

# Indigeneity And Citizenship Questions In Nigeria: A Critical Reflection

**Itumo Anthony**

*Department of Political Science*

*Ebonyi State University Abakaliki*

*E-mail: [tonyitimo15@gmail.com](mailto:tonyitimo15@gmail.com)*

## Abstract

*Indigeneity and citizenship questions in Nigeria are knotty issues that have remained the subjects of endless debates and sustained inquiries among scholars. Despite the negative implications of indigeneity on the health of Nigerian polity, it has continued to re-vibrate and spread like wide fire across the length and breadth of country. This study examined the challenges posed by indigeneity to citizenship rights, peaceful co-existence and stability of the Nigerian state. The study adopted qualitative method in carrying out its investigation. The data employed for the study were gathered from secondary sources while content analysis and narrative analytical techniques were utilized for data analysis. As such the information employed for analysis in the study were carefully extracted from logical chains of evidence presented in journal papers, conference papers, periodic papers, edited books, documentary materials among others. The theoretical framework that anchored this study is the social exclusion theory. The study reveals that non indigenes in Nigeria face discriminatory practices, which erode their socio-economic benefits and political rights and reduce them to second class citizens. These exclusions and humiliations when resisted by the non indigenes often generate conflicts in some parts of the country. It recommended the amendment of the 1999 constitution to expunge the indigeneity clause. Again, government should demonstrate strong political will and commitment towards ending the ugly practice by promulgating laws that provide stiff punishments for individuals or groups that engage in such unwholesome practices. It equally recommended that states of residence rather than states of origin should be the basis for access to socio-economic benefits and political power in Nigeria.*

**Key words:** Indigeneity, Citizenship Questions, Reflection, Nigeria.

## Introduction

The domain of citizenship in Nigeria is a domain of exclusions and permanent contestations. Every group in Nigeria attempts to exclude another from enjoying socio-economic and political benefits on the basis of certain constructed social identity. This could be on the basis of gender, class, religion and ethnicity depending on the society in question (Omotoso, 2010; Wunmi, 2002; Obianyo, 2007; Aluaigba, 2009). This practice glaringly manifests in terms of access and

exclusion to socio-economic and political rights and privileges. This dichotomous practice not only denies Nigerian citizens of their socio-economic and political rights but often generates conflicts in many parts of the country. The trigger to the conflicts is often associated with a contest over access and exclusion to critical resources and entitlements that being indigenes confer on individuals or groups (Egwu, 2005). While the indigenes seek exclusive control of existing socio-economic and political rights at the expense of the settlers, the settlers on the otherhand seek to resist their exclusion. The consequence is that millions of Nigerians who live outside the socio-political space which they can affirm their indigeneity suffer exclusion and are exposed to kinds of humiliations. While some have endured their deprivations in passivity, others have resisted and contested their exclusion leading to spate of conflicts (Egwu, 2005). In many instances, this assumed the dimension of violent conflicts with dire consequence for the unity and stability of Nigeria's federalism.

Worst evil of, there is really no way for a non-indigene to become an indigene in Nigeria, no matter how strongly s/he has identified with the community she lives in. Contrary to insinuations in some quarters, Indigene-settler divide is virtually a common phenomenon and an age long practice found in every community in Nigeria. It is common for some group of people to describe or perceive themselves as indigenes and to label some other groups of individuals as settlers or non-indigenes, who do not belong or do not have equal rights and privileges with the aborigines (Danfulani, 2009). Such groups of people, no matter how long they have lived in the areas are regarded as second class citizens. As such they are disparaged and excluded from socio-political and economic benefits due for the communities or towns they live. This presentation provoked (Mamdani, 2001: 651-664) to raises such pertinent questions as: "who or what makes for a settler and who or what constitutes an indigene? Which Nigerian is an indigene and which Nigerian is not? What factors make for indigeneship/indigeneity and which ones make for citizenship? When will a settler become a native?"

Unarguably, defining who is an indigene of a particular area could be a difficult task, particularly in light of the mass movement over time and across cultures and space (Adesoji and Alao, 2009). Yet the relative association of people with different areas; a product of their settlement and the seeming dominance of their cultures or perhaps the outcome of their ability to conquer and occupy a relative virgin area, has resulted in situations whereby some people came to identify themselves as indigenes of a particular place. While this could be right in a sense, it is also clear that many states, societies and communities all over the world, emerged from a blend of different layers of migrants sometimes with the supposedly aborigine groups or even among themselves. Interestingly such groups have so blended among themselves or even with autochthonous groups that they have produced relatively homogeneous cultures. The Swahili civilization in East Africa is a very good example of the scenario painted above (Greaves et al, 1997), and the process of state formation among different Nigerian groups also bears eloquent testimony to this development. Interestingly, citizenship in these and similar societies came to be defined not only in term of obligations or responsibilities alone, but also in terms of rights and privileges. In order words, there was no discrimination on the basis of descent, period of arrival or even extent of stay although the princely and merchant/business class among others continued to enjoy the privileges conferred on them by ascribed achieved status (Greaves et al, 1997).

Arising from the development described above, it is plausible to argue that the relative peace witnessed in Nigerian societies as well as the attendant socio-political and economic developments could not be completely divorced from the ability to manage relationship among groups, devoid of the over glorification of indigeneity. With few exceptions, this was particularly the situation beginning from the emergence of states to the outset of colonial rule in Nigeria. Meanwhile, it would appear that the seemingly unnoticeable difference among groups brought about by their blending over a long period was resuscitated perhaps due to a number of factors, including the colonial legacy, desire by the elite for power and position, the changing status of land and other natural resources as well as desire for separate identity among others (Adesoji and Alao, 2009). Beyond generating crises with the attendant loss of human and material resources, more of which have not been satisfactorily resolved till the present time, indigeneity has called to question the basis of citizenship in Nigeria.

Despite the richness of the extant literature on this area of study, researchers have devoted little efforts towards synthesizing these studies within this research agenda into a single model. Consequently, the knowledge available on this phenomenon are scattered in separate studies. This made access to the knowledge an uphill task, as students are constrained to scout for the knowledge in separate studies. As such they are compelled to undergo the strain of searching and reading through arrays of literature. It is against the backdrop of overcoming this challenge that this study is convoked. This study therefore, aims at aggregating and integrating the strands of studies on this subject matter into single model to enhance their accessibility. Consequently, addressing the following questions has become highly imperative: Does Nigerian constitution contain provision on citizenship and indigeneity? Does indigeneity affect citizenship rights, peaceful co-existence and stability of Nigerian state?

## **Theoretical Framework**

The theory used for the explanation of this study is the social exclusion theory. The theory argues that social exclusion subject individuals and groups to discriminatory practices that expose them to humiliations and deprivations. It avers that social exclusion detaches and alienates some groups of individuals from the mainstream of society with resultant negative effects on their citizenship rights. These exclusions are not just limited to material resources but also to matters like social participation, culture and education, access to social services and power. The theory is associated with the works of scholars such as Pacione, 1997; Lee et al, 1997; Black and Muddiman, 1997; Walker, 1997; Hills, 1998 among others. The theory is very apt for the study. This is because it not only graphically captures the essence and focus of the study but exposes the complexity of the persistent powerlessness arising from systemic deprivation, disempowerment, alienation and their dynamics effects on the health of Nigerian state.

## **Methodology**

The study adopted qualitative method in carrying out its investigation. The data employed for the study were gathered from secondary sources. As such, data used for this study were collected from public libraries as well as private libraries of a number of colleagues and associates within and outside the country. Besides, the study also made use of internet materials wherein relevant

articles were carefully gathered. The study utilized both content analysis and narrative analytical techniques for the analysis of data. As such the information employed for analysis in the study were carefully extracted from logical chains of evidence presented in journal papers, conference papers, periodic papers, edited books, documentary materials among others.

### **The Concept of Citizenship**

Generally, citizenship denotes the status of an individual as a full and responsible member of a political community. A citizen is thus “a person who owes allegiance to a state and in turn receives protection from the state. It involves a reciprocal relationship in which s/he must fulfill certain duties and obligations of citizenship towards the state in return for the civil, political and social rights granted him/her by the state” (Gauba 2003:26). In the views of Hill quoted in (William 2004:49) “citizenship as a status denotes individuals with rights and duties constitutionally guaranteed to all members of society.” For Marshall (in Williams 2004:49) “all who possess the status are equal with respect to the rights and duties with which the status is endowed.” For some, Citizens are said to constitute the state (Gauba 2003), as such it is axiomatic to say that citizenship is implicitly tied to statehood. Thus “the hallmark of modern nation states is citizenship; a state implies the existence of citizenship” (William 2004:49).

Carens (2004) however notes that the notion of citizenship sometimes presumably assumes an idealized and misleading conception of nation-state as an administratively centralized, culturally homogeneous form of political community. In this idealized form the nation state becomes the only locus of political community that matters. Citizenship assumes the definitional status of membership in a nation state, in which everyone is expected to belong to one such state. This unitary picture of citizenship with its legal connotations is inadequate in the sense that it does not appreciate the multiple dimensions of citizenship and the complex relationships among these dimensions. It does not correspond to actual practices in many states that embody recognition of multiple forms of belonging and of overlapping membership. The unitary or legal or formalistic conception of citizenship is the ideal which many societies aspire to, however the reality of multiple membership/identities in many societies proves it to be unrealistic and removed from the practical realities of existence in multicultural societies like Nigeria. Hence Schuck & Baldwin (Not Dated) distinguished the formalistic conception of citizenship which borders on legal stipulations from the substantive which presents though lamentably the failure of the legal concept. In Carens’s (2004) view, conceptions of citizenship and political community should grow out of, rather determine, the political and social arrangements that we choose. This enables us to address the multiple dimensions of citizenship or identity questions that characterize the organization of many modern states.

Carens (2004) thus identified three dimensions of citizenship, namely the legal dimension, which refers to formal rights and duties that one possesses as a member of a political community; the psychological dimension which refers to one’s sense of identification with the political community or communities to which one belongs; and the political dimension which refers to one’s sense of representational legitimacy of those who act authoritatively on behalf of and in the name of the political community. These dimensions he notes interact with each other in complex ways. Despite the limitations or idealistic nature of the legal or formalistic notion, it serves as

starting point for understanding and distinguishing citizens from non citizens. The right it guarantees members helps them to challenge the denial of these rights. In fact the resurgence of separatist cultural movements stems from the state's inability to satisfactorily uphold the basic tenets of legal citizenship which includes among several rights the universalistic principles of equality, freedom from discrimination on the basis of sex, race, language or culture. It is worthy to note that the demands for separate existence by many separatist ethnic movements in Nigeria stems from the feelings of alienation arising from the denial of these rights to citizens.

### **Citizenship Status in Nigeria State**

The status of citizenship in Nigeria has remained a subject of endless debate and sustained inquiry among scholars (Egwu, 2005 and Adesoji and Alao, 2009). As William (2004) rightly observed, the constitutional or legal conception of citizenship is either in abeyance or simply nonexistent in most of Africa, Nigeria inclusive. According to Taiwo in (William 2004:50) "beyond phrase mongering, there are no citizens in Nigeria only citizens of Nigeria. Chabal & Daloz (1999) however observed that the concept of citizen as conceived by western scholars is of little relevance to the African experience as the notion of the individual in Africa is inclusive rather than exclusive.

In other words, individuals are not perceived as being meaningfully and instrumentally separate from the communities to which they belong. The individual remains firmly, placed within the family, kin and community networks from which she issues. The point that is being made is that the legal dimension of citizenship does not capture in real terms the disposition of the people within a state towards that state especially in multicultural and multi ethnic societies like Nigeria. The average Nigerian identifies more with his ethnic community than he identifies with Nigeria. To his ethnic community he owes duties, to the Nigerian state he expects rights.

Ekeh cited in (William 2004) identified three principal contradictory notions of citizenship as it applies to Africa and particularly in Nigeria. These are (i) Identification of citizenship with rights, and not with duties; (ii) Dissociation of rights and duties in the conception of citizenship; (iii) The development of two publics, in respect of the conception of citizenship, in political life: an amoral civic public from whom rights are expected, duties not owed; a moral primordial public defined in terms of one's ethnic groups, to which one's duties are paid, but we never expect any right. In the light of the third notion an average Nigerian will expect the state to provide a multiplicity of social services and infrastructures but sees it as inhuman for the same state to expect him/her to pay tax or for the use of certain social services like electricity. This attitude emanates from the 'we/them' feelings that characterized relationship between the people and the state in colonial Nigeria.

Mamdani in (Iroanya, 2005) notes that the colonial state in Africa recognized two types of political identities, the civic and the ethnic. Civic identity was racially defined as it was reserved for those considered civilized. Civic rights were therefore for the settlers; while the native populace was excluded from this regime of rights. Natives belonged not to the civic space but to the ethnic space. The native identity was not defined by where he or she was born or lived but by his ancestral area. The area in turn was defined ethnically. This derivative of the colonial state

was passed over to the post colonial state which in content and behaviour does not differ from the colonial state. The colonial state transmitted the legitimacy problem today suffered by the post colonial state. It was a state that was based on force rather than consent of the governed. It emphasized local particulars that today pervades all aspects of national life in Nigeria. As William (2004) observed “the sociology of citizenship in Nigeria is now defined as exclusion rather than inclusion...it has its profound base in the particularities of birth, ethnic considerations, emphasis on geographical location etc.” These local particulars found expression in the notion of indigene. Thus the dimension of citizenship in Nigeria is pervasive as it pertains to the psychological dimension earlier identified by Carens. While Nigerians recognize their de jure status as citizens of the Nigerian state, in real terms they identify with their local community, an identity which is not fixed but fluctuates depending on their location at any point in time.

Indigene is a member of a community within the geographical space of an ethnic group. It is biologically determined and discriminates first against the members of same ethnic group and second against members of the other ethnic groups. In Nigeria, indigeneship is manifested at the state and local government level, even community levels; at the federal level it is manifested as ethnicity. The relationship between members of the different ethnic groups in Nigeria namely Igbo, Hausa -Fulani, Yoruba, Tivs is defined by ethnicity, while within the geographical space occupied by these various ethnic groups relationship within the in group is defined by ‘indigeneship’ Thus an Igbo person from Imo state (all within the geographical region occupied by the Igbo ethnic group) in Ibadan town will be seen by the Yorubas as Igbo, if he happens to relocate to Onitsha in Anambra state which is an Igbo state, he still does not enjoy the rights of other Igbos from Anambra State. He is discriminated against as non indigene. An Anambra Igbo will suffer similar fate in any of the other Igbo States.

In a similar manner, Anambra State citizens resident in communities other than the ones of their ancestral origin face the same discrimination on the basis of ‘indigeneship’ or what has also become known as the ‘son of the soil’ in Nigeria, meaning a son of the relevant community. In addition, the indigene factor rather than just birth also defines legal citizenship in Nigeria. (Section 25(1) of 1999 Nigerian Constitution). The multiplicity of identity that defines inclusion and exclusion go to confirm Nnoli’s claim that the boundary of ethnicity is fluid and not rigid (Nnoli 1978:18).

The indigene factor, strong as it may be, does not define the contestation for state power at the centre as much as ethnicity. It however does in local politics at the state and local government levels. The average Nigerian does not feel represented by members of other ethnic national or for that matter, indigenes of other localities except their own. Hence, the psychological and the political dimension of citizenship identified by Carens play significant role in identity politics and the resurgence of ethnic militia politics in Nigeria. The Nigerian state through its constitutional provisions and other policies has given de facto recognition to these multiple identities. Section 14(3) of the 1979 and 1999 constitutions of Nigeria stipulates:

*The composition of the Government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and*

*the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few ethnic or other sectional groups in that Government or in any of its agencies.*

Similar provisions were made with respect to composition of government of states and local government in Section 14 (4). In addition a federal character commission was created by the constitution in Section C, Part 1 of the Third Schedule of the 1999 constitution to ensure compliance with this policy by all federal government parastatals and agencies. Other measures like creation of more states and local government areas to accommodate agitations for local self government, the establishment of unity schools, the one year national youth service were all measures put in place to address the twin problem of promoting unity while according recognition to the diverse composition of Nigeria.

Today there is the conventional practice of rotating key state positions amongst the different geopolitical zones in the country. Same applies to political positions at the state and local government levels. This is known as ethnic balancing measures. Thinking along this line, Chabal & Daloz (1999:58) opine that a political compact based on ethnicity could bring together, rather than separate the constituent members of what now form existing African countries. What they termed an ethnic state rather than the usual nation state. The failure of such compact depicted in the failure of the balancing measures as the road map to integration and national identity in Nigeria negates this view. The failure of these measures (Nnoli, 1996: 239) observed stems from the fact that the measures do not address the causes of imbalance but are oriented towards the search for benefits, privileges, and advantages by the elite of the ethnic groups and regional enclaves. The measures also create a paradox as equity is achieved through a leveling down rather than leveling up strategy. In the process, the more advanced groups who had to slow down for the less privileged in the catch up policies are alienated while the beneficiaries of the policies are thankful to their ethnic or sub-national units rather than the nation state for the benefits (Nnoli 1996). In fact, at a time in Nigeria, it became fashionable to claim marginalization in order to attract more federal allocations and infrastructures. Williams (2004:55) also observed that the federal character principle made Nigerians more aware of their communal background than the building of a common feeling of loyalty to the Nigerian state. It increased the awareness of some groups of their disadvantages and invariably their vulnerability towards domination by others better favoured. The implication of this is the ascendancy of the local over the national and the absence of a moral bond between the state and its citizens. In the face of this scenario the politics of domination and the dominated best captured by the concept of marginalization occupied a centre stage in military and post military politics of Nigeria. This politics is what culminated to the emergence of ethnic militias in Nigeria.

### **The Position of the 1999 Constitution on Citizenship Status in Nigeria**

The 1999 Nigerian Constitution Section 25, 26 and 27 make provisions for all categories of citizenship in the country i.e by birth, registration and naturalisation (FRN, 1999). This simply means that a Nigeria regardless of where he lives is a citizen of the country as long as the parents or grandparents are Nigerians. Apart from this, as a citizen of the country, such individual is free to live and work anywhere in the Federal Republic of Nigeria. But despite this, the concept of

citizenship in Nigerian federalism is problematic simply because of increasing growth of primordial ties, ethnic or tribal sentiments. Ojukwu and Onifade (2010: 175) reinforce this as follows:

*Citizenship is an important notion because it defines the constitutive elements of the democratic state and elaborates the relationship between state power and individuals, it spells out procedure and sets of practices defining the relationship between the nation-state and its individual members... Unequal class or status relations are derived and a structure and ideology of common objectives are superimposed.*

*Citizenship in Nigeria infers an equality (of rights) bestowed on all who are Nigerian citizens backed up by adequate constitutional provision in order to ensure that this is so... in principle, all Nigerian citizens are equal no matter the circumstances of their birth and whether or not they reside in their places of origin. But in practice, one is a Nigerian citizen only in his state of origin. Outside one's state of origin, he is not a citizen.*

Nigerian citizens are facing undue deprivation within the country particularly in an area which is not his/her indigenous place. This is contrary to Section 42 (2) of the 1999 constitution that says no citizen of the country shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth (FRN 1999). The non indigenes in any part of the country are subjected to undue frustration, oppression, marginalization etc. The interesting thing about this is that, it is not limited to a particular area. For example, those that are currently undergoing this experience will do worse to other non-indigenes in their own area if they have the opportunity. Non-indigenes are discriminated against in Nigeria federal state. This is the root of the crisis associated with indigene-settler in the country. As a result of the crisis generated by the indigene-settler issue in the country, the concept of the Nigerian state does not really hold any appeal to average Nigerian. Nigerian people are more loyal and believe more in their various ethnic or indigenous groups. As a result, they hold more allegiance to these ethnic groups. This perhaps accounts for the dimension ethnic crisis is assuming in the country. The pluralistic nature of the Nigerian state and coupled with the colonial origin of the country affects the perception of the people about the country. Nigerians at various levels, particularly the elites always use ethnicity or indigeneity as a tool to gain more favour, lucrative contracts, choice of governmental positions and political patronage among others.

Ordinarily, average Nigerians of any ethnic group always see themselves as one and have no reason to doubt themselves, due to this and naturally, they will avoid fighting one another. But the poor average Nigerians are gullible and easily manipulatable. The elite in their characteristic manner manipulates the poor and instigate them to cause crisis just for the benefit of the elite and their family members. Most of the ethnic crises in the country or indigene-settler crisis are precipitated by the elite using the masses.

### **The Notion of Indigeneity in Nigeria**

Indigeneity, according to Adamu (2002), cited in Omotoso (2010a:148), is a biological term that has assumed serious social and political meaning in Nigeria and around the world. Indigeneity is



used in Nigeria to distinguish natives of a particular place from other Nigerian citizens found in that locality. It is also used to confer special privileges which are beyond the reach of non-natives on the natives. Indigeneity is simply a discriminatory concept employed in the Nigerian state to distinguish between the indigenes or natives of a state or locality and those who are referred to as non-indigenes or settlers (Omotoso, 2010). For example, a Yoruba man living in Ebonyi State for over 25 years making necessary contributions to the development of the state is not regarded as an indigene of the state. Irrespective of the number of years he has spent in Ebonyi State, he and all members of his family are still regarded as settlers and non-indigenes hence, they cannot have access to or benefit from what, is purely reserved for the indigenes, even if such indigenes have not been in Ebonyi State for over 30 years.

There is no gainsaying the fact that Nigeria is a pluralistic multi-national state. Hence, there is deep attachment, of Nigerians to their states of origin, regardless of whether or not they are residing there. The concept of the Nigerian state does not offer much attraction to Nigerians; what give them hope are mostly their ethnic groups to which they owe more allegiance and loyalty. Some of the founding fathers demonstrated aptly the notion of the Nigerian state in the consciousness of Nigerians. For example, some Nigerian nationalists had noted that, the Nigerian state is a mere geographical expression (Obafemi, 1947; Bello, (1962) observed that the establishment of the Nigerian state is the mistake of 1914. These notions about the Nigerian state are still as real as those nationalists saw them then. In corroborating this, Osoba and Usman noted about Indigeneity in Nigeria thus:

*... state citizenship (i.e., Indigeneity) is even more stringent and biologically determined than national citizenship in the sense that it does not make state citizenship comparable provisions to those on national citizenship by registration or naturalization... no matter how long a Nigerian has resided in a state of Nigeria of which none of his parents is an indigene, such a Nigerian cannot enjoy the right to participate fully in the public life of that state (Osoba and Usman, 1976)*

It needs to be noted that the introduction of regionalism by the Richards Constitution in 1946 and the subsequent state reorganizations in 1963, 1967, 1976, 1987, 1991 and 1996 in the country have not only encouraged sectional consciousness, loyalties and sentiments but have also made these states centers of attraction to Nigerian citizens. Indigeneity is seen as a weapon commonly employed by various groups depending on the degree of scarcity of resources and the forms of competition that may arise. In emphasizing the import and centrality of indigeneity to the Nigerian state, Nwosu (2000) attributed it to the cake sharing syndrome and the distributive pressures associated with Nigerian federalism. Indigeneity is a weapon of the elite for access to the resources of the state. In other words, indigeneity has become a powerful political weapon in the hands of the political elite in the struggle for state power and resources. As Nwosu eloquently puts it:

*The political elites have tanned religious and ethnic factors in the pursuit of their selfish and acquisitive interests. This attitude of the elites, fuelled by distributive pressures of the cake sharing syndrome of Nigerian politics, underpins the perennial divisive crises of our nation*

*concerning revenue, federal character, the struggle for new states... all of these are distributive centrifugal forces in Nigeria's federalism (2000:13)*

One of the things that make the issue of Indigeneity deep-rooted in Nigeria is the factor of land. Land ownership is a matter of life and death in Nigeria in particular and Africa in general. Africans and indeed Nigerians see land as an inheritance from God and, as such, nobody wants outsiders to encroach on his inheritance. Land is handed over from one generation to the other. In Nigeria, the state and citizenship has little or no appeal in the consciousness of the people. As such, they are not bothered about what happened to the Nigerian state and their citizenship status. In other words, people see the state as highly incapable of guaranteeing and protecting their rights and offering them privileges. And where the state fails the indigenous groups excel.

No matter the status of an individual in this country, he has more attachment and loyalty to his indigenous group than to the nation, itself. This is as a result of the fact that indigenous groups offer a lot of assurance and protection to the individuals. Indeed, the elites seek protection and advancement from their indigenous groups rather than the state itself. What is worse, Nigerians do not have any right, to indigeneity outside the state of their parents' birthplace. Owing to this phenomenon, many Nigerians who are linguistically and culturally assimilated into a community different from their parents own are denied indigeneity of the place, irrespective of the number of years of living in the place.

### **The 1999 Constitution and the Indigeneity Question in Nigerian**

The 1999 Constitution of Nigeria provided legal basis for indigeneity. For example, Section 318 (1) paragraph (vi) of the 1999 constitution states, inter alia:

*Belong to or its grammatical expression when used with reference To a person in a state refers to a person either of whose parents or any of whose grandparents was a member of a community indigenous to that state.*

The above provision simply reinforces the fact that Nigerian citizens have no right to indigeneity outside their states of origin. In this connection, Daniel Bach observed that Nigeria's younger generation is being socialized into indigeneity, state and local government identity as crucial parameters for the definition of their future prospects (Daniel, 1989). The issue of "indigeneity" therefore is clearly, a constitutional one. For instance, Section 147 of the 1999 Constitution has this to say among other provisions governing the appointment of Ministers: "Provided that in giving effect to the provisions aforesaid, the President shall appoint at least one Minister from each state, who shall be an indigene of such a State". Thus the 1999 Constitution of Nigeria recognizes that there are indigenes/settlers in Nigeria.

The 1999 Constitution of the Federal Republic of Nigeria, Section 25.1(a) clearly define citizenship in Nigeria as "every person born in Nigeria on or before the date of independence, either of whose parents or any of whose grandparents belongs or belonged to any community indigenous to Nigeria"<sup>1</sup>. It is clear that in order to allay the fears exhibited by minority ethnic

groups on the eve of independence, the constitution retained both the concept of indigeneship and Federal Character to protect minority rights. It is aimed at redistributing opportunities and limiting the tendency and/or temptation of mega ethnic groups such as the Hausa-Fulani, Yoruba and Igbo to dominate and monopolize national benefits that some of them have come to regard as a matter of right. Many governments regard the federation as the exclusive balance of interests of these three major ethnic groups. However, the imperative of achieving national unity, social equity and restitution demands that all the constituents of the federation be involved in the affairs of the nation, especially the sharing of power. This is especially so when the ethnic minorities on a scale far outweigh the majority groups in total population.

It is for this reason that the writers of the 1979 Constitution entrenched the concept of Federal Character in the 1979 Constitution, which was also repeated in the 1999 Constitution. This idea was borrowed from the American Constitution, which is based on the principle of *Affirmative Action*, meant to deliberately provide opportunities to disadvantaged groups and act as an instrument of engineering social equity. The Federal Character of Nigeria refers to distinctive desire of the peoples of Nigeria to promote national unity, foster national loyalty and give every citizen of Nigeria a sense of belonging to the nation. Section 14(3) of the Constitution provides that:

*The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the Federal Character of Nigeria and the need to promote national unity and also to command national loyalty and thereby ensuring that there shall be no predominance of persons from a few ethnic or other sectional groups in that government or nay of its agencies.*

The constitution in Section 14(4) lays down similar conditions for the states and the LGs, recognizing the multi-ethnic and multi-religious nature of Nigeria, enjoining decision makers to “recognize the diversity of the people within its area of authority” to ensure proportionate equitable representation of all persons in government. At the Federal level, therefore, factors to be considered are usually a person’s state of origin, ethnic group and religious affiliation. At the LG level, factors include political constituency, ethnicity and religion. This is how the term “indigene” entered the constitution in respect of the appointment of Ministers as reflected above.

It is in pursuance of these objectives that Decree 34 of 1999 put a Federal Character Commission in place. This further elaborated on the scope of the Federal Character principle, expanding beyond what it meant under the 1979 constitution. – Section 4(1) (a) empowers the Federal Character Commission:

*To work out an equitable formula...for the distribution of all cadres of posts in the civil and the public service of the Federation and of the states, armed forces, the Nigeria Police and other security agencies, bodies of corporate owned by the Federal or State Government and Extra Ministerial Department and Parastatals of the Federation and States.*

The principle of representation extends to bureaucratic, economic, media and political posts at all levels of government and the private sector. The decree also includes the distribution of socio-

economic services, amenities and infrastructural facilities. Section 4(1) (d) (ii) provides that the Commission is to work out modalities and schemes for “Redressing imbalances and reducing the fear of relative deprivation and marginalization in the Nigerian system of Federalism as it obtains in the public and private sector”. On account of the importance of the significance of the mandate of the Federal Character Commission, Schedule 3, Part 1, Paragraph C of the 1999 Constitution reproduces these provisions. The Hausa-Fulani, who were left far behind in the area of acquiring Western education, have benefited immensely from this national policy.

### **Indigeneity, Citizenship, and Social Conflicts in Nigeria: An Overview**

One of the factors militating against intergroup harmony in Nigeria is the issues of indigeneity and citizenship. They account for the majority of the social conflicts frequently witnessed in Nigeria today. Various discriminating and contemptuous concepts are employed by different groups to describe or label Nigerians from other ethnic clusters as Nigerians with alien status. For instance, Ibo refer to the Yorubas as *ofe manu* or the Hausa as *ndiugwu*. The Hausa call Ibo *inyamiri* while the Yoruba term Hausa as *gambari* (*Aluiagba, n;d*). Conversely, the Tiv make reference to the Hausa, Yoruba and Idoma as *uke* (at times *baja*), *anyiagbande* and *mbaakpoto* respectively. On the whole, these various nomenclatures raise questions on the essence of being a Nigerian citizen, they fuel ethnic hatred and aggravate the problem that militate against the peaceful coexistence and national unity of Nigeria.

The issues involved in the Tiv-Jukun conflict revolve around the indigeneity matter, this exemplifies the intricacies and contradictions inherent to inter-group relations in the country. The Nigerian State, just as others in Africa, has been blamed for its inability to develop a way to accommodate the various ethnic groups that make up the country. Rather, Nigeria’s post-colonial policies fracture and dismember Nigerians, thereby sustaining bickering relations between its varied groups (Adejumobi, 2001:160-161). This explains why the lackluster attitude of the Nigerian state in settling the citizenship question has fuelled rather than extinguished conflicts that are similar to the Tiv-Jukun one. The roots of these conflicts hinge on quarrels over land, that is, the warfare between those claiming to have settled first on a given land (indigenes) and those who are seen as having arrived later (settlers).

In the Zangon-Kataf conflict, the contestation has been between the native Kataf (Atyaps) and the perceived immigrant or settler, the Hausa-Fulani, in the Zongon- Kataf Local Government Area of Kaduna State. The Kataf people, who claim to be indigenous in Zangon town, consider that the Hausa, who are the supposed settlers, have no right to land. In 1992, a claim of “indigeneity” by the Kataf and a counter claim of right to land by the Hausa over the re-location of a market exploded into a series of conflicts. The Aguleri-Umuleri conflict is an infra-ethnic antagonism between sub-ethnic factions that belong to the same homogenous Igbo ethnic group, the same Anambra State and even the same Anambra East Local Government Area. This conflict, over the right of ownership of Otuocha land, first occurred in 1904. It has been linked to a genealogical factor as well as the colonial policy that favoured the Umuleri against the Aguleri in the area (Ekeh, 1999: 2; Ibeanu, 2003: 192).

Another case of conflict evoked by the indigene-settler factor is the Mango- Bokkos feud in Plateau State between the Mwangavul and the Ron people. The central problem in the conflict has been farmland. The Ron people claimed to be the 'natives' and original owners of the land while Mwangavul, according to the Ron, are the 'settlers'. Legal actions have however given the Mwangavul (the 'settlers') victory in the courts. Thus, in an attempt by the Ron to reclaim their landlordship from the Mwangavul, brutal hostilities erupted on October 19, 1992 and on May 8, 1995. In a similar vein, the Ife-Modakeke intra-ethnic feud in Oyo State has its roots in the disagreement between the Ife people and the Modakeke. The Modakeke migrated to the old Oyo Empire because of the Fulani Jihadists invasion of Yoruba land. They were given a permanent settlement by the Ooni of Ife, Abaweila, in 1840 (Albert, 1999: 145; Peters 2003: 155). However, the Ife people have always declared that the Modakeke were not indigenes in the area they now reside and should leave; and that after all, what Ooni Abeweila did in 1840 was a mistake. These opposing arguments by the two groups have always resulted into bloody conflicts.

The Ezillo and Ezza-Ezillo communal conflict in Ebonyi State in which many lives and property were lost was provoked by a contest over socio-economic rights and ownership of land arising from indigeneity status. While the Ezillo People who regard themselves as indigenes of Ezillo land claim the rightful ownership of the land in dispute, the Ezza-Ezillo people who settled later in the area are perceived as non-indigenes or settlers in the community by the Ezillo people and as do not have right to land ownership and other socio-economic (Itumo, 2014). The Ezza-Ezillo people on the other hand insist that they have settled in the Ezillo community since the early 1930s and have over the years contributed to the development of the community and such have equal socio-economic and political rights.

The implication of all the cases of conflicts arising from indigene-settler disputes highlighted above is that the citizenship question in Nigeria remains contentious and a veritable trigger of social upheavals. It is apparent that Nigerians residing in parts of the country other than their own feel less at home because of the *de facto* practices of the so-called indigenes or natives which tend to alienate the 'visitors'. Many Nigerians suffer from discrimination and

are denied certain rights where they live because their host communities see them as settlers and non-indigenes (Toure, 2009: 12-13). Paradoxically the *Constitution of the Federal Republic of Nigeria 1999* in Section 42 abhors discrimination of Nigerians by virtue of their ethnic affiliation, sex, religion etc. The Constitution also states in its fourth chapter the rights of the Nigerian citizens. It however fails to clarify the definition of what a citizen is and what an indigene is and their rights according to which state of the federation they live in. This ambiguity in the 1999 Constitution is responsible for some of the inter-ethnic and intra-ethnic conflicts Nigeria has witnessed since the 1990s (Nnoli, 2003: 14-15).

Again, an attempt to conceptually define an 'indigene'<sup>1</sup> and a 'settler' is shrouded in contradiction in the Nigerian context because of the difficulty in delineating an indigene from a settler since virtually all ethnic groups are known to have migrated from somewhere (Okocha, 2000; Avav, 2002; Best, 2005). It is much easier to define citizenship as "*a status bestowed on those who are full members of a community. All those who possess the status of citizens are equal with respect*

*to the rights and duties with which the status is endowed*” (Marshall, in Egwu, 2009: 188). However, if we consider the concept of indigene for instance, it has been acknowledged that the idea of “indigeneity” is universally problematic (Best, 2005) because it draws on the perception of groups of people who first settled in an area where the land and other opportunities belong to them. But because of the inevitable migration of people to an area already inhabited, the earliest settlers are often threatened by the new arrivals especially when competition over economic resources ensues. This scenario can make conflict inevitable.

On other hand, the concept of “settler”, particularly in the Nigeria sense of the word, breeds serious problems. Although a settler may be thought of in terms of a person who does not live in his/her original place of birth, or his/her ancestral home, for reasons ranging from business, war and work, what makes this movement and settlement problematic is the tendency for the “local” people to discriminate these “newcomers”. As mentioned above, different discriminating concepts are used by the natives in their local dialect to describe the migrant people even if they have settled in the place centuries ago. The migrants are also denied scholarship awards and employment in local and state institutions where they reside. This overtly creates an alien psyche and sets the “settlers” against the “natives” or “indigenes”. It makes the ‘settlers’ to raise questions on their status as Nigerian citizens. For instance, how long should one reside in another part of Nigeria to be treated equal to other persons in the community? Why someone should be called a “settler” in his/her country while others ascribe themselves the status of “indigene” with accrued privileges? These issues underscore the persistence of the citizenship question in Nigeria today.

Best (2005) attempts to explain conflicts arising from the indigene-settler divide. Best’s argument is that the majority ethnic groups, that are more mobile, are inclined to overshadow the minority ethnic groups in their own lands. He cites the impact of the Tiv, who are a majority group in North-Central Nigeria, over the Jukun in Wukari and the Hausa/Fulani over the Kataf in Zangon Kataf as cases in point. However, it can be underlined, in contradiction to Best’s position, that in a place like Kano, even though the Ibo and Yoruba groups are national majority groups, they are in minority in the Hausa-dominated Kano city. Thus, there have been conflicts along the indigene-settler divide between these three groups in the city. So the point is not the question of dominance of one group by another because of the superiority of its population. Rather a more plausible explanation lies in the failure of the Nigerian state to web its numerous ethnic nationalities through the conscious creation of a national structure that will enhance equal rights and justice and access to social welfare for all individuals and groups.

The problem is further aggravated by the “power and property relations” (Momoh, 2009). The fierce contest among the Nigerian political elite to acquire political power and by the same token, acquire private property and accumulate capital, has blurred the vision of the ruling class towards creating an equal economic platform for all citizens to benefit from. Thus, the indigene-settler divide just like ethnicity and religion have become easy tools for the political elite to defend their class interest. This explains why, at the rebirth of democracy in 1999, ethnic nationalism also regenerated in the forms of hitherto invisible ethnic-based organizations such as the *Oodua* People’s Congress (OPC), *Arewa* Peoples Congress (APC), *Igbo* People’s Congress (IPC) and *Ijaw* Youth Council (IYC). For the past few years, these organizations have turn out to be umbrellas for ethnic mobilization to the detriment of national cohesion and integration.

Again the existence of these organizations has reinvigorated the citizenship crisis because Nigerians tend to identify themselves first as members of these ethno-oriented organizations before they give consideration to their national status. Ethnic identities have therefore gained more ascendancy than national identity. This negative development risks jeopardizing Nigeria's quest for national integration (Alubo, 2004). More so, these centrifugal identities built around religion, ethnic groupings, 'indigeneity', 'settlement', 'nativity', 'migrants', 'non-indigenes', 'southerner', 'northerner' etc have collectively sharpened the dividing line between Nigerians thus making cohesive nationhood a more convoluted task.

### **Conclusion and Recommendations**

Indigeneity has become an albatross that poses serious challenges to the enjoyment of citizenship rights and peaceful stability of Nigerian state. It has made Nigerians to be more citizens only in the part of the country where they can affirm their indigeneity and less or second class citizens in some other parts where they cannot affirm their indigeneity. Nigerians who live outside the socio-economic space in which they cannot truly affirm their indigeneity are subjected to some discriminatory practices that erode their constitutional rights as bonafide citizens of the country. These practices manifest in terms of access and exclusion to socio-economic benefits and political rights. The ugly discriminatory practices account for the root causes of some social conflict witnessed in Nigeria today. This study traced the root of indigeneity practice to the contradictions inherent in the nation's constitution. The study affirms that the amendment of the 1999 constitution to remove the indigeneity clause will put an end to the problem. Again government at all levels should demonstrate strong political will and commitment towards ending the ugly practice by promulgating laws that provide stiff punishments for individuals or groups that engage in such unwholesome practice. It equally recommended that states of residence rather than state of origin should be the basis for access to socio-economic benefits and political power in Nigeria.

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