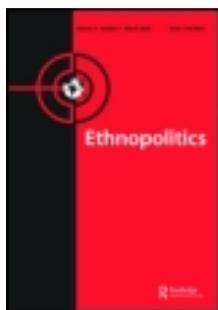


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### Citizenship, Federalism and Powersharing: Nigeria's Federal Character and the Challenges of Institutional Design

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# Citizenship, Federalism and Powersharing: Nigeria's Federal Character and the Challenges of Institutional Design

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**ABSTRACT** If, as a number of recent proponents have argued, 'pluri-national' federalism holds great promise as a means of democratization and conflict resolution in deeply divided societies, why has it so rarely been tried in sub-Saharan Africa, home to arguably the world's most ethnically diverse nations? Using Nigeria—Africa's largest and oldest federal system—as a case study, it is argued that the legacy of late colonial, indirect rule institutions on citizenship and the politics of belonging pose a serious challenge for designing successful consociational powersharing arrangements. In particular, Nigeria's dependence on a primordial notion of ethnic citizenship undermines the ability of its federal institutions to mediate and cross-cut ethnic conflicts, a problem most clearly reflected in the functioning of the nation's most important official powersharing institution, the Federal Character Commission (FCC). Although the quota systems for governmental employment operated by the FCC are officially tied to Nigeria's 36 states, in both administrative law and practice they enforce a highly discriminatory 'indigeneity' system that privileges ethnic origins over federal citizenship.

## Introduction

Early in 2008, Aliyu Magatakarda Wamakko, the newly elected governor of Sokoto State in north-western Nigeria, announced a seemingly minor adjustment to the formula for calculating public school fees, creating a single flat rate for all Sokoto residents. Among Nigerians, school fees (and the challenges of paying them) are a frequent topic of discussion, but these sorts of announcement rarely attract much press attention. This time, however, the proposal garnered national media coverage, picked up by newspaper and radio reporters across the country as a centrepiece of the Wamakko administration's first term (*Daily Champion*, 2008).

Why did such a seemingly innocuous policy change attract so much attention? The revolutionary aspect of Wamakko's proposal had nothing to do with the size of the fees

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themselves, but with its elimination of the extra charge applied to the state's 'non-indigene' families. In Sokoto, as in all of Nigeria's 36 states, Nigerian nationals whose ethnic ancestry is not local to their official state of residence face systematic discrimination that denies them full local and state-level citizenship and the political rights that come with it. In many jurisdictions across Nigeria, it is effectively impossible for ethnic 'strangers' to gain 'indigene' status in their state of residence, even if they have lived there since birth. Despite the efforts of Wamakko and a few others, the legacy of primordialism embedded in Nigerian citizenship policy has rendered nearly all of the country's extensive consociational powersharing arrangements little more than window-dressing for millions of the country's citizens living outside their ancestral (and legally defined) 'homelands'.

Moreover, conflicts over the qualifications for local citizenship are among the leading cause of communal violence in Nigeria (Human Rights Watch, 2006; Milligan, 2013). In Plateau State, a long-standing history of ethnic and religious conflict between Christian members of the Birom community and their Muslim Hausa and Fulani neighbours is rooted in colonial and postcolonial policies that classify resident Muslims as 'settlers' and 'non-indigenes', despite the fact that they lack specific, recognizable links to another homeland. Battles over the 'ownership' of ethnically mixed communities in Plateau have caused sporadic communal riots for decades, but since the return to democracy this tension has been magnified by 'do or die' electoral competitions. In 2008, accusations that the Birom governor of Plateau, Jonah Jang, had illicitly engineered the victory of his preferred candidate in the divided Jos North electoral district helped to inspire a series of religious riots that displaced at least 10,000 citizens and killed 400 more (Ostien, 2009).

Nigeria is a nation divided by citizenship—by the legal categories its federal and state governments use to define membership in subnational political communities. Like most African nations, it operates a system of ethnically based 'dual citizenship' (Osaghae, 1990, 1998; Ejobowah, 2013) in which membership in the national political community is mediated by membership in a state-recognized 'indigenous' ethnic or racial group. The prevalence of the 'dual citizenship' problem in African politics can be readily traced back to the governing practices of 'late colonialism', particularly the connection between colonial citizenship and legal status with membership in a specific 'customary' ethnic community (Mamdani, 1996, 2001, 2012; Fanthorpe, 2001; Geschiere, 2009). Today, policies that preserve the role of ethnic identity in defining national citizenship have been adopted by contemporary political entrepreneurs to deny their opponents the right to vote, run for office, and seek government employment outside their 'native' communities (Ceuppens & Geschiere, 2005). Discriminatory citizenship is at the heart of many of the continent's recent civil wars and internal conflicts, and its effects have proved to be devilishly difficult to undo during the process of post-conflict reconciliation and institutional design (Dorman *et al.*, 2007). Even where citizenship conflicts have not led directly to rebellion and war, they have undermined the consolidation of democracy by entrenching clientelist and neopatrimonial patterns of authority and reinforcing the role of ethnic community membership in determining access to state services and benefits.

This article explores the connection between 'citizenship troubles' in Nigeria and other African states and another puzzling problem on the continent—the widespread failure or underperformance of consociational and ethnofederal models of powersharing and democratic state-building. Despite growing enthusiasm within many academic and policymaking camps for consociational powersharing and 'pluri-national' federalism as means of

managing ethnic diversity and promoting democratization (Lijphart, 2002; O'Leary, 2005; McGarry & O'Leary, 2009; Anderson, 2013), such models have rarely translated into success on African soils (Spears, 2002; Lemarchand, 2007). I argue that whereas successful ethnic powersharing institutions provide a 'roof of rights' spanning equally over the heads of all citizens, including those who define themselves culturally and politically primarily as members of subnational communities (Stepan *et al.*, 2011, p. 21), most African states use membership in 'customary' ethnic communities to circumscribe or limit national citizenship. Post-conflict and democratic institutional design projects in Africa often underestimate how firmly exclusionary citizenship policies and practices are entrenched in law and in practice, with the result that institutions intended to ensure broad ethnic representation in politics often become inadvertent tools of exclusion that undermine the success of powersharing principles.

As the possessor of both Africa's oldest and largest federal system and a complex history of ethnic violence and institutional innovation, Nigeria has long served as a test case for proponents of both consociational powersharing (Lijphart, 1977, p. 164; Njoku, 1999) and 'centripetalism' (designed to 'pull parties towards moderate, compromising policies') (Sisk, 1995, p. 19; Horowitz, 1985; Anderson, 2013, pp. 134–163). Beginning in earnest following its destructive 1967–1970 civil war, Nigeria has experimented with crafting institutions designed both to limit sectarian conflict *and* institutionally recognize and protect the country's ethnic and religious diversity. As Rotimi Suberu has argued, these efforts have largely succeeded in preventing the reoccurrence of the sort of large-scale ethnic outbidding that drove the country to civil war, 'channelling ethnic conflict along constructive, or negotiable, rather than destructive, or non-negotiable, lines' (Suberu, 2001, p. 9). Critics note, however, that a stunningly large number of these post-war engineering efforts have 'boomeranged' back on their crafters, worsening the ethnic tensions and political violence they were intended to prevent (Bach, 1989; Osaghae, 1998; Kendhammer, 2010); and as scholars of neopatrimonial politics and its Nigerian variants (Joseph, 1987; Adebani & Obadare, 2013) have long argued, they have also done little to dampen the country's long-standing and highly destructive 'struggle for control of the enormous socio-economic powers and resources of the state' (Diamond & Suberu, 2002, p. 422), and much to reinforce it. In this failure, I argue, the inability of three distinct generations of Nigerian framers to recognize and repair the damage done by the 'dual citizenship' problem has been central.

One of the most important sites of conflict between consociational ideals and citizenship realities in Nigeria is the 'federal character' project, a loosely related set of principles and institutions introduced in the 1978 constitution as a means of guaranteeing ethnic proportionality in governmental and military services. Over the past 35 years, the scope and influence of the 'federal character' has expanded dramatically, becoming a massive, formal ethnic powersharing structure administered by the Federal Character Commission (FCC), a federal ministry created in 1996 to manage the increasingly complex ethnic quota systems introduced across the federal and state civil services. While the FCC has attracted relatively little attention from scholars (cf. Mustapha, 2009), its responsibilities have (inadvertently, it would seem) made it the source of nearly all administrative law on subnational citizenship. Relying on an analysis of FCC-related legislature and practice, as well as on a series of interviews with mid-level FCC programme staff conducted in June 2013, I argue that by enforcing a fundamentally primordial perspective on what it means to be an 'indigene' in today's Nigeria, the FCC perpetuates the connection between federal,

consociational powersharing and ‘dual citizenship’. Although the FCC and the federal character ‘principle’ have both had limited success in creating a more ethnically representative balance in Nigerian public life, their efforts have also entrenched ethnic-based state and local citizenship as a major site of political mobilization and conflict.

### **Citizenship and ‘Pluri-national Federalism’ in Postcolonial Africa**

Despite the ferocity with which critics (Snyder, 2000; Rothchild & Roeder, 2005) and defenders (McGarry & O’Leary, 2009) debate the merits of ethnically based powersharing and ‘pluri-national federalism’ as solutions for cooling tensions in post-conflict societies, most of their evidence is drawn from a relatively geographically constrained set of ‘Western’ cases (cf. Kymlicka, 2006; Anderson, 2013) that fails to conceptualize fully the challenges of institutional design in postcolonial societies. More promising, however, is the recent work of Stepan, Linz and Yadav, who begin their discussion of federal solutions to ethnic conflict by acknowledging that for most postcolonial societies, the classic model of state-directed nation-building is no longer a viable path for transforming plural societies into nation states. Faced with an inability to simply overwrite their cultural and linguistic diversity—and growing international support for preserving and providing autonomy for minority cultures (Nimni, 2007; Kymlicka, 2007)—plural states such as India have chosen to recognize that citizens possess multiple, strong cultural identities beyond their nationality, even as they attempt to build both pride and trust in the state project (Stepan *et al.*, 2011, p. 7). Organizationally, this is accomplished by a system of ‘nested’ policies, including asymmetric federal institutions providing legal and cultural autonomy to ethnic and religious communities, and the promotion of ‘centric-regional’ electoral institutions that facilitate national elite bargaining and coalition-building. Stepan, Linz and Yadav’s work is significant because they take the challenge of applying their model to the Global South seriously. By focusing on India, a nation with a long history of ethnic and religious violence, democratic setbacks and poverty that has nonetheless succeeded in creating a strong sense of national pride and identity, they aim to demonstrate that so long as institutions are reasonably inclusive and popular commitment to democracy remains robust, traditional nation-building is not the only path to peace and stability.

Ostensibly, the ‘state-nation’ model, with its reliance on federal and consociational policies for balancing national unity and ethnic autonomy, would seem to hold particular promise in sub-Saharan Africa, home to the most ethnically diverse set of countries on earth (Easterly & Levine, 1997). Yet Africa has long been seen as a ‘virtual graveyard of federal experiments’, with none of the initial cohort of independence-era federal systems surviving into the present in their original forms (Suberu, 2009). Despite a significant wave of institutional reforms across the continent in the 1990s, apart from three cases—post-apartheid South Africa, which adopted a regionalist system that devolves relatively little power to its constituent units (Klug, 2000), Ethiopia’s post-civil war (1994–present) ethnic federalism (Keller & Smith, 2005), and Nigeria’s own federal experiment—federal, consociational arrangements have remained a dead letter on the continent.

Why have these alternative, federal/consociational models of ‘state-nation’ building failed to work as well in sub-Saharan Africa as elsewhere? One explanation is that the pressures of political and economic modernization in postcolonial Africa have driven

states towards centralized political control. Combined with the weak, low-capacity states most African nations inherited at independence, movements for ethnic and regional autonomy are often interpreted not as opportunities to engineer peace, but as threats to national security and integrity (Suberu, 2009, p. 70). This legacy of central control, as well as many African states' dependence on revenue from resource extraction, means that subnational units rarely possess their own independent fiscal bases. Local ethnic and regional elites rarely care as much about achieving autonomy from the centre as they do about gaining access to nationally held resources, a process that undermines the quality of regional governance (Gervasoni, 2010). Not surprisingly, both of Africa's most prominent federal systems (Ethiopia and Nigeria) are widely regarded as little more than unitary states possessing the exterior trappings of federalism (Keller & Smith, 2005, pp. 272–277).

Another explanation, broadly emphasized by critics of ethnofederalism, is that it is simply too difficult to both provide ethnic communities with significant territorial and cultural autonomy *and* foster national identity through integrative institutions. When power dynamics between ethnic communities become unbalanced, these arrangements invariably embolden secessionist movements without offering any particular advantages in governance and stability (Hale, 2004). In sub-Saharan Africa, however, secessionist movements have never been as common as the continent's artificial borders would suggest. Buoyed by the powersharing agreements they negotiate at the behest of Western powers, regional elites often find that access to weak but sovereign and internationally recognized state authority is more valuable than independence (Englebert & Hummel, 2005).

A third possibility is that African legal regimes, particularly those around citizenship, disrupt efforts to build 'stateration' communities. Sadly, academic proponents of ethnofederalism have been largely silent on the question of how to negotiate the legal relationship between national citizenship and subnational group membership. In the vast majority of federal systems, particularly those in Europe (Switzerland excepting) and North America, citizenship at the national level is 'controlling' in the sense that membership in the national polity entitles one to membership in a subnational community, and nearly all guarantee that citizens can acquire new subnational citizenship based on residency. In 'holding-together' federalisms (Stepan, 1999)—formerly unitary states that choose to provide autonomy to subnational units as part of a broader strategy for managing pluralism—the story is roughly the same. Even when, as in India, consociational strategies are used to create quotas or other mechanisms for ensuring 'balanced' representation for historically marginalized groups, national citizenship is generally legally determinative, with constitutional and case law affirming a 'single, national concept of citizenship' (Jackson, 2001, p. 137). As a result, Indian citizens have the possibility of leading what Stepan *et al.* (2011, pp. 20–21) call 'polity-wide' lives—participating fully in civil and political affairs wherever they choose to make their homes, or wherever their careers take them.

Why have Nigeria and other multi-ethnic African states consistently given ethnic identities pride of place in national citizenship policies? Here, the answer lies in the nature of the 'late' colonial state in Africa, and its emphasis on establishing an ethnographic understanding of 'traditional' or 'native' societies in order to effect their integration into colonial empires. As Karuna Mantena (2010) and Mahmood Mamdani (2012) argue, these efforts have their origin in the failures of 'direct rule' strategies of colonial governance pioneered by the British in India and elsewhere in the mid-nineteenth century. Driven by the experience of the Indian 'Sepoy Mutiny' of 1857, in which 130,000 Indian soldiers

engaged in open revolt against colonial rule, British colonial administrators such as Sir Henry Maine argued for a fundamental reconceptualization of the role of colonial government, away from the universalist impulse that saw colonial subjects as a single, undifferentiated mass to be subjected to a 'single legal order' (Mamdani, 1999, p. 867) and towards the legal recognition of native 'differences' as a means of more effectively governing 'traditional societies' (Mantena, 2010, p. 2).

Beginning in the mid-nineteenth century, European agents experimented with governing through local adjuncts, co-opting their 'traditional' legitimacy for their own ends in a strategy that came to be known as 'indirect rule' (Perham, 1934). Indirect rule depended on the ability of the colonial state to recognize, classify and codify 'traditional' authority, culture and practice in the form of 'customary law'. The administrative genius of indirect rule was to define ethnicity ('nativeness') not as a 'cultural, but [as] a legal distinction', with each group possessing its 'own law' under which it could be (cheaply and efficiently) governed (Mamdani, 2001, p. 655). Colonial rule in sub-Saharan Africa hinged on the distinction between 'natives'—those who possessed a 'customary law' and could be governed accordingly—and 'non-natives', who occupied an entirely 'different legal universe' (Mamdani, 2001, p. 654; Mamdani, 2012). The local rulers of ethnic communities—the 'native authorities'—were recognized as the sole possessors of customary power, and alternative loci (women's and religious groups, in particular) were often shut out entirely. In Nigeria, 'sole native authorities' were granted significant power over access to land and economic opportunity, a barrier that proved particularly important for resident non-members of the local 'tribe', who (whatever their history in the area might have been) were classified as 'strangers' or 'settlers', unable ever to become 'natives' by assimilation or tenure.

Although most African nationalist movements adopted the language of nation-building and were formally non-ethnic in their official discourse, practice was something else (Smith, 2007, p. 572). 'Mainstream' nationalism reproduced colonial narratives of custom and authenticity, promising not simply to provide 'natives' with the civil rights they had been denied under colonial rule, but to privilege their 'indigenous' status in law and state policy (Mamdani, 2001, p. 658). Providing these benefits meant codifying the arbitrary colonial boundaries, often restricting citizenship to members of ethnic groups 'native' or 'indigenous' to the territory at the time of colonization or (as in Ethiopia, and, until 1993, Botswana) by allowing only the father's lineage to pass on citizenship rights to children (Manby, 2009, pp. 34–35). To be a citizen in the African postcolony means being an 'indigene', possessing an ethnic identity recognized by colonial fiat more than a century ago.

As Peter Ekeh (1975) has described, another result of maintaining the colonial distinction between 'natives' and 'non-natives' after independence was that most Africans found themselves members not of a single national community, but rather, two separate 'publics', one defined by the relatively thin bonds of national citizenship, and the other by cultural (and, equally importantly, legal) association with a 'native' community. Members of ethnically defined 'primordial publics' share the benefits that come with belonging to a network of dense social connections, as well as a moral obligation for this community's well-being. Membership in the 'civic public', on the other hand—primarily, the realm of the state and other areas of society governed by 'legal-rational rules' (Osaghae, 2003, p. 7)—provides access to formal rights but little else. This distinction encouraged national and subnational political elites to mobilize around 'primordial

publics' and their memberships by offering 'special rights to those who "really" belonged where they lived' (Geschiere, 2009, p. 40). With the decline of single-party regimes and the growing economic challenges of the 1980s, the power to define citizenship became an important tool for insecure autocrats and democrats alike to exclude their political opponents from national political life. In Zaire, Mobutu's manipulation of the date specified in Congolese law for determining whether or not an ethnic group was indigenous (and thus eligible for citizenship) allowed him to buy the loyalty of key members of the Banyamulenge, a community in the eastern region with linguistic and cultural links to Rwanda. However, when the group fell out of favour, their citizenship could be (and was) easily revoked, contributing to their eventual participation in the conflicts that became the First and Second Congo Wars (Manby, 2009, p. 9; Stearns, 2010, pp. 57–65). In the Ivory Coast, Henri Bedié and Laurent Gbagbo's reliance on the doctrine of '*Ivoirite*'—a policy that distinguished between 'autochthonous' ('of the soil') and foreign ethnic communities for the purpose of excluding their political opponents from the full rights of citizenship—helped to inaugurate a series of civil wars that ravaged that country in the late 1990s and 2000s, as well.

How does Africa's 'dual citizenship' heritage affect the ability of ethnofederal systems to foster a successful 'state-nation'? As Stepan *et al.* describe it, the advantage of federalist, consociational systems in deeply divided societies is that they offer the possibility of recognition and autonomy for potentially secessionist minorities *and* the prospect of developing a sense of national pride around joint participation in and ownership of national institutions. Their institutional proposals for achieving this balance, what they call the 'nested policy grammar of state-nations', is premised on many of the same choices African nations already make, including official recognition for 'collective rights' (including state support for multiple languages and religions), as well as electoral institutions that force ethnic constituencies into broad coalitions at the federal level. But as important as these accommodations are, Stepan *et al.* also recognize the importance of building some measure of national community, particularly through access to 'polity-wide' careers, and personal opportunities limit the need to rely on ethnic and 'primordial public' networks (Stepan *et al.*, 2011, pp. 17–22). Exclusionary citizenship rules built upon local autochthony or indigeneity render even members of the largest ethnic communities (or even worse, the nation's most cosmopolitan citizens) as incomplete participants in nearly all communities they might choose to reside in outside their legally defined homelands. While mobile citizens might be able to find homes in metropolitan areas or national capitals (Kinshasa, Abidjan, or Abuja), African 'dual citizenship' regimes ensure that they remain practically and politically tied to their home communities when it comes to access to the state and its resources.

### **Indirect Rule and Unequal Citizenship in Nigeria**

As most Nigerians understand it, their 'federal heritage' began in 1914, with the amalgamation (or 'coming-together') of Northern and Southern Nigeria. In this reading, contemporary Nigeria is a 'primordial' federal state, defined by the collapse of well-defined, sovereign political structures into a single nation state forged out of little more than British administrative convenience and economic interest (Umesjesi, 2012, p. 52). Amalgamation is widely regarded as a 'mistake' or 'fraud' that has shackled fundamentally incompatible societies together, and only the slow process of devolution of the federal

scope, first to three (Northern, Western and Eastern) ‘regions’ and eventually to the contemporary 36 states, has restored a measure of that natural order.

In practice, the story is a bit more complicated. Post-amalgamation Nigeria did not spring into life fully formed as a federation of well-defined ‘nations . . . “culture areas,” or . . . “linguistic areas”’ (Afigbo, 1991, p. 15). Rather, the incentives of colonial administrative and economic institutions fostered the intensification of ethnic mobilization, creating new patterns of group belonging that, as generations passed, provided them with an air of ‘naturalness’ that they did not initially possess. For example, the ethnic community that is now understood as modern ‘Yorubaland’, encompassing the former Western Region, is largely the product of British administrative decisions that empowered political elites associated with ‘ancestral city’ identities and minimized an equally ‘real’ religious divide between Muslims and Christians (Laitin, 1986, pp. 109–135). Similarly, in Northern Nigeria, where colonial administrators were dependent on the existing political elites—the emirs and the *masu sarauta*, or title-holding class—efforts were made to isolate these communities and their cultural and religious values from the influx of ‘native foreigners’ (Nigerian colonial subjects from the south) who arrived to serve in administrative posts. By separating newcomers into officially established *sabon gari* (‘new town’) communities on the periphery of established cities such as Kano and Zaria, they were placed outside the jurisdiction of the local ‘native administrators’, who retained legal and administrative control over all ‘local natives’. A 1934 Order in Council in Northern Nigeria defined natives as colonial subjects in possession of a ‘general mode of life’ the same as that of the ‘general native community’ in a particular area (Keay & Richardson, 1966, pp. 165–166). In other words, being a native—and falling under the jurisdiction of a Native Authority and its law—meant ‘looking’ like a native to the British.

These definitions were more complicated in cities without clear ethnic or religious ‘ownership’. In Jos, one of Nigeria’s most ethnically heterogeneous communities, colonial uncertainty about who precisely to devolve ‘native authority’ to in a city without a discrete precolonial history laid the groundwork for generations of future conflict. Initially, the British assigned this status to a small but growing ‘Hausa Settlement’ that had cropped up in the area around the mining industry, adopting the classic *Sabon Gari* model for other, mostly Christian communities comprised of both southern immigrants and local ‘indigenous’ peoples. In 1921, colonial policy flipped, eliminating the position of Hausa ‘District Head’ and transferring new powers to members of the local Birom community. The resulting tensions, simmering over some 20 years, eventually produced Nigeria’s first full-scale ethnic riot in 1945 (Plotnicov, 1971).

With the emergence of nationalist movements in Southern Nigeria in the late 1940s, negotiations with the British began to flesh out an explicitly federal future. Both the 1946 and 1951 colonial constitutions provided for a federal system centred around three large regions (North, East and West), each of which possessed considerable ethnic heterogeneity. The question, however, was what the relationship would be between these three regions and their ethnic majorities (Hausa and Fulani in the North, Yoruba in the West, and Igbo in the East), none of which enjoyed a national plurality. One vision, advanced by future Eastern Region Premier and Nigerian president Nnamdi Azikwe (1963–1966), proposed that federalism function as an administrative convenience, not a means of recognizing ethnic diversity. States would be smaller than the current regions and multi-ethnic in their make-up, with a strong federal government over the top. From the West, Obafemi

Awolowo, future leader of the Action Group party and a Yoruba nationalist who once famously declared that Nigeria was not a nation state but rather a 'mere geographical expression' (Awolowo, 1947, p. 47), argued that the diversity of Nigeria's ethnic communities—including, importantly, their very different levels of economic achievement—could only be accommodated in a near-confederal system built around homogenous ethnic 'nations' (Awa, 1964, pp. 25–27). Like Awolowo, the Northern elite, including Sir Ahmadu Bello, leader of the Northern Peoples' Congress (NPC), preferred a loose confederal arrangement, but one that by contrast also preserved the large regional system, which ensured the North's numerical dominance in any federal bodies.

The system that carried Nigeria into its First Republic (1960–1966) was a compromise, ostensibly rejecting the ethnofederal proposals of Awolowo and others in favour of preserving the tripartite regional structure and a limited federal government. At the time, this arrangement was interpreted as a victory for Northern interests, backed in turn by British support for their long-time colonial collaborators. In the long run, however, the strong regional arrangement also proved to be enormously beneficial to ethnic majorities in all three regions. As the pioneering scholar of Nigerian federalism Eme Awa noted at the time, both Azikwe and Awolowo ultimately abandoned their quest for smaller federal units during the 1953–1954 London Constitutional Convention, in no small part because they arrived at the conclusion that the political structures in each of the three regions—single-member districts, for the most part, with a strong regional premier at the top—would ensure the continued electoral dominance of Igbo and Yoruba interests as well as smaller, more homogenous states. The result of the regionalist bargain was that federalism in Nigeria was reduced to little more than a 'philosophy of opportunity'—a means of ensuring that each of the three dominant ethnic communities would be able to 'progress' according to their own trajectories, with minimal competition from the others (Awa, 1964, pp. 46–49). In the Yoruba-dominated Western Region, this meant the opportunity to capitalize on the region's advantages in education and industry without being held back by the much larger but far less developed North. For Northern leaders such as Bello, it meant the Northern elite could prevent the incursion of better-trained southerners into their region's civil service and business sectors, preserving opportunities for locals and ensuring NPC control over the region's resources.

Interestingly, the autonomous regional system did not include a clear insistence on 'dual citizenship'. At the Ibadan General Conference in 1950, Northern delegates succeeded at inserting a clause into the draft constitution permitting only 'native' Northerners with at least three years' consecutive residency to stand for election. Aimed squarely at the Igbo immigrant population in the North, the proposal was received harshly by representatives of the Eastern Region, who pushed back against the 'evil of denial of citizenship status and equal franchise to African "aliens" born or resident in villages and towns outside their clan, tribe, or region', and neither the Eastern or Western Regions adopted similar limits (Awa, 1964, pp. 33–34). The absence of official discrimination did not, however, mean that non-natives and minorities were accorded full political rights or access to state resources. In particular, Bello's NPC succeeded in maintaining a virtually unreconstructed version of the 'Native Authority' system as the administrative and legal apparatus of the Northern Region, relying heavily on this system as a means of controlling and excluding minorities and other political opponents from political power. And across the country, the recommendations of a 1958 Minorities Commission, which had argued

for granting minority communities within each region special protections and access to development resources, went largely unimplemented.

As Larry Diamond notes in his comprehensive review of First Republic politics, the ‘small number of regions . . . allowed few opportunities for the capture of sub-central power, and so made each particular opportunity enormous in its potential reward’ (Diamond, 1988, p. 73). Following the 1961 regional election, which saw the NPC (relying heavily on a slate of candidates drawing from the precolonial ruling classes and officers of the ‘native administration’) nearly entirely eliminate its domestic opposition, power in the federal centre tilted decidedly northwards (Mackintosh, 1966, pp. 535–544). Over the next four years, political competition became increasingly violent, as the NPC and its regional counterparts (Azikwe’s NCNC (National Council of Nigeria and the Cameroons) in the East and Samuel Akintola’s NNDP (Nigerian National Democratic Party) in the West, which had unseated Awolowo’s Action Group in alliance with the NPC) fought desperately to hold the reins of state power and the economic resources that accompanied it. Veiled ethnic threats soon gave way to riots, escalating further following the 1966 coup led by a group of Igbo military officers. Pogroms against Ibgos in Kano, Jos and elsewhere pushed the nation the rest of the way off the cliff, leading to the East’s secession in May 1967 and the deadly two-and-a-half-year civil war.

### **Nigeria’s ‘Federal Character’: Consociational Solution or Powersharing Run Amok?**

Looking back as they began the process of crafting the country’s next set of democratic institutions in the late 1970s, most Nigerian statesmen had little difficulty identifying the origin of the problem. As then-military ruler General Olusegun Obasanjo put it on the eve of the country’s second democratic transition in 1979, the previous era’s failures had been caused by leaders who had, in their pursuit of power, ‘concentrated on the part and ignored the whole’, allowing ‘regionalism, tribalism, sectionalism and ethnicity’ to erode the political process from the inside out. Speaking two years later as Nigeria’s first nationally elected president, Shehu Shagari argued that the First Republic’s system of autonomous regions had created a national culture of ‘ignorance and unfamiliarity, and therefore fear and mistrust’ (Kirk-Greene, 1983, pp. 457–458). Under this logic, a weak confederal state would hardly work. Yet there was little interest in a unitary state, either—particularly one that did not recognize Nigeria’s diversity as the basis for the allocation of national resources, including the nation’s growing coffers of oil revenues.

The new order was based on an odd, even contradictory combination of policies and institutions that sought both to downplay ethnic conflict through coalition-building and the activation of cross-cutting cleavages, and to formalize consociational commitments to ethnic communities. Geographically, Nigeria’s post-war federalism is primarily ‘ethno-territorial’, seeking to balance the protection and recognition of minorities by dividing the largest ethnic communities among multiple states. The process began in 1967 when, in a last-ditch effort to maintain the nation’s unity, new military head of state Yakubu Gowon formally abolished the regional system in favour of 12 states. In 1976, that number was increased to 19. By splitting the northern Hausa and Fulani majority across 12 states, the Yoruba across five, and the Igbo into two, control of any individual state would be far less consequential and far more dependent on the mobilization of local minority groups, who now formed significant voting blocs (and, in several states, absolute

majorities) in their own right. Beginning in the Second Republic (1979–1983) and continuing ever since, state politics have served as the primary space for mobilizing political ethnicity.

A parallel set of reforms introduced in the 1978 constitution were intended to create a set of strong incentives for cross-ethnic, federal-level coalition-building. Here, the key was the adoption of a presidential system, in the hope that it would produce a unifying national leader with a national constituency. Reinforcing this goal was a slate of regulations requiring that a truly national leader fill the presidency. Political parties organized around exclusivist ethnic imagery or restricted to a particular region were banned, and all national parties were required to operate offices in all federal states. All successful presidential candidates were required to win at least 25% of the vote in at least two-thirds of the states, again ensuring that demographic shifts could not swing control to any particular ethnic bloc (Horowitz, 1979, pp. 197–198). Despite the collapse of the Second Republic in 1983, 16 subsequent years of military rule, and several major efforts to revisit these arrangements culminating in the new 1999 constitution, these requirements have largely remained in place (Bogaards, 2010).

As significant as these innovations were (the fate of the 1979 presidential elections came down to the Supreme Court's interpretation of the 'two-thirds' rule), the ethnofederal, consociational components of the 1978 constitution have had a far greater long-term impact on contemporary politics. The most important innovation was a collection of interlocking constitutional and informal policies that have collectively come to be known in Nigerian political parlance as the 'federal character'. The term 'federal character' was first introduced by military ruler General Murtala Mohammed during a speech before the initial meeting of the Constitutional Drafting Committee (CDC) in 1976. In his usage, which was carried forward by the CDC into the final document (in Section 277), he referred to '... the distinctive desire of the peoples of Nigeria to promote national unity, foster national loyalty and give every citizen of Nigeria a sense of belonging in the nation' (Kirk-Greene, 1983, pp. 460–462). In practice, the command to 'recognize Nigeria's "federal character"' translated into a constitutional commitment, formulated primarily in ethnic and regionalist terms, to ensure an 'equitable' balancing of power and resources between federal units. In Section 14(4), the federal government was charged with ensuring that no major areas of administration (ambassadorial and ministerial positions, the military officer corps) were dominated by a 'predominance of persons from a few States or from a few ethnic or other sectional groups', while Section 203(2)b required that the executive committees of all political parties should represent no 'less than two-thirds of all the States comprising the Federation'. In effect, the goal of the federal character principle was to facilitate a visible 'balance' in public life, ensuring that no community could claim that they had been unfairly excluded by those in power.

In its initial formulation, the federal character 'principle' was hardly a principle at all. Its components were scattered across a handful of constitutional clauses and sections, lacking a unified operational definition. In the CDC debates, efforts to promote national unity (by, among other things, providing 'full residence rights for all citizens in all parts of the country') (*Report of the Constitutional Drafting Committee, 1976*, pp. viii–ix) clashed with equally forceful commitments to addressing long-standing fears, held by minority and majority groups alike, of 'domination', 'marginalization' and 'alienation', often through the adoption of implicit quotas or proportionate balancing schemes. But while these initial federal character commitments were judiciously circumscribed to

application in a limited number of fields, it soon became clear that the legal apparatus necessary to enforce them would inevitably have much larger consequences. In particular, ensuring the ‘fair’ distribution of government positions along state lines required a fixed legal definition of state citizenship, something that the First Republic framers had preferred to leave vague in the name of national integration. What they turned to was the colonial doctrine of ‘nativeness’ in its nearly pristine form. Section 135(3) specified that to meet the distributional requirements of the federal character principle, appointments needed to be filled by ‘indigenes’, those who belonged (via parentage or grandparentage) to an ethnic community ‘indigenous’ to that state. And in the absence of a formal definition of indigeneity—a definition did not appear anywhere in the 1978 constitution—it was defined largely (if often unofficially) by a community’s legal status under colonial rule. Under the Second Republic, ‘Nigerian citizens [had] no right to indigeneity outside the state ascribed to them on the sole basis of their genetic antecedents’, no matter how deep their ties to the community might become (Bach, 1997, p. 337). In an effort to promote national unity, the 1978 framers had inadvertently backed into a definition of citizenship that ensured Nigerians remained legally categorized and divided by their ethnic heritage.

How did the (re)introduction of ‘indigeneity’ as a legal concept affect the trajectory of Nigerian federalism? After the launch of the 1978 constitution, the number of states more than doubled (to 36 by 1996), with the majority of these claims being framed explicitly in ethnic terms (Kraxberger, 2005). Paradoxically, most successful demands came not from minority groups seeking autonomy, but from regional majority groups seeking further subdivisions. Under the 1978 constitution, states received 50% of the national revenue as budgetary support (since 1999, 36%, with 20% going directly to local governments), which encouraged majority ethnic communities to demand that they be subdivided further into more states, each of which would receive its own allocation (Osaghae, 1991, p. 249). In effect, the largest ethnic communities had cracked the code of state creation, recognizing that by demanding more states they could capture a greater overall share of federal resources, undermining the spirit of the entire exercise in the process (Akinyele, 1996, p. 88). As long as the federal character principle remains in place, nearly every community in Nigeria possesses a language that justifies the creation of new state and local government areas (LGAs), even if there is no demonstrable administrative need or long-standing history of ‘marginalization’ to repair.

Over time, the idea of the federal character has evolved into perhaps the single most important concept in Nigerian public life, a logical framework into which nearly every demand on state resources is fitted and through which every grievance is expressed. It is invoked to debate the ethnic and religious make-up of the roster of the national football team, to analyse the admissions rolls published by all federal universities, and to compare the spatial allocation of market stalls. Moreover, popular understandings of fairness and representativeness in politics have been deeply influenced by the procedural ‘headcounting’ carried out by most federal character policies, even when the issues at hand are not directly related to ethnicity. In particular, organized religious interests have eagerly adopted federal character language and claim-making, particularly for expanding governmental funding for religious affairs. In perhaps the most notable example, in the mid-1980s Christian organizations lobbied for and received funding for ‘Christian pilgrimages’ to Rome and Jerusalem in exchange for withdrawing their objections to state support for the annual *hajj*.

The pressure of meeting federal character goals also contributed to the rapid growth of the Nigerian state, expanding opportunities for rent-seeking and other forms of 'prebendalist' corruption (Joseph, 1987). The Shagari presidency, which overlapped with the height of an oil boom that more than doubled petroleum revenues from \$9.8 billion in 1978 to \$25 billion in 1980 (Lewis, 2007, p. 155), earned a reputation for profligacy and cronyism, tripling administrative costs as a share of federal expenditures during its four-year run. Much of this increase was driven by the need to create a series of expensive new federal ministries (40 cabinet positions in total) and top-level positions in order to meet federal character requirements. Following the collapse of the Second Republic at the end of 1983, the use of federal character justifications to control access to patronage opportunities expanded even more dramatically. As Peter Lewis (1996) has argued, the combination of precipitous economic decline (again, tied to fluctuations in international oil markets) and uncertain political legitimacy forced the Babangida (1985–1993) and Abacha (1993–1998) military regimes to adopt increasingly roundabout strategies for maintaining the support of key constituencies. Beginning with Babangida's ill-fated decision to announce Nigeria's accession to membership in the Organization of Islamic Cooperation (OIC) in 1986, his regime began an informal (but very public) policy of carefully managing the religious and ethnic distribution of cabinet-level positions, not only publically to defuse potential claims of marginalization, but also as a cost-saving measure that allowed the regime to pay off supporters indirectly through expanded access to informal, ethnically based patronage networks. In response, ethnic and religious communities across the country began printing elaborate 'scorecards' in pamphlets and the popular press, detailing the exact ethnic and religious affiliations of nearly all administrative offices and decrying even seemingly minor imbalances as concerted efforts at 'marginalizing' their communities. Current ministerial arrangements (there are 19) require the appointment of multiple 'Ministers of State' (effectively, deputy ministers with cabinet-grade statuses) to attain the 36 total, all of whom receive among the highest compensation packages of any government officials in the world (Pindiga & Nuruddeen, 2013).

### **Consociationalism and Neopatrimonialism in Federalism: The Nigerian Federal Character Commission**

Arguably the most powerful engine for transforming exclusive claims of indigeneity into access to federal resources in Nigeria today is the FCC. The FCC's creation in 1996 marked the culmination of a shift, begun under Babangida, to expand and proceduralize the federal character principle, expanding it beyond its original constitutional mandate into nearly all realms of Nigerian public service. The idea for a formal bureaucratic structure to enforce federal character provisions originated with the 1989 draft constitution, which proposed for the first time to institute formal quota systems for a wide range of institutions, including the boards of parastatal corporations and federal universities. However, it was not until after the failed 1993 democratic transition that an institution for managing formal quotas was actually constructed, this time by the Abacha regime as part of its own transition programme. Today, the FCC's authority is based on the mandate laid out in Part I of the Third Schedule of the 1999 constitution (reinforced in a 2004 legislative act), which provides it with supervisory jurisdiction over the hiring processes of 'all bureaucratic, economic, media, and political posts at all levels of government', with the goal of ensuring the 'fair and equitable distribution of socio-economic amenities and

infrastructural facilities throughout the federation' (FCC, 2011a, p. 11). It is also charged (although often hamstrung by inadequate funding and the weakness of the national legal system) with broad powers to sanction and prosecute government bodies and officials that fail to 'imbibe' the spirit of the federal character in their hiring practices.

Beginning with the initial 1996 authorizing law, the FCC's primary task was the enforcement of a public service quota system, fixing the expected representation of indigenes from each state in each institution it supervised at between 2.5% and 3% of total employees. Quotas are also assessed at the 'zonal' level (another Abacha-era invention), six geographic clusters of states (North-West, North-East, North-Central, South-West, South-East and South-South). The system is also supposed to take state and zonal population size and access to education and training into account, increasing the allotments for both the largest states and those with the most qualified candidates. The current formula entitles the Muslim-majority North-West and North-East zones to 15% and 18% of all federal appointments, respectively, while the Yoruba-dominated South-West (including Lagos, with an estimated population of 21 million) are allotted a full 22%. Within states, similar formulas exist to divide appointments between the country's 744 LGAs. There are also safeguards in place intended to prevent quota allotments from serving as 'lever[s] to elevate the incompetent' (FCC, 1996, cited in Mustapha, 2009). The FCC handbook specifies that unqualified candidates cannot be shortlisted for positions based solely on the need to fill zonal quotas, although hiring units are warned to consider personnel who fulfil minimum qualifications *and* originate from under-represented states over better-trained applicants who do not (FCC, 2011b, p. 24).

Officially, these quotas do not revolve around ethnic or religious identities, but to geographic units. However, just as in the original federal character 'principle' formulation, state and LGA citizenship remain determined by indigeneity. For their part, most FCC staff I spoke with were explicit about the ethnic nature of indigeneity in Nigeria. To them, ethnic identity was the content that filled in the indigeneship 'box', providing the common experiences and understandings that made it real. Rather than shying away from the ethnic connotations of the federal character, they embraced the possibility of using the FCC's formal rules and procedures to temper the fears of 'marginalization' that they acknowledged run deeply in the national popular culture. By offering a legal framework for delineating precisely who could lay claim to state benefits (including, implicitly, access to patronage through the appointment of co-ethnics to civil service and parastatal posts), they imagined taking the wind out of the sails of ethnic chauvinists, even if doing so required acknowledging the basic justice of distributing these resources along ethnic lines in the first place.

But if the FCC understands indigeneship in primordialist, ethnic terms, what role does it play in resolving or adjudicating the inevitable conflicts around who qualifies? Just as in the 1978 constitution, the 1999 version does not offer an explicit definition of indigeneity, nor does it provide any official mechanism for resolving disputes around indigeneship status. Indeed, the closest Nigerian law comes to a definition of subnational indigeneity is in the 2004 'Federal Character Commission (Establishment, Etc) Act', which states that:

- (1) An indigene of a local government means a person
  - (a) either of whose parents or any of whose grandparents was or is an indigene of the local government concerned; or

- (b) who is accepted as an indigene by the local government;  
 Provided that no person shall claim to more than one local government. (FCC, 2011b, p. 16)

The individual qualifications for indigeneship (birth) here are clear, but they are far less so for groups or communities. The language of Section 1(b) parallels the colonial policy referenced earlier—effectively, an indigene is someone who ‘looks’ like an indigene to the rest of the community—but does not offer any formal guidance for how such a determination might be codified. By virtue of both this statute and its role in administering the quota system, the FCC would seem to possess the *de facto* power to determine indigene status for most federal and state purposes. However, despite this potential authority, FCC officials suggested to me that they rarely exercise it, and the agency has never established any formal internal mechanism for addressing conflicts over indigeneship status or maintained any official lists of ethnic groups that qualify for indigeneship status in particular jurisdictions. So who actually defines the ethnic terrain of indigeneship? Since the mid-2000s, the FCC has come to rely on the LGAs to do this work for them, particularly through the issuance of ‘indigeneship certificates’ to qualified citizens. Given the lack of federal oversight, the criteria for assigning indigeneship within LGAs—particularly around Clause 1(b)—vary tremendously, swayed by the dynamics of local ethnic (and, where they overlap, religious) conflicts and the results of (often violently contested) LGA elections. In effect, as Philip Ostien (2009, p. 7) put it, ‘whoever controls the local government controls the issuance of indigene certificates’. Some LGAs (particularly in metropolitan Lagos) award indigene status to citizens meeting a simple residency requirement, others refuse to issue them to members of particular ethnic groups entirely in what appears to be an *ad hoc* manner (Nigeria Research Network, 2014). In general, the FCC has chosen to recognize these certificates as they are issued, meaning that the act of certifying indigeneity has been effectively devolved into the hands of those (local elected officials) who have the greatest potential interest in manipulating it.

Not surprisingly given the direct link between political control of LGAs, indigeneity definitions and access to the primarily oil-derived resources of the Nigerian federal state, many Nigerians still think of the federal character quota system primarily in neopatrimonial terms—as a tool for advancing the interests of co-ethnics and protecting indigeneity ‘rights’; in no small part because the state remains the primary source of wealth and class advancement in Nigeria and, for many job-seekers, access to co-ethnics with control over hiring provides the most certain path to state employment. In some instances, federal character considerations seem to have led ethnic minority communities systematically to pursue admittance and advancement in certain bureaucratic organizations, taking advantage of unrecognized quota-based opportunities to secure communal access to state resources (Owen, 2013, pp. 166–168).

Far from allowing ethnic communities and organizations to relax, secure in the knowledge that the FCC is promoting unity through ‘equity, fairness, and justice’ (FCC, 2011a, p. 12), federal character logic compels ethnic actors constantly to cry ‘marginalization’, lest any opportunity to secure a foothold in a key agency or office be lost. To cite one recent example, in October 2013, Yushau Shuaib, a public relations officer for the National Emergency Management Agency (NEMA), was fired following the publication of an article in which he accused the federal minister of finance, Ngozi Okonjo-Iwaela, of ‘playing an ethnic game’ in pursuing the appointment of her ‘Igbo kinsmen’ over

Northerners (read: Muslims) to key positions in the financial regulatory section (Shuaib, 2013; *Punch*, 2013). But as Okojo-Iwaela herself recounted in an interview at the height of the controversy, the hiring process she oversaw adhered to strict federal character controls, including the appointment of a nominations committee with representatives from each zone and the use of outside consulting firms to craft shortlists. That such a process had not produced a perfectly proportional ethno-regional balance in any given agency was, from her perspective, a secondary concern. In his spirited defence of the minister, then-Central Bank chairman Sanusi Lamido Sanusi (a northern Muslim) argued that by identifying the federal character principle with ethnic headcounting, many Nigerians had lost sight of its original purpose—to build national unity through the assurance that the ‘diversity of Nigeria’ would be reflected in its corridors of power. Instead, he observed, this distorted logic forces ‘loyal’ co-ethnics to defend even the most corrupt and inefficient appointees from the consequences of their actions:

Diversity is not just ethnicity-driven, but you still have Muslims, Christians; northerners, southerners, women, men; and that is what is called federal character. Apart from all these ridiculous things of accusing someone of who you appoint and did not appoint, the entire concept about inclusion and diversity have [*sic*] been so abused that anyone who loses a position, for instance, you sack the management of an institution for fraud and someone says it is ethnic cleansing. You all know what we went through in the banking industry when people stole people’s money and we removed them, it was seen as a northern agenda. So is it southern agenda to steal N192 billion of depositors’ fund? So, we need to outgrow this. (Gabriel, 2013)

In principle, as most FCC staff members suggested to me, the rules and procedures relied on by Okojo-Iwaela are the best defence against these claims, followed closely by transparency with respect to quota fulfilment. As one senior FCC official told me, he regarded his office’s most challenging job not to be the management of the quota system itself (although technical and recordkeeping challenges reared their heads constantly), but rather the effort to counter metaphorical, overly broad uses of the federal character language and to replace them with a focus on the rules and procedures the FCC oversees. But can reliance on rules and procedures really meet the challenge the FCC has set for itself to ‘promote one indissoluble Nigeria’ (FCC, 2012)? The evidence is mixed, trending negative. On their own terms, it has proved nearly impossible for the FCC to ensure the achievement of quota targets in federal ministries and parastatals, and over the past decade the FCC’s own documentation suggests that there has been relatively little movement in the percentages of state indigenes represented in the civil service. In its 2011 annual report, the FCC found, not surprisingly, that the Muslim-majority northern states remain significantly under-represented on the federal payroll (a fact that is almost certainly connected to their under-representation in federal universities and, more broadly, to their greater poverty and poorer educational systems), as do several smaller states in the south. In all, only seven states have staff contingents that fall within the official quota range (FCC, 2011a, pp. 184–190) and, by their own account, the FCC’s broader mission to ensure the even distribution of ‘socio-economic amenities’ remains largely untouched.

In the FCC’s favour, the venal pressures of the Nigerian political process, which ensure that a significant proportion of the national wealth is distributed illicitly, put the goal of promoting substantive equality outside the reach of any individual agency. Similarly,

Nigeria's rapidly growing income and wealth inequality speaks to larger, systematic failures of distributive justice. Yet within both the halls of the FCC and Nigerian society at large, attachment to the federal character principle, at least in this distributive sense, remains quite strong. Much like the national fuel subsidy, a manifestly inefficient policy that is nonetheless popularly beloved because of its tangibility as evidence that the Nigerian state is doing *something* for ordinary citizens, the federal character principle and the FCC's quota system serves to soothe the deeply ingrained suspicions many Nigerians hold that, without constant vigilance, they too might find themselves marginalized. However, as the guardians of legal indigeneship, the FCC runs the risk of driving the very divisiveness they were meant to contain.

### **Nigeria's Unfinished State-nation**

Although it is not often discussed in these terms, Nigeria's federal system is perhaps best understood as a post-conflict powersharing arrangement, one that has endured (despite 16 years of military rule) in roughly the same form for over 35 years. Given the continental standards to which it might be compared, this represents something of a success story. Both of Nigeria's post-war constitutions demonstrate a commitment to the notion that a broad and inclusive ruling coalition, one that grants access to power and state resources and recognition to as many communities as possible, is the safest path to popular political legitimacy and stability a divided nation can travel. Yet despite the entrenchment of federal, consociational powersharing principles—most importantly, the 'federal character'—in Nigerian political life, sectarian claim-making remains a frequent and intense source of conflict and violence, particularly in the very ethnically and religiously divided communities that should have seen the greatest benefit from these new arrangements.

In this article, I have argued that although ethnic powersharing institutions such as the Nigerian FCC offer transparent processes for sharing and distributing access to state employment and resources, they can also play the unintentional role of reinforcing fundamental inequalities of citizenship. These inequalities originated in the indirect rule strategies of late nineteenth and early twentieth century colonial rule, but in the postcolonial era they have achieved the status of constitutional law and, even more strikingly, 'common sense' in many Nigerian communities. Indigeneity, indigeneship certificates and 'native/settler' conflicts need not be central components of consociational powersharing systems, but in the face of an entrenched legacy of 'dual citizenship' they become difficult outcomes to avoid. In Nigeria, this problem is magnified by a federal system that, despite its efforts to devolve power away from ethnic majorities and towards local, pluralist communities, reinforces the primacy of subnational, ethnic belonging over national citizenship. Perhaps not surprisingly, Nigerians demonstrate some of the lowest commitments to national pride and identity of any citizens on the continent (Robinson, 2009).

In this sense, the real influence of the FCC on national political life comes not from its earnest efforts to achieve national unity through the 'fair' distribution of state employment, but from its endorsement of a primordialist vision of subnational citizenship that encourages Nigerians to view ethnic group membership as the primary vehicle for access to state resources. Ethnic powersharing principles such as the federal character were meant to reduce the stakes of political competition, channelling demands for state resources within institutions designed to manage and contain them. But as Mamadou

Gazibo (2013, pp. 84–85) has argued, democracies facing down a legacy of neopatrimonial rule often struggle with the ‘coexistence of contradictory norms’—both formal rules and procedures and informal networks and pathways—by which elites and citizens alike pursue access to power and wealth. In the case of the FCC, quota systems based (ultimately, if not directly) on ethnic group membership serve not to provide a sense of belonging and security to potentially ‘marginalized’ communities, but to link the formal institutions of the federal state with the informal ethnic patronage networks that most Nigerians still trust to provide them with their best chance at upward mobility (Daloz, 2005); and in a federal structure where centralized oil revenues remain the primary funding source for state and local governments, restrictive citizenship rules reinforce the notion that asserting indigeneity claims is a winning strategy for capturing state resources.

Although there is not space here for a more detailed comparison, it is interesting to contrast the Nigerian experience with consociational powersharing and federalism with that of India, where, according to Stepan *et al.* (2011), the ‘state-nation’ building project has paid significant democratic dividends. Like Nigeria, India’s federal powersharing system is not entirely consociational, but it does formally recognize a range of sectarian identities for accommodation. From Stepan *et al.*’s perspective, one of the great successes of Indian federalism was its tolerance towards its citizens’ possession of multiple identities, built on the core assumption that it was not necessary to build the political community around dominant Hindu/Hindi religious and linguistic models. As a result, cultural nationalist movements such as those among the Tamils in the south found it possible both to retain their particularity *and* to participate in national political life (Stepan *et al.*, 2011, pp. 129–134).

Unspoken in this story, however, is the role of citizenship policy in fostering the successful balancing of national and subnational identities. Indeed, Stepan *et al.* seem to assume that language and culture are the largest barriers to ‘polity-wide careers’, to be overcome (although, particularly in regional politics, not necessarily easily) by retaining English as the medium of governance over Hindi (Stepan *et al.*, 2011, p. 128). But although late colonial India witnessed a distinct move towards using ethnic and religious identities as justifications for legal pluralism (particularly in terms of property rights) (Newbigin, 2013), this never carried over into the establishment of ‘dual citizenship’ for members of different ethnic or religious communities. At independence, the question of how to define national citizenship was a thorny one, embedded in broader debates about the role of religion, language and territoriality in defining Indian nationality, and heavily contested between supporters of Nehru’s ‘secular nationalism’ and the Hindu nationalist community (Adeney & Lall, 2005). However, there seems to have been no serious thought given to creating legal categories of ‘indigeneship’ that assigned special rights to residents of particular communities based on their ‘nativeness’, even for territories governed by ‘native authorities’ under indirect rule-style arrangements during the colonial era.

Perhaps in no small part due to the fact that Indian citizenship is and has always been a national affair, problems of neopatrimonialism and the centrality of the state as a source of resource accumulation have not proved as difficult and divisive in India as across much of Africa, either. Tellingly, Stepan *et al.* (2011) ignore this problem altogether in their discussion of India, despite the fact that, as Kanchan Chandra has observed, the state still ‘controls the bulk of resources in Indian society’, and that federal politics in India clearly revolve around securing access to these resources through ethnic, religious and

linguistic claim-making (Chandra, 2005, pp. 239–240). In this sense, the absence of a ‘dual citizenship’ heritage seems to free up the operation of federal institutions to focus on the goals of good governance rather than on the procedures of distributing resources. As Kenneth Wheare (1943, p. 43) once famously warned, ‘federalism is not an end in itself’. When it becomes—as it so often has in Nigeria—simply a means of accessing wealth, it serves to entrench, rather than mediate, the differences between federal units and their citizens,

The federal character ‘principle’ and the FCC’s quota system remain quite popular in Nigeria, but there is also a growing awareness that the ‘dual citizenship’ model, particularly as embedded in institutions such as the FCC, drives patronage politics and undermines the universal application of human rights (Nwachukwu, 2005; Ejobowah, 2013). These concerns have even received federal acknowledgement, in the form of a 2011 constitutional amendment (Section 42[1]) that prohibits both the assignment of ‘disabilities or restrictions’ and ‘privilege[s] or advantage[s]’ on the basis of ethnicity, place of origin and religion. However, laws that ‘impose restrictions with respect to the appointment of any person to any office under the State’ are excluded, meaning that, for the foreseeable future, indigeneity will continue to be a deciding factor in the allocation of many important state resources. Can the FCC’s balancing act succeed in contributing to the development of a ‘state-nation’ in Nigeria, one that rallies Nigerians around a common sense of trust and pride in the nation while retaining respect for difference? As long as ethnic powersharing serves to divide Nigerians more than it brings them together, I remain unconvinced.

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