatals for failing to abide by the Federal Character Principle. FCC was to 'monitor and enforce Federal Character application and proportional representation' (Ekwueme, 2005). The Commission went further to state that the Commission should (a) 'work out a formula for the redistribution of jobs' and will therefore (b) 'establish by administrative fiat, the principle of proportionality within the Federal Civil Service' (Federal Character Commission 1996 Section 4 Sub section 1di and 1dii). The Commission advised that the Commission 'must not be used as a lever to elevate incompetence' which could be through 'lowering of standards' (Federal Character Commission 1996:30-1). The Federal Character Commission 1996:33 stated that 'The indigenes of any state shall not constitute less than 2.5% or more than 3% of the total positions available including junior staff at Head office'. If for example there are two senior positions, one must go to the indigene of the Southern part of the country and the other to the indigene of the Northern part of the country. This is more like the 'Quota model' (Mustapha, 2007).

Mission Statement of Federal Character Commission: The Federal Character Commission is committed to fostering a sense of belonging among all Nigerians through: Equitable sharing of posts in the Public Service without sacrificing merit; and fair distribution of socio-economic amenities to ensure even development among the federating units of Nigeria (Federal Republic of Nigeria 1979 Constitution, Section 153(1)).

Vision Statement of the Federal Character Commission: 'Building a strong, virile and indivisible nation, united in purpose and to which every citizen feels proud to belong, founded on the philosophy of fairness, equity and justice' (Federal Republic of Nigeria 1979 Constitution, Section 153(1)).

Cahn (2002: xiii) identified four possible affirmative action models as follows: (1) The 'Tiebreaking' model- which is showing preference among equally qualified candidate (2) The 'Plus factor' model – which is preferring a strong candidate to an even stronger one (3) The 'Trumping' model is preferring merely qualified candidate to a strongly qualified candidate (4) The 'Quota' model is cancelling a search unless a qualified candidate of the preferred sort is available. The next section will discuss the implications of Nigeria's preference for the 'Quota' model.

Implication of the Nigeria's 'Quota' Model in the Name of Federal Character Principle

The 'Quota' System introduced was to address the problem of inequalities; yet the problem could not be properly addressed and by 1975 it had manifested into a serious political issue that if not well handled could break the country into smaller units (Afigbo, 1989). To avoid this situation, in 1979 a Constitutional provision known as 'Federal Character Principle' was enacted to tidy up the mess created by the 'Quota' system and tighten the loose ends (Agbaje, 1989). This was to a large extent a tall order, because inequalities in Nigeria was not only between North and South but even within states and also between the two major religions; Christianity and Islamic.

Mustapha (2007) reported that in March 2005 President Obasanjo (Christian) during his second term as a civilian President was accused by the Nigerian Supreme Council of Islamic Affairs of marginalising the Muslims in his choice of ministers. His cabinet consisted of 42 ministers out of whom there were only 16 Muslims (38.1%) and 26 Christians (61.99). Kwara State, Kogi State, South South and South West had no Muslim ministers at all. It should be noted that the then President abided totally with the Constitutional provision of the Federal Character Principle that at least one minister should be an indigene of each State. It should also be noted that there was no mention of merit at all in the scheme of things.

Mustapha (2007) reported that there was only one occasion when merit won over equity (or what we will refer to as mediocrity in this paper). This was when in 2005 the Nigerian National Petroleum Company (NNPC) recruited 30 professionals from only seven and other states complained to the FCC. FCC investigated and came up with a verdict in favour of NNPC that the indigenes of other States do not have the manpower with the required skills, training and experience, NNPC therefore won because of the technical nature of its operations.

Discussions and Conclusion

The provision of this Constitutional Act was as expected silent about multinational companies, but in practice the companies were expected to directly or indirectly comply with the constitutional provision; so as to be seen as good corporate citizens (Afigbo, 1989). As these companies would want to please the Federal Government of Nigeria, the constitutional provision had to be secretly but strictly adhered to directly or indirectly. This was by making sure that people from the various geo-political areas of the country were recruited especially on the board of directors; failure to do this might result to inviting the wrath of the Federal government of Nigeria directly or indirectly; so that they could be seen as good corporate citizens by not going against the constitution, the multinational companies must comply with all the Constitutional provisions of the host country (Nigeria); Federal Character Principles inclusive (Ekeh and Osaghae, 1989).

The effect of this was that the Northerners who were not educationally and professionally qualified were brought in; or the post would be offered to an expatriate on contract while a Northerner was trained as quickly as possible (Afigbo, 1989). In most instances the less qualified Northerners ended up being the boss of a more qualified Southerner. All these went on in the Judiciary, Foreign Service, and every arm of the government including the Presidency which the Northerners saw as their birth right; so far since independence in 1960 more Northerners have occupied the post (Nnoli, 1975). If a group of people had the history of Islamic education rather than the Western type of education necessary for socio and economic advancement in this century the other group that had the history of Western education should not be punished or held back all in the name of 'one Nigeria'. This is definitely against the principle of equity.

In the educational system for example, students from the Northern part of Nigeria are usually offered admission to the Federal government financed universities (with very low tuition fees) with lower qualifications as compared with their counterparts from the South especially from the South West; the whole idea translated to 'holding' the south down so that the north could 'catch' up; The Federal Government of Nigeria also spends more money on education in the Northern States than the Southern States to date (Aguolu, 1979).

As the 'Federal Character' is a constitutional provision, everybody and all organisations including MNC's must abide by it, if not such an action becomes illegal and sanctions will definitely be imposed (Adekanye, 1989). The MNC's operating in Nigeria must therefore abide with this constitutional provision. The effect of this is that the MNC's are forced to

sacrifice merit for state of origin. To circumvent this some of the MNC's will rather bring in some of their employees from their home countries even in areas where some Nigerians (mostly people from the south) are capable and in most cases these employees are paid in foreign currencies; this is a drain on the foreign reserves of the country (Ubeku, 1984).

As mentioned earlier the Federal Character Commission was set up to correct the anomaly created by the British colonial master, by bringing together people from different socio-cultural background, regrettably it has so far created more problems, by promoting mediocrity over meritocracy. The situation whereby merit is sacrificed for state of origin (through the adherence to the Federal Character Principle) is unfair and unacceptable. The Commission also sets out to promote unity among all Nigerians but a situation where someone less qualified and with lower experience is made the boss over a more qualified and experienced person all in the name of Federal Character Principle and promotion of unity rather will create more loyalty to the state of origin and work against the unity of the country. We want to agree with Oyovbaire (1983:19) that the Federal Character Principle has encouraged 'mediocrity in position of power' and rendered meritocratic helpless, of no- value and unwanted.

Recommendations and Directions for Further Studies

Scholars have variously described the Federal Character as 'tribal character' (Oyovbaire, 1983:19), 'geographical apartheid' (Suberu, 2001) and 'discriminatory' (Mustapha, 2007:17). This is mainly because in practice the Federal Character Principle is 'inherently discriminatory and counter-productive' and 'serves no defensible purpose' (Mustapha, 2007:17). Mustapha (2007:17) cited Krislor (1974) who reported that the USA has moved from the principle of 'equal opportunity' (treating every one alike) to the principle of 'compensatory opportunity' (helping the neediest). This is exactly what Nigeria and Nigerians should embrace, this is more so as Nigeria and the USA share the same Presidential and Federalism system of government. In the case of Nigeria, the States should be granted the autonomy they deserve. Each State should be allowed to develop on its own and competition between States should be encouraged this will bring about healthy rivalry which will likely bring about the elusive unity. Scholars should as a matter of urgency look at how best Nigeria and Nigerians could embrace the USA type of Presidential system and practice the type of Federalism that is being practiced in the USA.

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