Indigeneity, Belonging, & Religious Freedom in Nigeria
Citizens’ Views from the Street

THE PROBLEM

Nigeria is a multi-ethnic and multi-religious country. Over time, millions of Nigerians have migrated to other parts of the country for work, education or other reasons. As a result, many Nigerian communities and cities have diverse populations. Often these are divided into the ‘sons-of-the-soil’, or ‘indigenes’ of such communities, and residents originating from other parts of the country who are considered as ‘settlers,’ even after continuous residence for over two generations or even more. Despite the length of residency in an area, being an ‘indigene’ or a ‘settler’ often has implications for one’s access to land, chieftaincy offices, jobs, scholarships, and political office. These political and economic resources are often considered to be the rightful preserve of the ‘indigenes’. ‘Settler’ access to these resources can frequently be challenged or outrightly denied. The division between ‘indigenes’ and ‘settlers’ therefore poses difficult challenges for a common Nigerian citizenship. In some cases, the ‘settler’ population might even feel that its religious and cultural rights are under threat.

The way the Nigerian state has handled the interaction between ‘indigenes’ and ‘settlers’ is part of the problem. Section 25(1) of the Constitution promises a single Nigerian citizenship, while Section 42 expressly forbids discrimination against other Nigerians based on the circumstances of their birth. However, when it comes to defining membership of one of Nigeria’s 36 states, Section 318 (1) of the 2011 Constitution (As Amended) promotes the special interests of those ‘born of the soil’. This specific promotion of nativist rights started with the 1979 Constitution.

The principle of indigeneship is about ‘ownership’ of the community, local government or state. But this ownership is not in the narrow juridical sense of owning a piece of private property, but refers instead to the right to recognition as the pre-eminent ethnic group within the unit. It is about the right to determine the rules of engagement in inter-ethnic relations within the unit in question, and the right to dictate the pecking order for enjoying political and economic resources associated with the Nigerian state. Indigeneship therefore effectively introduces a two-tier citizenship in Nigerian’s 36 states and 774 Local Government Areas. Some can lay claim to ancestral connections to the soil and consequently enjoy ‘indigeneship’ rights, while others have no such ancestral claims, and must therefore suffer different degrees of political and social exclusion. Many are thereby
Box 1: Promoting Nativist Rights - Section 318 (1) of the 2011 Constitution (As Amended):

“belong to” or its grammatical expression when used with reference to a person in a State refers to a person either of whose parents or any of whose grandparents was a member of a community indigenous to that State.

denied access to both material resources and symbolic recognition in the communities where they may have lived for generations and to which they pay their taxes.

Some state governments have gone as far as purging their civil services of non-indigenes, even when such people come from the same ethnic group, but not from the state. For instance, on October 1st 2011, the Abia State government dismissed 80 women from neighbouring Ebonyi State on the grounds of their non-indigenous status. Many of these women are not only Igbo, but the majority of them are married to men from Abia State. They fell victim to the indigeneity rules because administrative regulations by the Federal Character Commission regard women as belonging to their natal Local Government, and not that of their husbands. There is therefore a gender dimension to the impact of the indigeneity principle since it disadvantages millions of women who marry outside their original home areas; they are officially regarded as members of communities they no longer live in.

Indigeneity is very potent at the State and Federal levels, where jobs and political offices are most fiercely contested. Yet, these two upper levels of government have insufficient local knowledge to be able to determine who is indigenous to where. As a consequence, Local Governments are left with the administrative task of certifying who is an indigene of their respective jurisdictions. While the Constitution defines an indigene of a state in terms of ancestral, nativist ‘belonging’ to the state, administrative rules have tended to leave the practical definition of who is an ‘indigene’ in the hands of local government officials. According to the Guiding Principles of the Federal Character Commission, an indigene of a Local Government Area is anyone ‘accepted’ as such by the Local Government. This leaves enormous discretionary powers in the hands of Local Government officials.

A further administrative complication is introduced by various versions of the Electoral Acts of the country which tend to give equal weight to indigeneity and residency in determining the individual’s right to the political process within the Local Government Area. While the Electoral Acts recognize the equal rights of indigenes and settlers, the Constitution tends to suggest the primacy of indigenous rights.

The high levels of administrative discretion implicit in determining who is an indigene create loopholes for arbitrariness, politicization, and uneven application across the country. This has resulted in different communities of non-indigenes enjoying varying degrees of citizenship rights and freedoms, irrespective of what the Constitution says. While some non-indigenes have been fully accepted in their host communities and given indigeneity certificates, others have faced ethnic and religious discrimination. However, little systematic evidence exists on these everyday experiences across Nigeria. Instead, what we have had by way of a debate is a shouting match in the national media between supporters and opponents of indigeneity.

Box 2: Administering Nativism

(1) Section 10 of the Guiding Principles of the Federal Character Commission:

(a) 10. (1) An indigene of a local Government means a person
   i. either of whose parents or any of whose grandparents was or is an indigene of the local Government concerned; or
   ii. Who is accepted as an indigene by the Local Government:
       Provided that no person shall lay claim on more than one Local Government.

(2) An indigene of a state shall be a person who is an indigene of one Local Government in that state. Provided that no person shall lay claim to more than one state or to a state and the Federal Capital Territory.

(2) Section 13 (1) of the Electoral Act 2006.

A person shall be qualified for registration as a voter if such a person:

(1) is a citizen of Nigeria;
(2) has attained the age of eighteen years;
(3) is ordinarily resident, works in, originates from the Local Government … covered by the registration centre.

THE CONTROVERSIES

According to some Nigerians, such as a former President of the Nigerian Bar Association (NBA), Joseph Daudu (SAN), the constitutional provision for indigenehip has promoted discrimination and division, and the time has come for it to be abolished. On the other hand, some members of ‘indigenous’ communities who feel their interests threatened by more numerous or more economically powerful outsiders cling on to ‘indigenous rights’ as the only viable defence of their basic interests. In the words of Alhaji Miango, an indigenous community leader in the troubled city of Jos, even birds who fly about freely have a home within which they exercise special rights. Such is the power of this nativist ideology that it
Box 3: Indigeneship -To be or not to be?

Against:

‘Being a country apportioned into 36 states, there is every possibility that dominant group(s) within each state would lord it over minority groups on the basis of indigeneship. The Federal Government must intervene constructively. It is about time every Nigerian felt at home in any part of the country that he chooses to live.


‘Nigeria is meant for Nigerians; it is unfortunate that some foreigners are recognised more than the original Nigerians just because of the language they speak and the religion they believe in. We must forget the settler syndrome if Nigeria is to move forward...’


For:

‘... with or without constitutional provisions, we cannot deny the existence of the natives and non-natives since even birds have a home.’


‘Plateau people believe that you cannot replace indigeneship with residency.’


has even penetrated other civic spheres of Nigerian life. For example, when the Vatican appointed a Monsignor Okaleke as the Catholic Bishop of Abia Diocese in 2013, the appointment was condemned and resisted by the priests and laity from the area who insist on having a son-of-the-soil as Bishop.

Apart from the periodic lamentation by senior public figures about the evils of indigenesity, there have been at least two failed attempts since 1999 to overturn the constitutional principle. In 2005, Senator Jonathan Silas Zwingle, representing Adamawa Central, sponsored a residency bill which granted full ‘indigenesity’ rights to all residents who has lived in a place for at least five years. However, these rights did not extend to rights to chiefaincy titles and other culturally specific matters. The bill was referred to a committee of the Senate and never saw the light of day. In 2010, Hon. Samaila Mohammad from a ‘settler’ community in Plateau State sponsored another bill which sought to extend indigenesity rights to residents of five years or longer and to spouses of indigenes. This proposed Bill also suffered the fate of the previous bill.

The difficulty of addressing the challenge of indigenesity through the constitutional process was further highlighted in 2013 during the constitutional review exercise. The House of Representatives organized Town Hall meetings across the 360 constituencies in the country to seek public opinion about some 43 constitutional items slated for review. One such item was the question: “Should indigenesity of an area be defined to include persons who have resided in an area for a continuous long period, and therefore entitled to accruing rights, duties and privileges?” A majority of the 360 constituencies rejected the inclusion of residency as a principle for determining membership of local government areas. While the dangers of indigenesity to a common citizenship are well understood, the anxieties of many constituencies across the country who fear being dominated by ‘outsiders’ in their ancestral home, is not given the policy attention it deserves. This includes northern fears that southern immigrants may take advantage of residency rights to ‘colonize’ the north. According to a leading northern public intellectual, the ‘issue of indigenesity is entrenched in our psyche and it will be difficult to remove or replace it with the more liberal identity of residency. That idea will definitely not be accepted in any of the Northern states, if I must put it bluntly. We are okay with the status quo.”

Similarly, a member of the House of Representatives from Rivers State warned that the change from indigenesity to residency ‘might trigger new controversies and more conflicts’ if ‘newcomers’ were granted equal claim to land or traditional office.

However, while the constitutional provision for indigenesity remains contested, politicians across the country are increasingly faced with large electoral blocs of non-indigenes who have the vote, but who feel disgruntled by their ‘settler’ status. State governors have therefore been finding different ways to woo and placate non-indigene voters. Sokoto State has abolished discriminatory fees in educational institutions. Kano State has appointed Special Advisers to the Governor from the non-indigene communities. Governor Babangida Aliyu of Niger State ‘directed council chairmen in the state to accord indigene status to anyone who lived for six years in any Local Government Area,’ though implementation is likely to have been met with resistance at the Local Government level. In Lagos State, home of the former national capital and the economic hub of the country, a very large non-indigenous population has given rise to contradictory exclusive and inclusive tendencies. The Lagos State government currently has many non-indigenes in senior political office. At the same time, the
same government has been deporting poor non-indigenes to their states of origin, sparking heated debates over the constitutional rights of non-indigenes in the state, particularly, of the Igbos.

THE STUDY

This study sought to find out ordinary citizens’ view on indigeneity by interviewing 2,940 randomly chosen adult males and females in 7 urban Local Government Areas (LGAs) throughout Nigeria (see map). The interviews focused on issues of access to indigeneship certificates, a sense of belonging to the community, interfaith relations, and the enjoyment of personal rights and freedoms. 5 LGAs were purposefully selected to capture the most important minority/non-indigene populations in northern Nigeria. 2 LGAs in southern Nigeria, hosting significant Hausa Muslim (northern) populations, were also selected for comparative purposes. In each of the seven LGAs, two neighbourhoods were selected for the survey, one dominated by ‘indigenes’, the other by ‘settlers’. 420 citizens were interviewed in each LGA, 120 from each of the two neighbourhoods chosen. Apart from the citizens’ survey, interviews were held with local government officials and traditional authorities in the seven LGAs to get the official view of the certification of indigeneity.

KEY FINDINGS

Administrative Practices

A key finding of this survey is that administrative practices concerning indigeneity vary considerably across Nigeria’s 774 LGAs. There were many reports of corruption in the process of issuing certificates. There are also suggestions that the LGAs have become less tolerant of outsiders since the return to democratic politics in 1999. There is a very strong fear that if indigeneity certification is opened to outsiders, the indigenes would be taken advantage of. In Yola North LGA, for instance, whenever there is a felt need to accept someone of settler background as an indigene for a job at the federal level, ‘a letter of undertaking is required to be signed by such candidate stating clearly that they will not change their LGA subsequently.’

With respect to religious freedom, administrative practices are equally mixed. In Chafe LGA, for example, while the indigenous Hausa-Fulani Christian minority has no difficulty getting indigeneship certificates, non-local...
Christians are never considered. Similarly, in Zaria LGA, the indigenous Hausa-Fulani Christians are readily given indigeneity certificates, but all their neighbours, being Christian and not Hausa-Fulani, are never considered for any sort of certification, for fear that they may hide behind their indigenous Christian neighbours to begin to claim indigeneity. And in Fagge, while residents of southern Nigerian ethnicities are hardly considered for indigeneship certificates, it is much easier for children whose parents were born in Niger Republic, Mali, Chad and other neighbouring sahelian countries to get indigeneity certificates, mainly because they embrace the local culture and religion of the host community. However, Fagge also has the interesting case of an Igbo Christian settler, one Mrs Mary Okonkwo who lived for generations at Okonkwo Avenue, Sabon Gari ....' When Mrs Okonkwo’s son gained admission to Ahmadu Bello University to read medicine, he was denied a Fagge indigeneship or residency certificate to enable him take his place. Upon complaint to the District Head by Mrs Okonkwo a certificate was issued.

On the whole, the LGAs surveyed fell into three distinct clusters in descending order of ‘openness to outsiders’:

(a) LGAs that are willing, albeit very reluctantly, to consider giving indigeneity certificates to few long-term residents from non-local ethnicities (Zaria, Jos North, Yola North, Chafe);
(b) LGAs who have devised their own ad hoc certification process for recognizing a few long term residents by issuing them ‘residency’ or ‘settler’ certificates not known to the constitution (Zaria, Lagos West, Yola North, Fagge);
(c) LGAs that will not give indigeneity certificates to anyone not indigenous to the area and will not give settler certificates to anybody, regardless of their length of stay (Okigwe, Jos South).

Not only are ‘residency’ certificates not recognized by the constitution, the rights enjoyed by those holding such certificates vary from state to state. For example, in some states, holders of residency certificates can run for local political office (Lagos), while in others, they cannot (Zamfara). Though the LGA officials are clear about the distinction between indigeneity and residency certificates, and the different privileges accruing to each, the distinction is often lost on the long-term settlers who are just glad to get some certification of their ‘belonging’ to the LGA.

Box 5: Certifying Indigeneity - Excerpts from interview with Zaria LGA official.

Question: What of indigenes of Zaria who were born elsewhere ...., how are they treated?
Answer: If somebody is born elsewhere and his/her parents are indigenes of Zaria the Ward Head can confirm that.

Question: How about settlers who came from other parts of Nigeria and settled in Zaria? Are they or their children issued with the certificates?
Answer: The Yoruba and Nupe that have lived for long as part of our society and culture are given. Others are not, but what they are issued with is certificate of settlership.

Question: So anybody who is not an indigene can only be issued with certificate of settlership?
Answer: No. The Igbo are not given this certificate of settlership.

Question: But why?
Answer: You see, they do not even apply for it. The Igbo are mostly richer than indigenes. They have things here and in their hometowns. They do not even identify themselves as part of here.

Question: What if they apply?
Answer: Well, all I know is that the Igbo are not given.

Lagos State has the most advanced residency policy. It has the Lagos State Residents Registration Agency (LASRRA) which gives a certificate to all confirmed residents irrespective of ethnicity. This is used for enumeration and planning purposes and for the promotion of an inclusive pan-Lagosian civic culture and pride.

Citizens’ Experiences

As might be expected, these administrative practices and the general emphasis on indigeneity in Nigerian public life have taken their toll on the psyche of the ordinary citizen. The experience of the citizenry is measured using two key indicators:

(a) how many people within the sample had been able to get some certificate (indigeneity or residency) from their resident or ancestral LGA;
(b) how many feel discriminated against in their resident LGA.

In general, 62% of the sample had acquired one form of certificate or the other, showing that concerns about indigeneity and the access to resources and jobs which it entails is a serious issue for most citizens. Similarly, 47%
of the sample feel discriminated against in their LGA of residence, but these often included members of the indigenous ethnic group who happen to come from neighbouring states. Within our survey sample (and this is not nationally representative), the ethnic minorities are most likely to have certificates (68%), followed in descending order by the Hausa-Fulani (62%), Igbo (54%), and Yoruba (53%). The Yoruba have high levels of certification in most places, except in Lagos where they are in the majority, while the Igbo tend to be frequently denied certification. With respect to the feeling of being discriminated against, the Hausa-Fulani in the sample felt most discriminated against (51%), followed in descending order by the Igbo (46%), Yoruba (44%), and the minorities (43%). It is significant that the Hausa-Fulani in the sample feel most aggrieved, since indigeneity is often perceived as a problem suffered by southern Christians in the north. We can further breakdown the national averages according to the survey LGAs, as shown in Table 1.

Yola North has the least levels of both indigenous and settler feeling of discrimination, while Okigwe has the highest level of settler feeling of discrimination. Zaria has a high level of indigenous certification, while Jos North and South have very high levels of indigene feeling discriminated against and indigenous certification. Chafe has high levels of indigenous certification, along with high levels of settler feelings of being discriminated against and certification.

The national figures can also be broken down according to ethnicity, as done in Tables 2 and 3. The Yoruba feel particularly discriminated against in Okigwe and Chafe, though in both places, the numbers in the sample are small and they have certificates, often from their ancestral LGAs. The Igbo experience outside their home territory is similar to that of the Yoruba, with Igbo disgruntlement being acute in Chafe, Lagos, and Zaria.
By contrast, the Hausa-Fulani in the sample indicate high levels of discrimination even in their home territory as well as outside of it. The Hausa-Fulani show acute levels of grievance in Okitgwe and Lagos where they represent a tiny share of cultural outsiders, but also indicate significant feelings of discrimination in Jos North and South and even in Chafe, where they represent a significant share of the population and consider themselves indigenous to the area. Despite a strong perception of discrimination, Hausa-Fulani have lower levels of certification, particularly in Okitgwe and Jos North and South. The ethnic minorities in the sample felt the greatest discrimination in Okitgwe and Chafe, though as a group, they are most likely to explore the possibilities of certification.

Policy Challenges

In policy terms, we can divide our 7 seven states into two categories:

(a) the less problematic (Adamawa, Kano, Lagos);
(b) the most problematic (Imo, Plateau, Kaduna, Zamfara).

Adamawa, despite being in the Boko Haram infested northeast, and despite having a high level of ethnic and religious diversity, is the least troubled of our seven states. It is the most open to outsiders, and clearly demonstrates that ethnic and religious diversity is not the problem; communal polarization is. Kano has about 50% of every community – including the indigenous group – feeling discriminated against and about 50% of all groups being certified. In a sense, Kano represents a shared experience across ethnic and religious divisions. However, it remains to be seen if that shared experience can be converted to a joint search for better solutions, or simply used as fuel of communal polarization. Lagos is similar to Kano in many respects, except that while indigenous groups feel less discriminated against, settler groups have higher possibilities of acquiring certification. Both Kano and Lagos have tensions, but both are not closed systems which stifle outsiders from inclusion.

The more problematic states pose more challenging policy demands. In Imo, all settlers, with few exceptions, feel highly discriminated against, suggesting a higher than average level of denial of rights and recognition. In Plateau, there is a very high level of polarization between the Hausa-Fulani minority and the indigenous majority, resulting in a zero-sum mentality that is pregnant with resentment and apprehension. Kaduna is similar to Plateau in terms of the polarization between its Hausa-Fulani majority and its indigenous Christian minorities. But the level of polarization in Kaduna is less, and discrimination is more felt by the minorities. Though more Igbos claim to feel discriminated against in Plateau compared to Kaduna, the feeling was particularly deep in Kaduna, suggesting a higher level of perceived antagonism. Zamfara resembles the culturally closed system in Okitgwe because most outsider groups feel highly discriminated against. The relatively high level of Hausa-Fulani feeling of discrimination and certification in Zamfara suggests that many of these Hausa-Fulani might be from other states, and are therefore subjected to discrimination based on ‘statism’. The fact that Zamfara is a relatively new state makes this a high possibility.

POLICY RECOMMENDATIONS

1. Most discussions about addressing the challenge of indigeneity tend to focus on whether or not the Constitutional clause that sanctions it should be retained, amended, or expunged. It is as if constitutional reform is a magic wand that, by itself, would sweep away the problem. This is a mistaken expectation, since most of the current practice concerning indigeneity has only limited constitutional standing.

2. While it is desirable to expand the Constitutional clause on state citizenship to include the residency principle, the fears and concerns of current indigenes need to be taken into account. Real change can only come when the majority of indigenes see the positive point of incorporating long-term residents into their communities. The things that make them fear this incorporation – especially land, chieftaincy, and concerns about questionable loyalties – should all be given adequate constitutional and policy attention.

3. To assuage local fears and concerns, current indigenes should be involved in the process of incorporating long-term residents into membership of their communities. So apart from traditional authorities who currently co-sign the various forms used for certification, ordinary indigenes, in their capacities as landlords, employers, friends, in-laws, etc., should also be involved in recommending long-term residents for certification. This has the potential to broaden the social basis for incorporating settlers and creating a cross-community constituency for the process.

4. To draw attention away from hard and divisive religious and ancestral criteria for membership of the community, a local language criterion could be formally introduced as the cultural yardstick for the determination of the suitability of a settler seeking incorporation.

5. In currently polarized communities – Plateau, Kaduna – addressing the challenge of indigeneity must be part of a wider process of addressing the fair
distribution of socio-economic resources and political access.

6. Addressing the challenge of indigeneity must be seen as a process, rather than a one-off event. That process would benefit from an understanding of the varied experimentation on indigeneity currently going on in various LGAs across the country.

8. While the ultimate objective should be clearly stated – that all Nigerians who reside for long enough in an area and commit themselves to that area should be able to claim full membership of such communities – the practical steps to bring that situation about should recognize the current practice of issuing both indigeneship and residency certificates.

9. It may therefore be prudent to have a two stage process whereby, after residency for a given number of years, and with the necessary local recommendations, a resident can first get a ‘residency’ certificate, followed a few years later by full indigeneship.

10. The rights of ‘residents’ should be clearly defined by the constitution to make it a credible status worth having. And states should be encouraged to create bodies like the Lagos State Residents Registration Agency (LASRRA).

11. The constitution should also set the minimum residency requirements for acquiring residency and indigeneship statuses, while the State Houses of Assembly should regulate the administrative procedures to be taken. This division will further take care of local fears.

12. Spouses of indigenes should automatically acquire ‘residency’ status.

13. The fact that settlers currently have the vote is creating a scenario in which indigenous politicians, for their own self-interest, are trying to incorporate settler communities into their patronage systems. The political exposure of indigenous elites to settler votes should be recognized as one of the most important drivers of future change.

14. Finally, conflicts over indigeneship are fueled by the scarcity of economic resources, jobs, education, housing, etc., and the unfair distribution of the limited resources currently available. Tackling the tensions of indigeneity will have limited effect if these underlying economic issues are not addressed in the mid to long term.

References and Resources


Based at the University of Oxford and the development Research and Project Centre in Kano, the Nigeria Research Network (NRN) connects European, American, and Nigerian academics and practitioners who have extensive experience with empirical and development-oriented research in northern Nigeria.

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