

The Search for Solution to the Challenge of Indignity to Inclusive Citizenship in Nigeria

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Abstract: In recent years and, especially since the return of democracy in 1999, the contradiction between being a ‘Nigerian citizen’ and an ‘ethnic citizen’ has played itself out in the frequent eruptions of intra and inter-ethnic conflicts across the country. Nigerian citizens and elites have struggled about how to design a conception of common inclusive citizenship that could override primordialist practices. Based on secondary sources, this article examined the citizenship-indigeneity contradictions in Nigeria and the legal-constitutional and political initiatives that seek to address the problem. It highlighted the debate between proponents of a constitutional review process that would grant “indigeneship” rights to non-autochthonous citizens in particular communities or states and the primordialists who favour excluding non-indigenes from certain local rights and privileges. The paper concludes that the behaviour of the political elites, and particularly the lack of political will on the part of the federal government and National Assembly in tackling the problem have largely undermined efforts at building consensus on inclusive citizenship. Far reaching recommendations were made, which if implemented will help to defuse the tension of indigeneship in Nigeria.

Key words: inclusive citizenship, indigeneship, primordialism, political elite, constitutional amendment.

Date of Submission: 07-05-2018

Date of acceptance: 26-05-2018

I. INTRODUCTION

Since the return of democracy in 1999, the contradiction between being a ‘Nigerian citizen’ and an ‘ethnic citizen’ (an indigene of a particular ethnic group, state, locality or community) has played itself out in the frequent eruptions of intra and interethnic conflict. The main issue is whether and how to accommodate the notion of “indigeneship” rights for certain citizens in certain locations with the conception of a common inclusive citizenship. The argument is about building consensus around a constitutional review processes that would grant indigeneship and residency rights to Nigerians who are not indigenes of a particular community or state. The problem however goes beyond mere constitutional review as many doubt whether constitution provisions in itself can invalidate a practice rooted in the political and socio-cultural practices that have come to defined everyday life experiences in Nigeria. In other words, can constitutional provisions on citizenship resolve the indigene/non-indigene dichotomy in Nigeria? What have the various national conferences and dialogues, including the 2014 national conference, contributed to the debate? And how has the National Assembly approached the demand for constitutional amendment seeking to remove exclusionary right of representation granted indigenes in the appointment of federal and state cabinet ministers and commissioners?

This paper argues that indigeneity has been allowed to undermine citizenship in Nigeria because the political elite and a section of traditional and religious rulers have blocked attempts to change the status quo. They have over-politicized the indigeneship question, simultaneously benefitting from it, especially in periods of competitive elections and in the distribution of political appointments. They have tended to separate ‘citizenship rights’ from ‘cultural rights’ in a political community, restricting the former to residency rights devoid of political currency and the latter as indigeneship rights to be enjoyed solely by indigenes, which includes the exclusionary right to land, cultural heritages and political representation of ones’ autochthonous constituency. This practices have regularly plunged communities into recurrent indigene/settler conflicts over identity, access to resources, including right to grazing land and political representation. There is an urgent need of a political leadership that would galvanize important stakeholders towards reaching a consensus through sustained dialogue in addressing the challenge posed by indigeneity to inclusive citizenship, thus creating the enabling environment for building the necessary social fabric for durable peace and sustainable development.

II. CONCEPTUAL AND THEORETICAL PERSPECTIVES ON CITIZENSHIP, INDIGENEITY AND THE STATE IN NIGERIA

Citizenship is a contested concept. Adebanwi (2013:87) conceives of citizenship ‘as perpetual struggle for social change’. Shklar (1989:3) equally notes that ‘there is no notion more central in politics than citizenship, yet none more variable in history, or contested in theory.’ In its preliminary understanding, citizenship is considered to mean membership in a political community. But what does ‘membership’ precisely mean?

Bottomore (1992:65) for example observed that while the Western traditional notion of citizenship as comprising the rights and duties of individuals in a political community usually lies at the core of modern citizenship, many new questions about citizenship have emerged with reference to societies or states with populations that are far from being homogeneous. Consistent with this view, Brubaker (1989b:3) notes that ‘formal citizenship is neither a sufficient nor a necessary condition for substantive citizenship’ as ‘one can possess formal state membership yet be excluded (in law or in fact) from certain political, civil, or social rights or from effective participation in the business of rule in a variety of settings’. Focusing in part on Nigeria, Ekeh (1975:92) argued that the experience of colonialism led to the emergence of a unique historical configuration in modern post-colonial Africa: the existence of two publics instead of one as in the West: the primordial and the civic public. Ekeh argues that the extension to Africa of Western conceptions of politics in terms of a monolithic public realm, morally bound to the private realm, can only be made at conceptual and theoretical peril. For Ekeh, it is in the ‘primordial public,’ largely defined by primordial groupings, ties and sentiments that private morality extends. The ‘civic public,’ historically associated with the colonial administration, ‘is amoral.’ Elements of citizenship in Africa –‘rights and duties’- according to Ekeh, are experienced and upheld at the primordial public, but carry less currency in the civic public.

Ekeh’s theory of two publics strike at the core of the indigeneity challenge to inclusive citizenship in Nigeria and the search for a durable solution: while citizenship is derived from the ‘civic public’ as product of modern statehood that defines rights and duties of a member of the State, its acceptability as an element that defines membership in the ‘primordial public’ is fiercely contestable. Put differently, in the primordial public, indigeneship, rather than citizenship defines membership. A great measure of political identity is derived from the primordial public where having ‘ancestral roots’ and being a ‘son or daughter of the soil’ at a sub-national level is the sole determinant factor.

Merely being a Nigerian citizen has not provided-sufficient ground for being accepted, and much less belonging, to the various localities and communities within each state, which primordial groups see as their homeland. Moreover, access to the benefits of citizenship at the state and local levels often de facto requires belonging to a local primordial public. Access to land ownership, for example, is often conditioned by one’s ‘sonship’ or ‘daughtership’ of the soil, one’s alleged belonging to ‘first settlers’ on the land. Thus, land and land tenure system find themselves imbricated in the conflictual notions of indigeneship and citizenship conundrums. As Isumonah (2003:1) has argued, ‘the land tenure of first settlers or groups affects the assimilation or dissociation of later settlers or ethnics with critical implications for their citizenship rights and inter-communal relations.’ Consequently, the denial of rights to land and political representation to later settlers (non-indigenes) by those who so appropriate ‘first settlers’ rights and privileges (the self-styled indigenes of the various localities, communities and states) is at the root of the citizenship-indigeneship crisis in Nigeria.

III. INHERENT CONTRADICTIONS IN THE DEFINITION AND PRACTICES OF CITIZENSHIP AND INDIGENESHIP IN NIGERIA

An examination of the Nigerian 1999 Constitution clearly indicates that though the constitution guaranteed equal rights of all citizens, inherent contradictions however exist with respect to the rights and privileges of citizens in certain areas. And as would be expected, in any political contestation and struggle for socio-economic resources in a post-colonial state like Nigeria, politicians and traditional rulers have explored the inbuilt contradictions in the constitution to often make case for and defend what they now so defined as their right and privileges-- the right to political representation and governance of their autochthonous community or locality to the exclusion or deprivation of later settlers (non-indigenes) who nevertheless have spent decades in such places, resulting in recurring conflicts.

Section 42, subsection (1) of the 1999 Constitution states: ‘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: (a) 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 citizen of Nigeria of other communities, ethnic group, places of origin, sex, religion or political opinions are not made subject; or (b) 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 citizen of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinions’. Furthermore, section

42, subsection (2) clearly states that ‘no citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth’.

However in an attempt to promote national unity and prevent the predominance of persons from a few ethnic or sectional group in governmental structures and agencies, the constitution in section 14, subsection (3) declared that ‘the composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character¹ of Nigeria’. Same provision applied to the composition of the Government of the federating units, whether a state or a local council. Section 15 (2) further states ‘national integration shall be actively encouraged, whilst discrimination on grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited’.

In giving effect to the aforementioned section 14 (3), section 147 subsection (3) mandates the President to ‘‘appoint at least one Minister from each State, who shall be an ‘indigene’ of such State’’. What this means in essence is that a person or a citizen who is not indigenous to a particular state cannot be appointed by the President to represent the state as a Minister. In few cases where such appointments were made by the Presidents, indigenous politicians and opinion moulders from the state in question have often challenged such appointments, insisting only citizens indigenous to the state or locality be nominated to represent the state. A good example to illustrate this manner of behaviour by self-styled indigenous leaders claiming to be championing and protecting the interest(s) of their autochthonous communities was the controversy that heralded the nomination of Dr Olusegun Aganga for a ministerial post in 2011 representing Lagos State in the federal cabinet by former President Goodluck Jonathan. The Association of Lagos Indigenes had opposed the nomination arguing that Aganga was not an indigene of Lagos State and, as such, was not qualified to represent Lagos State in the federal cabinet based on the provision of section 147 (3) of the 1999 Constitution. In a petition to the National Assembly, the petitioners led by a retired judge of the High Court of Lagos State, Justice IsholaOluwa, implored the Senate to reject the nomination, arguing that Aganga was from Edo State and not an indigene of Lagos State. Though the Senate proceeded with the confirmation of Aganga, three years later, the then Governor of Lagos State, BabatundeFashola, had cause to remark that ‘the federal government did not give Lagos State equal representation with the appointment of ministers since Aganga, who was appointed on the state’s slot, actually hails from Edo State’ (Daily Independent, April 4, 2014, p. 7).

The long-standing controversy generated by Aganga’s indigeneship status informed the subsequent appointment of Mr. Obanikoro, an indigene of Lagos State, as minister representing Lagos State in the federal cabinet in February 2014 by former President Goodluck Jonathan. Indeed the indigeneship controversy is an everyday life experience with Nigerians as it cut across socio-economic interactions such as in public employments and admissions into public schools, to contestations over securing government appointive positions and competitive electioneering, with politicians and traditional rulers employing candidates’ indigeneship status to mobilize or demobilize support base, often times resulting into outright indigene/settler conflicts.

In the build up to the 2015 governorship elections in Lagos State for example, the indigeneship status of the two leading candidates, Dr Obafemi Hamzat and AkinwunmiAmbode were seriously challenged by those who insisted that Lagos should be governed by those indigenous to the State. A leading advocate of the demand was the supreme traditional ruler of the state, Oba AkioluRilwan. While authenticating the Lagos ‘indigeneship’ of one of the leading candidates, Mr. AkinwunmiAmbode, the traditional ruler publicly declared his opposition to Dr. Obafemi Hamzat on the allegation that Hamzat was not an indigene of Lagos state. Oba Akiolu declared that ‘the royal fathers have consulted widely within the state with the sons and daughters of the state and have come to the conclusion that the best person to take over from BabatundeRajiFashola is AkinwunmiAmbode’ (Thisday, May 16, 2014, p.50). The Oba remarks that Hamzat was originally from Ogun State, notwithstanding the fact that both states belong to the south western ethno-territorial region of the Yoruba ethnic group. It is intriguing to note that Dr. Obafemi’s family had resided in Lagos state for well over four decades and his father, MufutauHamzatplayed active politics in Lagos state all his life, serving variously as a member of the State House of Assembly and Commissioner for Transport in the 1970s and 1980s, but was later crowned an Oba in Ogun State. Dr Obafemi Hamzat himself had equally served Lagos state as Commissioner for Science and Technology as well as Commissioner for Works and Infrastructure from 1999-2011. His father being crowned an Oba in Ogun state inevitably revealed the family’s ancestral roots with consequential political damage. Upon signifying his interest to run for the governorship position of Lagos state, his indigeneship status was called to question by the Oba of Lagos and the self-styled indigenes of the state. Notwithstanding his numerous attempts

¹ The federal character is an official principle and policy of the Nigerian government in ensuring that the composition of the Federal Government or State Government and the conduct of their affairs shall be carried out in such manner as to ensure fair and equitable treatment for all the component states and ethnic groups in the country, Nigeria being a multicultural, multilingual and multi ethnic society.

to claim authentic indigeneship of Lagos, he was defeated by Akinwunmi Ambode in the party's primary for the election of the party's flag bearer for the governorship election.

IV. PERSPECTIVES ON THE NATURE OF THE DEBATE AND CONFLICTS ASSOCIATED WITH INDIGENEITY

As has been analysed in the preceding session, Section 147(3) of the 1999 Constitution mandates the President to appoint at least one Minister from each state of the federation into the cabinet and the appointee shall be an indigene of the particular state. This primordialist induced provision inserted into the Constitution as a safeguard against the President or Governors' tendency to appointing persons from a few states, ethnic and sectional groups and localities into government and governmental agencies, has inadvertently become a major challenge to a conception of common inclusive citizenship. The constitutional provision has made it possible for state and local governments to exclude non-indigenes from political appointments. More worrisome is the fact that educational programs, state and local government scholarships, headship of religious institutions, citizens' perception of government performance, demands for accountability and transparency in government and appointments to public institutions such as Vice-Chancellors, Registrars, Deans and Departmental chair positions of universities and other tertiary institutions in the country have increasingly become sensitive to indigeneity, often resulting in indigene/settler agitations and conflicts.

On February 24, 2013, Police in Minna, Niger state managed to stop a protest by the host communities of the federal university of Technology, Minna, following the appointment of a non-indigene, Professor Musbau Ade Akanji, as the new vice-chancellor of the university. The protesting group, claiming to be working in the interest of the host community, expressed its resolved to resist appointment of a non-indigene as the vice-chancellor of the university (Daily Independent, February 25, 2013, p. 15). In February 2014, youths in Taraba State under the aegis of the Coalition of Youth Organisations protested the alleged marginalisation in the employment of indigenes of the state in administrative and academic cadres of the newly-established federal university, Wukari (Daily Independent, February 7, 2014, p. 17). In a move similar to the agitation of Oko indigenes in Anambra State who demanded the appointment of an indigene of the community as Rector of federal polytechnic, Oko, the indigenes of Yewaland in Ogun State where the federal polytechnic, Ilaro, is located demanded the appointment of one of their "son" as the Rector of the polytechnic at the end of the tenure of Dr Raheem Oloyo, an indigene of Kogi State in June 2014 (Daily Independent, April 2, 2014, p. 46). Likewise, when the Pro-Chancellor and Chairman of the Governing Council of the university of Nigeria, Nsukka, Dr Emeka Enejere, an indigene of Nsukka, was removed by President Goodluck Jonathan over alleged misapplication of university funds, indigenes of Enugu North Senatorial Zone (Nsukka) led by the President-General of Nsukka Town Union went on rampage and demanded for the reinstatement of Dr Emeka whom they considered a "son of the soil", notwithstanding the case of financial embezzlement levelled against him (The Guardian, May 1, 2014, p. 42).

Ordinarily, people should follow up opportunities where they exist, whether political or economic opportunities. But in a country where significant resources are controlled and dispensed by government, who occupies governmental offices is quite important. Much more important however is the 'ancestral roots', the 'primordial public' of those in government, as they are perceived to be representing the interest (s) of the primordial public. This is made worse by the pressure public officials receives from their folks to use the instrumentalities of the civic public to benefit the primordial public. One can actually take up political appointment or seek elective representation in one's place of residence (outside of one's ancestral home or place of origin) and use part of the resources to develop one's ancestral home such as contributing to building public schools, health centres, provision of water and other community developmental projects. The sensitivity of this practice in Nigerian body politics can be highlighted with the experience of Lagos politics in the heat of the build up to the 2015 governorship elections in the state. Mr. Babatunde Gbadamosi, an 'indigene' of the state who was a former governorship aspirant during the 2011 elections, decried what he referred to as a 'situation where Lagos indigenes are relegated to the background while citizens of other states are appointed as Commissioners, elected into the State House of Assembly, National Assembly and other positions' (The Guardian, July 25, 2013, p. 6). According to him: 'some of these people (non-indigenes) got financially empowered and later returned to their States of origin. In essence, the grievance is that non-indigenes appropriates resources in their state of residence to further the development of their homeland.

Several efforts have been made to address the indigeneity challenge to inclusive citizenship in Nigeria. In 1986, the Babangida military government set up a Political Bureau to conduct a national debate on the political future of Nigeria with the indigeneship question a key component. The bureau submitted a comprehensive report to government on 27 March 1987, recommending the granting of full Residency Rights to all Nigerian citizens resident from at least, ten years in a state. This, according to Ayoade (1998:105) would have meant the tying of 'citizenship rights to either place of birth or residence such that any Nigerian who has lived in any part of the country for ten years can enjoy full residency rights, which must include all rights

normally available to the indigenes of the state'. The recommendation was rejected by the Constituent Assembly that considered the report in 1988 as the recommendation was considered to be 'unpopular' among the political class and traditional elites who are the custodians of the various ethno-constituencies and localities. In retrospect, Professor Adeniran, a member of the Political Bureau's Committee that deliberated on the indigeneship and residency issue recalled the committee made adequate recommendation, which in his view, ought to have guided government in resolving for once, the challenge posed by indigeneity to inclusive citizenship in Nigeria: 'we had recommended that after people have spent a number of years, say five to ten years in a particular community, that person should be entitled to everything that anybody born in that community is entitled to, including responsibilities as well' (personal interview, Abuja, November 20, 2013).

Similarly, national dialogue over granting residency and indigeneship rights to both indigenes and non-indigenes has remained a major issue in Nigeria. In the 2005 report of the Constitutional Reform Dialogue organized by the Programme on Ethnic and Federal Studies and the Open Society Initiative for West Africa, with members of the State House of Assemblies and civil society groups in the Niger Delta region, participants recounted how the indigene/ non-indigene dichotomy had resulted in a number of violent contestations over the meaning of citizenship, and noted that those compelled by circumstances to settle outside of their states and locality of origin should not be made to suffer discrimination (PEFS, 2005). They therefore called on the government to revisit the recommendations of the 1987 Political Bureau on resolving the settler-indigene dichotomy by initiating a constitutional reform that would grant citizenship based on residency and expunging Section 147 (3) from the 1999 Constitution. The Cross River State communiqué equally submits that 'the rights and privileges of citizens with particular reference to the state and local government be defined by the place of birth and residency only' (PEFS, 2005:15). Also, the Edo State communiqué recommended the expunging of indigeneship clause from section 147 (3) as well as section 25 (a) of the Constitution' (PEFS, 2005:22).

In a memorandum to the 2005 National Political Reform Conference (NPRC) convened by former President Olusegun Obasanjo, Channaine Pereira, Sam Egwu and NurudeenOgbara proposed an amendment to the 1999 Constitution to the effect that 'citizenship at the state level should be defined by residence and not indigeneity' (The Guardian, 7 July, 2005, p.73). This, according to them, would mean that every Nigerian woman and man should have the right to reside anywhere in Nigeria and be accorded access to the resources and benefits accruable to members of that society. The NPRC eventually collapsed on allegations of the 'rumoured tenure elongation' by the then President Obasanjo as well as the alleged 'resistance of members of the then National Assembly who felt not carried along in the processes.

In 2008, the federal government owned Institute for Peace and Conflict Resolution published the outcome of its workshop on "Dialogue on Citizenship in Nigeria" organized across the six geo-political zones of Nigeria in 2005. Interestingly, the communiqué that emanated from all the deliberations across the six geo-political zones highlights the significant challenge posed by indigeneity to inclusive citizenship practices in Nigeria, and like others, recommended constitutional review to grant residency rights for all citizens; a clear definition and delineation of the notions of citizenship, indigeneship, and residents rights and obligations associated with them in the constitution and amendment of section 147 (3) of the 1999 Constitution to exclude 'who shall be indigenes of such state' as one of the criteria for Ministerial appointment by the President (Golwa and Ojiji 2008:171-5). It is significant to note that participants at the workshop were Speakers of the various State Houses of Assembly with political wherewithal not only to influence but effect the needed amendment to the Constitution.

Interestingly, the people of Plateau State and the north central region in general seems to have had a different viewpoint on the need for a constitutional amendment allowing non-indigenes/settlers to enjoy rights and privileges normally enjoyed by indigenes, as a panacea to the numerous indigene/settler conflicts in the region. In the report of the Plateau Conference of 2004, participants called on the 'the federal government to include the definition of an indigene in the Constitution, as obtainable in the case of a citizen as well as be consistent with the principles derived from the reference made to "indigene" in Section 25 (a) and 147 (3) of the 1999 Constitution' (Plateau State of Nigeria Gazette, 2014). In furtherance to this view, delegates at the conference recommended 'that residence certificates backed up by an enabling law be issued to non-indigenes of good characters' (page 37 of the report). In their view, this certificate could only 'entitle the non-indigenes to certain privileges, excluding those that are the heritages and exclusive rights of indigenes such as traditional rulership, land ownership and rites of indigenes communities'. This position was re-echoed in 2012 by Plateau people in Jos South and Jos East federal constituency of Plateau State during the public hearing on the amendment of the 1999 Constitution hosted by their federal representative, Honourable BiltrusKaze in Jos, Plateau state, as they unanimously rejected what they termed as an attempt to 'indigenized' non-indigenes (Thisday, 11 November, 2012,p.99).

If one interrogates the position of the Plateau people, one would discover that the position is informed by their fear that those so labelled 'non-indigenes'/settlers, notably, the Hausa-Fulani, who have lived with them for several decades, would deprive them (the indigenes) of their right to ancestral land. The recurrent herders-farmers crisis over grazing land that have resulted in the killings of thousands of persons across a

number of states in Nigeria, especially in the north central states of Benue, Taraba, Plateau, Nasarawa and Adamawa attest to this. This is even so as the federal government policy measure to addressing the recurring crisis—the cattle colony policy², has been misconstrued rightly or wrongly by the indigenes as an attempt by the federal government to covertly pursue a policy of ‘internal colonization’ on behalf of the Fulani herdsmen aimed at granting them permanent settlement on land belonging to the indigenes (Nwabueze, PM news, January 30, 2018). The Fulani herdsmen -farmers’ crisis over grazing land in Nigeria has become a threat to national security as there seems to be no end in sight to the recurrent killings of persons and destruction of property with growing number of internally displaced persons. On January 1, 2018 alone, about 73 persons were allegedly murdered by herdsmen in Benue state with over 20,000 taking refuge in neighbouring Nasarawa state (Punch, January 20, 2018, p. 7).

Indigeneity and residency was a critical issue for discussion during the 2014 National Conference convened by then President Goodluck Jonathan to deliberate and make recommendations on the many challenges facing the country. Delegates at the conference, especially among the north-central states of Plateau, Benue, Niger, Kogi, Kwara and Nasarawa had urged the conference to debate and take a position on whether or not settlers (non-indigenes) have equal rights with their host communities in Nigeria (Seriki, 2014: 86). In recognition of the magnitude of the challenge posed by the indigene-settler dichotomy to the country’s drive for building inclusive citizenship and national integration, the conference secretariat established the Committee on Citizenship, Immigration and Related Matters, to deliberate and make recommendations on the issue. The Committee quite understood that the issue transcends the question of political participation or representation, but includes the complex issues of land ownership and protection of cultural heritages which are repeatedly canvassed by indigenes as superior entitlements over and above non-indigenes in a complex interplay of power and politics.

As noted by a member of the Committee, the fear of domination and mistrust was quite displayed by members of the Committee in the course of their deliberation:

The fear of the members of the Committee was that if you have that constitutional amendment that says that you can enjoy indigeneship rights within the communities, several states of the federation will be taken over by ‘foreigners’, and ‘strangers’. A typical example was Lagos; that soon, Lagos will be taken away from the owners and several parts of Nigeria will suffer what will be referred to as ‘reversed discrimination’, a situation where you find ‘outsiders’ actually dictating how you run your community. It was therefore decided by the Committee that an individual must belong to that community culturally. In other words, you cannot just stray into the community. Your generation, past generations must have been part of that community and the people of the community must know you as an indigene. You cannot just come from outside and become an indigene of a community.³

Following deliberation on the nature of the problem, the Committee recommended among others, an amendment to the 1999 Constitution, to the effect that the clause ‘...who shall be an indigene of such state’ contained in Section 147 (3) of the constitution be deleted to read ‘any appointment under subsection (2) of this section by the President shall be in conformity with the provisions of 14 (3) of this Constitution. Provided that in giving effect to the provisions aforesaid the President shall appoint at least one Minister from each state’. It also called for the expansion of Section 42(1) and (2) to place a duty on citizens to embrace national loyalty above sectional or ethnic loyalties. Section 42(2) was recommended for amendment to read : ‘ A person shall not be discriminated against on grounds of ethnic group, place of origin, sex, religion, political opinion, social or economic status, gender, disabilities or circumstances of birth (report of the Committee on Citizenship, 2014 National Conference, p.23).

The most recent national debate and dialogue over the challenge of indigeneity to inclusive citizenship was the public consultative sessions held by the ruling political party, the All Progressive Congress (APC). Following popular dissatisfaction with the political and governance structure of the country and the sustained demand for ‘true federalism’ and ‘restructuring’, the ruling party established a Committee to consider and make recommendations on key items ranging from among others, ‘state creation’, ‘derivation principle’, ‘fiscal

²As part of the response to the incessant herders-farmers crisis across the states of the federation involving herdsmen and host communities, mostly farmers, the federal government proposed establishing ‘cattle colony’ in every state of the federation “on a large scale as a place where many owners of cattle can co-exist”. Aware that the idea underlying a colony, both in antiquity and in modern times is that of settlement of people “with common or similar language, interests or occupations, living together in close association”, most people, including a number of states in the north central region and all states in southern region of the country have had cause to view the federal government intentions with suspect and vehemently opposed the implementation of the policy.

³ Author’s interview with Professor Olawale Albert, a delegate to the 2014 National Conference and member of the Committee on Citizenship, Immigration and other Related Matters, Abuja, Nigeria, 18 June 2014.

federalism and revenue allocation', 'devolution of power', 'resource control' and 'citizenship'. Having carried out consultations across the country and examining reports and recommendations of previous national conferences on the issue of indigeneship and citizenship, the committee notes that "the Land Use Act has since 1978 recognized and given effect to 'settlers' or customary tenants as entitled to a right of occupancy or 'ownership' of the land of which they were occupiers when the Act came into effect. However, the issue of indigeneship, residency and settlers are often confused with citizenship" (report of the APC committee on true federalism, vol.2, January 2018, p.38). The committee further notes that the issue of settlers generates a lot of controversy especially in conflict zones. It notes that on issue of indigeneship or place of origin, some argue that it is discriminatory and should be replaced with residency. The problem with this, according to the committee is that "while place of origin or indigeneship is and remains one, residence can be multiple and difficult to ascertain for purpose of access to privileges open to the people of a state or local government area" (p.38 of the report). The committee subsequently opted for the use of 'domicile' legally defined as "home or permanent home": "whereas a person can have several places of residence, domicile can only be the one place where a person regards as his permanent home"(p.38 of the report).

Having considered the various arguments and memoranda submitted on the issue, the committee proceeded to recommend a legislative action by the National Assembly to amend the Federal Character Commission Act as well as the 1999 Constitution deleting the word 'indigene' and or that the word 'indigene' of a state shall be interpreted to mean "place of permanent residence or domicile" (p.38 of the report). Also, for Ministerial appointment, it recommends that section 147(3) of the constitution be amended to expunge the requirement of the President to appoint a Minister from every state of the federation who must be an indigene of the state.

The challenge with recommendations emanating from national dialogues/ national conferences, including the most recent APC consultative dialogue on true federalism has been that of implementation, as they often touches on constitutional matters. The challenge basically has to do with the lack of political support to implement (legislate on such recommendations), especially by the National Assembly that has the constitutional mandate of law making in a democracy. And the reason is not far-fetched: national dialogues/national conferences as platforms for discussing contending and important national issues are usually extra-constitutional, except in a very few cases. Linking them effectively to existing constitutional bodies, especially the parliament in a democracy is extremely challenging (Berghof Foundation, National Dialogue Handbook, 2017: 29-35). This is quite apt in the experience of Nigeria with national dialogues/national conferences, which more often than not, is challenged by members of Parliament who perceives national conference platforms as attempt to expropriate their legitimate mandate of representing the citizens. And as such, the various recommendations from national dialogues/conferences has remained unimplemented.

From the foregoing analysis, there seems to be an apparent lack of political will to addressing the indigeneity challenge to inclusive citizenship in Nigeria. As long as the political class continue to shy away from the problem or pretend as though they do not understand the problem, so long will the population, including the non-elite, take advantage of the problem by instigating conflicts over indigene/non-indigene dichotomy, causing mayhem and destruction of lives and property.

V. A CHEQUERED ATTEMPT AT CONSTITUTIONAL AMENDMENT

It is noteworthy that several efforts have been made at amending the 1999 Constitution to address the indigene-settler dichotomy. In the course of the lifespan of the 5th National Assembly, between 2003 and 2007, Senator Jonathan Silas Zwingina representing Adamawa Central Constituency sponsored a bill on the residency rights of citizens. However, the bill could not be passed before the end of tenure of the Assembly in 2007 due to political sensitivity over the issue. The bill had envisioned granting residency rights to a citizen who has lived in a place for at least five years, except in respect of rights to chieftaincy titles and other cultural specific matters. Following incessant conflicts arising from claims over indigene/non-indigene rights, privileges and entitlements, the federal government in September 2012, sent a bill to the 7th National Assembly to address some constitutional gaps in the definition and application of citizenship. The intention of the bill was to give every Nigerian a sense of belonging by granting residency rights to all Nigerians. Specifically, the bill intended 'to make provision for right of a Nigerian citizen irrespective of class, religion, tribe, political belief etc. to become an indigene of any locality in Nigeria' (report of the Senate Committee on the review of the 1999 Constitution, 2013:10). The bill was rejected by the Senate 'on the ground that there are extant provisions in law' to deal with the indigene/non-indigene dichotomy without giving sufficient explanations and details of those extant provisions available in law.

Surprisingly, the bill on indigeneship and residency did not feature amongst the 33 bills considered for amendment by the current 8th National Assembly in July 2017, despite increasing clashes resulting from indigene/settler dichotomy.

VI. CONCLUSION AND RECOMMENDATIONS

The political elites in Nigeria has indeed politicized the indigene/settler dichotomy. They seems not to be sincere in proffering lasting solution to the problem posed by indigeneity to inclusive citizenship. They easily 'run away' from facing the problem squarely but finds it as an important mobilization tool, especially in period of electioneering and distribution of political offices in post-election periods. It is rightly a failure of collective action on the part of the political class not to find lasting solution to the indigene/non-indigene dichotomy in Nigeria. Campbell, (2010: xiv) aptly describes the behaviour of Nigerian political class: 'with honourable exceptions, Nigerian elite behaviour is too often self-interested, lacks a national focus, looks almost solely for short-term advantage'. It is this behaviour that has undermined efforts at finding lasting and durable solution to the problem.

Due to political expediency, responses to the challenge posed by indigeneity to inclusive citizenship have been ineffective. So far these responses have included the deployment of security forces to quell conflicts arising from indigene/non-indigene clashes, establishing commissions of inquiry to investigate conflicts resulting from indigene/non-indigene clashes- with reports and recommendations not often implemented, periodic payment of compensations to victims of violent conflicts, community peacebuilding programs and interventions by important non-governmental organizations and even in some cases, by state governments- aimed at promoting dialogue and peaceful co-existence. Important as these initiatives are, they do not, and cannot address the existing gap(s) in the current 1999 Constitution.

Beyond the initiatives enumerated above, the Nigerian political class, traditional rulers and religious elite, irrespective of political affiliation, ethnicity and religious identities must act patriotically in addressing the challenges posed by indigeneity to inclusive citizenship. They must act in the interest of national unity and national integration as espoused in Section 15 of the 1999 Constitution which amongst others encouraged loyalty to the nation over and above sectional loyalties, and create the space for the citizens to live together in oneness, irrespective of their places of origin. Dialogue by stakeholders over the problem must be approached with sincerity and openness. The first step in this direction is the sincerity in carrying out necessary legal-constitutional reforms to strengthen inclusive citizenship. From the 1986 Political Bureau to the recent APC consultative dialogue, the political elite in Nigeria have yet to build consensus necessary for resolving the citizenship-indigeneship dichotomy. They have rather over-politicized the indigeneship question, simultaneously benefitting from it, especially in periods of competitive elections and distribution of political appointments based on primordialist and particularistic sentiments.

The political class and traditional elite are indisposed to resolving the challenge largely because they have succeeded rightly or wrongly in separating 'citizenship rights' from 'cultural rights' in a political community, defining and restricting the former to residency rights devoid of political currency and the latter as indigeneship rights to be enjoyed only by indigenes, which includes the exclusionary right to land, cultural heritages and political representation of ones' autochthonous constituency. This was apparent in the examination of the contradictions between residency and indigeneship rights by the Committee on Citizenship and Immigration of the 2014 National Conference in noting that 'the rights to superior entitlements; preferential treatments and privileges, (*cultural rights*), are repeatedly canvassed by indigenes'.

The superior entitlements, preferential treatments and privileges that the so called indigenes (first settlers) so desired and determined to defend with bloodletting, includes the right to political representation of their ethno-territorial constituencies at the federal, state, or local levels as well as exclusionary right over land. It is the argument of this article that the right to political representation, such as we have in Section 147 (3) of the 1999 Constitution, should not be considered as a 'cultural right' in a political community defined by universal citizenship. Though as has been argued by Isumonah (2003:5-6) that in Africa, culture plays significant role in the determination of citizenship and reserves to itself the power to legitimize or delegitimize citizenship rights granted politically through legal-constitutional instruments, culture which is largely defined by primordialism and particularism must be amenable to accommodation in a plural society, including as we have in Nigeria- a multicultural, multilingual and multi-ethnic country. The application of 'universal citizenship' by countries such as the United States of America and the United Kingdom has enabled Nigerians who were either born into or acquired the citizenship of such countries to be appointed and even elected to represent their constituencies of residence⁴, without recourse to their ancestral roots of origin. Such is the transformative power of the application of legal-constitutional instruments in conferring and guaranteeing the enjoyment of citizenship rights in a modern political community. Nigerians who deny their fellow Nigerians citizenship status in their primordial public nevertheless struggle to acquire the citizenship of other countries, taking advantages of those

⁴ For example, seven Nigerians, Chi Onwurah, Kate Osamor, Kemi Badenoch, Chuka Umunna, BimAfolami, Fiona Onasanya and Helen Grant won elections into the UK Parliament in the June 8, 2017. <http://dailypost.ng/2017/06/09/uk-election-results-7-nigerians-elected-parliament/> (accessed 22 September 2017)

countries' liberal citizenship regime. Nigerian policy makers, politicians, traditional elites, and especially the National Assembly members must set aside their particularistic interests of advocating primordial entitlements, and recognize that cultural community rooted in a common past does not necessarily have a common future, but that political communities are defined, not necessarily by a common past but by a resolve to forge a common future under a single political roof, regardless of how different or similar the past may be. This reality is yet to be down on the Nigerian political elites. The following are therefore recommended:

I: The federal government (the President of the country) should consider the report of the 2014 national conference and the report of the APC committee on true federalism, taking decisive steps towards implementing specific recommendations in the reports that would strengthen inclusive citizenship.

II: Federal government should embarked on consultation and dialogue on the settlers/ indigene dichotomy, especially in the face of the increasing spate of herders-farmers crisis over grazing land. The National Economic Council's Committee established and headed by the Vice President on the herdsmen/farmers crisis should deepen its consultation and interface with all relevant stakeholders and groups at the states and local levels in finding sustainable solution to the problem.

III: The National Assembly to consider proposals and pass relevant bills aimed at strengthening inclusive citizenship, especially specific recommendations in the reports of the 2014 national conference and the APC committee on true federalism.

IV: National Assembly to amend the current Electoral Act to empower the Independent National Electoral Commission (INEC) to sanction political parties that discriminate against non-indigenes in party nomination processes and primaries. This should include enacting laws barring individuals and groups, including politicians and traditional rulers from recourse to indigeneity and "sons and daughters of the soil" appellatives as electioneering tools and means of social-political mobilization. Laws should be enacted abolishing the use of state and local government of origin on official government forms, documents and transactions. This should be replaced with place of permanent residency or domicile.

V: On a regular basis, and especially in electioneering periods, the National Orientation Agency (NOA) should embark on sensitisation and public awareness campaigns on equal rights of all Nigerian citizens in all the states and communities of Nigeria.

VI: Noting that the struggle for inclusive citizenship is a continuous struggle, civil society organisations (CSOs) and the media must intensify their advocacy for inclusive citizenship as a necessary prerequisite for peaceful coexistence.

REFERENCES

- [1]. Adebani, W. 2013. 'Mobilizing for change: the press and the struggle for citizenship in democratic Nigeria', in Okome M. Olufunke (ed.), *Contesting the Nigerian state: Civil society and the contradictions of self-organization* (New York: Palgrave MacMillan), pp79-107.
- [2]. Adeniran, T. 2013. Interview with the author 20 November. (Recording in possession of the author)
- [3]. Adinoyi, S. 2014. National Conference: north-central- minority rights, indigene/settler dichotomy as hot topics, *Thisday*, 16 March, p. 86
- [4]. Ayoade, J. 1988. The federal character principle and the search for national integration, in Amuwo K. et al (eds.) *Federalism and political restructuring in Nigeria*, Ibadan: Spectrum Books Ltd, 1998), p. 108.
- [5]. Akinsanmi, G. 2015. Vote for Ambode or perish inside the Lagoon, Oba Akiolu tell Igbos, *Thisday*, 6 April, p. 6
- [6]. Akinsanmi G. 2014. 'Akiolu endorses Ambode for Lagos guber race. *Thisday*, May 16, p.50
- [7]. Akinwunmi, R. and Nnadozie, C. 2012. Constitution review: Reps list 21 items for discussion, *Daily Independent*, 29 October.
- [8]. Akubo, J. 2012. How Nigeria turned a nation adrift, *The Guardian*, 6 September, p. 11
- [9]. Alli, Y., 2012. Arewa seeks scrapping of Indigene-Settler Policy, *The Nation*, 13 November, p. 1
- [10]. Ben, N. 2018. Cattle colony: Before Buhari lures us into deadly trap, PM news, <https://www.pmnewsnigeria.com/2018/01/30/cattle-colony-buhari-lures-us-deadly-trap/> (Accessed 2nd February 2018).
- [11]. Berghof Foundation, 2017. *National Dialogue Handbook: A Guide for Practitioners*, Berlin: Berghof Foundation.
- [12]. Bottomore, T. 1992. *Citizenship and Social Class, Forty Years On*, In Marshall, T.H. and Bottomore, Tom *Citizenship and Social Class*, Pluto Press.

- [13]. Brubakar, R. 1996. *Nationalism Reframed: Nationhood and the National Question in the New Europe*, Cambridge University Press.
- [14]. Brubaker, R. 1992. *Citizenship and Nationhood in France and Germany*, Cambridge, Mass. Harvard University Press.
- [15]. Brubaker, R. 1989b. Introduction, In Brubaker, W.R. (ed.) *Immigration and the Politics of Citizenship in Europe and North America*, pp.1-27, Lanham, New York, London: University Press of America.
- [16]. Ekeh, P. 1975. Colonialism and the Two Publics in Africa: a theoretical statement, *Comparative Studies in Society and History: An International Quarterly*. Vol. 17.
- [17]. Gallie, W.B. 1968. *Philosophy and the Historical Understanding*. Second Edition, New York: Schocken.
- [18]. Golwa, J. and Ojiji O. 2008. (eds), *Dialogue on Citizenship in Nigeria*. Abuja: Institute for Peace and Conflict Resolution.
- [19]. Ihedoha, E. 2014. Our constitutional review scorecard, *The Guardian*, 4 March, p. 70.
- [20]. Ishaka, P. 2012. Tackling the indigene/ settler dichotomy, *Thisday*, 16 September, p. 24.
- [21]. Isumonah, A. 2003. Migration, land tenure, citizenship and communal conflicts in Africa, *Nationalism and Ethnic Politics* Vol.9. No.1, pp 1-19. London: Routledge.
- [22]. John, C. 2010. *Nigeria: Dancing on the brink*, USA: Rowman & Littlefield Inc, p. xiv.
- [23]. Mamdani, M. 2005. *Political Identity, Citizenship and Ethnicity in Post-Colonial Africa*. Keynote address at Arusha Conference. *New Frontiers of Social Policy*. December 12- 15, Arusha, Tanzania.
- [24]. Marshall, T.H. and Bottomore Tom 1992. *Citizenship and Social Class*, Pluto Press. Obia, V. 2012. Aloma Mukhtar: Reigniting the Indigeneship fire, *Thisday*, 11 November, p. 89.
- [25]. Olawale, A. 2014. Interview with the author, 18 June (recording in possession of author). Onwudiwe, E. 2001. Critical options for a united Nigerian state, In Osaghae, Eghosa and OnwudiweEbere (eds.), *The Management of the National Question in Nigeria*, Ibadan, the Lord's Creation.
- [26]. Osaghae, E. 1990. The problems of citizenship in Nigeria, *Anno. XLV N.4. Plateau State of Nigeria Gazette*, 2004. Plateaus Resolves: Report of the Plateau Peace Conference 18th August— 21st September Vol. 9, No. 2.
- [27]. Program on Ethnic and Federal Studies (PEFS), 2005. *Constitutional Reform Dialogues: The South-South Agenda for Constitutional Reform*, Ibadan: Archers Publishers.
- [28]. Report of the Senate Committee on the review of the 1999 Constitution on a bill for an act to further alter the provisions of the constitution of the federal republic of Nigeria 1999 and for other matters connected therewith, 2013. The 7th senate federal republic of Nigeria committee on the review of the 1999 constitution, <https://www.premiumtimesng.com/wp-content/files/2013/06/7th-senate-report-of-senate-committee-on-the-amendment-of-the-1999-constitution.pdf> (Accessed 19 September 2017).
- [29]. Report of the APC Committee on true federalism, 2018, vol. 2: Legislative, Executive and other action plans. APC adhoc committee c/o Progressive Governors Forum, January 2018 <https://www.proshareng.com/admin/upload/reports/10934-Volume2-proshare.pdf> (Accessed 2 February 2018).
- [30]. Rose, N. 1999. *Powers of Freedom: Reframing Political Thought*, Cambridge University Press.
- [31]. Sandra, S. 2015 'Politics of Inclusion: Which conception of citizenship for Animal? *Historical Social*
- [32]. Shklar, J. 1989. *American Citizenship: The Quest for Inclusion*', The Tanner lectures on Human Values, delivered at the University of Utah, 1 and 2 May 1989 https://tannerlectures.utah.edu/_documents/a-to-z/s/shklar90.pdf (retrieved 5 July 2017).
- [33]. The National Conference 2014, report of the Committee on Citizenship, Immigration and Related Matters.
- [34]. *The Guardian*, 2014. The national conference debate, 2014: Deliberations of Citizenship, Immigration and Related Matters Committee, 30 April, p.10

Brown Odigie "The Search for Solution to the Challenge of Indignity to Inclusive Citizenship in Nigeria." *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)*. vol. 23 no. 05, 2018, pp. 79-88