

The Constitutional Implications of the Indigeneity Syndrome and its Effects on the Political Stability of Nigeria

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Abstract:- In practical analysis, there are two categories of Nigerians cum Nigerians, to wit, the indigene and non indigene Nigerians. The indigenes of a particular locality are those who can trace their origin to the ancestors of the locality and they enjoy full citizenship rights therein, whereas the non-indigenes in the same locality are the latter-day settlers who are often denied those same rights irrespective of how long they have lived there. Invariably, the Nigerian Constitution is at the center of this citizenship quagmire. The Constitution provides and guarantees the citizens all the rights and privileges under the law - and it forbids any form of discrimination against citizens on ground of place of birth. However, in another stroke, the same Constitution contains certain provisions that endorsed indigeneity syndrome and other forms of discriminatory practices against Nigerian citizens who are residing in states and localities other than their 'own'. Certain policies of the government institutionalized these discriminatory actions against non-indigenes such as in political appointments, public sector employment, scholarship, land ownership and acquisition, admission into the tertiary institutions, amongst others. Although, the United Nations has a convention protecting the rights of indigenous peoples, there is currently no legislation protecting the rights of non-indigenes in their places of sojourn in Nigeria. Conflict is an unpleasant but inevitable byproduct of the indigene-settler dichotomy, and many of Nigeria's worst conflicts pit the area's acknowledged 'original' inhabitants against the area's 'later' settlers. It is predicated on the above that this article embarked on the legal appraisal of the indigeneity syndrome and its implications on the political stability of Nigeria via the doctrinal system of research methodology. This article recommended that Nigeria should enact a residency law cum a residency rights commission that will enthrone and protect residency rights so that all citizens will enjoy equal rights irrespective of where they live in the country.

Keywords:- Constitution, Indigeneity, Citizenship and Political Instability.

I. INTRODUCTION

The Constitution of every nation, whether written or unwritten, has provisions that guarantees the protection of the fundamental human right of its citizenry, including the right to freedom from discrimination on grounds of, *inter alia*, place of birth or circumstances of birth. The rights, privileges and duties of Nigerian citizens inure equally for every citizen irrespective of the part of the Country the

citizen hails from or resides. However, even with the clear Constitutional provisions on Nigerian citizenship and fundamental rights, notions such as 'indigene', 'non-indigene', 'settler', 'stranger', 'state of origin', 'ethnic group', 'son of the soil', etc. have become rife in the Nigerian polity, and they have consequently emerged as the determining factors in the full enjoyment of citizenship rights in Nigeria. It no longer suffices that one is simply a Nigerian citizen, *a fortiori*, such person must identify with an ancestral indigenous community - irrespective of his state of residency, before he can enjoy the full benefits of being a Nigerian citizen in that locality. This has thus created a double - standard citizenship in Nigeria to wit, the 'indigene citizen' and the 'non-indigene citizen' of Nigeria. This simply implies that there are inherent contradictions with respect to the rights and privileges of the citizens who, though are Nigerians, but for whatever reasons, choose to reside in places in Nigeria outside their ancestral home. Put differently, a Nigerian residing in any part of the Country outside his ancestral home will not enjoy full citizenship rights alongside the indigenes of the place he sojourned. Therefore, irrespective how long the 'sojourner' has lived outside his ancestral home - even if he was born there, he is limited in the opportunity to enjoy equal rights and privileges with the 'indigenes' of his place of sojourn in the same country.

In Nigeria, because citizens are classified as either indigenes or non indigenes; the 'all state benefits are enjoyed to 'indigenes', while 'non-indigenes' are not entitled to any of them' and are denied same. This indigene principle, or indigeneity means that some group of persons will have total control of power and resources within a locality while others - who are referred to as settlers - are excluded. Due to this reality, there is therefore a deeply held attachment by Nigerians to the concept of indigeneity and state of origin. Consequently, no matter the status of any Nigerian, he or she is more devoted to and attached to his native community and or ethnic group than he or she has for the nation. Unfortunately, this conflict between natives and settlers, indigenes and non-indigenes arises among the same Nigerians that have shared long-standing cultural, religious, political, and economic ties. But when it comes to sharing resources, particularly land and political positions, indigenous (non-indigenous) sentiments are triggered, which results in prejudice and persecution against the so-called 'settlers' or 'non-indigenes'.

Nearly the entire country is plagued by the wave of crises occasioned by the indigene - settler dichotomy, and more specifically in Nigeria's North Central area, which frequently results in the enormous loss of incalculable

property and priceless human lives. In Nigeria, the issue of indigenes and non indigenes rivalry and violent conflicts has been there for many years and has remained the main cause of communal violent clashes. These clashes escalates to destruction of communities and villages, colossal destruction of lives and properties, displacement of peoples causing them to live in make-shift places like the Internally Displaced Persons (IDP) camps where the occupants are often met with hunger, abuses, epidemics, sexual assaults and numerous health challenges. Some children born in these IDP camps may never know their families and or ancestral homes any more. These conflicts have turned out several humanitarian challenges as well, requiring the intervention of the international communities for refugee support to the displaced persons. Till date, conflicts between the 'indigenes' and 'settlers' in Nigeria have been a regular occurrence with varying degrees of causalities, as have been experienced in areas like Umuleri / Aguleri, Zango / Kataf, Ife / Modakeke, Jukun / Tiv, Urhobo /Itsekiri, Berom / Hausa / Fulani, etc. The majority of the time, particularly in Northern Nigeria, these crises turned into religious and tribal conflicts, wrecking havoc on the nation and its people.

The efforts of the government in trying to resolve the indigeneity conflicts are, regrettably, neither here nor there; apart of setting up panels of inquiries whenever there are communal clashes, the Nigerian government has not taken much action to address the underlying causes of the indigeneity crisis, leaving the populace unhappy with recurrent incidents. This article, therefore, is set to interrogate the indigeneity syndrome and its implications on the political stability of Nigeria. It will appraise the legality of the indigeneity claims in Nigeria and role of the Nigeria laws, especially the Constitution, in the enthrone indigeneity in Nigeria. It will also link the dichotomy of indigene and settler claims to the increasing spate of threats to the political stability of Nigeria.

II. DEFINITION OF RELEVANT TERMS

A. Constitution

A constitution can be understood as the ultimate legal document that delineates the extent of authority and structures of the people, institutions, and government within a specific area.¹ The *Black's Law Dictionary* defines constitution as –

*The fundamental and organic law of a country or state that establishes the institutions and apparatus of government, defines the scope of governmental sovereign powers, and guarantees individual civil rights and civil liberties; a set of basic laws and principles that a country, state, or organization is governed by.*²

¹ *Oxford Dictionary of Law* (5th edn, Oxford, OUP, 2015 138; *FRN v. Osahon* (2006) 10 NWLR (Pt. 674) 264; J. Law, *Govt. Ekiti State v. Olubunmo* (2017) 3 NWLR (Pt. 1551) 1

² B. A. Garner (ed.), *Black's Law Dictionary*, (10thedn, USA, Thomson Reuters, 2014), 376

A government's "framework or composition, the actual organization of a government's organs, the delegation of authority within them, the relationships between them, and the process by which those powers are used" are other terms used to describe the constitution.³ It is the fundamental or organic law of a nation or polity, and it is the general legal framework that defines, characterizes, and restricts the exercise of powers, rights, and obligations, as well as broadly prescribing the ways in which those powers may be exercised.⁴ The Constitution has also been defined as a body of laws, rules and objectives which set out and delimits the structures, powers, rights and duties of an organization or group as well as its organs and its members.⁵ It has also been said that the constitution serves as the nation's foundation, so all laws must adhere to it.⁶ The Nigerian Supreme Court further clarified the meaning and significance of a constitution in the well-known case of *A.G. of Ondo State v. A.G. of the Federation*⁷ that "...constitution is a living document that bestows authority along with defining rights and constraints. It is the ultimate law that establishes some basic fundamental principles..."

While the constitution - often a supreme written law, is the key element in organizing the polity, constitutionalism ensures the mechanism of rule of law using the principles of checks and balances among the state institutions, containing the spirit, the substance and the procedure with reference to the constitution.⁸

B. Citizenship

Citizenship is the state of being a citizen and the standard of behavior of an individual within a community. A citizen is a person who belongs to a political community by birth or naturalization, has allegiance to the community, and is entitled to all civil rights and protections. They are also members of a civil state and are eligible for all benefits.⁹ Citizenship is said to refer to the status, rights, obligations, duties and privileges of persons who are members of a particular sovereign nation.¹⁰ Persons who are members of

³ B. O. Nwabueze, *Ideas and Facts in Constitution-making* (Ibadan, Spectrum, 1993) 1

⁴ S. T. Hon, *Constitutional and Migration Law in Nigeria* (Port Harcourt, Pearl Publishers International Limited, 2016), 2-3

⁵ C. A. J. Chinwo, *Principles and Practice of Constitutional Law in Nigeria* (2ndedn. Lagos, Princeton and Associates Publishing Co. Ltd, 2020) 5

⁶ *Anka v. Lokoja* (2001) 4 NWLR (pt 702) 178

⁷ (2002) 9 NWLR (Pt. 772) 222 at 418-419, per Uwaifo JSC; *FRSC v. Ehikaam* (2023) LPELR-60749 (CA)

⁸ *Governor of Kwara State v. Ojibara* (2006) NSCQR Vol. 28, 101; *Mohammed v. FRN* (2018) 13 NWLR (Pt. 1636) 22

⁹ B. A. Garner (ed.), *Black's Law Dictionary*, (10thedn, USA, Thomson Reuters, 2014) 298; A. S. Hornby, *Oxford Advanced Learner's Dictionary* (7th edn, Oxford, OUP, 2006) 254

¹⁰ C.A.J. Chinwo, *Principles and Practice of Constitutional Law in Nigeria* (2nd edn, Princeton Publishing Co. Ltd, 2020) 319

a nation are regarded as citizens of that nation whereas those who are not members of that nation are regarded as aliens. As a result, citizenship is governed by domestic law, whereas nationality is governed by international law. In addition to the rights and principles he owes the State, a citizen is a legitimate member of a State with full constitutional rights within that State. In Nigeria, the Constitution made adequate provisions for citizenship of the country, including ways of acquiring the citizenship, qualification, how to lose or forfeit one's citizenship, the rights, duties and obligation of citizenship.¹¹ According to Egwu, citizenship is the status of being a member of a political community that acknowledges humans as "political beings."¹² Citizenship is also the relationship of rights, obligations, and duties that exist between a person and the state. It is a way for people to participate as subjects and agents in the governance of the state and society.¹³

A person is granted civil, political, legal, and social rights simply by virtue of being a citizen of a State, city, or nation. A citizen is a political agent who lives in a political community and has the freedom to act freely within the law. He also has the right to exercise his political rights and his right to vote.¹⁴ Iwuagwu defines citizenship as the relationship that a person has to the state or nation in which they are granted legal, social, and political rights as well as obligations to fulfill social duties.¹⁵ A relationship based on shared rights, obligations, and duties between an individual and the State is another definition of citizenship. It is a way for people to get involved in the governance of the nation and society, making it both an agency and a subject.¹⁶ According to Gasu, citizenship is a set of duties and privileges that make a person a recognized legal person. He went on to say that in exchange for the basic rights guaranteed by a country's Constitution and legal system, a citizen is expected to have a minimum level of loyalty to the community in which he lives.¹⁷

According to Adetiba¹⁸, through citizenship, the State establishes and asserts its legitimacy, sovereignty, and identity. It also serves as a tool for social closure. It is the method by which a contemporary nation state composed of diverse nationalities aims to create a shared identity and experience for its citizens. All citizens are granted equality through citizenship. The sociological component of citizenship, which is defined by differentiation, is one of the biggest issues states, especially multiethnic states like Nigeria, are facing in their quest for national cohesion. This indicates that non-indigenes are now essentially treated as second-class citizens in their own nation as a result of these laws and practices; the only way to alter or escape this status is for the impacted citizens to return to their home state or community.

C. Indigeneity

The Nigerian Constitution did not define any of the words 'indigene', 'indigene-ship' or 'indigeneity'. Etymologically, the word 'indigene' is derived to mean 'native' or 'borne within'. In other words, an indigene belongs to a particular heritage where his/her paternal ancestry could be traced to. Thus, by default of 'patrilocal' ancestry of birth, a person becomes a native or an indigene of a particular place.¹⁹ The Greek terms 'indo' and 'genous' which respectively mean "inside" or "within" and "birth" or "born" or "race," are the source of the English word "indigenous." Therefore, a group of people with the same ethnic, traditional, and cultural background may be described as indigenes of that particular area. So people are naturally by birth an indigene of a particular place.²⁰ People or groups who identify as the original occupants of a community or who can trace their ancestry back to the original settlers are commonly referred to as indigenous people.²¹

Additionally, the term "indigene" has been defined as a member of the population that originally inhabited a certain area and, as such, asserts ownership of that area.²² According to Nigerian law, the term "indigene" is defined within the framework of the federal character principle, which places emphasis on demonstrating through one's parents or grandparents that one is a member of a community that is indigenous to a state or local government.

Interdisciplinary Text (Lagos, Princeton and Associates, 2022) 336

¹¹ Chapter III, Sections 25-32 of the CFRN, 1999 (as amended)

¹² S. G. Egwu, 'Ethnicity and Citizenship un Urban Nigeria: The Jos Case', A Thesis Submitted to the University of Jos, April, 2004 (Unpublished)

¹³ O. Alubo, 'Citizenship and Identity Politics in Nigeria', *Conference Proceedings*, (CLEEN Foundation, Lagos, Nigeria, 2009) 1-8

¹⁴ E. O. Uzowulu and B. Umeogo, 'Indigeneship and the Nigerian State: A Philosophical Appraisal, (2021) (12) (2) *Nnamdi Azikwe Journal of Philosophy*. 81

¹⁵ E. K. Iwuagwu, 'The Concept of Citizenship. Its Application and Denial in the Contemporary Nigeria Society', available at <https://www.researchgate.net/publication/327388390>. Visited on 18/08/2022

¹⁶ Imam, & others, 'Ethnicity and the Crisis of Citizenship in Post Colonial Nigeria. An Impediment to Development (2014) (2)(02) *IJSS and HI*, 1033

¹⁷ G. N. Gasu, 'Citizenship Question Under Chapter III of the Constitution of the Federal Republic of Nigeria 1999', in M. C. Ogwezy, *et al* (eds) *Constitutional Law, Politics and Good Governance: An*

¹⁸ T. C. Adetiba, 'They Are Not From Our State: The Politics of Citizenship; A Political Paralysis to National Integration and Development in Nigeria', (April 2013)(2)(II) *International Journal of Research in Social Sciences and Humanities (IJRSSH)*, ISSN: 2249 - 4642

¹⁹ E. O. Uzowulu and B. Umeogo, 'Indigeneship and the Nigerian State: A Philosophical Appraisal, (2021) (12)(2) *Nnamdi Azikwe Journal of Philosophy*. 81

²⁰ *Ibid*

²¹ M. Imam, & others, 'Ethnicity and the Crisis of Citizenship in Post Colonial Nigeria. An Impediment to Development (2014) (2)(02) *IJSS and HI*, 1023

²² Human Rights Watch. "They Do Not Own This Place": Government Discrimination Against Non-indigenes in Nigeria', (25 April, 2006) *AISOS*

This effectively implies membership in a local ethnic and linguistic community.²³ For Alubo, the term "indigene" refers to the attributed identity of being born in a specific location into a particular ethnic group that is thought to have a "homeland" within the locality. It is synonymous with native, autochthon, and "son/daughter of-the-soil." Being a native of a place implies that one's ethnic group is able to identify a certain area as "native land," which could be a state or local council.²⁴

Conversely, being indigenous means that a group of people can trace their lineage back to a specific area of land or territory before other groups often referred to as "settlers" or "late comers" ascended to power.²⁵ On the other hand, indigenosity is understood to refer to first-order relationships between group and locality, typically on a small scale. It sets native people apart from others by implying possessions, "originariness," and a deeply felt process of attachment and identification.²⁶ Determining which group is indigenous in Nigeria versus others is far more difficult and contentious than in other parts of Africa. Among other terms that are comparable are "natives" and "son of the soil."

D. Political Instability

Political stability, on the other hand, is the capacity of a people's government to share, gain, or contend for power through peaceful political processes and to take advantage of the state's collective advantages and services;²⁷ Political instability can then be defined as an unstable political structure and the government's tendency to collapse quickly as a result of it; it can also refer to a crisis situation that arises within the nation and can be brought on by a number of factors, such as high crime rates, economic difficulties, or incompetence on the part of the government.²⁸ Conflict can also be the cause of political instability, or it can also serve as the catalyst for conflict. Political instability, according to the Oxford Dictionary, is a state of affairs in which a society is likely to undergo abrupt change or collapse.²⁹

Additionally, there are at least three perspectives on political instability. The first strategy is to characterize it as the inclination toward changing governments or regimes. The second is to concentrate on the frequency of political unrest or violent incidents in a community, like murders, protests, and so on. The third method concentrates on instability within policies as opposed to instability within regimes, i.e., the frequency with which basic policies pertaining to, say, property rights are modified.³⁰

Political instability encompasses a range of events such as insurgencies, riots, coup d'états, civil wars, and disputes among elites over the allocation of power and resources. These events have the potential to trigger various forms of mass violence.³¹ Inadequate government response to the complaints of the people, or a portion thereof, can also give rise to political instability. Depending on the situation, the complaints may have an internal, external, or political origin.³² Political instability can be classified into three categories: mass, communal, and elite. Elite political instability occurs when a military coup d'état is used to forcibly remove a member of the national or individual elite who holds a leadership position in the political system of the nation. The goal of communal groups is to establish their own political sovereignty by manipulating communal political instability. When members of a mass group or movement attack national elites violently in order to further and maximize their clearly defined goals, this is known as mass political instability.³³ Regarding ethnic conflicts, the ICJ's Kenyan division³⁴ wrote thus:

Ethnic conflicts frequently manifest as intrusive social and political groups or interest groups in larger society. Simply put, the politicization of ethnicity is one type of polity that tends to deepen and widen rifts while provoking open questioning of the foundations of the nation-state through symbols and myths. In today's political struggles, classism and ethnicity have complicated the terms of social conflict and made institutional reforms more challenging.

²³ A. O. Adesoji and A. A. Alao, 'Indigeneship and Citizenship in Nigeria: Myth and Reality', (March 2009) (2) (9) *The Journal of Pan African Studies*, 159

²⁴ O. Alubo, 'Citizenship and Identity Politics in Nigeria', *Conference Proceedings*, (CLEEN Foundation, Lagos, Nigeria, 2009) 1-8

²⁵ O. Oladeji, 'Contested Localities: Indigeneity and Citizenship in Nigeria' (March 2015) available at <https://www.researchgate.net/publications/323337539>. Visited on 18/08/2022,

²⁶ F. Merlan 'Indigeneity Global and Local' (2009) (50) (3) *Current Anthropology*, 149

²⁷ United States Institute for Peace, *Guiding Principles for Stabilization and Reconstruction* .(Washington, DC: 2009), 8-89

²⁸ IGI Global, 'Political Instability' available @ <https://www.igi-global.com/dictionary/exporting-without-direct-access-to-international-markets/92620>> visited on 13/8/2022.

²⁹ A.S Hornsby, *Oxford Advanced Learner's Dictionary, International Students' Edition* (London, Oxford University Press, 2010)

³⁰ *Encyclopedia.com* <<https://www.encyclopedia.com>> accessed on 4/4/2020

³¹ R.A Raji and E. I. Wahab, 'Trends of Political Instability in Nigeria: The Way Forward' (April, 2016) (XIX) (1), *Nigeria Journal of Social Studies*, 51

³² S. Adeyemi, 'Conflicts and Political instability in Nigeria: A Crucial Discourse Introduction', (2013) (2) (10) *International Journal of Advanced Research Management and Social Science*

³³ H. Adefose, 'Corruption, Political Instability and Development Nexus in Africa: A Call for Sequential Policies Reform' (2018), Munich Personal Repec Archive(Nigeria) <<https://mpra.ub.uni-muenchen.de/85277/>> accessed on 6/4/2020

³⁴ KSICJ, *Ethnicity, Human Rights and Constitutionalism in Africa* (The Kenyan Section of the International Commission of Jurists, Nairobi Kenyan, 2008) ISBN No. 9966-958-18-5.

III. THEORETICAL FRAMEWORK

A. *The Positivist Theory of Law*

According to this school of legal theory, a law must be explicit, easily recognized, written down, and specify the punishment in order to be recognized as such. The public must be well-informed about the law beforehand. The ideas of Jeremy Bentham and John Austin, who conjectured that the existence of law is one thing and its merit and demerit another, are the origins of positivist law theory.³⁵ The theory focuses on the definition of law as it is given by reference to a written law rather than moral or ethical consideration. The positivist school of thought believes that for any law to be regarded as law, it must be formal and must be known by the people well in advance. The positivists' unwavering belief is that all laws must be formally recorded, have a subject and a sovereign, and contain elements of sanction and command.³⁶ An overview of Hart's descriptions of the key components of legal positivism as (i) That legislation is the sovereign's decree; (ii) that although morality and the law may occasionally overlap and have a casual relationship, there is no absolute necessity for them to do so; and (iii) that a legal system is a "closed logical system," meaning that, without reference to social goals, policies, or moral standards, correct legal decisions can be inferred logically from established legal rules.³⁷

The main theme of this article is the Constitution of Nigeria, and accordingly, it is a command according to this school of thought, and is therefore binding on all citizens; the legal positivist theory is pertinent to this article. All Nigerian citizens, both indigenous and settlers, are bound by the country's laws, and everything they do must fall within its predetermined parameters.

B. *Social Exclusion Theory*

One could say that social marginalization or exclusion implies social disadvantage and being relegated to the periphery of society. This term, which originated in France in the late 20th century, has become widely used throughout Europe. Social exclusion is thought to result from the establishment of group monopolies, which are strong groups that frequently exhibit distinctive cultural identities and institutions and that use a process known as "social closure" to prevent outsiders from accessing valuable resources.³⁸ It is applied in a variety of academic fields, such as sociology, psychology, education, politics, and economics.³⁹

The process of preventing someone from fully accessing rights, opportunities, and resources that are

typically available to members of other groups and that are essential to social integration and the observance of human rights within that specific group such as housing, employment, healthcare, civic engagement, democratic participation, and due process is known as social exclusion.⁴⁰ Social class, race, skin color, religious affiliation, ethnic origin, educational attainment, and early relationships can all be linked to feelings of alienation or disenfranchisement brought on by social exclusion.⁴¹ Affected people or communities are unable to fully engage in the political, social, and economic spheres of their local society as a result of social exclusion.⁴² This could lead to opposition from the marginalized groups manifesting as protests, demonstrations, or lobbying.⁴³

Theoretically, there are four correlated dimensions that lead to social exclusion at the individual or group level: a lack of normative integration, limited social participation, material deprivations, and inadequate access to social rights.⁴⁴ It is also a multifaceted process of progressive social disruption that separates groups and individuals from institutions, benefits, and social relationships as well as from full participation in the standard activities that members of their society are expected to participate in.⁴⁵ Given that the indigenous identity crisis is primarily about social exclusion and citizenship identity, this theory fits here very well. People in the nation are prejudiced against one another because of disagreements over who owns a community or occupations based on land. As a result, the "settlers" often lose out on certain rights and privileges that should have been granted to everyone, as the "indigenes" tend to do.

IV. INDIGENEITY SYNDROME IN NIGERIA

A. *Background of Indigeneity Syndrome*

It is very difficult to divulge the influence of colonialism from the origin of indigeneity in the present day Nigeria. Stated differently, before the arrival of colonialism, there was no problem with indigenous peoples. The people, towns, ethnic groups, and kingdoms that existed before the colonial overlords arrived have produced the Nigeria that

³⁵ C.C. Wigwe, *Jurisprudence and Legal Theory* (Readwise Publishers, 2011), 224- 225

³⁶ *Ibid*, 224

³⁷ H L A Hart, *The Concept of Law* (Oxford University Press, 1961)

³⁸ H. Silver, 'Social Exclusion and Social Solidarity: Three Paradigms' (1994) (133) (5-6) *International Labour Review*, 531-578

³⁹ R. Peace, (2001) 'Social Exclusion: A Concept in Need of Definition' (2001) *Social Policy Journal of New Zealand*, 17-36

⁴⁰ Adler University, 'About' (26 February, 2020) *Institution on Public Safety and Social Justice*, Adler University

⁴¹ The Salvation Army, 'The Seeds of Exclusion (2000)' Available @ Salvationarmy.org.uk. Archived from the original on 27 August 2008. Retrieved 22 October 2017

⁴² T. Wash, 'A Right to inclusion? Homelessness, Human Rights, and Social Exclusion' (2006) (12) (1) *Australian Journal of Human Rights*, 185-2014

⁴³ H. Silver, 'Social Exclusion; Comparative Analysis of European and Middle East Youth', (September, 2017) *Middle East Youth Initiative Working Paper*, 15.

⁴⁴ G. Joel-Gijsbers and C. Yeoman (2007) 'Explaining Social Exclusion; A Theoretical Model Tested in the Netherlands', *The Netherlands Institute for Social Research/SCP*. Archived from the origin on 25/05/2019 and retrieved on 10/09/2019. ISBN 978 90 377 03252. Cited by Wikipedia, visited on 20/08/2022

⁴⁵ I. M. Young, *Five Faces of oppression* M. Adams *Justice* (New York, Rutledge, 2002) 35-49

exists today. For example, the old Oyo and Benin Empires, Sokoto Caliphate-and may other socio-ethnic groups are political organizations that had structures that were existing since time immemorial according to the demands of that pre-colonial era.

According to Akintola & Yabayanze,⁴⁶ in pre-colonial times, the people of "Nigeria" were arranged into either centralized or decentralized political structures. Among other things, the centralized system featured kings, class divisions, administrative officers, rank-based privileges, tax and tribute regulations, and more. Such a formal structure does not exist in the non-centralized system. There are people who are recognized and who operate within a system that is specific to them in terms of the defined interactions they have with their neighbors in every part of modern-day Nigeria. The assertion that "Nigerian ethnic communities were formerly geographically adjacent or engaged in a significant amount of social interaction" is supported by the established cultural and linguistic affinities among the numerous ethnic groups that comprise Nigeria.⁴⁷ Before the arrival of colonization, there were intertribal marriages, rivalries, and other cultural ties among the populace.

When the British imperial government first arrived on this land, they encountered these political arrangements and immediately began to subjugate the populace.⁴⁸ The official division between indigenous and non-indigenous communities was established by the British colonial authorities⁴⁹ in the methods used by colonial and post-colonial administrators to administer the people. More precisely, politically charged ethnic categorization in Nigeria originated with the Colonial Native Authority policy, which served the purpose of Indirect Rule. When the Native Authority Law defined a "non-indigene" or "stranger" as "any native who resides in the community's authority but is not a member," it established the first formal distinction between "indigene" and "non-indigenes."⁵⁰

To formally distinguish between indigenous and non-indigenous communities, the British Colonial authorities were first. For instance, between the 1940s and the 1950s, they implemented a strict policy of residential discrimination between "natives" and "settlers," as shown by the so-called Sabon gari, or "strangers' or "non-natives'

quarters," which were found throughout the nation, particularly in the North. The Native Authority Law of 1954, which defined the terms "indigene" and "non-indigene," was proof positive of their support for an ethnic conception of citizenship. This was considered by the colonialists to be a successful means of implementing their "divide and rule" style of government.⁵¹

Before the protectorates were merged in 1914, the colonial authority first created the Southern and Northern Protectorates, ruling them independently with distinct legal systems. In order to allegedly quell nationalism among Nigeria's elites and preserve colonial power, they also employed the "divide and rule" tactic, which strengthened ethnic and regional sectionalism. According to Nnoli,⁵²

The colonial government took advantage of every chance to propagate the myth that Nigeria and other countries were divided by history and customs and did not share a common destiny. Its goal was to protect each ethnic group's right to preserve its unique political and social structures, as well as its identity, individuality, nationality, and chosen system of government, which were thought to have developed from the knowledge and experience of its ancestors.

Oladeji⁵³ agreed with Mandami's analysis⁵⁴ of the "divide and rule" strategy of the colonial native authority, which had a significant impact on the rise of indigeneity in Nigeria. According to Oladeji, first, the policy created a "false consciousness" among the so-called indigenous groups, who considered themselves as the natural successors to the traditional stool of their communities and as extending their inherited customary rights to the exclusion of non-indigenous people by gaining political control over local councils.⁵⁵ Second, because the colonial government based administration on traditional power holders who could assert their authority by referencing historical events, it resulted in the politicization of town histories. Because of this, these traditional power holders assert their indigeneness in order to defend their administrative control over a region or to obtain administrative independence from a Native

⁴⁶ O. Akintola & A. J Yabayanze, 'Settlers-Indigenes Question in Nigeria: Much Rhetoric, No Answers' (April 2017) (13) (11) *European Scientific Journal*, 369

⁴⁷ A. M. Adejo, 'Indigeneity and Belonging in Nigeria from Pre-Colonial Times to 1960,' *Citizenship and Indigeneity Conflicts in Nigeria* (Abuja, Centre for Democracy and Development, November 2012) 54.

⁴⁸ Akintola & Yabayanze, (n47) 369

⁴⁹ Human Rights Watch. "'The Do Not Own This Place': Government Discrimination Against Non-indigenes in Nigeria", (25 April, 2006) *AISOS*, 5.

⁵⁰ O. Oladeji, 'Contested Localities: Indigeneity and Citizenship in Nigeria (March 2015), 152, available @ <https://www.researchgate.net/publications/323337539/> Visited on 18/08/2022

⁵¹ ICG, 'Curbing Violence in Nigeria (1): The Jos Crisis', (17 December, 2012) (No 196) *Group African Report* (International Crisis Group, Dakar/Brussels, 3

⁵² Nnoli, 2003 quoted in Akintola & Yabayanze, (n47) 369

⁵³ *Ibid*, 369

⁵⁴ M. Mamdani, *Citizen and Subject; Contemporary Africa and the Legacy of Late Colonialism*, (Cape Town; David Philip, 1996); M. Mamdani, 'Beyond Settler and Natives Political Identities; Overcoming the Political Legacy of Colonialism'; Being Text of a paper presented at the Africa Unions First Conference of Intellectuals from Africa and Diaspora (Dakar, 2004)

⁵⁵ I. O. Oladeji, 'Locality, Indigeneity and Citizenship Struggle in Nigeria', an Unpublished MSc Dissertation Submitted to the Department of Political Science, University of Ibadan, 2012, 12

Authority.⁵⁶ Thirdly, it gave rise to what has been referred to as "colonialism within colonialism" in regions where foreign governments and leaders were imposed by the colonial powers. The Middle Belt's non-Hausa/Fulani communities and peoples were forced to live under the rule of the Hausa/Fulani Chiefs by the colonial authorities. The people of the East were also forced to submit to "Warrant Chiefs," presumably as a result of the absence of a pre-colonial traditional structure that could have been modified to submit to native authority rule. Autonomous agitations were sparked by the imposition of leadership and the combining of two or more groups under the supreme control of a single group member.⁵⁷ As a result, rather than being united by commonalities, the different ethnic groups are driven apart by the deliberate policies of the Colonial administration, which heighten awareness of their differences.

According to Mohammed,⁵⁸ Nigeria's history of colonization is the core cause of the nation's citizenship crisis. His justification is that the colonialists did not initially conquer and rule the nation as a single entity from a political and administrative standpoint. Around 1861, colonialists started to establish themselves along the coasts. Lagos became a colony in 1900 after King Docemo's forced treaty of cession was signed. In the Protectorate of Western Province, it established a distinct government by 1904. Subsequently, the Western Province Protectorate and the Lagos Colony combined. However, until the North and South Protectorates united in 1914 to form the nation of Nigeria, each entity was governed independently. As a result of this arrangement, the indigenous people of the former Protectorates saw one another as "aliens." Following the union, the three Nigerian regions maintained their separate legal frameworks and judicial systems. As a result, despite being a single nation, there are several legal frameworks and judicial systems in place, including English Common Law, Native Law, and Islamic Law, which are applicable to various national systems. *A fortiori*, the jurisdiction of these courts over individuals was determined by their nationality, even if they were Nigerian.

Regrettably, the violent union of Northern and Southern Nigeria marked the beginning of Nigeria's federalism but also the beginning of the settlers-indigenous divide. There were increased differences amongst Nigerians leading to ethno-political crisis especially in the post independent Nigeria. This state was accentuated by the Richard's Constitution of 1946 that introduced regionalism in the body polity and same, *inter alia*, not only fostered sentiments, allegiances, and sectional consciousness, but they have also elevated the regions to the top of Nigerians'

list of attractions.⁵⁹ The national manifestation of the seed of indigeneity sown by the colonial masters began during the political crisis of 1951 in the Western Region of Nigeria. The Action Group (AG) in the Western Region lost to the National Council of Nigeria Citizens (NCNC) in the House of Assembly election. Under an Igbo leader, the NCNC which was regarded as a national party won 35 seats, while the AG, a Yoruba political party, took home 19 seats.⁶⁰ The Igbo party defeated the Yoruba party in the Yoruba region of Nigeria, and during the inauguration of the (Parliamentary) government, and in order to frustrate Dr. Nnamdi Azikiwe – an Igbo from forming the Western Regional Government of the NCNC, some nocturnal moves were made and House members elected under the NCNC cross-carpeted to AG so that AG could have majority to form the government of the Western Region. This clear tribal and or ethnic scheme caused Dr. Azikiwe to return to the East and displace Chief Arikpo, a non-Igbo, of the same party and Dr. Azikiwe formed the Eastern Region government of the NCNC. Since then, indigeneity and ethnicity have not stopped distorting and wrecking havoc in our national socio-political sphere.

Odinkalu, however, asserts that the ethno-religious crisis in Plateau State has brought the entire issue of indigenous people in Nigeria into sharp relief and that the Igbo people's exclusion from politics and the civil service began in the former western region. Subsequently, the Sarduana would use it in the north to protect themselves from southern dominance. Outside of Northern Nigeria, the protracted hostilities in areas such as Ife-Modakeke (south-west); Aguleri-Umuleri or Ezza-Ezeilo (south-east) or Ikot-offiong (south-south), are all based on conflicting memories and claims made by indigenous settlers.⁶¹ However, Abdu's statement that six distinct residential settlements emerged overall suggests that the colonialists intended for Nigeria to be divided from one another: (a) European Reservation Areas (ERA or GRA); (b) Bariki, Lebanese / Syrians areas (found in Kano and Zaria); (c) Walled City, where the native people reside; (d) Tudun Wada, founded by the British for those from the north who were not local residents; (e) Sabon Gari, for the people who the colonial authorities referred to as "native," who were primarily southern Nigerian Christians; and (f) settlements of satellite villages. By July 1914, the Yoruba traders who had resided in Zaria since the 18th century had been forced to relocate to the newly established Sabon Gari by the emir of Zazzua (Zaria).⁶²

It can therefore be surmised that the British Colonial regime perfected the sowing of the indigeneity crisis in

⁵⁶ Oladeji (ibid), 152

⁵⁷ *Ibid*

⁵⁸ S. A. Mohammed, 'The Practical Application of Indigene-ship and Place of Origin Derogates from a Common Nigerian Citizenship and Violates Fundamental Human Rights 1'. Available online @ <https://ngfrepository.org.ng:8443/jspui/bitstream/12345/6789/1973/1/NGF%B>. Pdf. Visited on 12/04/2022

⁵⁹ A. Itumo, 'Indigeneity and Citizenship Questions in Nigeria: A critical Reflection' (January 1. 2014) (6) (1) *Admin AJPAS Citizenship Question, Indigeneity, Reflection*, 7

⁶⁰ Akintola & Yabayanze, (n47)

⁶¹ C. A. Odinkalu 'Concerning Indigeneship: A Response to Aliyu Tilde', *Daily Post* of January 8, 2023.

⁶² Dr Hussaini Abdu, *Clash of Identities; State, Society and Ethno-Religious Conflicts in Northern Nigeria*, (DevReach Publishers, 2010) 66

Nigeria be deliberately ensuring that there is no homogeneity amongst Nigerians in their residential quarters and locations, especially in Northern Nigeria where the Indirect rule was rife. The well-known Northern leaders of the time, who also had a significant national influence on the formation of the nation's early political life, enforced this mindset. It was also practicalized in the Western Nigeria during the political crisis of 1951 and later spread to all corners of the country. The indigeneity syndrome in Nigeria was established by the colonial masters, who sowed the seed that has resulted in the ongoing mistrust and unholy rivalry between the various ethnic groups in the country.

B. Practice of Indigeneity in Post-Independent Nigeria

Nigerians are responsible for maintaining the distinction between their indigenous and non-indigenous communities, despite the claim that the colonial authorities established the initial framework for it. Human Rights Watch claims that most Nigerian communities draw boundaries between those who are and are not eligible to hold chieftaincy titles in a given area or to take part in traditional institutions of governance by using the distinction between indigenes and non-indigenes.⁶³ Additionally, indigenes help communities maintain land ownership within their own group. In fact, it is a reflection of these communities' efforts to maintain membership records by establishing a historical link between each individual and the community through their family.

Starting with the fact that Nigeria's first constitution, the Independence Constitution of 1960, gave the three regional governments that were in power at the time significant degrees of autonomy in an effort to reduce tensions between them is instructive. Additionally, each region has its own Constitution.⁶⁴ However, with regional government policies that discriminate against Nigerian citizens who are indigenous to other regions but live within them in areas like employment and land acquisition, the issue of indigeneity began to take on greater significance following Nigeria's independence.⁶⁵ This is especially prevalent in northern Nigeria, where planned residential areas maintained ethnic segregation in cosmopolitan cities. Southern residents had separate quarters in northern cities like Kaduna, Kano, and Jos.⁶⁶ The overarching statistical pattern that has plagued Nigeria ever since was established by the Northern Region's policy of the North for Northerners. By failing to oppose the discrimination, the federal government implicitly approved of it, and as a result, over time, discrimination against non-indigenes in Nigeria has gotten worse.⁶⁷

⁶³ Human Rights Watch. "The Do Not Own This Place": Government Discrimination Against Non-indigenes in Nigeria', (25 April, 2006) *AIOS*, 77

⁶⁴ Human Rights Watch (Ibid)

⁶⁵ B. Kraxberger, 'Strangers, Indigenes and Settlers: Contested Geographic's of Citizens in Nigeria,' (April 2005) (9)(1) *Space and Polity*, 19

⁶⁶ *Ibid*, 16

⁶⁷ Human Rights Watch, (n64)

Nigeria had a brutal 30-month civil war between 1967 and 1970, following its independence, as a result of the then-Eastern Nigerian Region's attempt to secede from Nigeria. Prior to that, a string of political unrest brought on by ethnic and religious politics played a part in the First Republic's sudden demise.⁶⁸ Throughout the era of military rule between 1966 and 1970, not much was recorded on indigeneity crises besides enactment of the Citizenship Act (then Decree) of 1974. General Yakubu Gowon's military government established 12 states in Nigeria during the civil war, abolishing regional governments in favor of state creation, ostensibly to eradicate regionalism and enthrone unitarism. The remarkable issue relating to indigeneity within that period is creation of states, of which the people agitated for and against the creation of some states and citing of states' capitals based on the indigeneship preferences. However, indigeneship received legal and constitutional validation and legitimacy with the establishment of the Second Republic in 1979 and the 1979 Constitution. First, under Section 23 (1) (a) of the 1979 Constitution's Chapter III on Citizenship, which states as follows -

The following individuals were born citizens of Nigeria

—

- Anybody born in Nigeria prior to the country's independence, regardless of whether their parents or grandparents were from an indigenous Nigerian community.

Furthermore, Section 135 (B) of the same Constitution further cemented the idea of indigeneity into Nigerians' socio-political consciousness thus-

- There will be the Ministerial offices of the Federal Government that the President may create.
- The President will appoint anyone to the position of Minister of the Government of the Federation, provided that the Senate confirms the nomination.
- The President may appoint any person under Subsection (2) of this section in accordance with Section 14(3) of this Constitution; however, in order to give effect to the aforementioned provision, the President must appoint a minimum of one Minister from each state, who must be an indigenous of that state.

It is instructive to note that the 1979 Constitution deviates significantly from the 1963 Constitution in an effort to create a single citizenship model for the newly formed country. The 1979 Constitution's two aforementioned sections actively promoted the idea of indigeneity. Despite this, the terms "indigenous" and "community indigenous to Nigeria" were not defined in the same Constitution.⁶⁹

⁶⁸ O. Olowojolu, & Others, 'Indigene-Settler Relationship in Nigeria: Case Study of the Community in Lagos' (2016) (VII) (III) *Agro Asia Journal of Social Sciences*, 2

⁶⁹ S. A. Mohammed, 'The Practical Application of Indigeneship and Place of Origin Derogates from a Common Nigerian Citizenship and Violates Fundamental Human Rights 1'. Available online @

Accordingly, all State and Local Governments currently discriminate against Nigerian citizens within their communities on the grounds of indigeneity, as mandated by the 1979 Constitution. In a nation where all citizens hold a single citizenship, citizens are categorized as either "indigenes" or "non-indigenes." The Constitution's indigeneity clause is being exploited to justify prejudice against fellow Nigerians who belong to different linguistic and ethnic groups and live in states that are "other than their own." A person must have been a member of an indigenous community in their state as their parents or grandparents in order to qualify as an indigene of that state. It is more difficult for migrants and non-indigenes who live outside of their grandparents' hometown to claim Nigerian citizenship than it is for the local indigenous population. This is due to the fact that the native inhabitants of the areas where they travel consistently exhibit attitudes or actions that serve as a reminder to the so-called "settlers" that "this is our land, not your own."⁷⁰

The application of the federal character principle is another clause in the 1979 Constitution that highlighted the issue of indigenous peoples. The recommendations of the Constitutional Drafting Committee (CDC) in 1979, in advance of the 1979 Constitution's creation, included the question of the federal character and the quota system. The Committee reasoned that it was important to provide a sense of identity and belonging for each ethnic group.⁷¹ This led to the creation of Section 14(3) of the 1979 Constitution, which enumerated the goals of the federal character as guaranteeing that the

... composition of the Government of the Federation or any of its agencies, as well as how its affairs are managed, must represent Nigeria's federal character and the necessity of upholding national unity and loyalty. This will prevent the majority of people in that government or any of its agencies from being from a small number of states, ethnic groups, or other sectional groups.

Politicians used the aforementioned clause as a handy justification to maintain the citizenship-determining birth and descent standards.⁷² According to the 1979 Constitution, a person is granted indigeneship of a state if their parents, grandparents, or other family members are indigenous to that state. The 1999 Constitution noticeably lacked this clause and made no attempt to define indigenous peoples at all.⁷³ Therefore, in view of the state of the Nigerian legislations supporting indigeneity, the first blame on the problem of indigeneity lies with the Nigerian state for

its failure 'to make use of its many ethnic nationalities by deliberately constructing a national framework that prioritizes justice, equality, and social welfare for all people and groups.'⁷⁴ It has been surmised that there are 3 major consequences of the citizenship dichotomy in Nigeria to wit, (a) The resultant unintended process of creating multiple pseudo-citizenships undermines the efforts to build the nation, (b) It sounds like an attack on Nigerians' rights and liberties and (c) It leads to disputes and instability within the political system.⁷⁵

To guarantee that inclusive citizenship is overlooked in favor of the limited definition of indigeneity, complex procedures are in place. Nigerian states award certificates of indigeneity to their citizens in order to grant them access to opportunities and privileges (like jobs and scholarships) that are not available to non-indigenous people. The term "settlers" refers to other Nigerians, including those who may have been born and raised in a particular area; this practice is at the heart of many civil unrest incidents in Nigeria.⁷⁶

Regarding daily life access to resources and opportunities, the differentiation between "indigenes" is crucial. Due to the two groups' actual disparate rights, there is discrimination and unequal access to many essential aspects of life and human welfare. The effects were and are most noticeable in the areas of work and education, where there is an unofficial two-tier system in place. For instance, "non-indigene" students must pay higher tuition costs in order to enroll in reputable public schools. "Non-indigenes" complain of discrimination and harassment in their job search, particularly in the federal government and civil service, where many senior positions are perceived as effectively reserved for "indigenes," despite paying the same taxes as "indigenes."

Some recent obstacles to the nation-building endeavor stem from the differences between native people and newcomers. This is due to the fact that being indigenous by descent violates the Constitution and prevents settlers from achieving full and inclusive citizenship in the community where they now call home. The government's caving in to native attitudes against settlers is one reason why this discrimination has continued. In numerous instances, the government has fallen short of translating its rhetoric of inclusive and full citizenship into reality. The distinction between settlers and indigenous people in contemporary Nigeria brings this denial of citizenship into stark contrast. According to the Constitution, everyone in Nigeria is a

⁷⁴ J. Nwanegbo and others, 'Citizenship, Indigeneship and Settlership Crisis in Nigeria: Understanding the Dynamics of Wukari Crisis' (2004)(4) (1) *Journal Research in Peace, Gender and Development (JRP GD)*, 11

⁷⁵ S. A. Mohammed,' The Practical Application of Indigene-ship and 'place of origin Derogates from a common Nigerian Citizenship and violates Fundamental Rights (1)

⁷⁶ O. Alubo, 'Citizenship and Nation-Building in Nigeria' (2004) (5) (1&2), *Identity, Culture and Politics*, 135-161, (ISSN 0851-2014)

<https://ngfrepository.org.ng:8443/jspui/bitstream/123456789/1973/1/NGF%20B>. Pdf. Visited on 12/04/2022

⁷⁰ O. Afolabi, 'Migration and Citizenship Question: A Study of the Beroms and Hausa/Fulani Conflict in Jos' (2016) (10) (2) *AJPSIR 2014.0739*, pg 9

⁷¹ M. Imam and others, 'Ethnicity and the Crisis of Citizenship in Post Colonial Nigeria. An Impediment to Development' (2014) (2) (02) *IJSS & HI*, 1039

⁷² *Ibid*

⁷³ *Ibid*, 1040

citizen in theory, but in practice, one group is given preference and the other is subjected to discrimination.⁷⁷

C. Constitutional Implications Indigeneity-induced Instability in Nigeria

It is inevitable to emphasize the link between the constitutional provisions and the lingering instability being occasioned by the indigeneity syndrome in Nigeria. This is predicated on the trite fact that law is the engine of the entire human society, and the rule of law is the panacea to peace co-existence amongst the human kind. All Nigerian citizens are guaranteed equal rights under the 1999 Constitution, which also outlaws discrimination thus, "No Nigerian citizen shall be subjected to any kind of deprivation or disability only because of the circumstances surrounding his birth".⁷⁸ But the same Constitution also stipulated that federal character must be applied to government affairs in an effort to foster national cohesiveness and unity as well as to prevent the majority of people from a particular ethnic group or section in government:

*The Government of the Federation or any of its agencies shall be composed and run in a way that reflects Nigeria's federal character, the necessity of fostering national unity, and the imperative to command national loyalty, thereby guaranteeing that no state, ethnic group, or other sectional group will have a disproportionate number of members in that government or any of its agencies.*⁷⁹

Section 147(3) of the Nigerian Constitution, which requires the President to "designate a minimum of one Minister from each State, who must be a native of that State," further supports this provision promoting the federal character principle. Therefore, the Nigerian Constitution put itself in a box by establishing both the institutionalization of discrimination and the equality of all citizens. When the Constitution forbids discrimination against any citizen in any way "while implementing any executive or administrative action or Nigerian law, "The federal character principles found in the same Constitution, which permit discrimination against citizens, were not reconciled with it. Regarding indigeneity, prejudice against one person over what should be enjoyed by all citizens is the primary source of violent conflict and political instability. Discrimination based on race, national origin, parental status, and other narrow-minded factors against which the following points are discussed below.

➤ Land;

Land ownership is a critical matter in Nigerian and land is one of the things that incentivizes indigeneity; nobody wants the other to encroach on his land or sphere of authority. The indigene consider it that the non-indigenes do not belong to them and therefore are strangers in the land. Even when a stranger buys land from the indigenes out-

rightly and the State issues him with the Certificate of occupancy, the original seller of the land is still referred to as his "Landlord" In other instance, the area of land occupied by non-indigenes are also referred to as such to distinguish them from the original indigene or first settler. Although the Land Use Act was included in the Constitution as an existing law, traditional landowners view land as something that must be used carefully.⁸⁰ Several deaths and carnages has arisen from disputations over ownership of land between different settlers in almost all parts of Nigeria including Plateau, Benue, Taraba, Kaduna, Anambra, Delta and Osun States. The stories are the same in all these places.

➤ Employment:

Part of the basic considerations for employment in Nigeria is that the applicant must state his place of origin. This is because the majority of job opportunities are only available to natives; in the rare cases that non-natives are employed, their prospects for advancement are restricted, and they are only offered contract work. When things like this abound, it explains easily why violent conflicts between indigenes and non-indigenes are rife- because it is a winner-take-all-fight. The fact that native residents of the region that became the new state face discrimination in the state they once called home is extremely concerning when a state is formed out of another state. Since they are now non-indigenes, they must be fired and asked to find employment in their home state. HRW claims that when non-indigenes do manage to secure employment in the public sector, they are either denied the opportunity to compete for government positions or are unable to secure terms of service that are equal to those of indigenous people. Policies implemented by states that prohibit non-indigenous people from running for federal positions also exhibit this discrimination.⁸¹

➤ Quota system:

Under this policy, States in Nigeria are entitled to a specific quota in appointment, job placement, admission to federal higher institutions including military academics. Quotas set for each state are exclusively reserved for the indigenes of that State. Non-indigenes are of course, not entitled to represent the State where they live or reside irrespective of how long they have lived there. In fact, no amount time will someone live as a non-indigene that can transform him to the status of an indigene in his place of sojourn. For instance, 45% of admissions to federal universities are determined by academic merit, 35% by catchment area, and 20% by state educational deprivation.⁸² This is clear act of discrimination against same citizens of one country.

➤ Admissions to Secondary and higher Institution

There are very few spots available for non-indigenous people seeking admission to government-owned secondary

⁸⁰ S. 51(5) of 1999 CFRN (as amended)

⁸¹ Human Rights Watch (n64)

⁸² F. Omotoso and O. Oladeji, 'Ethno Federal Polices, Indigeneity and Citizenship Dilemma in Nigeria's Fourth Republic'; <<https://www.researchgate.net/publication/323342991/>>accessed on 18/08/2022,

⁷⁷ Alubo, (ibid)

⁷⁸ S. 42.2 1999 CFRN

⁷⁹ S. 14(3). Ditto S. 14 (4) for the State Governments

schools and higher education institutions. These spots are also reserved for indigenous people. So, irrespective of how long a candidate and his parents have domiciled in a State outside their State of origin, they cannot be given the priority opportunities that exist in their state of sojourn. Their chances of gaining admission in government schools owned by the government of their State of sojourn are little or non-existent. They are clearly discriminated upon and asked to go to their state, for those benefits. Ditto to granting of scholarships in those schools and payment of School fees wherein the non-indigenes pay more fees than the indigenes.⁸³

➤ **Standing for election.**

It is evident that although non-indigenes are free to vote wherever they choose, they frequently cannot run for office in the state in which they are deemed non-indigenous. As at date, no State in Nigeria has produced a civilian governor who has no parental link with the State. Even married women are not spared in this regard; they are prohibited from contesting for offices in their husband's State of origin.

All the above privileges which non-indigenes are deprived of are enough trigger for crisis especially in areas where the so-called settlers know no other place as their place of origin due to the fact that their ancestors settled in the area since time immemorial and they have lost touch of the area their ancestors originally hail from. These non-indigenes of these various States are actually Nigerian citizens, however their full citizenship rights are curtailed in favour of the indigenes in their State of sojourn. The worst case scenario is in places like Jos, Plateau State, where some settlers claim to have settled in the land since time immemorial and that they do not know any other place as their place of origin. This category of settlers are distinguishable from other Nigerians who merely travelled for greener pasture but returns to their native place regularly. This is the lot of the Igbos and other southerners who, no matter how long they sojourn in a distant land, they still travel home seasonally for August meetings or Christmas celebrations, amongst others.

On the other hand, the implications of indigene-settler crisis on the country are legion.⁸⁴ They are spread wide in almost all geopolitical zones in the country and they have suffered this indigeneity crisis at one time or the other through out Nigerian history. The damages and havoc are horrendous:

- **Destruction of countless precious lives and properties.** The violent conflicts between indigenes and settlers always leave havoc and destruction in its wake: loss of precious lives, wanton destruction of properties,

social dislocation, impoverishment and underdevelopment. The protection of people's lives and property is the fundamental function of government, and any government that fails to uphold this grave responsibility is manifestly failing.

- **Frustrates growth and development.** Discrimination against non-indigenes, especially in the area of land accessibility frustrate growth and development of any nation. Land that would have been made available easily for all persons to enterprise on are then made difficult for non-indigenes to have for their business needs and agriculture. The aftermath is that the economy will not thrive as it should and development is frustrated because investors will be sealed off setting up large scale businesses outside their ancestral place for fear that at any conflict their business are targeted.
- **Refugees and displaced person.** Most times the aftermath of violent conflict is the displacement of persons who are then forced to become refugees and or made to live in internal displaced person camps (IDP) that are poorly equipped. It also stretches the government who has to divert scarce resources to cater for the displaced persons at a huge cost. The government and outside donors will be essential to the survival of the displaced people as well, as they have lost their source of income.
- **Distortion of educational programs.** Indigeneity induced violent crisis also affect the students when the schools are destroyed or their homes and families are casualties of the conflict. The kids cannot maintain their studies as a result and this distortion is unhealthy of youth development. Those children in IDP camps are denied education or are offered poor quality education.
- **Seed of Discord.** Another aftermath of violent ethnic conflict is that the people develop high ultra-ethnic attachment and low inter-ethnic relationship. The post-war communities are naturally forced to live in suspicious of one another. For example in Jos, Plateau State, there have been built a "Berlin wall" between the domains of the natives and the Hausa/Fulani where the none of the parties cannot cross over or live in, and vice versa. Such is the barrier created in the aftermath of the violent crisis that rocked the city since 2002.

V. CONTEMPORARY INDIGENEITY CRISIS IN NIGERIA

At some point, there have been violent conflicts resulting from the indigene-settler dichotomy in practically every state in the federation. Countless number of Nigerians have lost their lives in these conflicts, and the actual loss in properties are innumerable; some of the resultant conflicts took the shape of ethnic cleansing with displacement of peoples, homes, traditional token and institutions very rife. The majority of indigenous conflicts frequently either feed into or combine with violence that is committed by communities, tribes, or religions. The histories, causes, patterns, casualties and government responses are similar. Most government responses are in the setting up of panels of inquiries whose reports are hardly implemented. Most of these indigene-settler conflicts became blown up in post independent Nigeria, and later post Nigeria's 4th republic.

⁸³ M. Imam, and others, 'Ethnicity and the Crisis of Citizenship in Post Colonial Nigeria. An Impediment to Development' (2014) (2)(02) *IJSS & HI*, 1035

⁸⁴ B Ayobayo, 'Towards the Attainment of a Lasting Solution to Indigene-Settler Conflicts in Nigeria: Ife-Modakeke Crisis as a Case Study' Available online @ <https://www.academia.edu/20851470>, visited on 12/12/2022

Also, most of these conflict areas now have maintained an abated peace because the people are tired of fighting and or due to government intervention. Nigeria have had more than enough dose of ethnic and indigeneity conflicts, and they include the Aguleri/Umuleri conflict in Anambra State, Ife/Modakeke conflict in Osun State, Zango/Kataf conflict in Kaduna State, Berom/Hausa-Fulani conflict in Plateau State, Bassa/Egbira conflict in Nasarawa State, Hausa/Fulani/Sawaya Conflict in Bauchi State, Jukun/Tiv conflict in Taraba/Benue States, Urhobo/Ishekiri conflict in Delta State, and many more. The common link between all these cases is the matter of who is the native and who is the settler, who owns the land as the landlord and who is the tenant, access to political powers and patronages, religious differences, and sometimes, chieftaincy stools.

Inter-communal conflicts worsened during the Fourth Republic of Nigeria, resulting in the deaths of innocent citizens in all of the member states. It turned out that since Nigeria gained democracy in May 1999, the issue of indigenous people and settlers has become more pressing. The following are some of the crises brought on by the settlers-indigenes dichotomy⁸⁵:

A. Jos, Plateau State

Plateau State is one of the States in Nigeria and is located within the north central geopolitical zone in what was formerly known as middle belt region. Plateau State is made up of about 50 indigenous communities, about 100 linguistic groups, and with about 40 spoken languages.⁸⁶ Aside from the acclaimed indigenous ethnic groups of Berom, Anaguta and Afizere (BAA), other non indigenous ethnic groups residing in Plateau State include the Hausa/Fulani, Igbo, Yoruba, Urhobo and others. The focus here will be on Jos, the Plateau State capital - irrespective of the fact that there are yet other indigeneity conflicts in the other parts of Plateau State. According to Afolabi, the Berom tribe constitute the major indigene of Jos, while the Anaguta and Afizere are the minority indigenes in Jos town; the Hausa/Fulani are the major settlers in Jos, whereas the Igbos, Yoruba and the Urhobos are the minority non-indigenes residing in Jos, Plateau State.⁸⁷ Jos is the capital of Plateau State and is known as Tin City due to the prevalence of industrial scale tin and columbite mines between 1904 and the 1980s.⁸⁸

⁸⁵ O. E Akintola & A. J. Yabayanze, 'Settlers-Indigenes Question in Nigeria: Much Rhetoric, No Answers' (April, 2017) (13) (10) *European Scientific Journal*, 370-371

⁸⁶ International Crisis Group, 'Curbing Violence in Nigeria (1); The Jos Crisis', (December 2012) *African Report No. 196*, 1

⁸⁷ O. Afolabi, 'Migration and Citizenship Question in Nigeria; A Study of the Berom and Hausa/Fulani Conflicts in Jos' (Feb, 2016) (10) (2) *African Journal of Political Science and International Relations*, pp. 8-15. doi: 10.5897/AJPSIR 2014.0739

⁸⁸ International Crisis Group (n160); S. G. Egwu, Ethnicity and Citizenship in Urban Nigeria: The Jos Case, 1960-2000, A Thesis submitted for the award of

There is persistent settler-indigene conflict in Plateau State which reflect the longstanding sense of grievance the Berom, Anaguta and Afizere ethnic groups nurse against their perceived treatment as second class citizen by the Hausa/Fulani. Invariably the BAA can be seen to be "reclaiming their rights" as indigenous people of Plateau State from the clutches of the Muslim dominated far North whose action or inaction are seen as subjugation of the indigenous people of the Middle Beltans. Quite conversely too, the Hausa/Fulani are laying claim to ownership of Jos, the Plateau State Capital and therefore have been aggrieved over their lack of access to power and resources despite being the majority group in the biggest of the Local Government, Jos North. There is also a sharp difference in religion amongst the Hausa/Fulani Settlers - who are Muslims and the BAA indigenous people who are predominantly Christians. Therefore, struggles over land ownership, economic resources and political control tends to be expressed not just in ethnic grounds but also in religious terms. With the increasing conflict and violence, the people become more conscious of their 'sub-national' solidarity and allegiances and are more forthcoming in expressing them.⁸⁹

The federal government of Nigeria actually did not keep silence over the violent crisis in Plateau State. In 2001, President Olusegun Obasanjo declared a State of Emergency in Plateau State for six months from Tuesday 18th, 2004 and thereby suspended the Governor and all the democratic structures for 6 months within which a military administrator was appointed to take charge of the entire state in order to restore peace. Furthermore, between 2001 and 2004, the government set up several panels of inquiry and peace initiatives towards resolving the conflict in Plateau State. They include.

Justice Niki Tobi Judicial Commission of inquiry into the Jos Civil Disturbances of dark Friday 7th to 14th September, 2001, which submitted its report in September, 2002

- Hon. Justice C. Okpene, Federal Judicial Commission of Inquiry into Communal Conflicts in Benue, Nassarawa, Plateau and Taraba States, 2002.
- Revd Dr. Panding Yamsat High Powered Committee on Peace and Security in Plateau State submitted in 2002.
- Presidential Peace Initiative Committee on Plateau State, headed by Alhaji Shehu Idris, Emir of Zazzau, submitted in May, 2004.⁹⁰

At the end, all these efforts seems to have made no impact because the government, both at the state and federal levels, was not ready to arrest and charge culprits to court for trial. *A fortiori*, none of the reports and recommendations

the degree of Doctor of Philosophy of the University of Jos, 2004, 108 - 125

⁸⁹ *Ibid*

⁹⁰ U. H. D. Danfulani, 'The Jos Peace Conference and the Indigene/Settler Question in Nigeria Politics (March, 2006) *African Studies Centre Leiden*, 6-7 <<https://www.ascleiden.nl/pdf/paper-Danfulani.pdf>. Visited on 5/9/2022

submitted by these panels was published or gazette in a white paper for implementation.⁹¹ At last the people resorted to building a 'Berlin Wall' against each other as a way to forestall further conflicts.

B. Kaduna State

Kaduna State is one of the States in the North Western geopolitical zone of Nigeria; it was the former political capital of Northern Nigeria until 1976 when it became a State of its own. From colonial period to the contemporary times, Kaduna has maintained a reputation as a State with a huge attraction; numerous tribes in Nigeria have settled in Kaduna and called it their home for years.⁹² The State is also populated of person with religious and cultural diversity; Northern Kaduna is largely Muslims and Hausa/Fulani, whereas the Southern part is home to over thirty different ethnic groups and are predominantly Christians.⁹³ Several deadly conflicts have occurred in Kaduna State since the 1958 conflict that took place in Kafanchan. Though, most of the violent conflicts are religious inclined, there are also numerous ethnically based conflict that has taken place in Kaduna State.

The issue of indigeneity in Kaduna State has added to the already volatile tension occasioned by the ethno-religious disputation in the State. In Kaduna, there is open discrimination against non-indigenes who are thereby placed at severe disadvantage. In recent times, local officials in different parts of the State have aggravated sectarian tension by wrongfully refusing to issue indigene certificate to people who do not share their religion. Complaints over non-issuance of indigene certificate is widespread in some districts of Kaduna city, where Christian indigenes of Kaduna State complain that it has become impossible for them to obtain indigene certificates in recent years.⁹⁴

However, according to HRW, both Muslim and Christian leaders in Kaduna State explained that the discriminatory practices in "their" local government areas are a justifiable response to the marginalization they suffer in areas outside of their control.⁹⁵ Zangon Kataf, a local government in Southern Kaduna is usually cited as the clearest example of the absurdities and divisiveness of the indigene-settler divide. Zangon Kataf consists of principally Hausa town called Zango surrounded by ethnic Atyap farming communities. The Atyap are predominantly Christians whereas Zango town's Hausa are for the most part Muslims. The Atyap and the Hausa have long been embroiled in a better argument about which group first settled in the area.⁹⁶

According to HRW, the controversy over who the true indigene of Zangon-Kataf are has a deep emotional importance to both sides of the divide. Under the colonial

rule, Zango-Kataf was placed under the control of the Zaria Emirate whose Hausa administrators treated the ethnic Atyap population with contempt and brutality. As is the case in other parts of Nigeria, many Atyap people feel it is only appropriate that all the benefits flowing to their local government should go to them alone as the true indigene of the area. Atyap's rejection of their Hausa neighbours' claim to indigene status is also aggravated by the belief that the Hausa have an inherent penchant for dominating others and seeks indigene status only in order to subdue and marginalize the Atyap.⁹⁷

In 1992, Zango-Kataf experienced violent conflict between the Hausa and the Atyap over control of the market in which over the Hausa community in Zangon-Kataf were almost destroyed by their Atyap neighbours, and several other violent confrontations have taken place subsequently between the two divides. Members of the Hausa Community in Zango-Kataf complain of systematic discrimination by the majority Atyap local government officials who discriminate against them. According to HRW, members of the Hausa Community in Zango-Kataf said they saw the attacks as evidence that their Atyap neighbours did not think that the Hausas had any right to remain in Zango-Kataf.⁹⁸ The conflicts, acrimony and mutual suspicious between the Hausa and the Atyap are still persisting till date, and are more so because the state government have embraced policies that openly discriminate against non indigenes, and those policies place people who are unable to claim indigene at a severe disadvantage.⁹⁹

C. Taraba State

Taraba State is located in the North-Eastern region of Nigeria; Wukari is a town in Taraba State and doubles as the administrative headquarters of Wukari Local Government Area. in Taraba State. Wukari is also the traditional and cultural headquarter of the Jukuns and many other minority ethnic groups such as Alago, Agatu, Awe & Etilo. Wukari town was established earlier before colonization, i.e. as early as 17th century. The town represents the center of the Jukun people who are predominantly Christians, Muslims and Traditionalist. The pre-colonial Jukun society was classified into two - the Jukun Wanu and Jukun Wapa. Jukun is also the headquarter of Kwararafa Kingdom.¹⁰⁰

Cross-border migratory influences, religious and cultural contacts with others have nurtured some conflicts between the Jukuns - who are known for their territorial expansionist tendencies and the drive to acquire more subjects - and most of its neighbours. The conflicts within the Jukun people is traceable to the colonial era with the British divide and rule policy which affected Jukun people to be and remain politically divided amongst themselves. The people were originally traditionalists until the

⁹⁷ *Ibid*

⁹⁸ HRW (n64)

⁹⁹ *Ibid*

¹⁰⁰ J. Swanegbo, and others, 'Citizenship, Indigeneity and Settlership Crisis in Nigeria; Understanding the Dynamics of Wukari Crisis (Feb, 2014) (4)(1) *Journal Research in Peace Gender and Development (JRPGD)*, Pg 12, DOI: <http://dx.doi.org/10.14303/jrpdg.2014.007>

⁹¹ Danfulani (*Ibid*)

⁹² Kaduna State Government, 'About Kaduna' @ <https://www.kdsg.gov.ng/> visited on 15/7/23

⁹³ HRW, (n64)

⁹⁴ HRW (n64)

⁹⁵ *Ibid*

⁹⁶ *Ibid*

colonialists brought Christianity, and the Fulani Jihadist conquest of the locality at the beginning of the 19th century that brought division amongst the people. The colonialist further subjected the area to be under the Sultanate Emirate in the early days of colonialism and thereby forced the non-Muslims to submit to the Islamic administrative government.

No doubt that the Jukuns have experienced long years of violent conflicts with their neighbours especially in the post colonial Nigerian State. The Jukun people of Taraba State and their neighbor Tiv people of Benue State have hitherto lived in peace and harmony even before the advent of colonialism. However, the current unrest between the Jukuns and the Tivs are a by-product of previous colonial and post-colonial inter-communal and religious experiences. The British created a wedge between the Jukuns and the Tivs in the well-known divide and rule policy of the colonialist. The recorded conflicts between Jukuns and its neighbours especially the Tivs include the Tiv riot of 1959-1960, 1991/1992, 2001 and 2002, the Jukun-Chamber/Kuteb violence of 1999.¹⁰¹ The vestiges of carnage left on Wukari town since almost a decade after the Tiv-Jukun conflicts speaks volume of the socio-economic development of the people. The 1994 Tiv/Jukun conflicts in Wukari led to the death of estimated 5, 000 people.¹⁰² According to the Jukun, the Tivs are settlers, hence they have no entitlement to any land in the Jukun Communities.

It has been stated that the ethnic conflicts in 1959, 1980, 1990, 1991, 1992, 1994 and 2001 between the Jukuns and the Tivs, Kutebs and Hausa settlers have had far reaching effect on the Jukuns people. The popular use of indigene / settler as a means of discrimination or separating owners of the land from migrants has become a critical factor in Jukuns society, For the Christian / Jukun and the Traditionalist, the Jukun / Hausa Muslims are settlers and should be prevented from the playing central role in the affairs of the Jukuns and or partaking in the opportunities meant for the Jukuns. On the other hand, the Jukun Muslims or those with Hausa blood have equally strong claim to the Jukun society as land of their paternal or maternal ancestry and thus see themselves as equal stakeholders in all Jukun affairs. These discriminatory tendencies over the years have led to the build up of accumulated grievances and tension amongst the Jukuns. Thus, while the Christian / Traditionalist Jukuns occupy part of the town regarded as the main Jukun land, the Jukun Muslim/Hausa settlers occupy the other parts regarded as the 'settlers quarters'.

D. Lagos State

Lagos State, which was created on May 27, 1967, is one of the most populous states in the world, and is a driving force in the political economy of Nigeria, It is unarguably the economic capital of Nigeria. The State boasts of the busiest seaport, the busiest airport and the only stock exchange market in Nigeria. Most of the big foreign and indigenous companies have office headquarters in Lagos.

Although, Lagos is primarily a Yoruba State, however due to its cosmopolitan nature, all the ethnic nationalities in Nigeria are well represented in Lagos. Tribal or ethnic or indigenous nationality through accommodation and inclusion of non-indigenous people in Lagos is what defines Lagos for what it is as a *pot pourri*, a melting pot for the ECOWAS sub-region.

However, emerging from the fallouts of the 2019 and 2023 general election in Nigeria, the political consciousness in Lagos has transcended the aborigines and migrant indigenes to now include consideration of latter day settlers like the Igbos and other non Yoruba migrants to Lagos. The Igbos are naturally enterprising and as a result of their ingenuity, and economic interests, they are found in virtually all over Nigeria - and the world at large - where they keep looking for spheres of influence. The Igbo, whether educated or not, always exhibit the 'I can do' attitude and will to succeed in any given task.¹⁰³ It is a known fact that after the civil war in Nigeria that took place between 1966 - 1970, many surviving Igbos migrated to Lagos in search of greener pasture. It did not take time before those Igbos were able to establish durable business ventures ranging from small to large scale enterprise. The Igbos dominated markets like Alaba, Asipamda, Trade Fair and Balogun; and that meant that they would dominate areas like Ajeromi Ifelodun, Amuwo-Odofin, Oshodi, Isolo and Ojo residential areas around the major markets.¹⁰⁴ However, despite the sterling contributions of the Igbos towards the economic growth of Lagos, the Igbos and, indeed all non-indigenes of Lagos States, especially non Yorubas, have not commensurately enjoyed wide political representation in the state, ostensibly because they are non indigenes. But instead of growing in political interest, the non indigenes in Lagos State, as also obtains in all the states of the federation, are openly discriminated in political participation. Although, relative to many other states of the federation, Lagos State has been more magnanimous in considering non indigenes for political appointments and offices. An excursion into the events of the 2015, 2019 and 2023 General elections in Lagos will bring out this point of indigeneship in Lagos in matters of general election.

The 2015 general election in Nigeria was a direct contest between the All Progressive Congress (APC) and the Peoples Democratic Party (PDP). The Presidential candidate of APC is Muhammadu Buhari - whose running mate is Yemi Osinbajo, a Lagos 'boy'. The Presidential candidate of PDP was then incumbent President Goodluck Jonathan - who has the majority support of the Igbos. Therefore, the indigene-settler brouhaha reared up its ugly head prior to the 2015 gubernatorial polls in Lagos. Because of the fear that the influence of the Igbos in Lagos will bear on the result of the election, the Oba of Lagos, Oba Rilwan Akiolu threatened that all Igbos in Lagos will be drowned in the Lagos lagoon if the Igbos fail to vote APC at the

¹⁰¹ Nwanegbo (n101), 13

¹⁰² S. Egwu, 'Ethno-Religious Conflicts and National Question', *Sunday Guardian*, January 25, 2009, 12

¹⁰³ O. Olowojolu, and others, 'Indigene-Settler Relationship in Nigeria: A Case Study of the Igbo Community in Lagos' (2016) (VII) (III) *Afro Asia Journal of Social Science*, ISSN: 2229 - 5313, 6

¹⁰⁴ Olowojolu (n104) 9

gubernatorial polls.¹⁰⁵ Of course, true to expectations, Mohammed Buhari lost to Goodluck Jonathan in the 5 Lagos constituencies largely dominated by the Igbos in Lagos.¹⁰⁶ The 2019 general election in Lagos was also similar to what happened during the 2015 election. However, the 2023 governorship election in Lagos State added extra gear to the indigeneity question in Nigeria, with Lagos natives threatening non – indigenes in Lagos to vote a particular candidate whom the natives have chosen even when all the governorship candidate are Lagos indigenes. This new dimension of indigeneity portends grave danger to the unity and development of the country.

Incidentally, Lagos State has the Lagos State Residents Registration Law of 2011, and the purpose is to integrate the residents of Lagos State into the e-government initiatives and to enable the services provided by the government to be fully utilized. The Law also established the Lagos State Residents Registration Agency (LASRRA) as the body created to enforce and implement the law.¹⁰⁷ LASSRA gives certificate to all confirmed residents of Lagos irrespective of ethnicity, which is a clear sign of the government's policy of inclusive pan-Lagosian civic culture and pride. Indeed, Lagos State currently has the most advanced residency policy in Nigeria, and also has the habit of having many non-indigenes in senior political office – at the same time, it has been deporting poor non-indigenes to their state of origin.¹⁰⁸

➤ *Osun State*

The major flashpoint of note in indigeneity crisis in Osun State is found amongst the Ife and Modakeke people. According to history, the Modakeke migrated and settled in Ife after the collapse of the old Oyo Empire in the 19th century. Accordingly, two sets of people are found in Ife; the original settlers of Ife and the migrants Modakekes. This began the intractable conflicts between the natives and migrants in Ife, Ogun State.¹⁰⁹ According to Ellis, at inception the relationship between the Ifes and the refugees was harmonious; the Ife Chiefs extended open arms to the Oyo refugees because they are good allies during wars for which the refugees provided military support to the Ifes

especially during the Owo War of 1825 and the various Ijesha invasions.¹¹⁰

The first Ife-Modakeke crisis occurred between 1835 and 1849 and it resulted in the indigenes venting their hatred on the refugees due to the fear of their possible dominance of the indigenes.¹¹¹ By 1852, the hostility has grown to the extent that during the Ekitiparapos war, the Ifes aligned with the Ekitiparapos to fight the Ibadans, whereas the Modakekes teamed up with Ibadans to fight Ekitiparapos. Also, in 1946, the Ife landowners began demanding more tributes (Ishakole) from the Modakekes than what they bargained originally. The Modakekes opposed the increment and the resulting conflict lasted till 1949 when the Modakekes lost the case based on judicial decision by the West African Court of Appeal.¹¹²

Another point of conflict between Ife and Modakeke was related to the creation of Ife East Local Government wherein the Local Government headquarters that was initially cited at Modakeke was later relocated to Orié-Ogbo in Ife. This incident caused a very big violent conflict leading to several deaths and destruction of properties. Even as recent as in the year 2000, the dichotomy of 'landlords' and tenants' erupted again between Ife and Modakeke. This conflict also resulted in the death of over 2000 people, several injuries and properties were destroyed.¹¹³ The conflict between Ife and Modakeke is unique in the sense that the two groups are of the same tribe and culture, the point of divergence is in the rights and entitlement of the indigenes (original indigenes) as against latter settlers.

E. Anambra State

In Anambra State, this thesis will single out the conflict between the Umuleri and Aguleri Communities in Anambra East Local Government Area; this is because identity based conflict between these two communities dates back to the beginning of the last century.¹¹⁴ Aguleri-Umuleri conflict, just like the Ife-Modakeke is an intra-ethnic conflict. Both Aguleri and Umuleri trace their descent to a common Eri ancestry. While the common ancestry could have been a reason for peace, the two communities are at war. While, neither of the communities have denied the other as part of the Eri ancestry, the problem between them is the question of which of the two communities primogenital in the Eri

¹⁰⁵ Olowojolu, (n104) 10; This Day. April 7, 2015; O.M. Surajudeen, " Ethnicity and Voting Pattern Nigeria's 2015 General Election: The Case of Lagos State" (2015), A paper submitted to The Electoral Institute, Abuja for the Conference on the 2015 General Election in Nigeria. cited by Olowojolu, (ibid).

¹⁰⁶ Olowojolu (n104)12

¹⁰⁷ LASSRA, 'Lagos State Residents Registration Agency' available @ <https://www.lagosresidents.gov.ng/> visited on 11/11/2023

¹⁰⁸ Premium Times, 'A Street Perspective of the Citizen-Indigene Debate, By Nigerian Research Network' (February 10, 2014)

¹⁰⁹ A. G. Agbe, *The Ife-Modakeke Conflicts in Nigeria* (Ibadan, University Press, 2001) 14-20

¹¹⁰ S. Ellis, 'A Study of Ethnic and Spiritual Violence', cited in (April, 1995) (94) (375) *African Affairs: The Journal of African Regal Society, London*

¹¹¹ *Ibid*

¹¹² I. Albeit, 'Ife-Modakeke', in O. Otite and I. Albeit, *Community Conflict in Nigeria; Management, Resolution and Transformation* (Ibadan, Spectrum Books, 1999), 17

¹¹³ D. W. Augsburg, *Conflict Mediation Across Culture: Pathway and Pattern* (Louisville, Kentucky, Westminster, John Knox Press, 1992) 20

¹¹⁴ O. Ibeanu & P. Mbah, 'Sub-Ethnic Identity and Conflict in Nigeria: Revisiting the Aguleri-Umuleri Conflict in Anambra State' in J. Ibrahim (ed) *Citizenship and Indigeneity Conflict in Nigeria* (Abuja, Center for Democracy and Development, 2012) 122

heritage is superior. Their first recorded conflict took place in 1904.¹¹⁵ Their point of conflict is on “who owns the land”, which was the aftermath of the contest of who has exclusive ownership of the area known as Otuocha. According to Afigbo, the Otuocha land dispute between the Aguleri and Umuleri Communities exposed the role of Europeans in creating and intensifying land disputes in Eastern Nigeria during the colonial era. The Otuocha land which is at the boundary between Umuleri and Aguleri was a case of grant and counter grant, sale and counter sale to the Europeans of the same land which had, historically, been used by the two Communities in common without any problems.¹¹⁶ Two major conflicts between the Aguleri and Umuleri Communities were remarkable; the 1995 and 1999, and the casualties were massive. According to the Nweje Panel, private houses and properties destroyed in 1995 conflict were to the tune of over N3 billion, and damages to public buildings was in excess of N232 million. The material cost of the 1999 conflict was unprecedented, and looting also widespread.¹¹⁷ The Anambra State government has had cause to intervene in the conflict by setting up a judicial panel of inquiry headed by retired Justice Nweje whose recommendations was never implemented.

F. Delta State

In Delta State, the more pronounced indigeneity conflict is between the dominant tribes of Ijaw, Urhobo and Itsekiri; with part of the focal point of the conflict being the question of who came to Warri first- who owns Warri? Warri is the largest city in the southwestern Delta State and a major hub of the oil industry in Nigeria. There was violent conflict in 1999 between the Urhobos and Itsekiri as part of the simmering conflicts over Warri, amongst several other instances. It is a fact that the Ijaw and Itsekiri have lived together peacefully for centuries. However, besides the impact of colonialism, the discovery of oil in the early 60s in the Niger Delta region created a new era of conflict especially in relation to land because a successful claim to ownership of land has the prospect of yielding great benefits in terms of jobs and infrastructural benefits from the oil companies and the government.¹¹⁸

Most remarkable is the Warri Crisis of 1997 occasioned by the fight to claim ownership of ‘Warri’, wherein hundreds of people died, six SPDC installations were taken over and many casualties, including the death of over a hundred people, were recorded.¹¹⁹ Lastly, issue of allocation of local government ward cum control of Warri – the largest cosmopolitan area in Delta State has been a big cause of conflict amongst the Ijaws, Itsekiri and Urhobos about which amongst the three groups are “truly” the indigene of Warri – as against the others- with all the

attendant advantages and benefit of indigeneity to the exclusion of others.¹²⁰ Several hundreds of people were reportedly killed over the cause of several months in clashes in 2003 over the delineation of electoral wards in Warri.¹²¹ It can be said that poverty lies in the real cause of this conflict because access to political power is a guarantee to benefiting from ‘system’. According to HRW, the dispute over Warri’s ownership is in large measure a struggle for control over scarce economic resources. This is because very little of the considerable wealth generated by the oil industry in and around Warri has trickled down to the ordinary citizens of the town. Therefore there is a desperate lunge for a stake in the affairs of the town which is considered ‘as important as life itself’.¹²²

VI. CONCLUSION AND RECOMMENDATIONS

At the heart of most crisis facing the Nigerian nation is the indigene-settler dichotomy wherein the original inhabitants or indigenes of a locality square up against the supposed settlers in violent conflicts over access to economic and political resources. The government and the Constitution of Nigeria are, as well, complicit in the imbroglio by virtue of the policies and the laws relative to indigeneity. The country has been struggling to accommodate its diverse ethnic, religious, lingual, cultural, and other divides. Although, it seems that there are increasing flood of conflicts in every part of Nigeria, but the Nigerian government have neither displayed nor exercised strong political will to address those conflicts conclusively with the requisite panacea hence they keep reoccurring.

The issue of indigene-settler conflicts is a fairly recent phenomenon in the Nigerian polity and the root of this conflict is traceable to the history and impact of colonialism in Nigeria. Words like ‘indigene’, ‘son of the soil’, ‘non-indigene’, ‘settler’, amongst others, have become meaningful and relevant in relatively recent times in the politics of the Country. Indigeneity is merely an ingeniously invented word used in Nigeria to define natives of a particular place as distinct from other citizens of Nigeria living in that same locality. It is an identity platform used to target and discriminate against fellow citizens of Nigeria. As equal citizens of Nigeria, these Nigerians who find themselves living outside of their ancestral lands feel they should have the same access to opportunities, rights, and privileges in the socio-political sphere as those who were born there. On the other hand, the so-called indigenes interpret the aspirations of the non-indigenes as a challenge to their birthright, and as a result, there are violent conflicts that destabilize the political stability of the nation.

Towards ensuring that every Nigerian is free to live anywhere in the federation without interference, the Constitution of the Federal Republic of Nigeria guarantees all citizenship rights to all Nigerians equally. Additionally, it defined Nigerian citizenship and the process for obtaining it, placing more emphasis on the parental than on the

¹¹⁵ *Ibid*

¹¹⁶ A. Afigbo, *Ropes of Sand; Studies in Igbo History and Culture* (Nsukka, UNN Press, 2002) 90-93

¹¹⁷ Ibeano & Mbah (n228) 130-131

¹¹⁸ O. Ikime, *Niger Delta Rivalry; Itsekiri-Urhobo Relations and European Pressure 1881-1936* (London; Longman, 1969) 245; J.O.S. Ayomike, *A History of Warri* (Lagos, Ilupeju Press, 1998)

¹¹⁹ *Ibid*; Human Rights Watch (n 94)

¹²⁰ Olowojolu, (n69)

¹²¹ Human Rights Watch (n64)

¹²² *Ibid*

residential link. Even from the provisions of the same Constitution that guarantees freedom against any form of discrimination, even though they were born and raised in that region, Nigerians whose parents or grandparents did not originate from their home state find it extremely difficult to be elected or even appointed to political office. The ubiquity of these primordial attachments and sentiments as the cornerstone of full citizenship has spread throughout Nigeria and is now a conspicuous aspect of social interaction.

The Constitution's indigeneity clause is being exploited to justify prejudice against fellow Nigerians who belong to different linguistic and ethnic groups and live in states that are "other than their own." As per the constitution, an individual can only be considered an indigenes of a State if their parents or grandparents belonged to an indigenes community within that State. It is more difficult for immigrants and non-indigenes who live outside of their grandparents' hometown to claim Nigerian citizenship than it is for the local indigenes population. This is due to the fact that the native inhabitants of the areas where they travel consistently exhibit attitudes or actions that serve as a reminder to the so-called "settlers" that "this is our land and not your own." By the way, the Constitution's tactical support of indigeneity against universal citizenship and its accruable rights emboldens the claimants to ownership of the "native" lands.

The case of Nigeria is the more pathetic because the migration in this instant is internal - that is citizens of Nigeria moving to other parts of the same Nigeria, and nobody from any part of the Country is forbidden from embarking on a journey within or outside the Country. *A fortiori*, in most cases, all the inhabitants and claimants of a particular area are migrants - the only difference is their respective time of arrival. The primary distinction between the spate of migration in Nigeria is that while most of the southern migrants still maintain ties with their ancestral hometowns, the Fulani migrants do not. This explains why the indigeneity battles are hottest in cases where the Hausa/Fulani are involved such as in the middle belt states of Nigeria.

Finally, it is recommended for Nigeria to enact a separate residency law that will specifically protect the residency rights of all Nigerians living in any part of the country outside their ancestral home. Residency, and not indigeneity, should be made a standard for accessing opportunities and public resources. The law should provide that any Nigerian citizen that have lived in an area for any specific number of years and performs all the attendant civic obligations should be accorded residency rights in that area. It is believed that the absence of a specific law regulating the relationship between the indigenes and non indigenes in every locality is the reason for the indiscretion, abuse and discrimination being meted out to Nigerian citizens who resides in places outside their ancestral home. A positive law, such as the Residency Act or Citizenship Act, with clear sanctions will go a long way in addressing the issues that orchestrate indigeneity crisis in Nigeria, such as the gender discrimination in transmission of citizenship through spouses, the question of 'belonging to a community

indigenes to Nigeria', and the status of a person who has no known ancestral home.