



FEDERAL CHARACTER PRINCIPLE AND THE REGULATION OF PUBLIC EMPLOYMENT IN NIGERIA: A CRITIQUE

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PREAMBLE

The Nigerian nation from the inception of Federal System of Government in the early 20th Century had been bedeviled by ethnic rivalries of all sorts, prominent among these troubles was the perceived marginalization of some sections of the country by others who were in political majority especially in the distribution of public positions. To forestall this injustice, the then governments of Murtala Mohammed initiated the Federal Character Principle to guide the distribution of public positions in such a way that it would always reflect the diverse nature of the country.

Subsequently, the Constitution Drafting Committee (CDC) set up in 1977, came up with idea of Federal Character Principle, this was eventually entrenched in the Constitution of Federal Republic of Nigeria 1999 as amended. To enhance the proper administration of the Federal Character Principle, the Federal Government of Nigeria enacted Act No. 34 of 1996, establishing the Federal Character Commission (FCC). To further strengthen the legal capacity of the commission, it is included as one of the fourteen independent executive bodies established by Section 153 subsection 1 of the 1999 constitution Federal Republic of Nigeria as amended. The Federal Character Commission has as its vision "to ensure among virile and indivisible nation based on fairness equity and justice. It is additionally given the mission of "fostering a sense of belonging among all Nigerians though:

- i. Equitable sharing posts in the public service without sacrificing merit;

- ii. Fair distribution of social amenities to ensure even development among the federating units of Nigeria.

The Federal Character Principle was therefore formulated and put into use by successive governments in Nigeria to address and hopefully mitigate the problem of diversity so as to ensure a peaceful, stable and united federal republic. The journey so far by the Federal Character Principle in the Regulation of Public employment in Nigeria in the Purview of this critique

CLASSIFICATION OF CONCEPTS

Conceptualizing Federal Character Principle

The issues of Federal character and Federal character principle have been subjects of national discourse in Nigeria since it came to limelight in October 1975 when the then Head of State, the late General Murtala Muhammed declared that he was going to use it to resolve the problem of inequality and marginalization in the Nigerian Public life. It was therefore the constitution drafting committee set up in 1977 that finally came up with the idea of the Federal character principle which was eventually entrenched in the Constitution of Federal Republic of Nigeria 1979. It was also replicated in the 1999 Constitution of the Federal Republic of Nigeria as amended, in its Section 14 (3) and Section 14 (4) respectively. What is then the meaning of the Federal Character Principle?

The Constitution Drafting Committee (CDC 1976) defines the Federal Character Principle as:

The distinctive desire of the people of Nigeria to promote national unity, foster national loyalty and give every citizen of Nigeria a sense of belonging to the nation notwithstanding the diversities of the ethnic origin, which may exist and which it is their desire to nourish and harness to the enrichment of the Federal Republic of Nigeria.

The above definition by the constitution Drafting Committee was a prelude to the constitutional provisions in 1979 and 1999 respectively.

Contributing to the meaning of Federal Character Principle, Talih (1987:2-7) states that Federal character principle is both a reaction and a system, maintaining that it is a positive reaction to correct the practices of the past, especially in the conduct of public management which tended to exploit the diversities of the nation and by so doing cause ill will.

Similarly Afigbo (1987:21) observed that the Federal character principle arose out of compromise among the protagonists of the 1976 Constitution Drafting Committee. He sees the Federal Character Principle as an oily formula to silence the troubled waters in Nigeria and panacea to the issue of political and economic instability. Also Olagunju (1987:33) perceived Federal Character Principle as a deliberate design to accommodate less dominant but often forcibly expressed interest. For Ojo (1999:3), Federal Character Principle is an integrative mechanism crafted in order to achieve fair and effective representation of the various components of the Federation in the country's positions of power, status and influence. He states that the Federal Character Principle touches on the problems of political process, ethnicity, the national question, minority groups, discrimination based on indignity, resource allocation, power sharing, employment and placement in institutions of learning among others.

Also for Talih (1987:17), the Federal Character Principle is a deliberate decision to construct and devise a means of ensuring the proper distribution of amenities and government projects in the country as well as an attempt to devise a formula for fair representation. Similarly, Agi (1985:13) states that Federal Character Principle in Nigeria is a check on the inter-ethnic rivalry, unhealthy political competition, mutual mistrust and antagonism among the various ethnic groups. Nnoli (1980:46) sees Federal Character Principle as a means of bridging the ethnic differences that exist between the people as well as strengthen the aim of national integration.

Ezeibe (2012:4) stated that Federal Character Principle involves a deliberate plan to construct means of ensuring that proper distribution of amenities and government projects in a country. In the words of Igbokwe-Ibeto, Agbodike and Anazodo (2015:5), Federal Character Principle is a palliative principle at uniting once existed autonomous sub-nationalities through quota system for the purpose of equality of opportunities and peaceful co-existence. Accordingly, Heirmexy (2011:5) noted that Federal Character Principle was introduced for equitable sharing of posts and even distribution of natural and economic resources. Ezenwa (1987:5) equally sees Federal Character Principle as an attempt to balance the public posts among the constituent members of the Nigerian Nation. In his own contribution, Boudurin (1989:11) holds that Federal Character Principle is a political settlement that enables every section of the Nigerian Society to be represented in government.

An examination of the Federal Character Principle as perceived by the Constitution Drafting Committee in 1976 would reveal that the original intention of the government in introducing the Federal character principle was to minimize and possibly curb the domination of ethnic group or section in Nigeria in the affairs of power sharing, public employment and distribution of amenities. From the definitions of the principle it is also easy to decipher that it is intended to foster national integration. Similarly, the constitution of Federal Republic of Nigeria 1999 as amended, in its Section 14 (4) extended all of the above intensions to include the affairs at state and local government levels.

Similarly all the authors cited have common idea of the meaning of the Federal Character Principle, as they all concurred with the intention of the government that the principle is geared towards ensuring equity and fairness in the conduct of public affairs in Nigeria. Their ideas point to the same fact that Federal Character Principle is meant to regulate the distribution of public or government posts, admission into

institutions of learning and the distribution of amenities among the peoples of Nigeria.

THE CONCEPT OF REGULATION

Human Society is much richer and better off in most spheres today than it was a hundred years ago – irrespective of the fact that it is under heavy regulation, it will be recalled that today humans live in houses which had been built under regulations of the location, the builders competence, the materials use in building them and codes for the protection of fire outbreaks. Today also, humans eat food grown with heavily, regulated fertilizers and hormones, processed in heavily regulated factories with well monitored technologies and sold in outlets that are heavily regulated with elaborate labels and warnings. Similarly, the means of transportation used by humans as cars, buses, trains, ships, boats and airplanes, are manufactured, marketed, driven and maintained under strict government regulation. Also humans attend schools that teach heavily regulated programs, use the service of hospitals that are heavily regulated, paid government controlled prices and buy products that are approved by Standard Organizations. What is then the meaning of regulation?

Apparently, providing an answer to this question, Moran (1986) states that Regulation is synonymous with government intention in social and economic life. Accordingly, in this sense, government should be able to protect the common people from the full tyranny of the market, he further clarifies that regulation is a contested concept which its essential nature in the subject of continuing debate.

In his own postulation, Mitnick (1980) defines Regulation as an activity in which the discretion of individuals or institutions are restricted by the imposition of rules, similarly, Hertog (2000) contends that in the Legal and Economic literature, there is no fixed definition of regulation and opines that regulation is the employment of Legal instruments for the implementation of Socio-economic objectives. He further states that a character of Legal instrument is that

individuals and organizations can be compelled by the government to comply with prescribed behavior under the penalty of sanctions. Hertog goes ahead to illustrate his definition by explaining that firms can be forced to observe certain prices, to supply goods to stay off certain markets to apply particular techniques in production process and to pay legal minimum wage, he adds that sanctions would include fines, the imposition of specific arrangements, injunction against withholding certain actions and closing down the business.

From the ideas of the above authors, it can be inferred that regulation is the management of complex systems according to a set of rules and trends, generally, these types of rules exist in various fields. It will be noted that there are different meanings of regulation in different contexts. For instance;

- i. In biology, gene-regulation and metabolic regulation allow living organisms to adapt to environment.
- ii. In Government, regulation means the stipulations of rules which are meant to enforce public policies
- iii. In business, self-regulation occurs through self-regulatory organizations and trade associations which allow business to set and enforce rules with less government involvement and
- iv. In psychology, self-regulation theory is the study of how individuals regulate their thoughts and behavior to reach goals.

Accordingly, regulation in the social, political, psychological and economic sectors can take various forms.

These are:

- a. Legal restrictions enacted by a government
- b. Self-regulation especially in the establishment of norms.
- c. Social regulation especially in the establishment of norms.

Regulation may prescribe or proscribe conduct that is command and concrete regulation. Regulation can also calibrate incentives that is incentive-regulation. It can also change preference that is preference-

regulation. It can also change preferences that are preferences shaping-regulation.

Regulation can also take the form of environmental pollution regulation, law against child labour, employment regulations, and minimum wage laws and so on. In this paper, the researcher is concerned with the government regulation of employment through federal character principle.

THE CONCEPT OF PUBLIC EMPLOYMENT

Public employment connotes those jobs that enable the delivery of services to the general public as provided by the government of the day. It is the delivery of services by the public servants that is those working in the public services. Pension Act of 1957, laws of Federation Nigeria, in its section 2 defines Public service as a service in public capacity under the government of federal, state or in a college, university or a pensionable employment under local authority. Under the above definition by the pensions Act of 1957 laws of Federation of Nigeria Public Service includes civil service because it has included the university and even the colleges.

In their own postulation Nwogwugwu and Sosanya (2015:2) stated that civil service is a body of public officials employed to undertake the formulation and implementation of public policies and programmes. They stated that the structures include, ministries and departments and other government agencies. According to them the occupants of public offices include permanent secretaries, ministers and other higher administrative staff that they categorized as Nigeria civil services into lower clerical staff and higher administrative staff and technical staff. Additionally, Ekhaton (2002) explained that Nigerian public service is modeled alongside the Westminster pattern.

Also the Oxford Advanced Learners Dictionary, International Students' Edition (2000:1185) defines Public Service as transport and healthcare

that a government or an official organization provides for people in general in a particular society.

In its own definition of Public Service, the Longman's Dictionary of Contemporary English, (1995:1142) explained that it is a service or product that a government provides; such as electricity, transport etc. Similarly, the Oxford Advanced Learners Dictionary, International Students' Edition (2010:255) defines Civil Service as the government department in a country, except the armed forces, and the people who work for them.

In its own version the Longman Dictionary of Contemporary English, (1995:234) explains that the civil service is the government department that manages the affairs of the country.

In his own definition, Chris (2014:1) says that the term Public Service is broader and more inclusive. He continues to add that Public Service refers to government parastatals, which are the operational arm of government ministries as well as the ministries, departments and agencies. He also states that on the other hand, in addition to the civil service, Public Service encompasses the Armed forces, the Judiciary, the Police, Government institutions, parastatals; Government owned Companies and Statutory Agencies.

Olu Adeyemi (2009:37) maintained that civil service lies at the center of the structure of Administration in Nigeria. According to him the civil services is the instrument through which Nigerian government manages development. Adu (1995) similarly stated that civil service is comprised of all servants of the state other than holders of political and judicial offices, who are employed in civil capacity and whose remuneration is paid wholly and directly out of the money voted by parliament or legislature. In his own constitution, Kola Wole (2008:37) stated that civil servants are by law and professional orientation required to be apolitical and be loyal to the government of the day. This is why according to him the civil servants have the

advantage of service till retirement without fear of vagaries and incessant turn-over in government. It would be recalled that the civil servants are constrained by being capable of disengagement by imposition of disciplinary measures for misconduct or other perceived act of commission or omission. Also a civil servant could voluntarily decide to resign or retire.

Accordingly Basu (2004) held that because civil service is a system based on recruitment on merit, security of tenure, due recognition and timely promotion, it gives the state a class of non-political permanent corps of loyal and industrious officials who form the backbone of Public Administration.

From the above definitions it is deductible that while all Civil Servants are Public Servants, all Public Servants are not Civil Servants. In the Nigerian context specifically, the term Civil Service refers to the service within Government departments and the ministries charged with the responsibility of implementing government policies. On the other hand Public service refers to parastatals, the Police Force and the other armed Forces.

Federal Character Principle and Employment Process in Nigeria

For organizations to achieve their set goals and objectives, staff must be recruited similarly as the retirees are separated from service, new blood are injected to replace them. However, the performance of such staff to the smooth running of these organizations depends on the quality of staff recruited. The question we are set to answer here is, how does the recruitment pattern of the staff by the public institutions affect their compliance with the federal character principle? It is a truism that to be able to achieve their goals and objectives the public institutions have necessarily to recruit staff in their correct quantities and qualities.

Human resource is regarded as the most important, and most valuable aspect of the organization. As such the public institutions in Nigeria

need to apply the best of criteria in its recruitment exercise side by side with the federal character principle in order to achieve the aims of the government. Accordingly, Mukoro (2005:1) holds that human resource is the resource that processes other resources towards the achievement of the organizational goals. The proper attainment of the organizational goals accordingly depends on the caliber of staff recruited.

To be able to achieve this, the implication is that the various sectional interests that are meant to be satisfied through the application of the federal character principle necessarily have the quality and quantity of human resource. To be able to accommodate the federal character principle, the recruitment policy of the public institutions stipulates uniform qualifications without classification of degrees diplomas and certificates. This was made to enable the sectional interests to be able to fill their quota in the public institutions. However, according to Babura (2003:35), the public institutions emphasize uniformity; standardization and transparency to enable them recruit competent applicants. It is noteworthy that despite recruitment exercises there are also elaborate provisions in the constitution of the federal republic of Nigeria 1999 as amended as well as the public service rules and regulations. Upon all these safeguards to regulate appointments into the public service, departments and Agencies, irregularities against the tenets of the merit and technical competence seem rife. Igbokwe – Ibeto and Agbodike (2015:35) note that despite the large size of federal public service, the service still manifests irregularities and low productivity due to incompetence of personnel and poor attitudes of bureaucrats to work.

It would be recalled that section 170 of the constitution of federal Republic of Nigeria 1999, as amended, empowers the public service commission to delegate some of its functions as it deems fit because it plays its role as a regulatory authority. As a result of this provision, the commission delegates the function of recruiting junior staff between grade levels 3-6 to the ministries and extra ministerial departments.

Igbokwe-Ibeto and Agbodike (2015: 45) observe that this policy of delegation of authority has led to the heads of ministries and extra ministerial departments to abusing the policy by recruiting these grades of staff without due adherence to the stipulated rules and regulations including the federal character principle. This they said is because the commission does not maintain any form of checks and balances on the ministerial heads. Igbokwe-Ibeto and Agbodike (2015: 45) report that the heads have the habit of recruiting these junior staff as casual with the hope that they would eventually be regularized. Accordingly a team set up by the government in 2006 to investigate the public service structure found that there was an excess of 9,839 junior staff in the system. Briggs (2007:45) reported that El. Rufai, a member of the federal executive council, as at the time, confirmed that this anomaly was traceable to the casual recruitment of junior staff without adherence to rules and regulations.

On the application of federal character principle while recruiting staff Casio (2010) held that it was to rectify the effects of past and present unfair discrimination. In their study Igbokwe, Ibeto and Agbodike (2015:45) discovered that the reason why the principle is considered along with merit in the recruitment of public servants is because those in the disadvantaged areas were mainly the political leaders of the country. According to Olowu, Otobo and Okotoni (1997: 45) the 'disadvantaged areas were parts of Northern Nigeria. This was why the leader of Northern governor's forum, Muazu Babangida Aliyu of Niger State (2007) reportedly retorted that "one of the problems facing the region is educational backwardness". However, despite the above statement, Igbokwe- Ibeto and Agbodike (2015:45) disclosed that the people from the Northern region are significantly placed in the federal public service because of the application of federal character principle and the number of states in the region. It is noteworthy that in concluding their observation on the effect of the application of the federal character principle that Igbokwe – Ibeto and Agbodike (2015) observed that the constitutional provision on the principle is not bad in a federal state as Nigeria.

Federal Agencies and the Application of Federal Character Law by the Federal Agencies in Nigeria.

To ensure that the Federal Character Principle is properly administered, the Federal government of Nigeria enacted Act No. 34 of 1996 establishing the Federal Character Commission (FCC). To further strengthen the legal capacity of the commission, it is included as one of the fourteen, Independent Executive bodies established by Section 153 subsection 1 of the 1999 Constitution of Federal Republic of Nigeria as amended.

The Federal Character Commission (FCC) has its vision, "to ensure strong, virile and indivisible nation based on fairness, equity and justice". It is additionally given the mission of; "fostering a sense of belonging among all Nigerians through:

- i. Equitable sharing of posts in the public service without sacrificing merit and;
- ii. Fair distribution of social amenities to ensure even development among the federating units of Nigeria.

Under the enabling Act No 34 of 1996 which created the Federal Character Commission, it is provided that the commission's authority covers Federal, state and local government establishments and the Federal Capital Territory (FCT). Therefore Public Service establishments at the three tiers of Government nationwide, namely: ministries, extra-ministerial departments, parastatals, agencies, public institutions and corporations as well as aggrieved citizens are covered by the executive powers of the Federal Character Commission under the Law.

According to Act No 34 of 1996 which established the Federal Character Commission, the commission shall ensure:

- i. That all fresh recruitments into the public service nationwide shall comply with the commission's guidelines and formulae on equitable distribution of posts;
- ii. That the best and most competent candidates from each federating unit nationwide are employed to fill vacant positions meant for indigenes of such units. For this purpose, the commission shall ensure that employers of labour in the public service introduce and adhere to an open competitive selection process at recruiting the best candidates available;
- iii. That henceforth distribution of public service investments in socio-economic amenities and infrastructural facilities shall be done in rating unit nationwide is adequately catered for, provided that the proposed guidelines on aspect are promptly approved by the appropriate authorities;
- iv. The receipt, analysis and publication of up-to-date manpower statistics of all Federal Government ministries, agencies and parastatals by December 31, each year;
- v. Regular periodic up-to-date of manpower statistics of Federal Government ministries, agencies and parastatals and be made easily accessible on the website;
- vi. That it provides, within five working days of the receipt of a written request by any member of the public, any information on manpower statistics relating to any Federal government ministry, agency or parastatals which are not available on the website provided that such information are not classified;
- vii. That it reduces by least 20%, the margin of existing imbalances in the level of representation of the federating units in government ministries, agencies and parastatals by July, 2019, provided the embargo on recruitment into the Public Service is lifted.
- viii. That each state of the Federation and Federal Capital Territory (FCT), respectively attain not less than the statutory 2.5% and 1.0%

- representation in the manpower distribution of each of the Federal Government ministries, agencies and parastatals by 2020.
- ix. That upon the receipt and registration of any position at its Head Office, the commission shall within five working days, acknowledge receipt and refer same to the relevant department or state in appropriate cases for investigation.
 - x. That where a petition was submitted at any state office of the commission and state office is of the view that the subject matter is one which should be handled by the head office, it shall submit the petition to the head office within one week of the date of receipt;
 - xi. That where a petition discloses a prima-facie case of violation of the guidelines and formulae, it shall within three weeks forward a copy of the petition to the offending agency for its reaction;
 - xii. That the requisite enforcement machinery is set in motion within two months of the receipt of the reaction of the offending agency'
 - xiii. That within three months from the date of conclusion of investigations, it sets in motion machinery for prosecution of defaulters of the Federal Character guidelines and formulae and may, in appropriate cases give defaulters an opportunity to make amends.
 - xiv. That within one week of conclusion of investigation, it notifies the petitioner of the outcome.

The Federal Character Commission is to bring the spirit of the Federal Character Principle into fruition by abiding by the above provisions of the Act No. 34 of 1996. The Act has not left any procedure of action against defaulters in doubt. However, it is doubtful as to whether the federal character commission has been able to achieve the ideals of the founding fathers of the federal character principle. This is because the reality on ground seems to be that it is experiencing difficulties. Abba (2016:1) complained that the Central Bank of Nigeria (CBN) refused to answer a query he sent it as the executive chairman of the Federal Character Commission on the secretive recruitment of the children and

relatives of the serving and former senior government officials, into its services between 2013 and 2015.

It is noted that the failure of the Apex bank to respond to the query given to it by the Executive chairman of Federal Character Commission negates the provision of Act No 34 of 1996 to the effect that all recruitments into the public services nationwide shall comply with the commissions guidelines and formulae on equitable distribution of posts. It is also noteworthy that section 16 (2) of the constitution of the Federal Republic of Nigeria 1999 as amended provides that the economic system will not be operated in such a manner as to permit the concentration of wealth or means of production and exchange in the hands of few individuals or of a groups, such as the politically or economically connected or their children. It is clear from this disobedience by the apex bank that the law has been infringed. This has also rendered the functions of the Federal character commission ineffective.

It would also be noted that the Federal character commission has not been able to spread their control mechanism effectively in the local governments to ensure equity in the recruitment of personnel into the services of public establishments. The tension and rancour that were experienced at the government establishment in the old Aguata Division of Anambra State over the employment pattern was a case in point. Onubun (2016) admonished the people to support federal character commission by complete attitudinal change for social justice and inclusion.

It is therefore clear that the Federal character commission should be cooperated with, by the government establishments to achieve the lofty ideals of the federal character principle. Similarly the federal character commission should be able to reach the grassroots; especially the local government areas in order to enable it ensure equity in the recruitment of staff into government establishments and distribution of public amenities.

Federal Character Principles and Response of Public Institutions to Regulation

It is pertinent to review how federal institutions in Nigeria have complied with the federal character principle in the employment of their staff. Writing on how the institutions had fared in the operationalization of the federal character principle in the employment of their staffs, Obikeze and Obi (2004) held that the Federal Character Principle has in its operationalization succeeded in institutionalizing dichotomy among the peoples of Nigeria instead of integrating them. Similarly Chris (2014) while writing on the situation of compliance, substantiated as follows from the record of employment in public institutions in Nigeria thus: that 70% of Nigerian foot-soldiers are from Hausa-Fulani; that 80% of all permanent secretaries in federal ministries are from Hausa-Fulani; that 80% of those given oil wells presently in oil from Niger-Delta Region are from Hausa-Fulani; that 60% of the generals in the Nigerian military are from Hausa-Fulani; that 60% of the Heads of parastatals are from Hausa-Fulani; that 60% of the top ranks in police are from Hausa-Fulani; that 70% of Nigeria Security Service (SSS) men are from Hausa-Fulani; that 60% in each of Nigeria Prison, Nigeria immigration service, Nigeria Ports Authority are Hausa-Fulani; that 90% of the employees of Joint Admission and Matriculation Board (JAMB) are from Hausa-Fulani and Yoruba tribes; that 80% of the employees of the Central complex of the federal secretariat at Abuja are from Hausa-Fulani and Yoruba tribes; that 95% of all the professors and workers at the National Universities Commission (NUC) are from Hausa-Fulani and Yoruba tribes; that 90% of registrars and Bursars in Federal Universities, Federal Colleges of Education and Federal Polytechnics are from both Hausa-Fulani and Yoruba tribes; that 98% of Nigerians given appointments to work in both African Union are from both Hausa-Fulani and Yoruba tribes; that 70% of Ambassadors and High Commissioners representing Nigeria globally are from Hausa-Fulani and Yoruba tribes.

Added to the above flagrant abuse of the Federal Character Principle was Abba (2016:1) complaining that the central Bank of Nigeria's refusal to answer the query issued to it by Federal Character Commission on why it conducted a secretive recruitment of staff into its employ. The federal character commission alleged that the Apex Bank in contrary to federal character principle recruited children of its serving and retired staff into its employ between 2013 and 2015. Similarly the commission also registered its protest against the manner in which Nigerian National Petroleum Corporation (NNPC) conducted her staff recruitment in 2016 and 2017 without due process with the federal character principle.

It would also be recalled that Okeke (2016:1) reprimanded the authorities of the federal tertiary institutions in old Aguata Division of Anambra State to embrace the Federal character principle in the employment of staff. Still on the issue of non-compliance with the federal character principle, Ndibe (2016:1) reported that Nigeria's top security positions are dominated by officers from the Northern states, when he stated that 99% of these security officers are from the North, 1% from the south south and south west while 0% from the south eastern states.

It is very clearly deductible from the above empirical figures that compliance with the federal character principle is still farfetched.

Federal Character Principle Regulation and the Reaction of People to the Attitude of the Public Institutions towards Compliance

According to section 14 (3) of the constitution of Federal Republic of Nigeria, 1999, as amended, the composition of the government or any of its agencies and the conduct of its affairs shall be carried out in such a 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 few states or from a few ethnic or other sectional groups in that Government or any of its agencies similarly the section 14 (4) of the

constitution emphasizes that the appointments into public positions and distribution of public amenities should equally agree with the local government areas.

In the same vein while creating the Federal character commission the constitution of Federal Republic of Nigeria 1999, as amended in paragraphs 8 (1) (a) and (b) of section C part I under, the third schedule instructs the public organizations to work out an equitable formula, subject to the approval of National Assembly, for the distribution of all cadres of posts in the public service of the federation and the states, the armed forces of the federation, the Nigerian police and other government security agencies, government owned companies and parastatals of the states, to promote, monitor and enforce compliance with the principle of proportional sharing of all bureaucratic, economic, media and political posts at all levels of government.

From the provisions of the law above it is clear that local governments are to be one of the bases for the sharing of public positions and amenities under the federal character principle. This is also reinforced by the fact that the monthly federal allocation of Revenue from Federation Account includes the local governments as one of the autonomous units. The local governments are also recognized as a tier of government by the constitution of Federal Republic of Nigerian as amended. The other tiers being the central and state governments. Accordingly, Nnanna (2016: 1) reports that the recruitment of applicants for the ten thousand jobs into the Nigeria police in 2016 was based on their local governments of origin. This is apparently to avoid the sectional lopsidedness in the distribution of public positions and amenities.

The evil of lopsidedness in the distribution of public positions is that the sections, local governments or even states of the federation which have more personnel in the public service use it to oppress those who have little or no representation.

Ochereome (2016: 2) states that in Agatu local government of Benue State, the armed Fulani Herdsmen move about freely with banned sophisticated machine guns with which they invade communities and turn their indigenes into refugees in their own land. He continues by saying that this is because the police is dominated by northerners and as such are unwilling to bring the hoodlums to justice. He further states that it is for the reason that the Christian girls are daily abducted from all parts of Nigeria and hidden with the police failing to bring the perpetrators of this heinous crime to face the wrath of the law. This seemingly brazen rape of the federal character principle is rapidly turning Nigerians into second class citizens and slaves in their own country.

The bursting of oil pipelines in some local governments of the Niger Delta States is as a result of the conclave of alienation of citizens of some local governments in the distribution of public positions and amenities. This has also resulted in the multiplier effects of the disruption of the gas flow for generation of electricity nationwide. It is also the same rape on the constitutional provision on federal character principle that has generated agitation of some sections of Nigeria to separate and become independent.

The evil of non-compliance with equity in the recruitment of staff into public establishments alienated those who are marginalized. A case in point was the use of slogans 'wawa' or 'Ijokebee' in the old Anambra State civil service. The marginalization of people from some local governments and sections caused disharmony and restiveness which was only relieved by the creation of the new Anambra State by the then military junta.

THE WAY FORWARD

It is of judicial notice that the issue of regulating the public employment exercise in accordance with the Federal Character Principle has become as difficult as it is nagging. As a result of this phenomenon, the way forward at attempting to achieve a reasonable

success in the application of the Federal Character Principle in the employment of staff by Nigeria's Public Institutions is presented below.

The federal government is urged to make policies that would enable the Chief executives of these institutions to be appointed from the states or areas other than where the institutions are domiciled. This would work to eliminate bias in the appointment of public officers and eliminate the overloading of the institutions with staff from the areas of origin of these Chief Executives. It would also help the institutions to conform to the Federal Character Principle Law. It would also serve a useful purpose in the application of the federal character principle if the federal character commission (FCC) deploys one or two of their staff to the employing institutions to monitor the compliance with the Federal Character Principle by the Chief Executives of these institutions in contravening the Federal Character Principle Law.

It would also have very useful purpose if public enlightenments are regularly organized by the National Orientation Agency (NOA) to enable the people to understand and appreciate the workings and importance of the Federal Character Principle in the employment exercise of Nigeria's Public Institutions. Similarly, it would be very useful if the employing institutions should embark on a very wide advertising exercise before they finally employ staff. In doing these advertisements, they should ensure that the vacancies are advertised in at least two widely circulated newspapers in each of the Six Political Zones of Nigeria. This would help to attract sufficient applications from the indigenes from all the nooks and crannies of Nigeria. This would greatly serve the purpose of the Federal Character Principle as envisaged by the founding fathers.

The Federal Character Commission (FCC) would be able to give its approval to the employing institutions before appointment letters are issued to new employees. This would be after the former must have scrutinized and made assurance doubly sure that the Federal Character

law has been complied with in their selection of the new employees by the employing institutions.

Similarly, Federal Character Commission (FCC) should be able to bite with teeth given to it by the Act No. 34 of 1996 to bring Chief Executives to book by prosecuting them and allowing the law to take its own course. If this is properly done, the Chief Executives and their institutions would be deterred from contravening the Federal Character Principle Law.

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