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Ethnic inequality, the federal character principle, and the reform of Nigeria's presidential federalism

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Abstract: The federal character principle is Nigeria's primary formula for mitigating horizontal inequality and conflict in this chronically fractured society. Designed to guarantee inter-group inclusion in the conduct and composition of governmental institutions, the principle spans direct, integrative, and indirect policies for reducing horizontal inequalities, which overlap with consociational, centripetal, and power-dividing paradigms of ethnic conflict management. Celebrated by its champions as an ingenious approach to the management of ethnic diversity and disparity, the federal character principle has been denounced by its opponents for politicizing and valorizing sectional divisions, fostering dysfunctional and corrupt governance, and failing to effectively address structural ethnic imbalances and historical inter-group grievances. This paper offers a new narrative that transcends narrowly framed critiques of the problematic conceptualization, flawed implementation, and meagre impact of the federal character principle by underscoring the innovative design of the principle of federal character as a mechanism of ethnic consociation and integration, while highlighting the indirect variables—including profound institutional deficits in governmental accountability—that have undermined the principle's implementation and efficacy in practice.

Key words: federal character principle, horizontal inequality, North–South conflicts, ethnic diversity, integration, consociation, power-dividing

JEL classification: D63, H11, H77, N47

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1 Introduction

Nigeria is vexed by multiple, combustible, and persistent horizontal inequalities that compound deep ethno-linguistic, religious, and regional diversity with complex patterns of political, socioeconomic, and cultural status disparities. The country's population of over 200 million includes three major ethnic groups (the Muslim Hausa-Fulani in the north, Christian Igbo in the southeast, and religiously bi-communal Yoruba in the southwest), more than 250 smaller ethno-linguistic communities (the so-called ethnic minorities), and approximately equal numbers of Muslims and Christians. From only three ethnic-majority dominated regions at Independence in 1960, the Nigerian federation today consists of 36 constituent states and the federal capital territory of Abuja, 774 constitutionally designated local government areas, and six quasi-official geopolitical zones: the Northwest, Northeast, and Northcentral zones in the more populous, predominantly Muslim, and poorer northern half of the country; and the Southwest, Southeast, and South-South (Niger Delta) zones in the predominantly Christian and less populous, but oil-rich, south.

North–South conflicts over unequal political inclusion and socioeconomic participation, in particular, have engendered considerable inter-group violence and political turbulence in Nigeria. The country's odyssey of ethno-political instability includes the collapse of a parliamentary-style First Republic (1960–66), a catastrophic civil war (1967–70), two extended periods of military rule (1966–79 and 1984–99), the failure of a presidential Second Republic (1979–83), and the abortion of a protracted transition to the Third Republic (1986–93). Since its inception in 1999, Nigeria's Fourth Republic has witnessed extensive ethnic, regional, and religious conflicts. Volatile, oil-dependent public finances, spectacular governmental mismanagement and corruption, some of the world's most dismal human development outcomes, and severe demographic and environmental pressures have sorely strained inter-group relations in Nigeria.

Reflecting the prodigious scale and contentiousness of its cultural diversity and group inequalities, Nigeria has instituted multiple creative policies intended to prevent a recurrence of civil war and enable the country's ethnic groups to coexist 'in some degree of equity and mutual security' (Diamond 1987: 212). Among the most ambitious and ingenious of those policies is the federal character principle, which was designed to fairly reflect or effectively represent Nigeria's pluralistic character in the conduct and composition of the 'country's institutions, agencies, and positions of power, status [and] influence' (Federal Republic of Nigeria 1987: 201). The principle encompasses direct, integrative, and indirect policies for reducing horizontal inequalities, which overlap with consociational, centripetal, and power-dividing paradigms of ethnic conflict management. Described as 'the single most important concept in Nigerian public life' and 'one of the largest affirmative action programs in the world', the federal character principle has been celebrated by some observers as 'a cornerstone of ethnic justice and fair government' in the country and an original Nigerian contribution to the science of government (Diamond 1987: 212; Kendhammer 2014: 407; Kendhammer 2015: 158; Sklar 2004). Other observers, however, have criticized the federal character principle, variously describing it as corrupt, inefficient, ineffective, counterproductive, dysfunctional, discriminatory, divisive, and disintegrative (Ekeh and Osaghae 1989; Maduagwu 2019).

This paper offers a narrative on the unequal socio-cultural contexts, hybrid policy structures, contentious ethno-regional politics, mixed outcomes, and future prospects of the federal character principle that goes beyond narrowly framed critiques of the principle's problematic conceptualization, flawed implementation, and meagre impact. First, in Section 2, the fraught configurations of political, socioeconomic, and cultural horizontal inequalities that spawned the

federal character principle as a unique approach to managing ethnic inequality and conflict are elucidated. In Section 3, the policy-making history by which the consociational (direct), centripetal (integrative), and power-restraining (indirect) facets of the federal character principle were adopted in the pre-constitutional, constitutional, and consolidated phases of the principle's development is described. Section 4 discusses the North–South ethno-regional fault lines that have framed contending perspectives on the outcomes of the federal character principle. Section 5 provides a balance sheet on the federal character principle, along with an analysis of ongoing debates about reforming the principle, and, finally, Section 6 summarizes the paper's major arguments and implications.

2 Horizontal political, socioeconomic, and cultural inequalities and the foundations of the federal character principle

Nigeria's multiple ethno-linguistic, religious, and regional communities display significant inequalities across political, economic, social, and cultural dimensions. These inequalities are outlined below, beginning with a discussion of political inequalities.

2.1 Political inequalities

Nigeria's primary historic ethnic fault line divides the politically dominant North, which contains 53.5 per cent of the country's population and 79 per cent of Nigerian territory, and the socioeconomically pre-eminent South. The decision of the British colonial authorities in 1954 to create a three-region federation of Northern, Western, and Eastern Nigeria entrenched the North's political primacy. The unbalanced federal structure violated John Stuart Mill's law of federal stability, according to which, in a federation, 'there should not be any one state so much more powerful than the rest as to be capable of vying in strength with many of them combined' (Dudley 1966: 20). In Nigeria's First Republic, the Hausa–Fulani-dominated Northern Peoples Congress (NPC) used its control of the Northern Regional government to win most of the parliamentary seats in the region—enough for it to lead the federal government, while reducing southern political parties to junior partners in national governing coalitions. The advent of military rule and the dissolution of the North into multiple states did not eliminate southern fears of northern political domination. Northerners headed six of Nigeria's eight military governments between 1966 and 1999 and led the country for all but four of the twenty-nine years of military rule. Furthermore, the fragmentation of the North into multiple states diluted but did not eviscerate northern political hegemony. The North's cohesive, dominant Muslim identity and the over-centralization of the country's multistate federalism sustained northern political domination of the South. Southern Nigerian politicians bemoan the North's continuing political hegemony, including northern control of 19 of Nigeria's 36 state governorships, with 57 out of 109 federal senators, 178 of 360 members of the House of Representatives, and 413 out of 774 local government areas (Hoffmann 2014: 10).

Nigeria's tripartite ethnic divisions overlap with its North–South fault line. Constituting about 30, 25, and 21 per cent of the Nigerian population, respectively, the Hausa–Fulani, Yoruba, and Igbo have entertained longstanding mutual fears of political domination and marginalization. Since the Igbos failed in their secessionist bid during the Nigerian civil war, in particular, Igbo leaders have vociferously denounced the apparent exclusion of Igbos from leadership of key institutions, including the presidency and security forces. They also bemoan the fact that the Igbo-controlled Southeast zone contains the smallest number of states in the federation (five as against six and seven in the Yoruba Southwest and the Hausa–Fulani Northwest, respectively).

Nigeria's numerous ethnic minority groups, which collectively constitute approximately a third of the Nigerian population, echo Igbo allegations of ethno-political marginalization and subjugation. Nigeria's original tripartite federal structure subjugated the minorities to the Hausa –Fulani, Yoruba, and Igbo majorities in the Northern, Western, and Eastern regions. Consequently, ethnic minority agitations for the creation of minority-controlled constituent federal units dominated Nigerian politics in the late colonial and early post-independence eras. The minorities voiced their 'apprehension of political repression, socioeconomic discrimination, and even cultural extinction by the majority groups when they took unfettered control of regional governments after independence' (Diamond 1983: 474).

Beginning with the 1963 creation of a Mid-West region for non-Yoruba groups within the Western Region, Nigeria has created numerous ethnic minority-controlled states. Ethnic minorities, for instance, populate 14 out of the federation's current 36 states, including the Ijaw (dominant in Bayelsa state) Kanuri (Borno and Yobe), Edo (Edo), Tiv (Benue), Urhobo (Delta), Nupe (Niger), Efik (Cross River), and Ibibio (Akwa Ibom). But a sense of ethnic minority political vulnerability persists, especially among smaller ethnicities, which remain minorities in minority-controlled states. In addition, most ethnic minority non-Muslims allege ethno-religious persecution in Muslim-dominated Northern Nigeria, while oil-bearing ethnic minorities in the South resent economic expropriation of the oil-rich Niger Delta by the Nigerian federal government.

2.2 Socioeconomic inequalities

A defining feature of horizontal inequality in Nigeria is the disjuncture between the concentration of political advantage in northern Nigeria and the location of socioeconomic leverage in the south. Paralleling southern angst about northern political primacy, therefore, is northern anxiety about southern socioeconomic pre-eminence. A foundational driver of North–South economic inequality was the historic decision of the British colonial authorities to insulate the Muslim North from Christian missionaries, who were the major purveyors of modern western education in southern Nigeria. Indeed, 'As of 1962, 75 percent of all schools (but not universities) were owned by missions in the East and 73 percent in the West' (Peshkin 1971: 445).

Aside from the region's historic Islamic cultural resistance to mission-provided education and secular western modernization, northern socioeconomic disadvantage reflects the North's hinterland location and relative exclusion from productive economic investments that are relatively accessible to the coastal South; the region's relatively heavy dependence on subsistence crops, such as millet and groundnuts, as distinct from the more lucrative cash crops (cocoa, palm oil) and mineral oil resources of southern Nigeria; the impact of neo-liberal policies implemented since the 1980s in eroding the North's state-dependent or state-protected political economy, including a once-vibrant cotton-based textile industry; and the greater vulnerability of the vast 'ungoverned' northern rural hinterland to multiple climate and conflict shocks, including desertification, drought, farmer–herder conflicts, rural banditry, and the Islamist (Boko Haram) terrorist insurgency.

In effect, the North trails the South in virtually all indices of socioeconomic and human capital development. At Independence in 1960, for instance, the North, despite containing over half of Nigeria's population, accounted for less than 10 per cent of the country's primary school enrolments, less than 5 per cent of secondary enrolments, fewer than 60 of the more than 1,000 students at the University College in Ibadan (the country's premier university), and barely 1 per cent of Nigerian officials in federal administrative higher executive positions (Diamond 1988: 27). Indeed, northern elites strove to delay Nigeria's liberation from colonialism, fearing that Britain's departure would in effect transfer control of Nigeria to the South. As independence became

inevitable, however, the North determinedly sought political domination of the federation to counterbalance southern educational, professional, and economic ascendancy.

Thanks to its complex, long-term, cultural and structural drivers, however, Nigeria's North–South socioeconomic divide has been only partially bridged by decades of independence and northern political domination. According to a major 2022 report, socioeconomic welfare outcomes continue to 'differ dramatically between Nigeria's states, especially between those in the north and those in the south' (World Bank 2022: 9). The overall multidimensional poverty rate (encompassing monetary poverty, education, and basic infrastructure) in the North is 67. 3 per cent, while in the South it is 25.0 per cent. The (monetary) poverty rate for the North is 57. 9 per cent, while in the South it is 20.3 per cent. Around 31.9 per cent and 29.1 per cent of northern Nigerians are considered deprived in terms of educational enrolment and educational attainment, respectively, compared with 7.4 per cent and 4.7 per cent of southern Nigerians. Furthermore, as recently as early 2022, '57.4 percent of northern Nigerians lacked access to electricity, compared to 19.5 percent of southern Nigerians' (World Bank 2022: 33). Meanwhile, reflecting the greater prevalence in the North of conservative religious and cultural norms promoting early marriage and large families, average household size in the North is 6.4 as against 4.1 in the South.

2.3 Cultural status inequalities

Of the two culturally symbolic fault lines of language and religion, the former has featured less prominently in horizontal inequality conflicts in Nigeria. The absence of any credible indigenous candidate for the status of a national language, the entrenchment of English as a neutral linguistic bridge among Nigerians, and the role of the reorganized multi-state federalism in accommodating, defusing, and decentralizing diverse linguistic aspirations or sub-nationalisms, all help to explain the cauterization of potential linguistic conflict in Nigeria.

However, an early indicator of linguistic inequality involved the exceptional recognition that Nigeria's foundational federal constitutions accorded to Hausa: the constitutions of 1954, 1960, and 1963 proclaimed English as the official language in legislative houses throughout the federation, but made an exception for the use of Hausa as a secondary and subordinate medium to English in the Northern region. The exception responded practically to the limited penetration of western education and the English language in the North, but it also underscored the North's special status in the federation. In practice, however, all three original regions of the federation enjoyed considerable autonomy to use regional and indigenous languages in mass communication, education, and general administration. Furthermore, since 1979, Nigerian constitutions have provided for the potential use of the country's three major ethnic languages of Hausa, Igbo, and Yoruba (along with English) in the national legislature. Ethnic minority irritation at such linguistic recognition for the big three is assuaged by the constitutional empowerment of each subnational state legislature to conduct legislative business 'in one or more other languages spoken in the state […] in addition to English', as the legislature 'may by resolution approve' (Federal Republic of Nigeria 1979, 1999).

In sharp contrast to the relative absence of linguistic animosities in Nigeria, religious conflicts have fiercely and repeatedly arrayed the country's Christian and Muslim communities in mutual allegations or suspicions of religious domination and exclusion. Christian minorities in the Muslim-majority North and Muslim minorities in the Christian-majority South, in particular, have been prominent protagonists in ethno-religious contention for equitable inclusion in Nigeria. Muslims, for instance, chafe at such allegedly Anglo-Christian features of Nigeria's governance as the official adoption of the Gregorian calendar, the recognition of Saturday and Sunday (and not Friday) as work-free days, and the superimposition of the English common law system on the country's Islamic and customary legal traditions. Christians, on the other hand, have protested the

accommodation of Sharia courts in the national constitution, the extension of Islamic law into criminal matters in several northern Muslim states, and the alleged repression and persecution of Christian minorities in the North. Other Christian grievances relate to Nigeria's membership of the Organisation of Islamic Cooperation and official support for the wearing of hijab in public and/or Christian-founded schools.

Nigeria's Christian and Islamic communities fiercely contest the interpretation of the constitutional provision that Nigeria's national and subnational governments 'shall not adopt any religion as state religion' (Federal Republic of Nigeria 1999: section 10). Christians describe the provision as a statement of Nigeria's secularity, while Muslims insist that the country is not a secular but a multi-religious state and that its government is therefore obliged to respond to the needs of its diverse religious constituents, including Muslims' desire to have their lives governed by Sharia. Both communities also regularly scrutinize and tally official appointments in search of evidence of religious imbalance or a lack of a religiously inclusive 'federal character' in the composition of public agencies.

3 The federal character principle: phases, paradigms, and policies

The scholarly literature has typically placed Nigeria's ethnic conflict management policies within a consociational or a centripetal framework (Horowitz 2014; Kendhammer 2015). In reality, however, these policies, to reiterate, span the three major paradigms of consociation, centripetalism, and power-division, which closely correspond to direct, integrative, and indirect policies for reducing horizontal inequalities (Table 1).

Table 1: Approaches to reducing horizontal inequalities and managing ethnic conflicts in Nigeria

	Policy approach		
Dimensions	**Direct HI-reducing (consociationalism)**	**Indirect HI-reducing (power-dividing/restraining)**	**Integrationist (centripetalism)**
Political	Regional/State Equality Quotas in Federal Cabinets Ethno-regional Federalism (1954–66) Indigenous Citizenship Rules Informal zoning and rotation of the presidency	Independent commissions Supreme constitutional court Legislative oversight Rigid constitutional amendment rules Human rights provisions	Geographic voting spread requirements Ethnic party bans Anti-ethnic federalism (since 1967)
Socioeconomic	Quotas in employment and education Fiscal federalism	Anti-discrimination provisions Regional development commissions	Unity schools National Youth Service Corps
Cultural status	Subnational protections for minority languages	Prohibition of state religion	Civic citizenship education/ promotion of an overarching national identity

Source: author's construction based on Langer (2021: 3).

Direct horizontal inequality-reducing policies 'explicitly target disadvantaged groups' via consociation-style institutions such as ethnic power-sharing coalitions, quotas, ethnic autonomy, and vetoes (Langer 2021: 3). Integrationist policies, on the other hand, although not directly concerned with reducing horizontal inequalities, contribute powerfully to mitigating the conflictive and destabilizing effects of such inequalities by aiming to reduce or moderate the salience of group identities. Ethnic party bans and geographic voting spread requirements are typical integrationist

policies. Similarly, indirect policies 'do not use group affiliations as such, but because of their design disproportionately benefit disadvantaged groups' (Langer 2021: 3). Generic examples of such policies include rigid constitutional amendment rules, human rights legislation and enforcement, anti-discrimination legislation, and prohibition of state religion. These indirect policies overlap with the power-dividing approach, which relies for sustainable democratic ethnic conflict management on 'civil liberties that limit government, separation of powers that create multiple majorities, and checks and balances that limit each majority' (Roeder 2005: 52).

The three sets of approaches to managing horizontal inequality and conflict in Nigeria can be subsumed under the rubric of the federal character principle. However, many of these practices predated the introduction of the principle into Nigeria's political lexicon during the transition (in 1975–79) to a Second Republic. In addition, Nigeria's ethnic management practices have evolved over at least three iterations, each of which is prominently or primarily, but not exclusively, associated with one of the major approaches to managing ethnic conflicts and inequality. What follows is a discussion of the three phases of Nigeria's 'federal character engineering' and the conflict management paradigms and policies associated with these periods.

3.1 The pre-constitutional phase: 'direct' consociation in the period of ethno-regional federalism, 1954–66

Long before the federal character principle was formally entrenched in the 1979 Constitution for the Second Republic, Nigeria adopted several direct, consociation-style, policies for responding to ethnic diversity and disparity. The ethnic regions of the late colonial era (1954–60) and the First Republic (1960–66), for instance, possessed extensive powers, enjoyed significant fiscal federalist prerogatives, and received huge proportions of centrally collected revenues on the basis of the regional derivation of those revenues. The regions established their own constitutions, local governments, subnational policing bodies, and even quasi-diplomatic offices in London. Another ethnic conflict-management instrument of the late colonial era and the First Republic was the formation of parliamentary coalition governments that included ministers from all of the regions. The grand coalition of the 1954–60 decolonization era, during which the regional ruling parties were represented by an equal number of federal ministers in the central executive council or cabinet, gave way to a more limited, but still regionally inclusive, coalition in the post-independence era.

Yet another instrument for managing ethnic inequality and conflict in the initial years of the Nigerian federation was the use of regional quotas and related measures for enhancing regional inclusiveness in institutions beyond the federal cabinet. The most famous of these was a regional quota system for recruitment into the other ranks and the officer corps of the military in 1958 and 1962, respectively. The quota system assigned 50 per cent of places to the Northern region, and 25 per cent each to the Western and Eastern regions (Ekeh and Osaghae 1989). The federal executive also appointed justices to the federal Supreme Court on the advice of the government of each region, thereby effectively ensuring the representation of the regions at the court. The Senate—the unelected upper chamber of the federal bicameral legislature—included an equal number of legislators from each of the regions.

Although they were not initially subject to rigid regional quotas, the federal civil service and the federally established educational institutions (the so-called unity secondary schools and the federal universities in Ibadan and Lagos) sought to recruit candidates from the Northern region in order to mitigate the 'overwhelming predominance' of southerners in these institutions (Nicolson 1966: 195). In the federal public service, for instance, the 'political imperative of increasing Northern representation' resulted during the First Republic in the choice of a northern chairman of the Federal Public Service Commission and in the appointment as permanent secretaries of

northerners 'whose experience and qualifications – regardless of their personal qualities – would not have secured their appointment in the normal way' (Nicolson 1966: 197).

Similarly, in addition to providing a 'special' financial grant to the North 'for the development of primary education', the federal government sought to attract every suitably qualified northerner into federal educational institutions in order to better reflect 'the national character' in these institutions (Attah 1987: 136; Dudley 1966: 19). There was also a broad commitment to ensuring the even regional distribution of major national economic development projects. Under the 1962–68 National Development Plan, for instance, the federal government was committed to splitting the country's proposed iron and steel industry 'into two or three separate plants, one in the North, the other in the East (the Region originally proposed for the industry), [and] a possible third in the West – with a probable consequent loss in efficiency and the economies of scale' (Dudley 1966: 22).

Several other measures were implemented during this period to reduce ethnic inequality and conflict. These included the constitutional entrenchment of fundamental human rights in response to ethnic minority fears of political repression in ethnic majority-controlled regions; the establishment of a federally appointed Niger Delta Development Board to address the complaints of restive ethnic minorities in the Eastern region; and a relatively rigid constitutional amendment formula, which ensured that the majority North could not unilaterally change federalist and related guarantees written into the Constitution.

Overall, however, three things defined the management of ethnic conflict and inequality during the initial years of the Nigerian federation. First, the establishment of autonomous large ethnic regions showed that Nigeria's governance of diversity and disparity at this time placed more emphasis on ethnic accommodation and centrifugal consociation than on national integration and centripetal unification. Second, several of the major measures for managing ethnic inequality, including the quotas in the armed forces and the attempts to create a more representative federal bureaucracy, were not constitutionally or statutorily codified; rather, these measures were introduced at the discretion of the North-led coalitions in control of the Federal Government. Finally, therefore, many of the ethnic management policies of this period took on the appearance of a northern political strategy to contain southern ascendancy in key state institutions, including the top echelons of the civil bureaucracy and the professional officer corps of the military.

Unrelieved fears of inter-group domination in Nigeria's unbalanced federation produced a series of destabilizing political crises that culminated in a violent military coup by predominantly southern Igbo officers in January 1966. The violent collapse of the First Republic provoked a chain of tragic events, including a retaliatory coup by northern soldiers in July 1966, pogroms against Igbo populations living in northern Nigeria, a bloody three-year civil war that killed more than a million Nigerians (mostly Igbos), and over 13 years of dictatorial military rule. A broad national consensus on preventing a recurrence of such catastrophic ethno-political turbulence underpinned the process of political transition and constitutional reengineering that led to the formal introduction of the federal character principle under the 1979 Constitution for the Second Republic.

3.2 The constitutional phase: centripetal integration under the 1979 Constitution

The following interrelated features defined this momentous phase of ethnic conflict management in Nigeria: the formal articulation and elaboration of the federal character principle as part of a (fragile) post-civil war elite consensus on Nigeria's constitutional architecture; the constitutional entrenchment of ethnic conflict-reducing policies, thereby reducing the discretionary nature of previous federal character practices; the generalization of federal character practices to embrace the composition and conduct of government at all levels of the federation; the systematic promotion of a centripetal approach that putatively focused more on national integration than on centrifugal ethnic, regional, and religious divisiveness; the transformation of constituent states from instruments of ethnic autonomy into conduits for the geographic distribution of centrally collected oil revenues and related developmental patronage; and the supplementation of the Constitution's broad anti-ethnic federalism and centripetal approach with more or less informal consociation-style practices. These themes of elite consensus, constitutional institutionalization, comprehensiveness, centripetal integration, distributive federalism, and hybridity bear elaboration.

According to Billy Dudley, a former president of Nigerian Political Science Association and a member of the 50-person Constitution Drafting Committee (CDC) that the military appointed to produce the initial draft of the 1979 Constitution:

> Nowhere is the elite consensus underlying the second republic better demonstrated than in the use of the expression the federal character of the federation in reference to the exercise of presidential power with respect to appointments to different positions […] in the services of the federation (Dudley 1982: 162).

Indeed, the military head of state, General Murtala Muhammad, originally used the phrase 'federal character' in his 1975 address at the inaugural session of the CDC. According to Muhammad, the military desired for Nigeria

> an executive presidential system of government in which the President and Vice-President are elected with […] legal provisions to ensure that they are brought into office in such a manner as to reflect the Federal character of the country; and the choice of members of the Cabinet should also be such as would reflect the Federal character of the country (Mohammed 1975).

Members of the CDC subsequently embraced the concept of federal character after 'very sharp differences' developed within the Committee—between supporters of ethnic quotas, proponents of ethnic indifference, and advocates of an intermediate approach between reifying and relegating ethnicity—regarding the best ways to manage Nigeria's inter-group relations (Panter-Brick 1978: 305). For the CDC, the federal character principle best encapsulated the common desire of all the members to promote national integration in Nigeria's ethnically conflicted and divided society. The Constituent Assembly, a predominantly elected body, subsequently ratified the CDC's embrace of the federal character. In essence, Nigeria's military, technocrats, and politicians, all underwrote the constitutional adoption of federal character as a response to Nigeria's quest for inter-group equity and unity.

Beginning with the 1979 Constitution, all of Nigeria's post-civil war constitutions defined the federal character in terms of Nigerians' collective 'distinctive desire […] to promote national unity, foster national loyalty, and give every citizen […] a sense of belonging to the nation' (Federal Republic of Nigeria 1979: section 277). Such national unity, loyalty, and sense of belonging would be promoted by ensuring that the conduct and composition of the federal government '[shall]

reflect the federal character of Nigeria' such that 'that there shall be no predominance of persons from a few states or a few ethnic or other sectional groups in that government or in any of its agencies' (Federal Republic of Nigeria 1979: section 14). Similarly, the composition and conduct of each subnational state and local government 'shall be carried out in such manner as to recognize the diversity of the peoples within its area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the federation.'

Beyond these general and mostly non-justiciable definitions and formulations, however, Nigeria's post-civil war constitutions included specific, justiciable requirements for reflecting the federal character in virtually every key facet of politics and governance in the country. Among other demands, these mandatory constitutional provisions required the following: the establishment by the National Assembly of a body to enforce the federal character in the armed forces; the inclusion by the President of an 'indigene' of each of the states in the federal cabinet, while giving due regard to the federal character in making other presidential appointments (ambassadors, chief executives of federal agencies, permanent secretaries, etc.); that a successful candidate for the presidency must obtain not only a plurality but also a quarter of the votes in two-thirds of the federation's constituent states (a successful gubernatorial candidate is similarly required to obtain a quarter of the votes in two-thirds of the local councils in the constituent state in question); and that officially registered political parties must include representatives from two-thirds of the states in their governing councils, thereby in effect banning ethnic political parties.

Along with several civic citizenship education and mobilization initiatives like the National Youth Service Corps (NYSC) and the National Orientation Agency (NOA), the ethnic party bans and the geographic distribution requirement for presidential elections reflect the centripetal bias in many of the federal character requirements. Indeed, Horowitz (2014) describes Nigeria's presidential election rule (which has been adopted in Kenya and Indonesia) as the prime example of this centripetal approach to ethnic conflict management. The use of constituent federal states, rather than ethnic or religious identities per se, as the primary basis of the federal character also reflects a centripetal or integrationist bias. Given the dissolution of each of the three major ethnic groups into multiple federal units, and the incorporation of most of Nigeria's hundreds of smaller ethnic communities into heterogeneous units, most of the Nigerian states are not necessarily coterminous with ethnic units. Instead, the states are mostly sub-ethnic or multi-ethnic in character. At the same time, however, the constitutional emphasis on the representation or inclusion of state indigenes, rather than state residents, has promoted a nativist or primordial, rather than civic, principle of subnational state citizenship. The Constitution explicitly defines a state indigene as 'a person either of whose parents or any of whose grand parents was a member of a community indigenous to that state' (Federal Republic of Nigeria 1979: section 277; Federal Republic of Nigeria 1999: section 318).

Nonetheless, the Constitution's mostly centripetal approach marked a qualitative transformation in the design of Nigerian federalism. The smaller and more numerous constituent states that replaced the large ethnic regions functioned primarily not as agents of ethnic autonomy or self-rule but as conduits for the dissemination of expanded centrally collected oil revenues. The formula for distributing oil revenues underscored the distributive role of the states. Instead of placing emphasis on distributing centrally collected revenues on a region-of-derivation basis, the revenue allocation formula from the 1970s emphasized primarily the equal sharing of revenues among the subnational governments and secondarily the distribution of revenues according to the relative populations of the units. Ostensibly designed to ensure that all sections of the country, and not just the oil-bearing Delta region, benefited from the lucrative oil reserves, the equal sharing of oil rents between the states dis-incentivized subnational economic agency and self-reliance, while incentivizing the proliferation of new centrally funded—and mostly corruptly governed—subnational governments.

The principle of equal inter-state sharing of central resources was extended to other practices that promoted 'federal presence' and patronage in the states (Egwaikhide et al. 2009). In particular, federal 'unity schools' (elite secondary schools established to promote national integration by bringing children from different parts of the country together) and tertiary institutions (including universities and polytechnics) were distributed equally between the states, each state having at least one federal university. Federal Ministry of Education regulations prescribed that admissions to these institutions be based on a combination of merit, locality or 'catchment area', adjustments for educationally less developed states, state equality quotas, and individual institutional discretion, with the meritocratic criterion accounting for only 40 per cent or less of admission placements.

The federal character principle's emphasis on representing state indigenes, on avoiding a 'predominance of persons from a few states or a few ethnic or other sectional groups' in public agencies, and on equitably distributing federal patronage to subnational constituencies spawned numerous consociation-style practices of ethnic accommodation that underscored the principle's inherent hybridity. Beginning with the National Party of Nigeria in the Second Republic, Nigeria's major political parties crafted various innovative schemes for sharing, rotating, and balancing political offices (the presidency, vice-presidency, governorships, national and state legislative memberships, and leadership positions in political parties) among diverse ethnic, regional, religious, geopolitical, and local constituencies. Especially remarkable are the informal, but widespread, political party practices that rotate Nigeria's powerful presidency between the North and the South and among geopolitical zones within the two historical regions, while balancing each presidential/vice-presidential ticket on a North–South and/or Muslim–Christian basis.

These power-sharing practices did not completely alleviate the ethno-politically polarizing and contentious nature of presidential elections, however. Intense contention over presidential election results in 1979, 1993, and in 2011 roiled the country's Second, Third, and (ongoing) Fourth Republics, respectively. The North-dominated military's annulment of the unprecedented presidential election victory of a southerner in June 1993, in particular, precipitated a crisis that ultimately led to the abortion of Nigeria's transition to a Third Republic. The crisis produced a third phase of federal character engineering, which led to the establishment of the Federal Character Commission (FCC) as a putatively neutral instrument for enunciating, enforcing, and monitoring the equitable sharing of power and resources in the federation.

3.3 The consolidated phase: the Federal Character Commission and the 'indirect' or power-restraining approach under the 1999 Constitution

This latest phase of the federal character's development involved at least five advances: (1) the establishment of the FCC, charged with promoting and implementing the federal character; (2) the partial restoration of the derivation rule for restive ecologically vulnerable oil-producing areas; the (re)establishment of developmental commissions for the Niger Delta and other endangered regions; (3) the elaboration of a quota formula for distributing public offices among the constituent segments of the federation; (4) formal recognition of six geopolitical zones as an important axis of ethnic diversity and distributive politics in Nigeria; and (5) the attempt to formally develop a policy for the equitable distribution of public projects across the federation. Of the five developments, the most important innovation was the establishment of the FCC: the other advances merely revived, renewed, reinforced, or consolidated practices and policies that were previously established in the federation.

Initially established by military decree in 1996 (on the recommendation of the 1994–95 National Constitutional Conference), the FCC was incorporated into the 1999 Constitution as one of several independent federal executive bodies. These included 'the Code of Conduct Bureau, the National Judicial Council, the Federal Civil Service Commission, the Federal Judicial Service Commission,

the Revenue Mobilization and Fiscal Commission […] and the Independent National Electoral Commission'. Members of these bodies are to be appointed (and can only be removed) by the President with the approval of the upper house of the national legislature (Senate). The Constitution explicitly guarantees the independence of these bodies by providing that their internal governance 'shall not be subject to the direction or control of any other authority or person' (Federal Republic of Nigeria 1999: section 158). In essence, the FCC and other independent executive agencies are designed to serve as additional restraints, along with the courts and the legislature, on political executives in the governance of critical public matters.

As potentially independent checks on the conduct of governing or political elites, these power-dividing or power-restraining institutions can help to moderate ethnic inequality and conflict in divided societies by doing several things. They can promote elite compliance with constitutional provisions, adapt rigid constitutional tenets to changing circumstances, impartially arbitrate intergroup conflicts, promote the de-politicization of sensitive ethno-political issues (for example, population enumerations and revenue allocations in the Nigerian context), and (especially in the case of anti-corruption institutions such as the Code of Conduct Bureau) help to restrain the abuse of public office for personal gain and promote the accountability of ethnic elites to mass-based constituencies. Although they are largely procedural, rather than directly or substantively related to the amelioration of horizontal inequalities, these functions are indispensable to advancing inter-group peace and equity in divided societies.

Under the Third Schedule of the 1999 Constitution, the specific functions of the FCC include: developing an 'equitable formula subject to the approval of the National Assembly for the distribution of all cadres of posts in the public service of the federation and the states'; promoting, monitoring, and enforcing 'compliance with the principles of proportional sharing of all bureaucratic, economic, media and political posts at all levels of government'; and 'the prosecution of the head or staff of any Ministry or government body or agency which fails to comply with any federal character principle or formula prescribed or adopted by the commission.' Like many other ostensibly independent agencies in Nigeria, however, the FCC has mostly failed to fulfil its constitutional roles. Instead, presidential appointment, funding, and control of most of these institutions have left them heavily politicized and/or emasculated.

Multiple interrelated challenges hobble the FCC. One set of challenges involves the presidency's neglect of the commission, including failing to fill vacant positions on the FCC's 38-member board (comprising a chairman and representatives of the 36 states and Abuja), a lack of executive engagement with the commission's annual reports, and underfunding of the commission, leading the agency to rely for its monitoring costs on the very ministries, departments, and agencies (MDAs) the commission is responsible for overseeing. Another set of challenges reflects the FCC's legitimacy and integrity deficits, including northern domination of the strategic positions of chairman and executive secretary of the commission, the appointment of commission members on the basis of partisan political patronage, the commission's propensity to grant discretionary waivers to MDAs regarding their obligations to advertise job vacancies, and the practice of allowing the FCC's board members to nominate persons for positions in MDAs. In addition, the FCC's implementation of its mandate has been ineffective and unimaginative, including focusing on monitoring geographic representation at the level of each MDA rather than in the government as a whole, perpetuating the indigene–non-indigene dichotomy in its distributional formulae, failing to widely disseminate its annual reports, not developing credible or sustained programmes for prosecuting institutions that default on the federal character, and failing to articulate a realistic policy for actualizing its so-called second mandate of promoting the equitable geographical distribution of public projects, amenities, and services.

Other criticisms have been levelled at the FCC's unwieldy 38-member board, and its duplication of the oversight functions of the Federal Civil Service Commission and the legislature, which have often been more effective in enforcing the federal character in key appointments. Such unwieldiness and duplication led a high-level 'presidential committee on the restructuring and rationalization of federal government parastatals, commissions, and agencies' to recommend the scrapping of the FCC (Federal Republic of Nigeria 2014). However, the FCC's most damaging weakness is its ineffectiveness as an agency for restraining the country's powerful presidency: '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 members, and approves its rules and budgets' (Demarest et al. 2020). Indeed, contrary to their explicit constitutional obligation to enforce compliance with principles of proportional sharing at all governmental levels, FCC officials have argued that 'keeping track [of] or advising the president on his political appointments was outside the commission's mandate' (Maduagwu 2019: 171). Such derelictions and corruptions, among other distortions associated with the federal character principle, have strained the elite consensus underpinning the principle in Nigeria.

4 A fragile consensus: contending North–South perspectives on the federal character principle

The federal character principle, to reiterate, epitomizes a broad, post-civil war elite consensus on promoting a sense of belonging among diverse Nigerian groups by extending and entrenching the principle of inter-group inclusiveness in political, socioeconomic, and cultural institutions. However, while a general commitment to the federal character persists, there is intense contention and 'debate over the precise implications and exact mechanics of the praiseworthy concept of the federal character' (Kirk-Greene 1983: 473). Specifically, a North–South fault line has emerged over the most appropriate interpretation and judicious implementation of the federal character. Northern Nigerians vigorously embrace the application of the federal character principle through the use of group quotas in educational, bureaucratic, and general socioeconomic spheres. Southerners, on the other hand, argue for the restriction of the principle to high political and administrative offices. Overall, as a *New York Times* report put it, 'several southern [Nigerian] educators and politicians have sharply attacked the quota system', while 'support for Nigeria's federal character policy comes from Nigeria's North' (Brooke 1988).

North–South conflicts over the federal character have strained political elite integration at the highest levels, polarized scholarly analysis and newspaper commentary, and escalated into legal challenges. North–South contention at the highest levels of government on the newly constitutionally mandated principle of federal character was evident during the early days of the Second Republic. At a public seminar in 1980, the Secretary to the federal cabinet, Alhaji Shehu Musa, espoused the North's position that robust implementation of the federal character in the federal bureaucracy did not promote mediocrity because suitably qualified candidates could be found in every state of the federation. But reflecting southern frustration at the perceived politicization of promotion criteria in the federal civil service, the head of the service, Mr Gray Longe, challenged Musa's position at the same seminar (Kirk-Greene 1983: 448–69). Yet, while expressing scepticism regarding the strict use of state equality quotas to advance northern representation in the bureaucracy, political leaders from the three southern geopolitical zones, including former military head of state and civilian president Olusegun Obasanjo, have been longstanding advocates for using the rotating presidency to mitigate northern political domination (Bach 1989: 237; Sahara Reporters 2022).

In *Federal Character and Affirmative Action: History and Peculiarities of Diversity Policies in the United States and Nigeria*, Michael Maduagwu echoes a prevalent southern Nigerian perspective that the federal character has been 'wrongly interpreted and applied', thereby transforming 'an otherwise laudable principle into a divisive factor rather than a unifying one[,] for which it was introduced' (Maduagwu 2019: xviii). A proper interpretation of the federal character, according to this perspective, would limit its application (as General Muhammad's 1975 speech implied) to the election—and composition of the cabinet—of the president. At best, a judicious application of the federal character would, in addition to political offices, include the highest administrative positions in order effectively to contain fears of inter-group domination. However, deploying 'the provision of federal character as a justification for a special admissions quota into federal government institutions for the northern states is a mere rationalization and in fact a manipulation of a constitutional provision to serve vested interests' (Maduagwu 2019: 131).

Maduagwu contends that no account of Nigerian history could support the implementation of the types of broad compensatory affirmative action policies that have been used in countries (such as India, South Africa, United States) with significant legacies of inter-group discrimination, segregation, and domination. In his opinion, the North's educational disadvantage did not result from

> a deliberate policy of any government in Nigeria (colonial or indigenous) to discriminate against the North. The northern leaders in their own wisdom in trying to protect their children from being converted from Islam […] prevailed on the British colonialists not to allow the missionaries to establish schools in the North (Maduagwu 2019: 173).

Opportunities in education and in bureaucracy below the highest administrative positions should, therefore, be made available to all Nigerians on a meritocratic basis without 'discrimination based on ethnic, religious or state of origin consideration' (Maduagwu 2019: 171).

The 18 chapters of the authoritative 1989 study *Federal Character and Federalism in Nigeria*, which were written entirely by southern Nigerian academics, contained similar critiques of the federal character. Despite some sympathetic voices, contributors to the study were overwhelmingly critical of official interpretations and implementation of the federal character principle. In a background chapter, for instance, the co-editor of the study and Nigeria's preeminent political sociologist, Peter Ekeh, argued: 'There is no doubt that the consequences of federal character have been destructive for the Nigerian political system' (Ekeh 1989: 37). For Ekeh, the evil fruits of federal character in its disastrous impact' [*sic*] included 'attacks [on] standards and professionalism', prioritizing distribution over productivity, disrupting the 'emergence of national elites' by thrusting Nigerians into 'ethnic and regional enclaves', and damaging the 'prospects of economic and social development by attacking the principle of excellence' (Ekeh 1989: 37–39).

Southern opposition to the federal character found its way into the courts in 1988 when Yinka Badejo sued the Federal Ministry of Education for violating her fundamental rights to freedom from discrimination on the basis of her state of origin. An indigene of Ogun State in the Yoruba southwest, Badejo had scored a comparatively impressive 293 on a 400-point test for admissions to the elite group of Federal Government 'unity' secondary schools. But Badejo was unsuccessful in the test because of a policy that shortlisted for interview only the best 500 male and best 500 female candidates from each state, the final selection being made on the basis of merit, state quotas, and environmental or locality quotas: 'If she had been born to parents from Kano State, the northern heartland of the Hausa and Fulani tribes, she would have sailed into a Unity School with a score as low as 151' (Brooke 1988). In her legal challenge, Badejo averred: 'national merit should be given preference in the issue of admission because the colleges into which admission is sought

are national institutions established to promote national unity and not discrimination on the grounds of state-of-origin' (Badejo 1996).

In November 1988, after rejecting Badejo's application for an interim injunction to halt the admission interviews, a High Court dismissed her case on the grounds that she had failed to establish that she had suffered injuries greater than those suffered by other candidates; she therefore had no *locus standi* to bring the application. In January 1990, however, a Court of Appeal ruled that Badejo had established that she had *locus standi* to institute the action, and awarded costs in her favour, but proceeded to strike out the entire suit on the grounds that the matters complained about had been completed and become stale. The final chapter of the *Badejo v. Federal Minster of Education & Ors* saga came in September 1996, when a five-member panel of the Supreme Court delivered judgment on the suit. The panel consisted of three northern justices (Idris Kutigi, Uthman Mohammed, and Umaru Onu) and two southern justices (Michael Ogundare and Emmanuel Ogwuegbu). In their majority opinion, the northern justices upheld the decision of the Court of Appeal to strike out Badejo's legal challenge. Furthermore, in his lead judgment, Kutigi revealed the majority's sceptical orientation to the substance of Badejo's challenge by opining: 'A fundamental right is certainly a right which stands above the ordinary laws of the land but I venture to say that no fundamental right should stand above the country, state, or people.' Furthermore, according to Kutigi,

> It is quite gratifying for one to observe in this case that the High Court rightly and quite properly too in my view refused the appellant's request for an order of interim injunction […] against the respondents [Federal Ministry of Education] just before the interviews […] were held. That was as it should have been (Badejo 1996).

But the two southern justices issued dissenting opinions, rejecting the majority's suggestion that hearing Badejo's case on its merits would be 'ineffective, unenforceable, impotent or abortive'. They contended that, having established that the applicant had *locus standi*, the appropriate order to make was to refer the case back to the High Court for hearing on its merits by another judge. In Ogwuegbu's words: 'As the appellant was complaining of the breach of her fundamental rights enshrined in the Constitution by the Federal Ministry of Education, the Court below also breached her constitutional right to a fair hearing by not giving her a hearing before striking out the suit (Badejo 1996).

Given the inconclusiveness of *Badejo v. Federal Minster of Education & Ors*, Olisa Agbakova, an Igbo and former President of the Nigerian Bar Association (NBA), instituted a fresh public interest litigation against the discriminatory nature of the quota policy. In 2014, a Federal High Court agreed with Agbakoba that prescribing different cut-off points for admission to the unity schools on the basis of state of origin violated constitutional guarantees of non-discrimination and was, therefore, null and void. The Federal Government challenged the High Court's ruling in the Court of Appeal, where the matter continues to languish in a quagmire of judicial torpidity and executive contumacy. Nonetheless, Garba Shehu, a prominent northern Muslim journalist and soon-to-be senior special assistant in the presidency, criticized the High Court's decision as 'a judicial assault on the country's nation-building process'. Shehu defended the accommodations for northerners via the quota system on cultural, historical, infrastructural, and structural grounds, reeling off the names of several northern alumnae of the unity schools who had gone on 'to distinguish themselves in various professions'. He warned that scrapping the quota-based admissions policy 'would lead to the same results that the Boko Haram is seeking to achieve' by depriving Muslim northerners of opportunities for modern educational development (Shehu 2014). Such polarized ethno-regional perspectives on the federal character warrant both a reassessment of the policy's

achievements and shortcomings, and a discussion of potential pathways to a less contentious policy.

5 Reassessing and reforming the federal character principle

As a device for mitigating group-based inequality and conflict, the federal character has produced both remarkable successes and significant shortcomings. The federal character's visible achievements include moderating political and bureaucratic inequality, consolidating a broad commitment to Nigeria's multinational unity, undermining ethno-secessionist projects, and institutionalizing power-sharing norms. At the same time, the federal character has failed to avert intensive elite ethno-political contention and mobilization, or to significantly impact mass socioeconomic inequality, both of which have catalysed demands for reviewing, reforming, or improving the country's direct, integrative, and indirect horizontal inequality-reducing policies or ethnic conflict management practices.

Although it has not eliminated northern political domination or northern bureaucratic under-representation, the federal character has moderated both concerns. The informal, but widely accepted, practice of rotating the powerful Nigerian presidency among geopolitical zones has produced two southern Christians and two northern Muslims as presidents in the first two decades of the Fourth Republic, which has seen the most extended period of uninterrupted civilian rule in Nigerian history. Similarly, while the core northern Muslim zones of the Northwest and Northeast continue to be under-represented in the federal bureaucracy generally, the policy of distributing the positions of permanent secretaries (the topmost bureaucratic positions) equally among the states has ensured a more balanced representation at the highest echelons of the bureaucracy. This is in sharp contrast to the early days of the federation, when northerners constituted barely 1 per cent of Nigerian officials in elite federal administrative positions. Indeed, partly because of the greater number of northern states, northerners now typically account for more than half of federal permanent secretaries.

Greater political accommodation and administrative inclusion has contributed to the evolution of a unifying national identity. Even the most ardent pessimists of the country's unity and viability as a multi-ethnic state concede that contemporary Nigeria 'is much more than a geographic expression and has taken on many of the attributes of a modern nation-state' (Herbst 1996: 156). While a sense of national identity is weaker in Nigeria than in comparable African countries, recent World Value Surveys and Afrobarometer polls show that a declining percentage of Nigerians object to having neighbours from a different ethnic group or feel discriminated against on ethnic grounds. More importantly, a clear majority of Nigerians identify equally with their ethnicity and Nigerian nationality, thereby exhibiting the dual or complementary identities that elsewhere are associated with robust multinational democracies (Aina and Cheeseman 2021; Stepan et al. 2010).

The widely lamented dichotomy of indigenous and non-indigenous Nigerians does not negate a positive assessment of Nigerian nation-building: the dichotomy is for the most part accepted as culturally legitimate; indigene-based discriminations do not typically extend to the allocation of public infrastructures and to voting in elections; many citizens are able to circumvent harsh indigene-based exclusions through intermediaries and by financially procuring indigene certificates; and there is considerable openness at the highest political levels to consolidate national cohesion by liberalizing indigene-based rules through the grant of indigene rights to non-indigenes with an appreciable record of local residency (Ehrhardt 2017; Fourchard 2015; Suberu 2015).

Reflecting the country's greater political inclusion and national cohesion, Nigeria, unlike other major African multi-ethnic countries like Ethiopia and Sudan, has been able to avoid a recurrence of large-scale ethno-secessionist warfare. The radical Islamist insurgency in northern Nigeria and the revival of Biafran separatism in the Igbo southeast lack credibility or viability because they are not supported by core political elites in these areas. Instead of pursuing an agenda of secession from the federation, most politically disaffected southern Nigerian elites, for instance, aspire to greater representation in the Nigerian union through the federal character.

Due to the constitutional institutionalization of the federal character, power-sharing norms are now fairly well entrenched in Nigerian political praxis and culture. From the ruling National Party of Nigeria (NPN) in the Second Republic, through the Social Democratic Party (SDP) and National Republican Convention (NRC) of the abortive Third Republic, to the Peoples Democratic Party (PDP) and the All Progressives Congress (APC) in the Fourth Republic, Nigeria's major parties have institutionalized the practice of zoning, rotating, and balancing major party or governmental positions along ethnic, regional, geopolitical, and religious constituencies. What is more, such creative power-sharing norms are now widely practised in many otherwise apolitical, but vital, institutions of governance and civil society, including the bench and bar. The current Nigerian Supreme Court is constitutionally required to have a maximum of 22 members with a balanced representation of the six geopolitical zones. The Nigerian Bar Association (NBA), one of Nigeria's largest and most influential professional and civic organizations, rotates its presidency between its Northern, Eastern, and Western regions.

Yet intransigent ethnic contention and mobilization and persistent horizontal socioeconomic inequalities detract from Nigeria's successes in routinizing power-sharing norms, cauterizing secessionism, fostering dual identities, and enhancing political and bureaucratic inclusion. Ardent federal character agitators beset and buffet Nigeria's contemporary political society, opportunistically mobilizing tribal statistics to support exaggerated claims of marginalization and exclusion, unproductively proliferating MDAs as well as agitating for the creation of additional units of state and local governments in the quest for new opportunities to reflect the federal character, and relentlessly focusing electoral politics and governance around matters of ethnic patronage rather than on programmatic agendas. The extraordinary ethnic contention and mobilization surrounding Nigerian presidential elections, despite the moderating effects of zoning and rotation, epitomizes such excessive sectionalism. Another spectacular example of virulent sectional mobilization involves the periodic degeneration of federal universities into ethnic battlegrounds in which indigenous identities are invoked to appropriate admissions placements, but also vice-chancellorships, deanships, and professorial chairs, in the name of socioeconomic equity.

North–South horizontal socioeconomic inequalities have persisted despite national investment in promoting the equitable distribution of educational facilities and opportunities. Federal tertiary educational investments in northern Nigeria, in particular, have provided the region with enough manpower to staff its numerous centrally funded state administrations and fill its quotas at the highest levels of the federal bureaucracy, without appreciably bridging the educational gap between the North and the South. A vast literature has documented (and this paper has alluded to) the complex, multi-layered, geographical, demographic, historical, structural, cultural, institutional, and economic policy-related factors driving persistent inequalities between the two regions. But these inequalities also significantly implicate weaknesses associated with Nigeria's federal character and federalism. In articulating major proposals for restructuring Nigerian federalism, therefore, current constitutional debates in Nigeria contain ideas that may improve the federal character as a mechanism for reducing horizontal inequalities. Especially germane are ongoing constitutional agitations and proposals for creating a 'true' or more decentralized federalism, for reducing the

ethnic mobilization and polarization associated with presidential electoral contests, and for increasing the political accountability and constitutional fidelity of national and subnational elites.

Contemporary agitations for true federalism underscore the imperative of revitalizing the federalist roles of subnational governments as decentralized agencies of socioeconomic policymaking, thereby undercutting their current association with extreme forms of elite capture, corruption, and rent-seeking. Such corruption, which is prevalent in northern and southern states alike, has entrenched and exacerbated the different paces at which the North and South are developing and 'furthered a sense of alienation over unity' (Hoffmann 2014: 18). Yet subnational governments continue to bear constitutional responsibility for delivering important basic services in education, health, social protection, and infrastructure. Furthermore, Nigeria's historical experience underlines a potential for effective subnational interventions in mitigating horizontal inequality. The role of local town unions in bridging an initial education gap between the Igbo and Yoruba in southern Nigeria, and the impacts of locally administered services in bridging the gap in sanitation and water access between the North and South, are especially instructive (Archibong 2018; Mustapha 2006).

Without prejudice to the key roles that Nigeria's federal centre must continue to play in underwriting and coordinating a balanced national development, northern state governments 'must move swiftly and strategically to deliver on repeated promises to invest in infrastructure, education, and other social services, as well as encourage new sources of income for the region' (Hoffman 2014: 18–19). This will require changes to the current over-politicized revenue-sharing system, including the incorporation of fiscal mobilization and allocation rules that reward more economically dynamic, fiscally transparent, socially responsive, and politically accountable subnational governments. It will also involve devolving and dispersing more resources, responsibilities, and initiatives away from Nigeria's overloaded federal government and all-powerful presidency.

Current agitations for constitutional change have highlighted the ethno-political polarizations and dysfunctions associated with Nigeria's executive presidency. These have spawned diverse constitutional reform proposals, including reverting to the more collegiate or consociational parliamentary system of the 1954–66 era, adopting a Swiss-style presidential council, implementing a semi-presidential system with the president and prime minister originating from different regions and geopolitical zones, constitutionally entrenching the current informal practices for rotating and zoning the presidency, and strengthening institutional restraints and checks on presidential powers.

Undoubtedly, the Nigerian executive presidency functions like a majoritarian, ethnically exclusionary, or 'indivisible good' that 'can only be held by one person, from one nationality, for a fixed term'. Such institutional exclusion contrasts with the more collegiate and 'coalition-friendly' characteristics of the parliamentary executive, which better approximates a 'shareable good' in which multiple ethnic elites or coalitions may participate (Stepan et al. 2010: 57). At the same time, a shift away from the presidential system is unusual in the African context. The shift will be even more difficult to accomplish in the Nigerian context, given rigid constitutional amendment rules and divergent perspectives on the substantive and procedural details of constitutional change. What is more, the vote-spread requirements for electing the Nigerian president and the informal practices for rotating and balancing presidential tickets are truly important and innovative mechanisms of ethnic conflict moderation. Of the contending proposals for reforming the presidency, therefore, the idea of checking and constraining presidential powers seems especially prudent.

The 2008 Report of the Electoral Reform Committee represents the most important proposal for establishing 'truly independent, non-partisan, impartial, professional, transparent, and reliable'

oversight institutions in Nigeria (Federal Republic of Nigeria 2008: 25). The Report recommended that the electoral administration be constituted through a multi-layered process involving the executive and legislative branches, but also the general public, civil society organizations, and the judiciary. The process would begin with the generation of nominees for membership of the commission from the general public and designated civil society organizations. Based on these public and civic nominations, the independent National Judicial Council would prepare a shortlist of Independent National Electoral Commission (INEC) board members. The advisory Council of State, chaired by the president, would then make the final appointment, subject to confirmation by the Senate.

These recommendations could be adapted and entrenched as a general constitutional rule for enhancing the autonomy and agency of regulatory bodies, including the FCC. In addition, following the example of the funding arrangements already constitutionalized for INEC and the judicial and legislative branches, all regulatory institutions should be granted financial autonomy by constitutionally making their budgetary appropriations a first-line charge on the government's consolidated revenues.

6 Conclusion

Nigeria has invoked a hybrid repertoire of direct, integrative, and indirect policies for managing its complex inter-group inequalities. Straddling consociational, centripetal, and power-dividing paradigms of ethnic conflict management, Nigeria's horizontal inequality-reducing policies are best seen as pragmatic responses to the intensity and complexity of the country's diversity and disparities, rather than as a hodgepodge of approaches with incompatible underlying assumptions and incentives. Indeed, 'States are more pragmatic than academics, though they are not equally pragmatic' (McGarry et al. 2008: 87). Nigeria adopted and adapted the three approaches to managing group-based inequality and conflict more or less incrementally in response to the inadequacy of a single monolithic approach in a deeply fractured context (Trzciński 2022). In Nigeria, the sharp duality between northern political primacy and southern socioeconomic predominance functioned to complicate, not moderate, ethnic conflict and to necessitate considerable ingenuity and hybridity in ethnic conflict management.

Despite its depiction as 'the greatest developmental tragedy in the world today', Nigeria has achieved remarkable success in overcoming a legacy of catastrophic ethnic conflict and civil war (Herbst 1996: 162). Nigeria's hybrid constitutional architectures and institutional structures for reflecting and mediating its federal character have succeeded remarkably in enhancing bureaucratic and political inclusion, preventing a recurrence of viable ethno-secessionist projects, and promoting a sense of Nigerian unity in diversity. Nonetheless, ethnic conflict management in Nigeria has not appreciably redressed inter-group socioeconomic inequality or prevented intensive ethno-political contentions.

Proposals for greater economic and policy decentralization hold some promise for ensuring that the unique needs of Nigeria's more socioeconomically vulnerable groups can be 'identified and addressed' more effectively (World Bank 2022: 3). Agitations for reducing or restraining the powers of Nigeria's Africa-style super-presidency can alleviate ethno-political insecurity, anxiety, and animosity around presidential elections. But Nigeria's greatest need is to create and strengthen formal and informal institutional restraints that promote the accountability of rapacious political elites 'both to the citizenry and to the premises' of the country's ingenious federal character principle itself (Diamond 1987: 215). Robust procedural institutional frameworks, including the checks and balances associated with a rule of law and universal human rights, are the stuff of

indirect policies required to consummate substantive direct and integrative inequality-reducing policies. Consolidating such frameworks would mark a milestone in Nigeria's incremental rethinking and iterative renewal of its federal character principle.

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