

## Indigeneity and Problems of Citizenship in Nigeria

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**Abstract:** The nature and character of the Nigerian state is promoting the issue of indigeneity which in a way is affecting the survival of Nigeria as a geo-political entity. Despite the constitutional provisions guaranteeing the citizenship status of Nigerians, yet within the country, the issue of indigeneity is making Nigerians to becoming second-class citizens in states other than their own. Indigeneity is becoming albatross in the goal of national integration and is creating problems for Nigerians as they are denied their constitutional rights in states other than their own. Therefore, for the goal of national unity, political stability and political development to be achieved, issue of indigeneity needs to be discouraged while promoting citizenship. The study is of the opinion that state of residence rather than state of origin should be a major determining factor in national politics, appointments and employment. This will de-emphasize the relevance of indigeneity in Nigeria.

**Key words:** Indigeneity, citizenship, Nigeria, political stability, national unity, political developments

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### INTRODUCTION

The increasing relevance of indigeneity can be traced to the nature and character of the Nigerian state, her unwieldy and somehow overdeveloped political super-structure, low level of development of productive forces and the cake-sharing syndrome. It is a known fact that the country, as at present constituted is experiencing very stiff and keen competition among various groups over available state scarce resources.

And such competition has propelled various ethnic groups, indigenous groups and sectional constituencies to continue to engage in intense struggle with one another for access to state power and the benefits accruing therefrom.

Indigeneity is a very serious issue affecting the survival of Nigeria as a geo-political entity. There is a deep attachment of Nigerians to their states of origin, regardless of whether or not they are residing there. The importance of indigeneity is manifesting in employment, admission into schools and colleges and appointment of people into positions (Femi, 2004).

The way and manner the Nigerian nation came into being encouraged and promoted indigeneity and the problems of citizenship. The people who inhabited the different geographical areas now constituting Nigeria saw themselves differently and were independent of one another. The various nationalities had existed as autonomous socio-cultural, political and economic units. But the 1884/85 Berlin Conference started the

unholy process of bringing together discrete and diverse nationalities under one state umbrella without the consent of the people concerned. Owing to this development which culminated in the amalgamation of the Southern and Northern protectorates by Lord Lugard in 1914, the Nigerian peoples so brought together saw the emergent state not only as alien but also as a forced contraption. Instead of being patriotic by supporting and respecting the state, they see it as an abstract object, a European formation and therefore an evil arrangement that denied the people of their freedom. Because of this enduring notion of the Nigerian state by the people, they have had recourse to their various indigenous societies which to them are capable of protecting and guaranteeing their individual rights, privileges and advancement in the Nigerian state.

All Nigerians are overprotecting their indigeneity because of the attractions it offers. What is noticeable in the country is that indigeneity is placed before national citizenship. Despite constitutional provisions that emphasize the importance and relevance of citizenship, particularly as regards the rights and obligations associated with it, indigeneity has consistently thwarted citizenship. Citizens are facing undue deprivation within the country contrary to Section 42(2) of the 1999 Constitution that says No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth (Printer Anonymous, 1999). Unfortunately, in this county, citizens are under going deprivations in states other than their own. This is the crux of the matter.

This study explores the problems posed by the issue of indigeneity in the country. It is pertinent at this juncture to examine constitutionalism and citizenship in Nigeria.

### **CONSTITUTIONALISM AND CITIZENSHIP IN NIGERIA**

Citizenship, according to Cambridge International Dictionary of English is a state of being a member of a particular country and having rights as a result of this. Sections 25, 26 and 27 of the Nigerian 1999 Constitution make provisions for all categories of citizenship i.e., by birth, by registration and by naturalization (Printer Anonymous, 1999). The constitution also makes provisions for the rights and obligations of the citizen. The notion of citizenship connotes reciprocity between rights and duties. This is so because citizenship confers certain duties alongside rights and privileges.

Sections 33-43 are constitutional provisions that guarantee the fundamental rights of Nigerian citizens. The right to freedom from discrimination, in Section 42 (1), (2) and (3) is of utmost importance to our discussion here. According to these sections and subsections:

- A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not by reason only that he is such a person
- Be subjected either expressly by, or in the practical application of any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject
- Be accorded either expressly by, or in the practical application of any law in force in Nigeria or any such executive or administrative action any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinions
- No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstance of his birth
- Nothing in subsection (1) of this section shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the state or as a member of the armed forces of the Federation or a member of the Nigeria Police Force or to an office in the service of a body corporate established directly by any law in force in Nigeria

There is no doubt that these constitutional provisions are safeguards against discrimination in any form in the country. They consider Nigerians as citizens with equal rights, irrespective of race, sex, religion and status. The framers of this constitution just like the ones before it had the intention to use the provisions on citizenship and fundamental rights to promote national political objectives, to build a united and free society for all Nigerian citizens.

In design, the enjoyment of fundamental rights has no discriminatory application but in execution, there are a lot of problems, which border on some aspects of the constitution itself. This to say that, the constitution itself, has created problems for Nigerian citizens as we shall soon see in this study. For example, such problems lie in the constitutional provisions on issues like the implementation of the federal character principle, quota system and the problem of indigeneity. The import of this is that there seems to be a lot of contradictions between the formal provisions in the constitution on citizenship rights and the practical application of these rights altogether. When applying these rights, citizenship is unfortunately substituted with indigenes or natives particularly when it comes to the issues of appointment, election or other benefits from the state. To Ibrahim and Igbozor (2002), these tendencies are capable of undermining the very essence of Nigerian citizenship because one is not really a Nigerian citizen but only a citizen of the place to which he or she is indigenous.

Despite the constitutional provisions on citizenship rights, Nigerians are being discriminated against in areas other than their places of origin. This no doubt is a mockery of the constitution which itself does not provide enough safeguards against such discrimination but instead tends to promote it. The application of citizens rights often generates political tension and violence due to the fact that it is intricately tied to the issue of ethnic identity and indigeneity. It is necessary to examine the issue of indigeneity in the Nigerian state at this juncture.

### **INDIGENEITY AND THE NIGERIAN STATE**

Indigeneity is simply a discriminatory concept employed in the Nigerian state to distinguish between the indigenes or natives of a state or locality and those who are referred to as non-indigenes or settlers. For example, an Ebira man living in Ekiti State for over 25 years making necessary contributions to the development of the state is not regarded as an indigene of the state. Irrespective of the number of years he has spent in Ekiti State, he and all

members of his family are still regarded as settlers and non indigenes hence, they cannot have access to or benefit from what is purely reserved for the indigenes, even if such indigenes have not been in Ekiti State for over 30 years.

Indigeneity, according to Abdullahi Adamu (the former executive governor of Nasarawa State, Nigeria) is a biological term that has assumed serious social and political meaning in Nigeria and around the world. Indigeneity is used in Nigeria to distinguish natives of a particular place from other Nigerian citizens found in that locality. It is also used to confer special privileges which are beyond the reach of non-natives (Ibid) on the natives.

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

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

It needs to be noted that the introduction of regionalism by the Richards Constitution in 1946 and the subsequent state reorganizations in 1963, 1967, 1976, 1987, 1991 and 1996 in the country have not only encouraged sectional consciousness, loyalties and sentiments but have also made these states centers of attraction to Nigerian citizens. Indigeneity is seen as a weapon commonly employed by various groups depending on the degree of scarcity of resources and the forms of competition that may arise. In emphasizing the import and centrality of indigeneity to the Nigerian state, Nwosu (2000) attributed it to the cake sharing syndrome and the

distributive pressures associated with Nigerian federalism. Indigeneity is a weapon of the elite for access to the resources of the state. In other words, indigeneity has become a powerful political weapon in the hands of the political elite in the struggle for state power and resources. As Nwosu eloquently put it:

The political elite has fanned religious and ethnic factors in the pursuit of their selfish and acquisitive interests. This attitude of the elite, fuelled by distributive pressures of the cake sharing syndrome of Nigerian politics, underpins the perennial divisive crises of our nation concerning revenue, federal character, the struggle for new states... all of these are distributive centrifugal forces in Nigeria's federalism (Ibid)

One of the things that make the issue of indigeneity deep-rooted in Nigeria is the factor of land. Land ownership is a matter of life and death in Nigeria in particular and Africa in general. Africans and indeed Nigerians, see land as an inheritance from God and, as such, nobody wants outsiders to encroach on his inheritance. Land is handed over from one generation to the other. In Nigeria, the state and citizenship have little or no appeal in the consciousness of the people.

As such, they are not bothered about what happened to the Nigerian state and their citizenship status. In other words, people see the state as highly incapable of guaranteeing and protecting their rights and offering them privileges. And where the state fails the indigenous groups excel.

No matter the status of an individual in this country, he has more attachment and loyalty to his indigenous group than to the nation itself. This is as a result of the fact that indigenous groups offer a lot of assurance and protection to the individuals. Indeed, the elite seek protection and advancement from their indigenous groups rather than the state itself.

What is worse, Nigerians do not have any right to indigeneity outside the state of their parents birthplace. Owing to this phenomenon, many Nigerians who are linguistically and culturally assimilated into a community different from their parents own are denied indigeneity of the place, irrespective of the number of years of living in the place.

#### **PROBLEMS OF CITIZENSHIP IN NIGERIA**

The various Nigerian democratic Constitutions of 1979, 1989 and 1999 provided legal basis for indigeneity. For example, Section 318 (1) paragraph (vi) of the 1999 constitution states, inter alia:

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

The earlier simply reinforces the earlier submission that Nigerian citizens have no right to indigeneity outside their states of origin. In this connection, Daniel Bach observed Nigeria's younger generation is being socialized into indigeneity, state and local government identity as crucial parameters for the definition of their future prospects (Daniel, 1989). In Nigeria, because of the issue of indigeneity, long-term residency does not guarantee any serious commitment to one's state of residence. Irrespective of the years of residence, one cannot freely participate or benefit from what is indigenous to one's place of residence once it is not one's state of origin. With regard to this, Raufu (1998) noted that:

Long-term residence, cultural assimilation into the host community and a clear commitment to one's state of residence are not recognized criteria for membership of a state. This amount to constitutional ossification of strangerhood, contrary to a historical dynamic of intergroup relations in many Nigerian communities. While foreigners can and become Nigerians indigenous Nigerians can hardly belong to any state of the federation other than those to which either of their parents are indigenes of. As resident, strangers or non indigenes, many Nigerians are then denied many basic rights which should ordinarily be guaranteed to them by our common citizenship

There is no doubt that many Nigerian citizens are being denied basic rights that are guaranteed by the constitution because of the issue of indigeneity. While foreigners are allowed to naturalize after spending some years and become citizens of Nigeria, enjoy those rights and privileges reserved for free born Nigerians, such opportunities are not given to Nigerians living in states other than their own.

Attempts have been made somewhere else (Femi, 2004) to show those factors that promoted or gave rise to indigeneity in the country. Such factors include the following: the constitution, the principle of federal character, ethnicity, quota system, among others. All these have pushed citizenship to the back burner in the country to the detriment of national integration. Eme Awa recognized this by noting that indigeneity is an intractable problem militating against national integration and development (Awa, 1983). According to him:

The problem of indigeneity is one of the most intractable forces militating against national integration. The strictures that people pour at statism indicate that many critics are entirely oblivious of the fact that indigeneity ... is the root of the problem; we condemn statism while embracing warmly ... the value which gives rise to it (Ibid)

One of the effects of the problem of indigeneity is violent ethnic conflict. Owing to this problem, non-indigenes are prone to periodic violent attacks in areas other than their own. In most religious violent crises in Northern Nigeria, non-Hausa and Fulani Nigerian, particularly Yoruba and Igbo are often attacked, killed and their properties looted simply because they are non-indigenes of the area.

For example, in Zongo Kataf in Kaduna State, the claims of the indigenous Kataf against the immigrant Hausa Community exploded into violence in February 1992. Also, a similar violent conflict was recorded in 1990, 1991 and 1992 between the indigenous Jukun and the immigrant Tiv communities in Wukari and its environs (Nnoli, 2003). In all these violent conflicts, so many citizens lives were lost, thousands were wounded while a lot of houses and properties were completely burnt or destroyed. Apart from this in Nasarawa State, there were violent clashes between Bassa and Ebira ethnic communities. These conflicts could be traced to the problem of indigeneity. All these problems had their root cause in the issue of land ownership as earlier identified. Gbong Gwon Jos, Victor Dung Pam, corroborated this while reacting to the political violence in Plateau State. According to him:

People mix up citizenship and indigeneity. Citizenship is constitutional issue. Anybody in Nigeria is a citizen of the country. But indigeneship is a different ball game. The meaning is that you have a region, an area that is God-given and you have been there from day one. That means you are an indigene of the place. But there are people who are claiming indigeneship here (Plateau State) when they already have indigeneship somewhere. They want to have a second one here. That is, not permissible. That is not acceptable (Pam, 2004)

Nigerians are concerned about their indigenous status and are ever ready to guard it jealously. This has a lot of implications for Nigerian citizenship, as it creates discriminatory practices in crass contravention of constitutional provisions. Non-indigenes in Nigeria are at

best second-class citizens in the states other than their states of origin. Hardly can one get job placement in the civil service of states outside one's state of origin. If at all one is lucky to be employed, it is usually contract job, which is not pensionable. Apart from this, such non-indigene cannot be given some positions or be allowed to rise beyond a particular level in the system. This is not only dysfunctional to the system, it is equally antithetical to the spirit of development and national integration, as qualified manpower is underutilized.

The seeming contradictions in the Nigerian 1999 Constitution are actively promoting the problem of citizenship in Nigeria. The constitution, as earlier indicated in this study, guarantees fundamental human rights and also guides against discrimination of any form. Unfortunately, the same constitution is encouraging discrimination, particularly on the basis of the state of origin under the guise of federal character and quota system, among others. For example, the concurrent legislative list openly encourages states to freely discriminate and operate distinctions between their indigenes and non-indigenes in job placement, admission to schools and colleges, payment of school fees, etc. Apart from this to benefit from federal service, Nigerian citizens are being discriminated against on the basis of federal character, quota system, catchment area and state of origin.

The point being emphasized here is that there exist contradictions between the formal provisions of the constitution on citizenship rights and the practical applications of these rights because of the labels of indigenes, natives and settlers. Ibrahim and Igbozor (2002) observed that these issues have tended to undermine the very essence of Nigerian citizenship in the sense that one is not really a citizen of Nigeria but rather a citizen of the place to which he/she is indigenous.

### **CONCLUSION**

It is established in this study that Nigerian citizens are not fully enjoying their citizenship rights because of the problem of indigeneity. This, in the opinion of this study is very dysfunctional, particularly to the goal of national integration and political stability of the country. The issue of indigeneity and its attendant problems are traceable to the contradictions in the nation's constitution. It is, therefore, the contention of this study that something urgent must be done to de-emphasize the importance and relevance of indigeneity in the political

system before national integration; political stability and political development could be achieved. State of residence rather than state of origin should be a major determining factor in national politics. It is by this that full citizenship rights as enshrined in the constitution could be achieved.

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