

THE PRINCIPLE OF FEDERAL CHARACTER AND THE QUESTION OF JUSTICE

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Abstract

The Federal Character Principle, which was implemented in Nigeria as contained in the 1979 constitution as amended, became official government policy in matters of recruitment, appointment, and promotion in public service. This policy became operational in form of quota system prior to independence in 1960 as a regulatory instrument for promoting development with a view to avoid domination in the federation. The Federal Character Principle is not peculiar to Nigeria but exists in societies with complex multicultural, multilingual, and multi-religious diversities. The purpose of the Federal Character Principle, in the wisdom of the policy makers, was to achieve equity, fairness, and justice for a desired balanced federation. This philosophical foundation is a novel idea in terms of educational opportunities, employment, and other necessary conditions that can promote human well-being and happiness. However, a critical look at the application exposes the weakness in its attempt to achieve the desired results of a balanced federation. Using available literature, the paper submits that

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the Federal Character Principle has become cogs in the wheel of progress in our development agenda resulting in corruption, mediocrity, and retrogression. It is the recommendation of the paper that a total review of the policy will set a new agenda for development in Nigeria.

Key words: Diversity, federal character, domination, multilingual, mediocrity

INTRODUCTION

The Federal Character Principle and quota system are the outcome of the Constitutional Drafting Committee instituted in 1975–76 by the Muritala/Obasanjo led military government. The Federal Character Principle as the name implies is a policy introduced to ensure that all states in the federation are represented in matters of appointment and recruitment in public institutions. For ease of implementation, the Quota System was also introduced to ensure that adequate representation of personnel cut across all states of the federation. The objectives of these policies are to promote even development, and allay fears of domination. It was followed with the establishment of the Federal Character Commission with the objective of regulating employment, admission into federal and state establishments, as well as recruitment into the armed forces, Nigerian Custom Service, Immigration Service, Correctional Centers, and the Nigerian Police. These policies are not peculiar to Nigeria but applicable to most societies with ethnic, linguistic, and cultural diversities. The issue of domination of the minorities in Nigeria led to agitation as the major ethnic groups such as the Igbo, Hausa and the Yoruba had many personnel in most public institutions. Ironically, the agitation for equal representation is louder now than when these policies were introduced. Essentially, if well implemented these principles will not only curb conflict of interest, but will promote harmony and concord in the component states of the federation. It will also reduce lopsidedness in employment opportunities and bring social justice to all and sundry.

From experience, it appears that the outcome of these policies in Nigeria has brought to the forefront marginalization, political corruption, medioc-

rity, collapse of institutions and the destruction of our value system as well as hard work. Because of these problems, there have been calls for their abrogation, suspension or total review (Unah, 2002 p.25). Each of these calls should not be overlooked because of the issues raised, but it is expected to critically review the policies in the face of emerging realities in the 21st century in education, employment, and location of industries and other establishments in the federation. The purpose of this paper is crucial here in terms of the agitations for the Federal Character Principle and the Quota System. It appears that neither suspension nor abrogation will solve the problem for development. To this end, a radical review of the policies should be embarked upon in order to achieve a desired result.

THE NATURE OF THE FEDERAL CHARACTER PRINCIPLE AND QUOTA SYSTEM IN NIGERIA

The federal character principle and quota system have been conceptualized by different persons as if they mean the same thing. This is not the case as each was introduced to achieve one objective or the other. Aderonke, (2013,p.15) states that the phrase “federal character” was first used by the late General Muritala Ramat Mohammed in his address to the opening session of the Constitution Drafting Committee on Saturday the 18th of October, 1975. In his view, federal character in Nigeria refers to the distinctive desire of the people of Nigeria to promote national unity, foster national integration and give every citizen a sense of belonging to the nation. This desire exists in spite of the diversities of ethnic origin, culture, language, or religion which may exist and which is their desire to nourish, harness to the enrichment of the Federal Republic of Nigeria (Anyadike, 2013:15). Furthermore, Aderonke (2013, p.17) observes that the federal character principle essentially refers to the recognition of the plural nature of the country in recruitment, distribution of administrative and political offices and power as well as the resources of the country. These must be done in a way that will allow the composition and conduct of public institutions and affairs reflect the country’s diversity (p.67). Ekeh, (1989,p.67) sees the federal character principle as a legal weapon put in place to regulate appointments, promotions, security of tenure and severance in every government department. It also attempts to bring closer the

gap between the northern and the southern parts of Nigeria in the advancement of education at secondary and tertiary levels for public schools. Obiyan and Akindele (2002, p.13) see the federal character principle as a system that was structured to address the challenges of imbalance and discrimination in public institutions in Nigeria. Joshua and Loromeke (2014, p.15), conceive the federal character principle as a practice where every nationality is represented in all government owned institutions. They further explain it as designed to ensure equity, fair play, and order among different ethnic nationalities that make up Nigeria in the distribution of resources, in order to promote national harmony and loyalty for economic development in the polity.

The quota system on the other hand, was targeted at facilitating equal representation of the various ethnic groups in Nigeria's public service. Historically, the quota system came to create opportunities for disadvantaged states (Joshua & Loromeke, 2014, p.4). As far back as 1958, the quota system was introduced to quell agitation to accommodate every group both linguistically, socially, and politically. It was aimed at closing the gap in public institutions in order to promote even representation (Joshua & Loromeke, 2014:4). In terms of connection, the federal character principle and the quota system were set up to promote unity in diversity in the multi ethnic, multi religious country that Nigeria is. They are meant to encourage even development and prevent domination of the ethnic groups that make up Nigeria. This appears to be the source of confusion on which takes priority. It is believed that the federal character principle takes primacy because it is enshrined in the Nigerian constitution to regulate employment in public institutions.

The objective of the federal character principle was articulated by Afigbo (1989, p.4):

... distinctive desire of the peoples 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 ethnic origin, culture, language, or religion which may exist and which it is their desire to nourish, harness to the en-

richment of the Federal Republic of Nigeria (Afigbo, 1989:4).

From the discussion so far, it follows that the federal character principle at inception was aimed at creating a sense of belonging and participation for the diverse ethnic nationalities that make up Nigeria. This principle was an outcome of the anxieties and fears of domination that characterized ethno-regional relations in Nigeria. The fear of domination of one ethnic nationality against the other was the main reason behind the federal character principle in the Nigerian federation. The issue of marginalization in Nigeria makes the federal character principle a viable option to manage the component states that make up Nigeria. The purpose of this assertion is to achieve even representation.

Theoretically, the principle of federal character is geared at empowering citizens for effective mobilization in the distribution of the national wealth for peace and progress (Aderonke, 2013). It is also aimed at promoting even development, as one ethnic nationality is not allowed to dominate the political process. The federal character principle is not limited to the national level. It is also expected to apply to the states and local governments. Appointments and the sharing of the national wealth should reflect a wider spread of such states and local governments. The notion of the federal character principle is not a new phenomenon. According to Agbodike, (1998, p.183) the federal character principle is a consolidation of the quota system which dates back to the pre-independence days of nationalist agitations for participation in the administration of colonial Nigeria. Originally, during its informal application, the federal character principle was mainly concerned with the representation of members who represent their states in National Assembly and the creation of equal opportunities in education and appointments at the federal level (Agbodike, 1998:182). To ensure the smooth application and operation of the federal character principle, create a sense of belonging and hope in all Nigerians and strengthen the nation as a united and stable entity, the 1995 Draft Constitution went further to establish a Federal Character Commission. Agbodike maintains that this commission, among other things, is empowered to work out systematically an equitable formula for the distribution of all positions, monitor, promote, and enforce compliance with the prin-

principles of proportional representation of positions at all levels of government. It is also empowered to take measures to prosecute heads of any government ministry, body, or agency who fails to comply with the formula (Agbodike, 1998). The ideals of the federal character and the quota system being practiced by the Federal Character Commission is quite commendable but appears to experience some challenges in its implementation in its intended purpose for national integration as some states tend to have more representation in terms of appointment in public institutions.

Theoretically, the principle appears to have internal contradiction between the ethnic groups that it is meant to protect in terms of even development. This is because the states do not have equal opportunities in terms of education, skills, and other factors to sustain development. For example, some states have enough work force and are able to fill their quota while some have their quota reserved for their indigenes. As they lack the work force to fill theirs. This contradiction is reflected in the ambiguous definition offered by its proponents. According to Afigbo(1989:4)

The acceptance of the principle by most members of the Constitution Drafting lay partly in its novelty, partly in its cosmetic character, partly in its rhetorical appeal, but above all, in its vagueness.

The point for even representation has severally been made in this research as to the setting up of the Federal Character Commission of the various states that make up the federation. However, this appears to provide a momentary solution to the problem of marginalization as alleged by some states. This is because the proponents showed revulsion of the disintegrating tendencies; the solution proffered in the name of federal character principle is a fecund source of ambiguity and a strategic retreat from the fundamental problems of unity and national integration. More importantly, the fear of domination has been heightened with the endless requests for more inclusion of every part of the country in appointment to public institutions instead of the current situation where appointments are made from a section of the country thereby increasing the problem of marginalization.

Unfortunately, the demand for creation of more states tends to alienate citizens from the spirit of federalism, as more people are concerned with the progress of their states than that of the federation. These states also promote ethnic sentiments and discriminate against non-indigenes in appointments and admission into public institutions. This is against the spirit of the constitution of the Federal Republic of Nigeria, which stipulates that no Nigerian should be discriminated against on the grounds of state of origin, sex, religion, or ethnic group.

The fundamental paradox of the federal character principle is in its failure to achieve unity and national integration. Instead of balancing the various ethnic groups, it has succeeded in dividing them. The evidence is found in the fact that people are more concerned in the affairs of their states thereby leaving the center in the cold. Some leaders have also violated the rule of equal representation as some states are left out in matters of appointments. It is in this connection that Osaghae, (1989:453) warns about the dangers inherent in consolidating statism in the guise of the federal character principle, which, according to him, distorts the appropriateness of the system as well as the unity and stability of the federation. This position is supported by Agbodike (1998:182) when he posited that the federal character principle while stressing the imperative of ethnic balancing invariably enthrones ethnicity and de-emphasizes the nation. In the process, too, it strengthens the parochial, particularistic orientations and primordial ethnic attachments of Nigerians. These tendencies form the basis of disaffection among various groups in the nation. In addition, the formula has not adequately addressed the problem of the minorities especially in states made up of different and unequal ethnic groups.

From the foregoing, it will appear that the federal character principle and quota system have not achieved their desired objectives because merit which is the basis of productivity and creativity has been down played. On the surface, this principle seems to satisfy the quest for representation in appointments among the ethnic groups but much is still being expected. This is because there seems a serious setback in the application of the formula as choices are often made based on criterion rather than merit. For example, the quota system as applied in education may lead to lower-

ing of standards against national interest. In the army, it may lead to the selection of personnel who may not display patriotism, which may affect national interest. In the civil and public services of the federation, it may lead to low workforce, which is likely to affect productivity. By eschewing meritocracy without recourse to standards, the quota system becomes morally reprehensible and an act of injustice (Bodunrin, 1989: 307).

Viewed from this dimension, the quota system as embedded in the federal character principle, is not only counterproductive, but negates peaceful and progressive development. The undue application of the principle seems to deviate from its set objectives of merit in discharging one's job description. The shortcomings of the federal character principle and the application of the quota system was further amplified by Unah (1995, 2002) when he stated that in Nigeria, the federal character principle and the quota system have become the major sources of worry and inducement to official corruption, because merit is no longer given a serious consideration. Although the principle came into force in order to unite the various ethnic nationalities, but the application introduced obvious deficiencies and difficulties. It has implanted a culture of mediocrity in all strata of society thereby introducing a distorted structure in Nigeria federalism. This distortion in the structure of government business has been rocking the political edifice contrived on the architectonics of pious and, sometimes, "naïve materialistic pedestrianism" (p.71).

Unah also observed that one of the embarrassing consequences of the federal character principle and the quota system is the pathological clamour for the creation of more states, more local governments, and more institutions of higher learning without adequate resources. These demands are anchored on the need to encourage even development and foster social justice, which is not practicable. The principles of federal character and quota system discourage social justice and even development. The principle has succeeded in distorting genuine aspirations of the hard working citizens in the society. The principle has sacrificed dedication and commitment on the altar of mediocrity. The concept of even development that the principle is meant to achieve appears to be missed. Even development does not amount to uniformity. It is the position of this research that the

different nationalities should aspire to their developmental needs without forcing or waiting on others to do so at the same time. The principle of federal character is not likely to help the different nationalities that make up Nigeria in the quest for the actualization of their pursuit for greatness.

THE NEGATIVE CONSEQUENCES OF THE FEDERAL CHARACTER PRINCIPLE AND THE QUOTA SYSTEM

The immediate consequence of the principle of federal character and quota system manifest in the demand for rotational presidency and resource control. This is because the president may decide to favour people from his own area rather than establish a system of national spread of resources. If this happens, domination takes root, which negates the objective of the principle of federal character principle and the quota system. This appears to be the center on the issue of domination by one ethnic group or the other. The point is being made that what is important as far as the principle is concerned is the capability, credibility and the resourcefulness of the president irrespective of where he comes from. The president is a Nigerian and he owes loyalty to Nigerians not his state of origin or political party. This is the position of Unah (2002 citing Ayoade 2000) to the effect, that diversity is both normal and necessary in a federation. Federal character seems to be exposed on the ground that instead of even representation in appointment and promotions, some states are favoured more than the others are. Over time, regional imbalance has been nurtured and exaggerated to a point that centralization has become the order of the day. Unity has become synonymous with uniformity and a central octopus is the normal consequence.

The point of emphasis is that merit if it is adhered to will promote productivity; encourage hard work which will in turn encourage reward and good incentive packages. This is the essence of the main objective of the federal character. If it is adhered to, it will in turn promote social justice for all by eliminating discrimination. If the principle is not followed, it may lead to corruption, which is capable of crippling the economy. Merit will enhance the implementation of the quota system, as each state will bring in her best in the performance of their duties.

The federal character principle and quota system appear to have increased the incidence of corruption and made development difficult to actualize. This is because when you engage those unfit to handle the assignment given to them, they resort to an easy way out. This in a way is an invitation to corruption. This is why corruption has virtually crippled genuine development in the critical sectors of the economy. Momoh, (1991), Omoregbe (1993), Unah (1995), and Azenabor (2007), argue that corruption is rooted in the implementation of the federal character principle used for appointments and promotions in the public service. This is because merit is not a consideration in this exercise. Instead, what is important is where the individual comes from and who is sponsoring him. This is nepotism, which is a form of corruption. Ibidapo-obe (2018:22) giving a critical view of the federal character principle, observes that the problem of bad leadership in the country is partly to be blamed on the use of federal character in the appointment of persons to public offices. He argues that in a system where meritocracy has been slaughtered on the altar of federal character, it would be difficult for the country to make much progress. He is of a strong opinion that the use of federal character does more harm than good to the country and that it will be better if it is jettisoned. For him, merit is not important again, what is important is where you come from or whom you know. This is inimical to progress as it stresses the position that the purpose of the federal character and by extension the Federal Character Commission to remain one indivisible Nigeria remains to be seen. If the federal character is followed strictly, in various appointments, the nation will be driving at a sub-optimal level because the best hands are not used. For instance, in football and other sporting events, we look for the best soccer stars across the country and field them in order to achieve good result, but in appointments and doing government business, federal character becomes a consideration. **This means that merit is necessary for the attainment of meaningful progress and development.**

THE EFFECT OF THE FEDERAL CHARACTER PRINCIPLE AND THE QUOTA SYSTEM ON JUSTICE AND MERITOCRACY

The conflict between mediocrity and meritocracy with a backlash on justice has a long history. It was so intense in the Greek society where Plato

wrote one of his treatises, *The Republic*. The *Republic* therefore, is a bold effort to put merit in its proper perspective and promote justice in its totality. How did he do this? He relied on the social stratification of society into three classes namely, the philosopher-kings, who are the rulers of the city, the auxiliaries or soldiers whose duty is to defend the city while the third class are the artisans or ordinary people whose responsibility is to provide the material resources for other classes. He was of the view that, if each of the group is able to discharge its duties according to the principle of the division of labour, justice will reign and harmony as well as concord will be manifested (Plato, 1997).

The emphasis on merit by Plato to guide our choice for leadership in all its ramifications has been frustrated, ignored or sometimes destroyed by extolling mediocrity. In some cases, you find the second group auxiliaries or soldiers who are charged with the defense of the city taking over the administration of the state. This in itself has been a cause of political instability. Nigeria has witnessed many crises as the military abandoned their traditional role of defending the state to acquiring political power. This scenario affected our political and economic development for a long time. The situation became worse as the military culture was imbibed by the average Nigerian.

The promotion of mediocrity in place of merit has a destructive tendency. This has been shown in appointments in various sectors of government and admission into public educational institutions. Merit has given way to lowering standard in an effort to represent federal character. As Asaju and Egberi (2015:127) observe, the essence of the federal character principle and quota system is to ensure that government decisions on siting industries, building roads, awarding scholarships, appointment of public office holders, admissions, employment and revenue allocation reflect federal character. On the contrary, they observe, there is a high level of lopsidedness in the use of the federal character in the sectors mentioned. The high rate of social segregation inherent in the political and social realms of the country, as well as ethnic and religious divides, agitations, and crises brought to the front burner show largely the failure of the system. These imbalances negate the purpose for which the policies were set up. Some blame

colonialism; others blame poor leadership for where we find ourselves today. These factors have played roles to negate the effective implementation of the principles of federal character and the quota system.

National Integration

The concept of national integration was central to the promulgation of the federal character principle and the quota system. Aderonke (2013: 65) sees national integration as a process of managing ethnic, religious, and cultural diversities. It is determined by the degree to which members and groups in a plural society adapt to the demands of national existence while co-existing harmoniously. It is a process, not an end in itself and it is usually affected by contending social forces. As a process, it leads to political cohesion and sometimes loyalty towards a central political authority and institutions by individuals and groups belonging to different social groups. National integration in its ontological totality ensures that we make a paradigm shift in order to accommodate contingent social reality. The error in implementing these policies is based on a metaphysical reductionism, the view that these policies are ends in themselves instead of means to an end. Thus, instead of achieving national integration, they have succeeded in creating a wide gulf between individuals and groups at the detriment of national interests.

Onyeoziri, (2002:17-18) gives credence to this position when he maintains that the implementation of the federal character has caused a lot of tension among the components states of the federation manifesting in arbitrariness, lack of political will, lack of definite guideline in achieving balance, distorting equity, and efficiency in its application. The fall out of this, he observes, is that rather than ameliorate the problems of balance and even development, it suffers from a fundamental contradiction as a policy option to manage the national question in Nigeria. Instead of treating a Nigerian citizen as an individual with his or her own rights, it considers the individual as a member of an ethno-linguistic group within the state, thus reinforcing the integrity of those sub-structures instead of the nation. It is logically inconsistent, therefore, that a policy directed at strengthening loyalty to the nation-state is grounded on primordial sentiment and cleavages as basis for the recognition of an individual (Onyeziri, 2002:18). On the same line of argument, Tonwe and Oghator (2009:237) submit that federal char-

acter allows ethno-regional patrons and their clients to exploit and mismanage state resources without contributing to any meaningful development. It also confuses mediocrity with excellence and meritocracy, as well as ruins nations thereby becoming counter-productive. No work comes out like that without relying on previous works done earlier. What this work has done is to evaluate the existing body of knowledge in this regard, as it does not claim to bring something new.

Ekeh (1989:38) gives a diagnosis of the federal character principle and quota system through a comparison. In comparing the practice of the quota system with that of the federal character principle, he posits that the latter demands far more than the former in the sense that it switches emphasis from opportunities to privileges and benefits. He strongly argues that the federal character principle is a legal weapon put in place to regulate appointments, promotions, security of tenure, and severance in every government department. The emphasis here seems to give attention to the disadvantaged group in the area of educational opportunities in public institutions. This implies a special consideration to be given to candidates from certain sections of the country by lowering standards. The greatest challenge to this procedure is inefficiency and lack of capacity building. It also results in poor leadership development, which raises a moral question. Reason, which ought to be our guide in moral decision, is compromised.

Reason in ethical term, as Kant conceives it, is intrinsically normative of our speculations, of our understanding, and of our will (Kant 1974:65). Its central function is to provide us with orientation and direction in our lives. Kant maintains that reason provides us with ends proper to our deepest nature as rational beings and it provides us with an ordered and coherent set of directives to employ as means to those ends. To this end, reason seeks to (i) enhance its own internal coherence and unity and (ii) promote its own realization in the external world. Kant's position here is that reason is a unified totality, which is fundamental to human progress. This human progress is anchored on morality. Morality here apart from human conduct also depicts self-concept. The self-concept or identity is a composite of thoughts and feelings, which constitute a person's aware-

ness of his individual existence, his conception of who and what he is. This identity formation is a lifelong development largely unconscious to the individual and his society. This identity development and maintenance occupies each human life as long as that life lasts.

The self in identity is heavily affected by the reflected appraisals of the society in which one lives. If this reflected appraisal of the self is mainly derogatory, then the affected person's attitude towards himself will be derogatory. If the self is looked down by other people or other races or ethnic groups, this further and massively conditions interpersonal relations and self-perception of the individual. Through deep reflections, the idea of self-concept has been examined because of the situation we find our self today. Federal character principle and quota system have affected the way we do things without creativity resulting in poor results. All these represent a familiar patterned sequence in the lives of our society. This is also a reflection of the larger society, which results in political instability fuelled by constant agitations for marginalization in public institutions. This position was elaborated by Unah (2002) when he posited, "Political stability is achieved not as a result of the execution of some extra mundane political blueprints but by the actual doing of political deeds. Authentic statecraft or legitimate political conduct does not seek to redeem men from their historical condition as such, it rather embarks on some prudent management of the opportunities afforded by the present moment in such a way that future opportunities for human achievements of all sorts can arise". The attainment of political stability is a function of how the federal character principle and the quota system should be re-negotiated and structured for even development as originally envisaged.

CONCLUSION

The federal character and the quota system were promulgated in Nigeria in order to encourage and promote even and sustainable development. These objectives are laudable, commendable and worthy of emulation not only in Nigeria but also in other societies characterized by diversity and cultural configuration. Ironically, instead of achieving the desired goals as set out, merit, excellences, and hard work, which are ingredients of

positive development, have been compromised giving way to inefficiency, corruption, mediocrity, travesty of justice and poor capacity building. It is recommended that instead of abolishing the principle, an overhaul is necessary in order to achieve unity in diversity, which is the metaphysical foundation of a genuine federalism.

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