

“They Do Not Own This Place”

Government Discrimination Against “Non-Indigenes” in Nigeria

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Summary

The population of every state and local government in Nigeria is officially divided into two categories of citizens: those who are indigenes and those who are not. The indigenes of a place are those who can trace their ethnic and genealogical roots back to the community of people who originally settled there. Everyone else, no matter how long they or their families have lived in the place they call home, is and always will be a non-indigene.

The concept of “indigeneity”—the idea that there is a meaningful distinction to be made between “host” and “settler” communities—is not entirely an artificial construct. Nigeria is a nation of more than 130 million people, but many Nigerians belong to ethnic communities so small that they fear being absorbed into the larger populations around them and losing control of their identity as a community. The distinction between indigenes and non-indigenes may help to guarantee Nigeria’s more than 250 ethnic groups the power to preserve their unique identities—their culture, traditions and traditional institutions of governance—by maintaining some cultural distance between themselves and other Nigerians.

This rationale, however, has been twisted beyond recognition by state and local policies, often unsupported by any law or other form of legal justification, that marginalize and exclude non-indigenes in ways that have nothing to do with the preservation of cultural identity and autonomy. As a matter of government policy, many states refuse to employ non-indigenes in their state civil services, and most if not all of Nigeria’s thirty-six states deny them the right to compete for academic scholarships. State universities generally discriminate against non-indigenes in their admissions policies and charge higher fees to non-indigene students who do manage to secure admission. Non-indigenes must also contend with a range of less formal discriminatory practices, such as barriers to political participation and discrimination in the provision of basic services and infrastructure to their communities, that government does nothing to stop or even discourage. All of these practices have been made more harmful—and become more controversial—by increasing levels of chronic poverty throughout Nigeria.

Taken as a whole, these discriminatory policies and practices effectively relegate many non-indigenes to the status of second-class citizens, a disadvantage they can only escape by moving to whatever part of Nigeria they supposedly belong in. But many Nigerians have no real ties to the regions they are said to originate from, and feel that they should have some way of becoming full citizens of the places they call home. Worse still, Nigeria is home to communities of people who are discriminated against as non-

indigenes even though their families have occupied their land for a century or more and no longer have any idea where their ancestors migrated from. A Nigerian who cannot prove that he is an indigene of somewhere by producing a “certificate of indigeneity” is discriminated against in every state of the federation and is barred from many opportunities at the federal level as well.

Nigeria’s federal government has done nothing to curb this state and local discrimination against non-indigenes, even though it makes a mockery of the Nigerian Constitution’s guarantee of freedom from discrimination. While high-ranking federal officials including even President Olusegun Obasanjo have publicly denounced the growing negative impact of Nigeria’s indigene/settler divide, federal government policies have served to reinforce and legitimize its consequences.

In addition to their direct human impact on the lives of non-indigenes, these discriminatory policies have served to aggravate intercommunal tensions that are dangerously volatile in and of themselves. After more than four decades of disastrously corrupt and unaccountable governance, the benefits that are meant to go with Nigerian citizenship are in desperately short supply. As poverty and unemployment have both become more widespread and more severe in Nigeria, competition for scarce opportunities to secure government jobs, higher education and political patronage has intensified dramatically. Many Nigerians believe that this desperate competition between citizens for some basic level of economic security lies near the heart of most of the country’s intercommunal conflicts. As the secretary general of Nigeria’s Catholic Secretariat put it, “Poverty in Nigeria has assumed the moral character of war, and this is what you see reflected in much of the ethnic violence in this country.”¹

Against this background of scarcity and competition, disagreements over who are and are not entitled to call themselves indigenes have been made more intense and ultimately more violent by the increasingly burdensome economic consequences of losing the debate. Perhaps just as important, government policies that enhance the importance of indigeneity have heightened intercommunal divisions because they have served to erode the very meaning and importance of national citizenship, subordinating it in many respects to Nigerians’ ethnicity and ancestry. Indeed, in many important respects state and local governments treat their non-indigene constituents like citizens of a foreign country.

¹ Human Rights Watch interview with Father George Ehusani, Lagos, November 7, 2005.

By failing to exercise leadership on the indigeneity issue, the Nigerian federal government has turned a blind eye to violations of some of the most fundamental rights guaranteed to its citizens by the Nigerian Constitution and international human rights law. Human Rights Watch calls on the Nigerian government to signal a clear departure from this shameful record by sponsoring, publicizing, and then enforcing legislation that places clear limits on the kinds of distinctions that can be made between indigenes and non-indigenes and expressly outlaws the harmful discriminatory practices described in this report.

This report is based largely on a six-week Human Rights Watch research mission to Nigeria in late 2005 that included field research in Kaduna, Kano, Plateau and Delta states as well as interviews in Abuja, Lagos and Ibadan. During the course of that mission, Human Rights Watch conducted interviews with a broad range of individuals including government officials, civil society activists, community and youth leaders, victims of indigeneity-related discrimination, and individuals who had participated in violent conflicts between indigene and settler communities.

Recommendations

To the Government of the Federal Republic of Nigeria

- Sponsor federal legislation that expressly bars any federal, state or local government institution from discriminating against non-indigenes with respect to any matter not directly related to traditional leadership institutions or other purely cultural matters. Consider passing a constitutional amendment along these lines if this would help overcome hurdles to ending discrimination against non-indigenes.
- Mount legal challenges to state and local practices that discriminate against non-indigenes in ways that contravene the Nigerian Constitution and Nigeria's obligations under international law.
- Sponsor a broad public education campaign focused on the rights that go with Nigerian citizenship and the need for an end to discrimination against non-indigenes throughout Nigeria.
- Work with all federal government institutions to abandon all reference to the concept of indigeneity in the implementation of hiring and admissions quotas and other matters related to the realization of the federal character principle.

To all State Governments in Nigeria

- Reverse, eliminate and outlaw state government laws and policies that deny non-indigenes equal access to educational opportunities, scholarships, employment and all other benefits open to state residents. Replace indigeneity with fair residence requirements.
- Actively disseminate and enforce these changes in federal, state and local indigeneity policies. Include as part of this effort a public education campaign focused on the rights accorded to all Nigerians by the Nigerian Constitution and international human rights law.