

Contesting Exclusion: The Dilemmas of Citizenship in Nigeria

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ABSTRACT

Citizenship is struggle; it is (struggle for) community, it is (struggle for) belongingness, it is (struggle for) participation, citizenship is also reciprocity. However, there are various degrees of struggle, reciprocity and community embedded in different contexts of citizenship. Citizenship in the context examined in this paper has been a tool of political mobilization (and participation) in the bid to demobilise the (Nigerian) state as presently constituted and reconstitute it. This paper argues that the constricting of citizenship rights - in their political, civil and social manifestations - in Nigeria was a consequence of the seizure of the state by an autocratic politico-military establishment, the resultant weakening of the capacity of the state to perform its duties and the consequent reliance on brute force to ensure and compel obedience. These helped to sharpen the questions of the relationship between the state and citizens and to direct attention to the need to redefine this relationship and possibly re-codify it. This was 'initially vague but eventually became definite and precise' in such a way that ethnicity, inversely, helped the process by sharpening the questions, not merely of the direct relationship of the individual to the state but the relationship as mediated by the community - ethnic group. The paper concludes by challenging the manifestations of 'communal' dimensions of citizenship while stating that without enabling social conditions, political and civil rights can be vacuous.

"Citizens are still citizens but they are uncertain of which city and of whose city"

Manuel Castells, The Power of Identity

The Context

In May 2004, Nigeria was again on the brink of national ethno-religious conflagration. The immediate cause this time was the slaughtering of Moslem Fulani by Christian Tarok in Yelwa, a town in the central Nigerian state of Plateau. This was part of an on-going battle between 'indigenes' and 'settlers'. The Tarok were retaliating the murder of their ethnic constituents by the (Bororo or cattle) Moslem Fulani who cornered some Tarok in a church and massacred them earlier in February. The Tarok were, ostensibly, thoroughly dissatisfied with the reaction of the federal government which set up a panel of inquiry headed by a Muslim (Fulani) emir to proffer solutions to this phase of the inter-ethnic crises which have come to largely define the restoration of democratic rule in Nigeria. Muslim leaders in the Muslim-dominated and volatile northern state of Kano openly organized reprisal attacks a few days after the Yelwa incident where Christians and southerners in general were either killed or displaced. Over 69,000 people were displaced as a result of the Plateau clashes,¹ while, in all, over 1,000 lives were lost in both Plateau and Kano states.

The Yelwa clashes, which reenacted similar conflagrations around the country², were generally provoked by a long running, even if understated, rivalry between the majority, but marginal, Christian Tarok who are the 'original owners' or 'indigenes', and the minority, but dominant,³ 'settler' Moslem Fulani herdsmen. A letter purportedly written by the Islamic Revolutionary Committee in Kano at the outbreak of the reprisal attacks on Christians and southerners stated that, "We have taught the Kafiris (infidels) a big lesson in Kano," while promising to slay 20 Christians for every Muslim killed.⁴ A young Igbo lady from the south of Nigeria, who fled to a

¹ '69,000 people displaced by Plateau, Kano crises, says NEMA', *The Guardian* (Lagos) June 8, 2004.

² For a record of the many violent clashes under Nigeria's democratic rule, see, Wale Adebani, 'Democracy and Violence: The Challenge of Communal Clashes', in Adigun Agbaje, Larry Diamond and Ebere Onwudiwe (eds.), *Nigeria and the Struggle for Democracy and Good Governance: A Festschrift for Oyeleye Oyediran*. Ibadan: Ibadan University Press, 2004a: 327-348.

³ For an analysis of the dynamics of majority-minority as against dominant-marginal ethnic relations, see, Wale Adebani, 'The Press and the Politics of Marginal Voices: Narratives of the Experiences of the Ogoni of Nigeria', *Media, Culture and Society*, UK, 2004b (forthcoming).

⁴ Tom Ashby, 'Nigerians question unity after religious bloodshed'. *Reuters*, Monday, June 7, 2004.

police barrack for protection while the killings lasted, stated that, "If the Muslims do not want us here, we will go home. But is this not one Nigeria?" The Association of *Non-Indigenes* in Kano State, which responded to the situation by mobilizing its members to either relocate or repel further attacks, is symbolic of the shared animosity between citizenship and 'indigeneity' (the principle of being *indigenous* to a particular place) in Nigeria⁵.

Since democratic governance was restored in Nigeria in 1999, more than 10, 000 people have died in the many inter-ethnic and inter-faith low-intensity wars the country has witnessed. As usual, the government's response is almost always a-historical, unimaginative, and totally lacking in a clearly demonstrated concern to find a lasting solution to what seems a collective resolve to mutually annihilate. If only to prove the power and might of the federal government, the increasingly unpopular president, Olusegun Obasanjo, imposed a state of emergency on Plateau state where the present crisis happened, removed the governor, suspended the State House of Assembly and appointed a retired army chief, General Chris Alli (ret.), as the administrator of the state for an initial period of six months. This led to a national debate on the legality of the president's action and the implications of the crisis and the reactions for national cohesion.⁶ *The Guardian* puts the matter succinctly when it stated in an editorial that:

If it was intended as a power show, which was needless, President Obasanjo has already made a point with the proclamation of emergency rule. Now, he must pull back and vigorously engineer and shepherd other alternative conflict resolution mechanisms. Evidently, the imposition of a state of emergency has not deterred the militia forces on the rampage in

⁵ Recently, the vice president, Atiku Abubakar, described the contentious indigenes versus settlers debate as 'unconstitutional, divisive and dangerous to the unity' of Nigeria: 'There are two words not in our law books or constitution and these are settlers and indigenes. This government, therefore, is not prepared to promote that dichotomy in the country. We will employ all constitutional means to make sure every Nigerian feels secure at any place he decides to reside'. 'Indigene-settler controversy dangerous – Atiku', *Vanguard* (Lagos), June 30, 2004, front page.

⁶ The members of the suspended state assembly are contesting the legality of the president's action in court. Also legal luminaries in Nigeria and respected groups have also spoken against it, while others have expressed supports.

Plateau State, nor other warring communities in neighbouring Benue State. The causative factors of the mutual antagonism are far more deep-seated than a state of emergency could possibly cure.⁷

The Problem

Why is it that, in spite of all measures - constitutional and otherwise - Nigeria remains a highly combustible template in terms of inter-ethnic and inter-faith relations? Why is it that almost a century after the foundation of the *idea* of Nigeria (1914-2004), and after living in a particular place even up to three generations, some Nigerians are still separable - and indeed separated - along the lines of 'indigenes' and 'non-indigenes', with political, economic and social consequences? And, as Taiwo (2000: 90) asks, 'How come (that) the provisions of the Constitution or those other legal proclamations do not resonate with those citizens who insist that their opponents, fellow citizens that is, should be repatriated from one part of the same polity over which a common citizenship presumably subsists?'

It is generally agreed that, at the core, citizenship is care and concern. We are living, as Heather underscores it, in an age which considers citizenship of cardinal significance (Heather, 1999: 1). Citizenship is being taken around the world as a means of rethinking questions of political, social, and economic justice. Citizenship discourse has become, in recent times, 'a new vehicle for pressing familiar demands for egalitarian social and economic goals' (Hudson and Kane, 2000: 1) Yet, in spite of the centrality of the idea of citizenship to such crisis as that enacted in the Yelwa incident, the related long-running national crisis in Nigeria, and the fact that citizenship is the guiding principle of democracy, the issues are rarely ever posited as basically ones that are firmly rooted in the crisis of citizenship in Nigeria. Whereas so much has been written and argued about ethnicity and other *pathologies* in understanding the crisis of the Nigerian state, citizenship, which is core to the crisis, remains under-recognized and under-theorized. As Olufemi Taiwo argues in relation to issues similar to the Yelwa incident, 'Indeed, it is a mark of how unproblematic a view almost everyone takes of these issues that the various problems that we described at the begging of this piece are hardly ever seen as problems of citizenship' (Taiwo, 2000:

⁷ "Emergency rule: Matters arising" (Editorial), *The Guardian*, June 2 2004.

89). Attempts to explain such crisis as the Yelwa case through the "nation-building" problematic -- particularly in official quarters - even after almost a century of the existence of Nigeria, has been rightly and competently rejected (See, Taiwo, 2000: 88).

While arguing that Nigeria survives on an 'anaemic conception' of citizenship which lacks 'moral-ideological' content, Taiwo (Ibid: 91) asserts that, 'There are *no* citizens in Nigeria, we only have citizens of Nigeria.... The distinction between citizens *of* and citizens *in* Nigeria enfolds a deep irony.' This distinction between *citizens of* and *citizens in* illuminates the empirical reality that defines the dilemmas of citizenship in Nigeria. I want to suggest that, folded into this distinction in Nigeria and indeed in much of the African post colony, is the peculiarly exclusionary nature of the regime of citizenship rights.

There is no doubt that what constitutes citizenship rights are still highly contested in much of the African post-colony while widespread and full enjoyment of citizenship rights are still highly limited. The spatial dimension of this state of affairs is as emblematic of the interface of inclusion and exclusion as are other dimensions. What becomes clear from the reality on the continent is that, even within the so-called African nation-state, and even among those who have tenuous social and political membership of these states, citizenship remains a struggle for inclusion and a struggle against exclusion - given that citizenship has been used as an organizing principle for both inclusion and exclusion. In the case of Nigeria, which is the focus of this paper, the struggle for citizenship supervenes the landscape of contemporary social struggles and political crisis - even if under-recognized.

What are the events that have affected and shaped the contours of citizenship rights in Nigeria beyond the 'received' (western) conceptual and legal notions of citizenship? What are the conceptions of citizens' rights and responsibilities? How has the nature of the Nigerian state and civil society shaped citizenship empowerment? As Held (1989) argues, the question of who should participate - at what level and how - has been an ancient question, both as an inclusive and exclusive organizing principle (Yuval-Davis: 1997). While T.H. Marshal emphasizes the relationship between the state and 'the community' and how this affects people's citizenship (*ibid*: 69-70), the liberal conception constructs all citizens as same and therefore makes differences of ethnicity, gender and class inconsequential to their

status as citizens (*ibid*). Citizenship in the context examined in this paper is a tool of political mobilization (and participation) in the bid to demobilise the state as presently constituted and reconstitute it. This paper argues that, the constriction of citizenship rights, in their political, civil and social manifestations in Nigeria was a consequence of the seizure of the state by an autocratic politico-military establishment, the resultant weakening of the capacity of the state to perform its duties, leading in part to the rise and strengthening of identity-based politics and the consequent reliance by the state on brute force to ensure and compel obedience.

These have helped to sharpen the questions of the relationship of the state to political subjects and directed attention to the need to redefine this relationship and possibly *re-codify* it. They have also helped to force open the constricting space of citizenship rights and to expand it significantly, even if minimally. This linkage between the state of affairs and citizenship issues was 'initially vague but eventually became definite and precise' in such a way that ethnicity, inversely, helped the process by sharpening the questions not merely of the direct relationship of the individual to the state but the relationship as mediated by the *community* – ethnic group. In one way or another, ethnic movements advocated for the 'renewal of some set of citizen rights – whether against the state, against other citizens or both' (Roche, 2000: 212). But even this produced its own negative consequences, which presents overriding dangers to the long-term sustenance of citizenship rights within a liberal democratic project, as I intend to suggest later.

Here, following Maurice Roche's (*ibid*: 217) argument that a substantial analysis of the sociology of citizenship in any context ought to take account of at least three dimensions of citizenship, I attempt to map (i) 'the nature of the citizen and citizen community in Nigeria'; (ii) 'the social-structural context underlying citizenship and the citizen community and influencing (both enabling and limiting) their capacities for development'; and (iii) 'the history of change in the nature of both citizenship and its structural context'.

Citizenship and Infant Democracies

Citizenship is the guiding principle of democracy (O'Donnell and Schmitter, 1991: 7). The ensuing struggle over the nature and extent of citizenship, therefore, as David Held (1989) argues, has '*itself* been a, if not the, central

medium of social conflict'. It is the medium through which the essentially democratic contest of various classes, groups and movements for the enhancement and protection of their rights and opportunities takes place (*ibid*).

Citizenship is core to the conception and practice of democracy, involving 'the *right* to be treated by fellow human beings as equal with respect to the making of collective choices and the *obligation* of those implementing such choices to be equally accountable and accessible to all members of the polity' (O'Donnell and Schmitter, 1991:7). On the other hand, as O'Donnell and Schmitter (*ibid*: 7-8) argue, citizenship as a principle 'imposes *obligations* on the ruled, that is, to respect the legitimacy of choices made by deliberation among equals, and *rights* on rulers, that is, to act with authority (and to apply coercion when necessary) to promote the effectiveness of such choices, and to protect the polity from threats to its persistence'. However, 'the modern conception of citizenship as merely a status held under the authority of a state has been contested and broadened to include various political and social struggles of recognition and redistribution as instances of claim-making' (Isin and Turner, 2002: 2). Therefore, there are different modes and methods of participation which claim to embody the principle of citizenship (O'Donnell and Schmitter, 1991: 8).

Against this backdrop, O'Donnell and Schmitter construct a linkage between citizenship and democratisation, which is very illuminating in the understanding of the *value* and *uses* of citizenship in *transition* societies - including those which are in the process of achieving full democratic governments and those which are described here as infant democracies in which democracy has not been consolidated. In such societies, citizenship becomes even more of a *gauge* and *guide* on how democratic the society is and how to make the society more democratic. Essentially, it is about *applying* the principle as a *gauge* to some institutions and practices and by *expanding* and *extending* the principle as a *guide* to others. Democratisation here, refers to the processes whereby the rules and procedures of citizenship are either applied to political institutions previously governed by other principles (e.g. coercive control, social tradition, expert judgment, or administrative practices), or expanded to include persons not previously enjoying such rights and obligations (e.g., nontaxpayers, illiterates, women, youth, ethnic minorities, foreign residents), or extended

to cover issues and institutions not previously subject to citizen participation (e.g., state agencies, military establishments, partisan organizations, interest associations, productive enterprises, educational institutions, etc.) (Ibid: 8)

What then comes into bold relief is that, citizenship is, in a democratic and democratising society, an important criterion of understanding inclusion or exclusion and of guiding the path to increasing inclusion and reducing exclusion. Inclusion does not merely denote *bringing-in* more people to enjoy rights and *expanding* the scope of rights that are enjoyed, or what Held (1989: 190) following Marshall (1973: 1989: 84), describes as, 'an enrichment of the stuff of which citizenship is made and an increase in the number of those upon whom the status of citizenship is bestowed'. In a more crucial sense, it also denotes, *ensuring* that people take more active role and more control in and over the shaping of their destinies in society. In democratic theory, those who constitute citizens are those whose participation in society and polity forms the basis of a political society (Yeatman, 1996: 1). Citizenship therefore supersedes merely the enjoyment of rights, the fundamental purpose is in having the potential to *use* these rights in making life and society better. Habermas (1996), for instance, following Rousseau, puts the processes of political opinion and will-formation at the centre of democracy (Scammell and Semetko, 2000: xxxviii). Citizenship status should mean more than the protection of private rights, as it essentially is in the liberal model; rather, it involves a commitment to democratic processes which are inclusive enough to make the people more or less the authors of the laws that govern them (*ibid*) - what T.H. Marshall (1973: 70) presents as *participation* by individuals in the determination of their own association (Held, 1989: 190) or what Iris Young (2000: 6) captures as 'the degree to which those affected by (democratic decision) have been included in the decision-making processes and have had the opportunity to influence the outcomes'. This then guarantees - in the Aristotelian sense of citizenship connoting participating in some form of ruling and being ruled⁸ - what Habermas (1996: 22) describes as, 'an

⁸ Aristotle states that, 'He who has the power to take part in the deliberative or judicial administration of any state is said by us to be a citizen of the state; and, speaking generally, a state is a body of citizens sufficing for the purposes of life'. *Politics*, III, 1275b: 19-22, quoted in Barry Hindess, 'Divide and Rule: The International Culture of Citizenship', www.gu.edu.au/centre/cmp/Hindess.html, n.d.: 1.

inclusive opinion- and will-formation in which free and equal citizens reach an understanding on which goals and norms lie in the equal interest of all' (Scammell and Semetko, 2000: xxxviii). Michelman (1997: 149) adds, 'the process of law-making must be so designed and conducted that outcomes will be continually apprehended as the product of rational collective deliberation among free and equal citizens (Scammell and Semetko, 2000: xxxviii) – what Young (2000: 10) describes as solving shared problems justly. This 'rational collective deliberation' among free and equal citizens is captured by Yeatman (1996) as 'a kind of relationship of co-existence' between the subject (citizen) who enters into and participates in political society with his/her 'others'. It is the very acceptance of the fact of this co-existence among citizens that makes political society possible, anchored as it is on the fundamental premise that citizens do not only live together, but have to *work out how to live together* (*ibid*). This affirms that, beyond commonality that is often assumed to constitute citizenship, co-existence is actually the crucial ground, as it connotes *acceptance of difference* between citizens and a decision to *work with it* (*ibid*).

Citizenship is used here, following Yuval-Davis (1997: 68), as a multi-tier construct but without losing its meaning and essence as a concept that basically denotes a relationship between the state and the individual – sometimes moderated through *communities of belonging*, particularly those of ethnicity and faith – and the *struggle* that is integral to this relationship. Whether considered through the liberal perspective that constructs citizenship in completely individualistic terms as a

set of normative expectations specifying the relationship between the nation-state and its individual members which procedurally establish the rights and obligations of members and a set of practices by which these expectations are realised (quoted in *ibid*: 69);

or through the Marshallian perspective, which emphasises the *communitarian* factor, in which citizenship is seen as,

a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights with which the status is bestowed (quoted in ibid);

or where we even enter the important caveat by Yuval-Davis (*ibid*: 91) that citizenship is not completely analysable as either individual or collective

phenomenon, I want to suggest that, we cannot but come to the conclusion that citizenship *is* struggle: struggle for community (whether individuals in a national community – state – or ethnic/ethno-religious communities in a state); struggle for participation, both horizontally and vertically; and struggle for reciprocity (Cf. Held, 1989: 193, 199; Yuval-Davis, 1997: 84). However, there are various degrees of these struggles, of participation, and of reciprocity embedded in different contexts of citizenship, which tie with the multi-tier nature of citizenship. So that - as Yuval-Davis alerted, using a different example - to study an Hausa Muslim who is a citizen of Nigeria, it will be important to look at his/her membership of the Hausa ethnic group, the place of that in the context of his membership of the politically-constructed Hausa-Fulani ethnic amalgam, and also the latter in relation to his membership of the Northern 'région' or the Arewa community. All these will be related to his membership of the Islamic *Umma*, both in Nigeria and globally, and then his membership of the Nigerian state. In an instrumental way, his own social location, in terms of the 'wherewithal to enjoy and participate in the benefits' of citizenship will also be crucial. Which one in this spectrum of '*citizenships*' he privileges at specific points, and from which he can demand rights are, in very complex ways, the reality that has to be dealt with in understanding his citizenship.

In understanding the terrain of citizenship in the African post-colony, particularly in the infant democracies on the continent, the 'double focus' is key: understanding both the rights citizens formally enjoy and the conditions under which citizens' rights are actually realized and enacted (Held, 1989: 201).

While the notion of citizenship is incapable of exhausting all the dimensions of the social, economic, and political crisis of the complex relationship between individuals, collectivities and the state in the African post-colony, it is capable of throwing crucial light on the core dimensions of the crisis; it can also be used as the organizing principle of solving many of the crisis.

What is Nigerian Citizenship?

Citizenship can be very problematic in a country like Nigeria, which is yet to resolve fundamental issues national togetherness and a failure that intermittently leads to systemic collapse. As newspaper columnist indicates,

when the question is asked about what Nigerian citizenship worth, 'for millions of Nigerian the answer is, sadly, this: It is not worth very much'.⁹

To be able to understand the dimension of what can be describes as 'citizenship crisis' in Nigeria, in terms of the clashing ethos of inclusion and exclusion, we must consider the process of national formation, because, the contemporary conception and elaboration of citizenship in Nigeria, to paraphrase Held (1989), is inseparable from the series of multiple and complexly overlapping conflicts (ethno-religious, class, intra-class, etc.) that have plagued the Nigerian Union.

The best starting point for assessing citizenship rights is to examine the lists of rights in constitutions (Heather, 1999: 34). However, 'The existence of citizen's rights in the form of their enshrinement in a constitutional document is a most imperfect index of the existence of rights in practice' (*ibid*: 39).

The Nigerian Constitution (1999) - the basic document that gives instrumental definition of what constitutes Nigerian citizenship, and technically, what constitutes the rights and duties of a citizen - gives three modes by which citizenship can be acquired: By birth, by registration and by naturalisation. It is important to note here that this Constitution was not a product of popular participation, even in the most limited sense of the phrase. Generally, civil society groups have condemned the Constitution for lacking inclusiveness, transparency, diversity, participation, openness, autonomy, accountability and legitimacy.¹⁰ No one in the public ever saw it until it was handed over to the in-coming civilian administration on May 29, 1999. Therefore, the preamble, which states that, "We the people of the Federal Republic of Nigeria..." is regarded as a lie.¹¹ But it is a lie that the people were ready to live with for a while, in the context of the battle to

⁹ Sina Odugbemi, 'Is Nigeria Citizenship Worth Anything?' *The Comet*, December 9, 2001.

¹⁰ Alabi Williams, 'Citizens' View Of A Federal Constitution', *The Guardian*, (Lagos), July 18, 2004.

¹¹ The late Attorney-General, Bola Ige, while still a minister-designate in June 1999 said of the Constitution, '(W)e don't have a Constitution yet and no amount of panel beating can improve the travesty imposed by the military that we now call a Constitution.' Dr. Beko Ransome-Kuti of the Campaign for Democracy said that, among other things, 'what is more insulting about this Constitution is that the Provisional Ruling Council (PRC - the military regime's highest ruling body), an un-elected body now constitutes itself into a secret body to be the final arbiter of what would be the fundamental law of the land. Even if they had turned out what happens to be a perfect document, it would still have been unacceptable because of the insult to our human dignity and its lack of transparency." *Ibid*.

chase out the military from power in the late 1990s Nigeria. However, such a constitution that is not based on the people's will naturally contain deep anomalies.

Chapter III, section 25 defines the following as citizens of Nigeria by birth:

every person born in Nigeria before the date of independence (October 1, 1960), either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria: Provided that a person shall not become a citizen of Nigeria by virtue of this section if neither of his parents nor any of its grandparents was born in Nigeria (emphasis added);

every person born in Nigeria after the date of independence either of whose parents or any of whose grandparents is a citizen of Nigeria; and every person born outside Nigeria either of whose parents is a citizen of Nigeria.

Even though the Constitution recognises in Chapter 1, Part 1, 2 (2) that the federating units in Nigeria are the 36 states and the Federal Capital Territory (Abuja), it also recognises citizenship on the basis of membership of (ethnic) communities 'indigenous to Nigeria'.

Section 26 lays down the rules on how to acquire Nigerian citizenship by registration. First, this is subject to the provisions of Section 28 of the Constitution which stipulates that (1), 'a person shall forfeit his Nigerian citizenship if, not being a citizen of Nigeria *by birth*, he acquires or retains the citizenship or nationality of a country, other than Nigeria, of which *he is not a citizen by birth*' (emphasis added) and (2), 'any registration of a person who is a citizen of Nigeria or the grant of a certificate of naturalisation to a person who is a citizen of a country other than Nigeria at the time of such registration or grant shall, if he is not a citizen by birth of that other country, be conditional upon effective renunciation of the citizenship or nationality of that other country within a period of not more than twelve months from the date of such registration or grant'. What this means is that anyone who wants to become a Nigerian strictly by registration cannot also acquire or retain the citizenship of another country of which he is not a citizen by birth. Having satisfied this condition, such a person may then be registered as a citizen of Nigeria, 'if the president is satisfied' that:

he is a person of good character;

he has shown a clear intention of his desire to be domiciled in Nigeria; and he has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution.

The provisions apply to (a) any woman who is or has been married to a citizen of Nigeria; or (b) every person of full age and capacity born outside of Nigeria any of whose grandparents is a citizen of Nigeria (Section 26, sub-section 2).

Acquiring citizenship by naturalization as stipulated by Section 27 is also conditional on Section 28. After satisfying this condition the person may apply to the President for the grant of a certificate of naturalization on the basis of satisfying the conditions.

Although the Constitution does not state clearly and positively that dual citizenship is allowed – as granted to Nigerians (by birth) by the General Babangida regime – it states the conditions under which such dual citizenship is not allowed, that is to those who are not citizens by birth (in Section 28). Citizenship by birth can be renounced if the President does not withhold it on the condition that Nigeria is at war or is 'otherwise contrary to public policy'. No one can however be deprived of his citizenship under any condition, if that citizenship is by birth.

In the 'Fundamental Objectives and Directive Principles of State Policy' (Chapter II), which stipulates the overriding basis of the existence of the Nigerian state, it is stated clearly that Nigeria shall be based on 'the principles of democracy and social justice' (Section 14 [1]). Consequently, 'sovereignty belongs to the people of Nigeria' (Section 14, subsection 2 [a]), ostensibly the general citizenry, whose 'security and welfare... shall be the primary purpose of government' (subsection 2 [c]), and whose 'participation... in their government' (subsection 1 [c]) is also emphasised. Subsection 3 stipulates that the composition of the government of the federation shall reflect 'federal character of Nigeria' by ensuring balance of personnel from the states and 'ethnic or sectional groups'. The Constitution also prohibits discrimination 'on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties' (Section 15, subsection 2), while compelling the State to 'secure full resident rights for every citizen in all parts of the Federation' (subsection 3 [b]), 'encourage inter-marriages

among persons from different places of origin, or of different religious, ethnic or linguistic association or ties; and promote or encourage the formation of associations that cut across ethnic, linguistic, religious or sectional barriers' (Subsection 3 [c, d]).

Constructing the above as duties of the state is understandable, given the history of ethnic and religious clashes in the country, the Civil War and the pattern of party formation along ethnic and ethno-religious lines that was experienced in the First Republic. One of the major parties, which eventually formed the government of the centre at independence, Northern Peoples' Congress, even in name, excluded other Nigerians from its fold. The other parties at that period also either took on sectional names, like Mid-West People's Congress (MPC), United Middle Belt Congress (UMBC) or the Northern Non-Muslim League - which became Middle Zone League (MZL), or were dominated by particular ethnic groups and associated with such, like the Action Group (AG) - Yoruba - and the National Council for Nigerian Citizens (NCNC) - Igbo. In the kind of *citizenship* that resulted from this formation when some of these regionalist parties took over power in the three (and later, four) regions, Nigerian citizenship was not only secondary, it was also by that token, very weak.

This also provides a backdrop for the necessity of subsection 4 of Section 5 of the Constitution which compels the State to 'foster a feeling of belonging and of involvement among the various peoples of the Federation, to the end that *loyalty to the nation shall override sectional loyalties*' (emphasis added).

The Nigerian Constitution apparently takes cognisance of the liberal and Marshallian conceptions of citizenship - even if slight in the case of the latter. While Nigerian citizenship is largely individual based, and constructed around liberal 'normative expectations specifying the relationship between the nation-state and its individual members... procedurally establish(ing) the rights and obligations of members', it is also in a sense, in Marshall's words 'a status bestowed on those who are full members of a community' or an amalgamation of communities, which Nigeria essentially is. By implication, therefore, Nigerian citizens can make claims at two levels; first as individual members of the Nigerian State, and second, as members of communities 'indigenous to Nigeria', as Section 25, 1 (a) states. In reality, the rights and duties of citizens in Nigeria, in spite of the constitutional prohibition of 'discrimination on the grounds of place of origin, sex, religion, status ethnic,

or linguistic association or ties', are 'mediated and largely dependent on their membership' of specific gender, ethnic, religious and regional collectivity -- 'although very rarely are they completely contained by them'.

However, there are concrete moves from both civil society groups constituted around the Citizens Forum for Constitutional Reforms and the state (both the executive and the legislature set up different panels) to review the 1999 Constitution, which a political commentator dismissed as the 'incoherent graffiti soldiers passed off to the nation'.¹² The present constitution, avers Taiwo (2000: 91), 'is as good as useless as a tool to help us understand the problem of citizenship, much less solve it'. Were the constitutional provisions even adequate in elaborating citizenship rights, 'the truth of the matter is that there is no concept of a common citizenship of the sort that would give weight and meaning to the constitutional stipulations' (*ibid*: 99).

Taken against the backdrop of the reduction in the capacity of the Nigerian state to perform even its basic functions of protecting basic rights, this paper argues, following Taiwo, that, what results from such a comprehensive loss of ability to include more and more of its citizens in the enjoyment of citizenship rights, is a situation in which, while there are citizens of Nigeria, they are no citizens *in* Nigeria. John A. A. Ayoade (1988) had earlier characterised this as an emergent phenomenon in Africa of 'states without citizens'.

The next section dwells on this and examines the broader sense of citizenship and politics of inclusion and exclusion in the Nigerian context. This broader sense denotes the 'quality of full member and active participation in a just, democratic and mutually supportive political community, including the individual and collective rights and responsibilities... that go with such membership and the public and private policies and resources needed to sustain it' (Salvaris, *n.d.*: 1-2). In most postcolonial states, there is always a tension between the prescribed legal meaning of citizenship and the broader processes of social and civic participation (*ibid*: 11).

¹² 'Obscenity and Obasanjo-AD Romance', Louis Odion, *The Sun*, Lagos, Nigeria, February 8, 2003: 35.

Interrogating Exclusion and Inclusion

The capacity of the nation-state as a sovereign power to define the domain, procedures and object of citizenship has been greatly compromised in the contemporary world (Castells, 2001 [1997]: 342). This is particularly so in Africa. The nation-state is undermined from above by the dynamics of global flows and the emergent trans-nationality of the networks of wealth, information and power (*ibid*) and from below by problems of legitimation (Dahlgren, 1993 [1997]: 12), with frontal identity formations contesting with the state for the loyalty of citizens. In this context, Castells (2001 [1997]: 342) argues that, 'particularly critical for the nation-state's legitimacy crisis is the inability to fulfil its commitments as a welfare state', which has led to the '(re)-construction of political meaning on the basis of specific identities (which) fundamentally challenge the very concept of citizenship' (*ibid*: 342-343). Consequently, individuals, in the emergent African formations, are shifting allegiance from the state, which is supposed to represent people's will – but, one which neither does so nor provides for their well being – to an exclusive communalism that asserts collective identities (*Cf. ibid*). This situation, ultimately, cannot sustain democracy, because the very principles of national citizenship run counter to that of single identity (Castells: 343).

It is generally agreed that the Nigerian state is beleaguered; definitely, its capacity to protect or guarantee and extend democratic citizenship rights – particularly social rights – have been greatly reduced. What Salvaris (*n.d.*: 4) said in the case of Australia could be as well said for Nigeria: 'Deeper down, there have been some worrying changes in the common values and institutions that underpin citizenship: greater social inequality, a diminished sense of community, a loss of confidence in public institutions... and a belief that we are losing control over our national destiny'.

It would appear that as the Nigerian state becomes more formally 'democratic' with the attempt to expand civil and political rights, the economic crisis, which came to the fore by the early 1980s and which has worsened since the introduction of Structural Adjustment Programme (SAP)¹³ by the second half of the 1980s, continues to constrict social rights.

¹³ According to Adebayo Olukoshi, 'as a result of SAP, a vicious inflationary cycle (is) presently at work in the Nigerian economy in which devaluation and high interest rates lead to high costs of production which in turn, reflect themselves in highly priced commodities and an ever-growing wholesale and retail price index which, in turn, leads the government to tighten further the liquidity and credit squeeze, thereby increasing the cost of production in the context of an ever-dwindling

And if social rights are supposed to continue and complement civil and political rights, as Roche (2000: 218) emphasises, then civil and political rights can, overtime, become vacuous, if they expand in inverse proportion to the evaporation of social rights.

How did Nigeria arrive here? A trajectory will be necessary. In the colonial times, from the late 1800s, Lagos city was the spatial location of the experimentation of modern citizenship. Lagosians were regarded as British citizens, while others in the hinterlands, were merely the Crown's subjects. Understandably, when political rights were introduced through election of the colonised people into the Legislative Assembly in the 1920s, of the four native seats that were allowed in the Assembly, three were reserved for Lagos, while the last one was for Calabar, which was also an emerging city. The conception and practice of citizenship were tied to the city. At this point, franchise was limited to tax-paying, adult males. It was eventually expanded, as more and more natives were allowed not only to enjoy more rights, but more importantly, to participate in the actual running of their own affairs. By the 1950s, some form of limited self-government had been achieved. Even in this period, the elite fought the idea of a benevolent British government dishing out rights by instalments to the natives and attempted to construct those rights as inalienable and natural. However, even by this period, the conception of common citizenship had been made impossible in the context of the deep divisions along regional and ethnic lines.

By the time of independence, even though the franchise had been further expanded, the regional arrangement, which was supposed to emphasise the federal nature of the Nigerian state, was turned into an instrument of such boundary demarcation in all practical and psychological terms that it was difficult to conceive of, or enact, common citizenship. In the resultant situation, while political and civil rights were shared in all regions and secured by the 1963 Republican Constitution, access to, and enjoyment of, these rights were markedly different in the three – and later, four – regions. This was more the case in regard to social rights. Clearly, Nigerians in the

Naira, and which in turn, means even higher costs of production and higher wholesale and retail prices.... In the context of an almost ten-fold decline in real incomes between 1986 and 1990, many Nigerians have found that they simply cannot afford basic consumer goods and even certain categories of food items, which were taken for, granted by most households'. *The Politics of Structural Adjustment in Nigeria*, Olukoshi (ed.), London: James Currey, 1993: 66-67.

West – most of who saw themselves more as citizens of the Western Region - enjoyed social rights including that of welfare, work and income and health and education, which allowed 'participation in civilised society', better than citizens in other regions. With a government, which had a welfarist programme emphasising free education, free health, gainful employment and rural development, the people of the West were to consolidate their head start in the Nigerian formation. This produced some intense tension in inter-regional and inter-ethnic relations, which Nigeria still grapples with.

Added to some of the inequalities in the Nigerian system, this advantage occasioned by a warm embrace of Western education and the trappings of modernity in the West of Nigeria, and more broadly in the South, necessitated the need to use state power to overcome inequalities in, what Roche (2000: 218) describes as, 'the distribution and realization of citizen's rights within a structural context'. This manifested in the introduction of the principle of Federal Character as first enshrined in the 1979 Constitution (and subsequent Constitutions, 1989, 1995 and 1999) and the principle of quota system. Federal character and quota system were introduced to ensure that every section of the country gets fairly represented in national public institutions and access to national resources. Many in the south have come to view the twin-principles, as ploys by the 'educationally disadvantaged' north of Nigeria, to limit the opportunities of the 'educationally-advanced' south, particularly the southwest, and expand the north's 'disproportionate' political advantage. In time, southerners were to use this same principle to challenge or question what was regarded as preponderance of people of northern extraction in federal appointments. Under the General Sani Abacha regime, a Federal Character Commission was established to 'work out an equitable formula subject to the approval of the National Assembly for the distribution of all cadres of posts in the public service of the Federation and of the States, the armed forces of the federation, the Nigerian Police Force and other government security agencies, government owned companies and parastatals of the States and promote, monitor and enforce compliance with the principles of proportional sharing of all bureaucratic, economic, *media*¹⁴ and political posts at all

¹⁴ The inclusion of media in the list would ordinarily be a curious one. But, it is understandable giving the *politics of media ownership* in Nigeria. The print media, which is very powerful, is regarded as Yoruba-controlled. There have been heated national debates on this. Dahiru Yahaya

levels of government' (Third Schedule, Part 1, Section 8 a & b). The Commission has since been made statutory. However, there is hardly any serious political will, beyond selfish calculations for social, economic or political advantage, in implementing this principle. For instance, the Abacha regime that established this principle was scandalously sectional, in principle and in practice. Apart from the fact that it had ostracised many of the leaders in the south, particularly the Yoruba West, its pattern of appointments not only favoured the north, it favoured Kano state, Abacha's home state. For instance, at a point of all the six national security agencies, Kano-born officers headed five.¹⁵ In addition, the Inspector-General of Police was also from the north.

The quota system also was to ensure a national balance in the enjoyment of social amenities. For instance, states in Nigeria were delineated into those, which were 'educationally-disadvantaged', and those who had 'advantage' in this sector. Consequently, some quotas in federal universities admissions were reserved for citizens from these educationally-disadvantaged states - who are, in addition, guaranteed admission on lesser grades of the cut-off point - so as to ensure even national development. This principle of taking care of the collective needs of structurally disadvantaged groups - in this case ethnic groups forming around specific states - was, on the face of it, unassailable. There could be no enduring basis for national development if this was not ensured. But the fact that the educationally disadvantaged states were roughly - almost always - or mainly, northern states, was a constant source of irritation - perhaps unnecessarily - for people of the south. Resistance to the policy was however expressed by people who claimed that such practices were inherently discriminatory against other citizens from some states¹⁶. This was

gave vent to this when he wrote that: 'The Hausa-Fulani of the Far-North appear to be the target of the frustration of all other Nigerians...They are subjected to humiliation by the South-Western Yoruba powerful media by which their culture, religion and leadership are daily treated to insults'. Quoted in Jubrin Ibrahim, 'Political Transition, Ethnoregionalism, and the "Power Shift" Debate in Nigeria', *Issue: A Journal of Opinion*, vol. xxvii, no. 1, 1999. It is interesting that, even though at the time the Abacha regime was making this law, all the federally-owned electronic media - the National Television Authority (NTA), the Federal Radio Corporation (FRCN), the Voice of Nigeria (VON), the external broadcasting corporation, were all headed by northerners.

¹⁵ 'Polity', *Nigerian Tribune* (Ibadan). See also, 'Federal Republic of Arewa', *The News*.

¹⁶ A young lady took the government to court a few years ago to protest her non-admission on the basis of this principle.

not an isolated irritation however. It was linked to the fact that most southerners were displeased that in spite of this attempt to 'help' the north and northerners develop, political power was also in the hands of northerners (particularly, the Hausa-Fulani) who were 'running and ruining' Nigeria (Ibrahim, 1999: 13). This scheme, which is to encourage education in the north, has however not succeeded much, as the level of enrolment in school, and particularly, number of students who continue to higher levels, in the core north remains abysmally low. The mass of the dropouts and illiterate population are therefore, indirectly excluded from full enjoyment of citizenship rights. The major task, which such schemes were constructed to perform, which is to 'use state power to overcome inequality in the distribution and realization of citizens rights within a structural context' (Roche, 2000: 218) remain largely unaccomplished. What results from such attempts to institutionally and formally correct imbalances in the federation that excludes some citizens while including - in fact, over-including - some others, are often, regrettably, generative of other multiple forms of inequalities.

A similar *sensibility* informed the federal initiatives for the oil-producing Niger Delta region on Nigeria. After years of struggles against environmental despoliation and attendant political marginalization of the region, the Oil and Mineral Producing Areas Development Commission (OMPADEC) was created. It was succeeded by the Niger Delta Development Commission (NDDC), under the President Olusegun Obasanjo government, with a brief to use 'federal' resources to specially develop the areas, beyond the 'not less than 13 percent' derivation funds that go to the oil-producing states from the federation account. But the people of the area have been clamouring for greater and more direct control of their resources, and against the totally objectionable conditions of living existing in the delta - which Ken Saro-Wiwa, who was hanged by the Abacha regime, describes as, 'resistance to our denigration as a people' (Saro-Wiwa, 1995 [1999]: 13). This has led to violent agitations along identity lines, particularly by the youths, and the formation of groups using uncivil tactics to protect the rights of the people of the Niger Delta against one another and against the Nigerian state. These have invited excessively repressive reactions by the federal government. Two high points of these were the hasty hanging of nine Ogoni minority group activists including Saro-Wiwa by the Abacha regime in November 1998, and the sacking of

Odi village by soldiers in February 2000 under President Olusegun Obasanjo. But, the problem remains, especially with the army of unemployed youths in the Niger-Delta (and other parts of Nigeria, like the rump of the membership of the Oodua Peoples Congress, OPC, the Arewa Peoples Congress, APC, the area boys and *Yandaba* in urban centres in the south and north respectively, the *almajiris* of northern cities, etc.) whose status and fate are those of second-class citizens with hardly any effective citizenship outside of violently agitatorial processes. The status of these youths constitutes what Roche (2000: 216), following Hammar (1990), defines as the status of 'mere denizenship'. This status, argues Roche, is that of anti-social movements representing an internal division and limit 'within a society's operational conception of its citizen's community'. The phenomenon of these discontented and disillusioned youths 'poses real threats to the quality of civil society which can exist in (such communities), and it provides motivating interests and targets for anti-political movements among the powerful' (Roche, 2000, *op. cit.*). As an expression of their dissatisfaction, emergent ethnic associations within the Nigerian 'commonwealth' have crafted and published their own Bills of Rights. The Ogoni Bill of Rights and Oodua Bill of Rights are the most prominent.¹⁷

The reality however, is that the ethnic and regional rivalries have dissipated energies that ought to be united, consolidated and directed at the state

¹⁷ The Ogoni Bill of Rights (1990) states in part, 'That in over 30 years of oil mining, the Ogoni nationality (numbering 500, 000) have provided the Nigerian nation with a total revenue estimated at over forty billion naira (thirty billion dollars). That in return... the Ogoni people have received NOTHING. That today, the Ogoni people have: (i) No representation whatsoever in ALL institutions of the Federal government of Nigeria; (ii) No pipe-borne water; (iii) No electricity; (iv) No job opportunities for the citizens in federal, state public sector or private sector companies; (v) No social or economic project of the Federal government... (W)e make demand upon the Republic... That the Ogoni be granted Political Autonomy to participate in the affairs of the republic as a distinct and separate unit'. Ken Saro-Wiwa, *A Month and A Day: A Detention Diary*, Ibadan: Spectrum Books, 1999 [1995]: 67-69. The Oodua (Yoruba) Bill of Rights, states in part, 'the development of the Yoruba nation (numbering 40 million) has been retarded over 600 years by the transatlantic slave trade British colonial rule, Nigerian civilian autocracy and military dictatorship... The Yoruba people have hereby resolved ... To defend the fundamental rights of the Yoruba people including their rights to self-determination... To struggle for the restructuring of Nigeria on the basis of equality of ethnic nationalities.... To resist domination of other nationalities by any group or section of the country.... To ensure that the resources of Yoruba land are harnessed to provide fir basic amenities and social infrastructure for the people'. *OPC Constitution and Bill of Right*, n.d.

which has become more irresponsible, ineffective and too inefficient to address the core problems of individual-as-citizen, rather than individual-as-ethnic-member. The situation is quite complicated because, indeed, it is the foregoing situation, which has led to, and exacerbated, the debilitation conditions under which people make citizenship claims on the state as members of ethnic or religious groups rather than as individuals in the Nigerian commonwealth.

One should not overlook the fact that after the Civil War (1967-1970), when Nigeria became very rich as a result of oil proceeds, up to the first two years of civilian rule in the Second Republic (1979-1981), a period of more than one decade, the state was in a very strong position to guarantee and ensure social citizenship. This was the age of Universal Primary Education (UPE), in which the federal government made primary education free and compulsory; boom in the oil sector with reverberating effects in other economic sectors, producing many jobs; the 'Udoji Awards', where the federal government increased salaries of its staff with retroactive effect and paid the arrears promptly. The Udoji era (named after the Chairman of the Commission that advised government on the salaries review) under General Yakubu Gowon, remains the perfect example of the project and structures of the welfare state in Nigeria. The re-distributive measures which this post-war effort was supposed to engineer, actually, to use Held's (1984 [1989]: 191) words, "created better conditions and greater equality for the vast majority...a measure of security for all those who are vulnerable in modern society, especially those who (fell) into the trap of the 'poverty cycle'". These measures that guaranteed social rights mitigated inequalities in Nigeria and mellowed tensions, derivable from the deep divisions in the Nigerian society.

However, the fact that there was no serious national plan to utilise the opportunity of the oil boom well by investing economically and concretely in the future added to the concomitant absence of full observance of civil and political rights that would perhaps have created the opportunities of intervention by the civil society, when Nigeria witnessed the reversal of (oil) fortune, the national economy was thrown into a crisis so much so that the state could no longer perform its welfare role. The resultant challenge by the citizens of the erosion of social citizenship was to be met with the brutal force of the state. It must also be emphasised that the decade of economic boom also effaced deep concerns with social *duties* while promoting social

rights, unlike in the years before the post-war era, when Nigerians were beckoned constantly to social sacrifice.

The introduction of the National Youth Service Corp (NYSC), a compulsory one-year service scheme for graduates of institutions of higher learning under the age of 30, in this era would seem to negate this point. But, it should be quickly added that while the scheme was also designed to inculcate citizenship values in Nigerian youths, its major purpose in the post-war era was achieving national integration. At any rate, the gradual erosion of social welfare in the 1980s, which eventually resulted in the total collapse of social welfare in the 1990s and beyond, had made the corps members to dub the NYSC, "Now Your Suffering Continues". But a focus on citizenship duties was to become the new mantra in the post-oil boom years as sharply exemplified by the General Muhammadu Buhari regime, which supplanted the civilian government on December 31, 1983.

As if announcing that the era of social rights without social duties were over, Buhari in his inaugural address stated: 'This generation of Nigerians, indeed, future generation, have no other country but Nigeria and must therefore stay here and salvage it together'. Consequently, in the 20 months of the Buhari regime, social duties of citizens were not only re-emphasised, they were made exclusive in such a way that social rights – and civil and political rights - were more or less effaced. The truth is that, the Nigerian state at that point no longer had the capacity to effectively service the social dimensions of citizenship – nor was it prepared, particularly under the military to promote political rights. The Buhari regime emphasised social citizenship duties based on 'discipline' by instituting a program of War Against Indiscipline (WAI), which strictures, included queuing in public places, observing national environmental sanitation day on every last Saturday of every month from eight in the morning till noon, restraining from 'idle talk', and patriotism marked by flying the Nigerian flag even on roadside shacks, etc.

An analysis of the WAI programme and the aims and function of its Brigade points to a pervasive emphasis on duties to the exclusion of citizenship training in democratic ethos and fundamental rights which should be protected. However, the Brigade had not been firmly established before the regime was sacked from power.

The absence of democratic ethos in the WAI agenda is understandable given the precepts of the regime. The regime banned discussions on return to democratic rule, tried some politicians in military tribunals, sentencing them to long years of imprisonment in excess of 100 years and detained many social critics and politicians without trial. Within a few months, Nigeria had moved from the total lack of discipline and social anomie in the President Shehu Shagari years to the festering tyranny of Buhari, who the Nigeria-born Nobel Laureate, Wole Soyinka (1996: 64), had described as 'a villainous despot'. It can be said that Buhari was attempting to build a disciplined citizenry -- emphasising duties and not rights -- within an undemocratic state.

Added to the yearnings for opening up of the political space and harsh economic conditions, it was not long before Nigerians who were bearing the humiliating practices of this regime of discipline started to grow silently under the autocracy of Buhari and his fearsome deputy, Tunde Idiagbon, whose name, in fact, became, at best, a synonym for social discipline, and, at worst, for terror. Soyinka (*ibid*) was to describe the two as 'that hypocritical, self-proclaimed Salvationist duo', even while conceding that, 'Nigerians appear at times to require a coercive hand in directing their social awareness... (They also) require that their sense of egoistic mindlessness be drastically pruned, that they be made to recognize the rights of others' (*ibid*: 77-78).

General Ibrahim Babangida and his co-conspirators found an enabling environment to overthrow Buhari and Idiagbon in August 1995. Recognizing the 'essentially democratic nature' of Nigerians and the dissatisfaction with Buhari and Idiagbon's extremism, Babangida found it expedient not only to declare open the democratic space of national debate and discussions, he also emphasised that, even though his was a military government, it would respect human rights. While political rights were yet to be fully granted, Nigerians were beckoned to an era of respect for civil rights under a 'democratising' regime. The press, fiercely repressed under Buhari, and the civil society, warmed up to the new freedom.

The pro-democracy struggle that was provoked by the dubious transition to civil rule program of the Babangida regime provided a critical impetus to the struggle for citizenship in Nigeria in many ways by constructing citizenship

as a 'conspiracy' against the militarist state¹⁸. First, by constructing the political struggle, at infancy, around essentially civil (human) rights issues and elaborating these, the pro-democracy movement raised an army of Nigerians who were not only schooled in the dynamics of their agency as citizens, but also in their potential power to *participate* in the re-making of their society. The social formation that emerged from this is the singular most inclusive era of the construction and elaboration of citizenship in Nigeria outside the institutional (constitutional) ambit since independence. Second, by linking core civil rights with political rights in demanding *genuine* steps towards a return to democracy, the pro-democracy movement supplanted the subversion of the salient principle of citizenship by the Babangida regime and established in Nigerians for all times, an almost absolute trust in their own ability and rights as citizens to decide who ruled them. Third, by using the debilitating economic conditions which produced SAP, and was believed to have worsened the living conditions of Nigerians under the Babangida regime, the pro-democracy movement folded the recession of civic rights and the reluctance by the regime to institute full political rights into the inability of the regime to respect social rights of Nigerians. All these then became a composite platform around which Nigerians were to be *included* as citizens (*in* Nigeria) in a collective battle against their *exclusion* (denoted by their being merely citizens of Nigeria) by a military regime, towards the creation of a new order of full respect for bundles of democratic citizenship rights.

The annulment of the presidential elections of June 12, 1993 by the duplicitous Babangida regime is very significant in this trajectory, because, core to the annulment and the movement that was created to fight against the annulment, was the contest over who *is* a citizen of Nigeria and what can such a citizen reasonable expect. But, given the fact that these questions could not - in the nature of the Nigerian experience - be asked without raising some related questions about place of origin and ultimately, ethnicity, the overriding questions of citizenship were later submerged in the emerging struggle for the validation of the elections. A political question of votes cast by citizens for whom they had freely chosen to lead them, largely

¹⁸ Interestingly, the guardians of the militarist state, particularly the 'securocrats', also saw enacting citizenship rights, conversely, as a 'conspiracy' against that state and the ruling military regimes. I borrow this term of citizenship as conspiracy from Barry Hindess (n.d.) who used it in a different sense.

through the manipulations of the regime and the colluding elite, was to be mired in such a regrettably polarised debate, pitching ethnic groups, regions and even faith against one another, so much so that the possibilities of building a nation-state where liberal citizenship might begin to triumph gradually over *communal* citizenship were closed.

The battle that followed the annulment produced two contradictory 'democratic' situations: One, it activated a citizenry which had been re-educated by the pro-democracy movement in the Babangida years, to take upon themselves the fundamental purpose of citizenship which is the potential, as I argued earlier, to make life and society better. This was the backdrop to the massive protests and strikes and the general uprising in the civil society after the annulment and up till, in different forms, the sudden death of General Sani Abacha (1993-1998) in office. Two, the battle also activated hitherto understated, but strong, (ethnic) identities, that began to demand, in more active and clear-cut manners, respect for their rights to cultural assertion and political 'self-determination', locating the membership of their constituents more in the ethno-cultural nation than in the citizenship of the Nigerian federation. Examples of this included majority groups like the Yoruba and the Igbo and minority groups like the Ijaw, Ogoni and the ethnic groups in Southern Zaria. This manifested first in the battle of ethnic groups against the seizure of the common centre, where (national) citizenship is defined and actualised by dominant ethnic group/s; and two, in the battle to make direct claims on the national state, given the fact that ethnic groups could not deliver most of the social benefits. This battle has largely shaped the contours of emergent crisis and changes by folding the citizenship struggles into the general crisis of the illegitimacy of the state and its irresponsibility, even though the debate has been defined largely around inter-ethnic relations. The second phenomenon has over-taking the first and dominated the space.

But, because the first phenomenon was concentrated around the Southwest of Nigeria (Yoruba area), which was the homestead of the symbol of the that struggle, Moshood Abiola - who was presumed to have won the annulled election - it was easy to dismiss this as 'ethnic resurgence', one which ethos were not *federalise-able*. The second phenomenon, in spite of all efforts by the guardians of the Nigerian state, could not be halted. It has since become the more emblematic face of citizenship in contemporary Nigeria, defined in terms of 'communities indigenous to Nigeria'.

The informal, even if dominant, organization of the Nigerian state along ethnic lines as a result of, one, of the increasing irresponsibility of the State, and two, the widespread belief in the 'capture' of the state by the Hausa-Fulani elite, produced an attempt by the other ethnic groups to organise against the latter. But, the matter is hardly ever constructed as basically a citizenship contest, even though the trappings of this are all too evident. The fact that other Nigerians see fellow Nigerians of Hausa and Fulani extraction as acting as if they were 'super-citizens' towering above 'lesser citizens' was well articulated by Major Gideon Ugwarzo Orkar who led the abortive April 22, 1990 coup against the Babangida regime. According to Orkar, the major reason for the coup, was to free 'the *marginalised and enslaved people* of the Middle-Belt and the South' and their 'children yet unborn from eternal slavery and colonisation...of the Nigerian state by the *so-called chosen few*'¹⁹ -- the Hausa Fulani (all emphasis are mine). Like in all the coup speeches in Nigeria, matters that bother on non-observance of citizenship rights in all facets – civil, political and social – form the bedrock of this 'revolt'.²⁰ The coup speech also noted significantly, that the coup was executed because of 'the need to lay a strong *egalitarian* foundation for the real democratic take-off of Nigerian States,'²¹(emphasis mine). Consequently, Orkar announced the excision of five core Hausa-Fulani states of Sokoto, Borno, Katsina, Kano and Bauchi states from Nigeria until they had met some conditions, adding that,

By the same token, *all citizens* of the five states already mentioned are temporarily suspended from all public and private offices in the Middle Belt and Southern parts of *this country* ... They are also required to move down to their various states within one week from today. They will however be

¹⁹ 'Why We Struck – Dissidents', *Newbreed*, May 14, 1990: 4.

²⁰ Orkar mentioned official corruption and murders, human rights violations, 'deliberate impoverishment of the people from the Middle Belt and the South, making them walking ghosts and feeding on formulae 0-1-0,0-0-0 while the aristocratic class and their stooges are living in absolute affluence on daily basis without working for it'. *Ibid*, p. 5. Orkar was not stating the whole truth here. The pervasive poverty of those years did not respect ethnic boundaries. In fact, given the official statistics, the life expectancy in the core Hausa-Fulani states was generally lower than in other parts of the country. As Dahiru Yahaya, *op. cit.*, the Hausa also feels marginalised by the rest of Nigeria, because they 'reduced to utter poverty and a large percentage of them rendered street beggars. The Hausa also feel that they are put at serious disadvantages in the public and social services in the country'.

²¹ *Ibid*.

allowed to return to the Federal Republic of Nigeria when stipulated conditions are met²² (emphasis mine).

The main condition for return of these states to Nigeria was that, led by a new Sultan of Sokoto, the Hausa-Fulani would vouch that if allowed to return, they would abandon their 'feudalistic and aristocratic quest for domination and oppression'. This was one of several examples of where people are regarded as members of groups rather than individuals, engendering what William E. Connolly (1999: 73) describes as, 'cruel and dangerous modes of exclusionary politics'.

Iris Young (1989) agrees - though positively - with treating people, particularly disadvantaged minorities, such as the Niger Delta groups, as group members in a representative democracy. She advances that 'a discourse of universal citizenship which ignores differences would just enhance the domination of groups which are already dominant and would silence the marginal and the oppressed groups' (Yuval-Davis, 1997: 86). Although difference and differential power relations are important in the practice of citizenship, it has been usefully argued that treating people essentially as group members 'can easily fall into the pitfalls of identity politics, in which the groups are constructed as homogeneous and with fixed boundaries. (Consequently) the interests of people who are positioned in specific positions within the groups is going to be constructed as necessarily representing the interests of the whole group, and the advancement of the powers of the specific group vis-à-vis others would become the primary aim of political activities which concern and relate to the citizenship of the body as a whole' (*ibid*). This pitfall is brought into sharp relief by the practices that informed the Orkar excision and the very idea of the excision itself.

The Marshallian sense of citizenship, which is integral to the struggle to emphasise membership of (ethnic) communities carry other inherent dangers, to which Castells (1997 [2000]) and Zygmunt Bauman (1992) differently, alert us to. These communities, while they remain very salient and provide for emotive affiliation, do not guarantee the enforcement of rights (Castells, 1997 [2000]). Individuals still need recourse to the formal structures of the state as citizens to get justice. What often obtains is that, where such enforcement of rights is sought through the community, it is

²² *Ibid*.

more often than not, in very violent or potentially violent ways. Also, fragmentation along ethnic identity lines to secure some measure of safety from a polity eventually results in regressive outcomes. As Bauman argues, 'such fragmentation reduces the possibility of progressive politics addressed to the state still further since the solidarity between different groups which would be necessary to bring about changes in legislation and social policy cannot be sustained for long' (in Nash, 2000: 5). For Malcolm Water (1997), the weakening of the state, as the site of national (liberal) citizenship, and the fragmentation of social solidarity – along ethnic lines, as the case in Nigeria – could mean that inequalities would be hard to address (Nash, 2000: 7).

The introduction of the *Sharia* (Muslim) legal code to administer criminal justice by some states in the north of Nigeria has also brought citizenship matters to the fore in Nigeria, even though, often not constructed in this term. First, there was the debate on whether this was constitutional or not, since the constitution only allowed the use of *Sharia* in states that wish to use it specifically for civil matters. However, defenders of the *Sharia* insisted that separation of the state and religion, which underpinned the opposition of Christians and secularists, was a Western (Christian) idea.²³ But this debate raises the questions on the appropriate relationship between public institutions in a *multi-religious state* – which Muslims insist that Nigeria is, as opposed to *secular state* – and religious traditions and the rights of religious minorities in the *Sharia* states. When the first amputation based on the law was carried out, the opponents of this law, both in Nigeria and abroad, argued that it was a 'barbaric' practice from which the Nigerian state ought to protect the 'victim', Jengede, based on his rights as a citizen. As Muazzam (2001: 194) argues, the *Sharia* raises 'issues dealing with citizenship rights and the treatment of the other, democracy, federalism, secularity and tolerance, among others', with implications for the National Question in Nigeria and the rights of national and religious groups to self-determination. But because the *Sharia* practice infringes on the rights of

²³ Indeed, as most Christians and secularists in Nigeria are averse to accept, even the modern creed of democracy, as Carl Schmitt and Joseph A. Schumpeter reminds us, 'is to be understood as the secularized version of the most elementary of Christian theology'. Claus Offe and Ulrich K. Preuss further note that, against this backdrop, it is 'not surprising that the sole alternative to the democratic legitimation of power is the theocratic one'. 'Democratic Institutions and Moral Resources', in David Held (eds.) *Political Theory Today*, Stanford: Stanford University Press, 1991:147.

other citizens who do not choose to live by its tenets, among other limitations, it constitutes what Muazzam (*ibid*) describes as a 'challenge'. The dichotomy, for the Muslim *Umma*, between the individual as a *citizen* of the Nigerian (secular, liberal) state, and the individual as the *subject* of God (through Islam) exemplifies this challenge. The challenge is related to the fragmentation and the fracturing of social solidarity, which I raised earlier. The late Sheik Abubakar Gumi, perhaps in his time the most respected Islamic scholar in Nigeria, once raised a national controversy when he said that a Christian or a woman would never be president of Nigeria in his lifetime. His conception of the political right to leadership of the Nigerian state did not include Christians and women. These are some of the issues that have provoked the calls for the convocation of a Sovereign National Conference where fundamental issues of national togetherness will be addressed. There have been renewed calls for this in the wake of the Plateau state incident. In fact, practical steps are being taken by civil society groups and activists to force the president - who is firmly opposed to the conference - to open up the possibilities of such national dialogue.

The issue of citizenship of the female gender is also crucial and is related to the *Sharia* issue. Women experience citizenship differently from men; in Nigeria, they are in a 'doubly jeopardy'. While the citizenship rights of women and girls in Nigeria are generally compromised by specific social practices, this is more so under the *Sharia* system where women are kept in subjection, under the excuse of religion and tradition. As Will Kymlicka (1995) argues, using state powers to support the claim of a group - say the Islamic *Umma*, as in this case - against its members is indefensible, especially given the fact that very often, individuals in such groups will be oppressed in the name of tradition and culture (Yuval-Davis, 1997: 77). As currently observed, the *Sharia* is extremely harsh on a woman who engages in 'adultery' while being light on the male accomplice. The woman who commits 'adultery' is to be stoned to death - as the celebrated case of Safiya, which again gained world attention, reminds us. The federal government promised to block her execution by stoning. The *Sharia* Appeal court later overturned the verdict and she was spirited out of Nigeria to Italy by Christian charities.

However, it is not only trado-religious practices in the north of Nigeria that limit the citizenship of women. Social, religious (Christian, Islamic and African Traditional Religious) and cultural practices, in all parts of Nigeria,

discriminate against women, generally obstructing their ability and capacity to enjoy basic citizenship rights even where they are available. Some of these have become so integral to life and living that it will take specific legislation and a wholesome change in attitude to obliterate them. Mary Wollstonecraft had, as early as late eighteenth century, alerted us to the 'deeply rooted connections' between 'the possibility of citizenship, justice and participation in government (and) obstacles to such a possibility anchored heavily in unequal gender relations' (Held, 1991: 7), even in the private sphere. Women in Nigeria live on what could be described as 'marginal matrix of citizenship' resulting 'in both formal and informal discrimination'.

The problem is even reflected in the Constitution which is gender-insensitive, even in its language. While a foreign woman who marries a Nigerian man can become a Nigerian by marriage, a foreign man that marries a Nigerian woman cannot become a Nigerian by marriage. Nkoyo Toyo of the Gender and Development Action (GADA) said, 'this Constitution has not only turned around to make women invisible, it has totally prevented us from trying to be visible.'²⁴ Similarly, women rights activist, Bisi Adeleye-Fayemi, said, 'it is not just about women being discriminated against or forgotten. It is something more fundamental than that. What this Constitution is saying is that Nigerian women, who constitute at least fifty per cent of the country, who do most of the work, who supply most of the food, who eat last, who die in their millions from maternal mortality every year, are not citizens of Nigeria and that they lack personhood.'²⁵

But, even where specific discriminatory practices against women militate against their citizenship rights and duties, the general context itself is one that is *anti-citizenship*. As is generally agreed, in the climate of a comprehensive erosion of all that has come to be taken for granted in modern times as necessary for living and human dignity in Nigeria, the almost complete breakdown of social services, the deepening social anomie sign-posted by alarming rates of armed robbery and urban crimes, mass unemployment and underemployment, the greater indignity, for the mass of the people, seems to be the very idea of Nigeria's citizenship. Erosion of social citizenship in Nigeria has made civil and political rights, even where

²⁴ Alabi Williams, 'Citizens' View Of A Federal Constitution', *The Guardian*, (Lagos), July 18, 2004.

²⁵ *Ibid.*

they exist, to become vacuous. The foregoing situation, explains the rush of young Nigerians out of the country, dubbed 'checking out' in the early 1980s²⁶. At some point, the incidence of pregnant black women, mostly Nigerians, who travel to Ireland just to deliver their babies, who will automatically carry Irish passports, was so rampant that the laws concerning citizenship by birth had to be reconsidered in Ireland. The United States remains a point of focus for the Nigerian elite - who can afford it - to deliver their babies so that they can take American passports²⁷. Britain is another target country. The ceaseless and long queues in front of foreign consulates in Nigeria and the constant and massive search for admission and scholarships in foreign school in cyber cafés by Nigerian youths²⁸ are key indicators of the fact that Nigerian citizenship has been greatly devalued.

Conclusion

The capacity of the Nigerian state to process citizenship demands that manifest in different forms and often times masquerade as identity politics will determine the future of Nigeria. As Castells (2000 [1997]: 309) articulates it, 'the rise communalism, in its different forms, weakens the principle of political sharing on which democratic politics is based'. While communal politics seeks to break the monopoly of the state in the definition of what is desirable and acceptable in the public space, and subsequently force the state to redistribute resources on the basis of identities, it also runs the risk of closing off the possibilities that define the liberal space in which democratic citizenship, ultimately, can be *idealised*, protected and sustained. Yet, this position does not and cannot close up the space of difference. As Yeatman (1996: 3) sharply points out, clash of wills and

²⁶ There was in fact a major campaign by the military government to persuade Nigerians to 'stay here and salvage it together' represented by the TV campaign character of 'Andrew', vowing to "fire like mad, to make Nigeria worth living in".

²⁷ A friend who sent his wife to the United States to deliver their baby told this writer that, 'at least, my son will have a choice, which I don't have'. Personal discussions, February 2003.

²⁸ Many cyber café have to operate 24 hours daily to fulfill the yearnings of these youths in their search for an 'escape route'. Usually, from 10pm, they run what is called 'night browsing' in which customers pay a fix rate to browse till daybreak. The cyber cafés' operators that I spoke with confirmed that most of those who patronize the cafés in the night are searching for admissions or jobs abroad. Informal discussions with cyber café operators in Ibadan, Nigeria.

different perspectives need not be reduced to a 'commonality', but 'has to be worked with and taken up into whatever (is) negotiate(d) as the *shared terms of ...co-existence...*'

Linked to this is the diminishing ability of the Nigerian state to ensure social security – what is described as the 'voiding of social contract'- thus making the state largely irrelevant to the average citizen (*Cf. ibid:* 309). Consequently, the basis and forms of exclusion continue to widen, particularly in terms of social rights, while the basis and forms of inclusion continue to constrict. The urgent task for all stakeholders in Nigeria, beginning from an initiative at the level of the state, is to promote democratic citizenship which can be used to construct shared grounds - 'an ethos of mutual engagement and collaboration' - on which the state can be reformed and restructured, given the fact that, as Soysal (2000: 269) argues, the 'nation-state remains the central structure for regulating access to social distribution (and) material realization of individual rights and privileges'. But then, as Connolly (1999: 96) usefully notes, luck will be crucial to the process. Luck will be needed to first secure such a *modus vivendi* and then redefine it through 'ethicizing' it – on the basis of the (Hannah) Arendtian term of 'ethical worldliness', which occludes retreat from a shared world into separatism (Yeatman 1996: 3). A number of factors, which could produce the desired result, 'might emerge...out of a conjunction among the moral exhaustion of some (ethnic-) nationalizing constituencies, the sense of shame of others, and the positive mobilization of yet others who have seen through the pretexts of nationhood. To encourage that possibility, the historic imagination of secularism and liberalism must be refashioned' in Nigeria (*ibid*). Whatever it is apprehended, this will not be an easy task.

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