AN ASSESSMENT OF THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR THE PREVENTION AND MITIGATION OF ETHNO-RELIGIOUS CONFLICTS IN NIGERIA

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AUGUST, 2011

DECLARATION

I hereby declare that this work is original. It has not been presented or published anywhere at any time by anybody, institution or organisation. All published and unpublished materials works citied have been duly acknowledged.

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Munzali Ahmadu DANTATA Date

CERTIFICATION

The thesis entitled "AN ASSESSMENT OF THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR THE PREVENTION AND MITIGATION OF ETHNO-RELIGIOUS CONFLICTS IN NIGERIA" by Munzali Ahmadu Dantata meets regulations governing the award of the Degree of Doctor of Philosophy of Law (PhD) of Ahmadu Bello University, Zaria, Nigeria and is approved for its contribution to knowledge and literary presentation.

Professor Yusuf ABOKI Chairman, Supervisory Committee	Date
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Dr. A.M. MADAKI Member, Supervisory Committee	Date
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DEDICATION

This work is dedicated to the youth of Nigeria, represented by my six dear children Ahmad, Salman, Nadia, Bara'ah, Abdul and Aminu. Nigeria is at the crossroads, forcefully being pulled along by a fast moving globalized world led by technology, measured by age-old traditions anchored in various cultures and religions. The end result is conflict; conflict of laws, values, and between competing interests that manifest in communal violence. The youth of Nigeria were born in conflict. The solution to the conflict, indeed the future of Nigeria, lies in their young hands, as they make the most difficult decisions ever faced by generations of Nigerians.

ACKNOWLEDGEMENT

I am grateful to many people who assisted in my research, some with materials and others with their time, whose names cannot all be mentioned in this limited space. The few I make mention in this limited space, therefore, are not all the people I would have liked to thank.

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LIST OF ABBREVIATIONS

ALL N.L.R	-	All Nigerian Law Report
C.F.R.N	-	Constitution of the Federal Republic of Nigeria
Ibid	-	Same Citation with the one fully cited above
Infra	-	Discussed else where after this
L.F.R	-	Laws of the Federation of Nigeria
N.L.R	-	Nigerian Law Report
N.W.L.R	-	New Weekly Law Report
N.M.L.R	-	New Monthly Law Report
N.S.C.C	-	Nigerian Supreme Court Cases
N.S.C.J	-	Nigeria Supreme Court Judgement
Op. cit.	-	Opposite Cited
S.C.N.J	-	Supreme Court of Nigeria Judgement
Supra	-	Cited elsewhere before this
WACA	-	West African Court of Appeal
W.L.R	-	Weekly Law Report
W.R.N.L.R	-	Western Region of Nigeria Law Report

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(Source: Self-Compiled)

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ABSTRACT

In its 50 year history as an independent nation, Nigeria has experienced over two hundred recorded violent ethno-religious disturbances. The first major ethno-religious disturbance exploded in 1966 as a direct result of political crisis in one of the regions that spiraled out of hand and led to the fall of the federal government. A civil war ensued which threatened the corporate existence of Nigeria. After the civil war, a decade of relative peace followed in the 1970s. Ethno-religious disturbances resurfaced in the early 1980s and have since refused to go away, with on and off flashes of violence here and there. This dissertation is a research work on ethno-religious crisis. Citizenship is found to be at the root of the conflicts, more particularly the "rights of the citizen" outside his so-called "state of origin" which is responsible for countless ***indigene-settler*** conflicts across the country. The study examined the extant laws of the land, from the Constitution to legislation, as well as policies of the Federal Government vis-à-vis "rights of the citizen" and impact of the law on sectarian conflicts. Findings were made that indicated contradictions in provisions of the Constitution, exacerbating disputes as to the correct position of the law. In a test of "law and morality", a field study was conducted. Research questionnaire and interviews were tools used to collect data and interpretations made. Findings were made that indicated contradictions between the position of the law and the moral values of the people with regards "rights of the citizen", further exacerbating the crisis. In the end, the study drew conclusions and made recommendations on the way out of the seemingly intractable crises.

CHAPTER ONE:

GENERAL INTRODUCTION

1.1 Background to the Study

Ethno-religious conflicts in Nigeria can be divided into two broad periods. They are pre-independence ethno-religious conflicts, that is the period before 1st October, 1960; and post-independence ethno-religious conflicts, that is the period after 30th September, 1960. This work is concerned only with the post independence ethno-religious conflicts. This choice is informed by the practical impossibility of covering the pre-independence ethno-religious conflicts within the scope of this work. This is because there is a dearth of literature on the specifics of pre-independence ethno-religious conflicts in the country. The first ethno-religious crisis in Nigeria after independence emanated (no doubt) from the widespread communal crisis of 1966 resulting from violent military coup d'état which eventually led to the Nigerian civil war of 1967 to 1970. After the war, Nigeria enjoyed relative calm, free from communal crisis throughout the 1970s. The only notable civil disturbances come from university students who from time to time took to the streets across the country in protest against government education policies such as increase of school fees.

The Kano religious disturbance of 1980, dubbed The Maitatsine Conflict, is perhaps the first major ethno-religious conflict in modern Nigerian history. This was soon followed by another religious conflict in 1982 within the same Kano metropolis. Thereafter, periodic conflicts occurred here and there throughout the 1980s, from skirmishes in rural areas over farmland to communal disturbances in urban areas over traditional chieftaincy matters. The floodgates of major ethno-religious communal violence burst opened in 1987 with the Kafanchan ethno-

religious disturbances. This was followed by the 1991 Tafawa Balewa ethno-religious conflict, the Zangon Kataf and the Tiv-Jukun flashes of on-and-off periodic disturbances that refused to end. Most of the ethno-religious conflicts were confined to the northern part of the country. However, there were recorded conflicts, mostly ethnic in nature that simmered across the south such as the Ijaw-Itsekiri, the Umuleri-Aguleri and Ife-Modakeke conflicts.

Most of these conflicts were caused by internal and external factors. The family, the traditional institutions of chiefs, emirs, igwes and obas etc., the religious institutions, the police, the judiciary, unity Schools, National Youth Service Corps, tribal organizations and associations, the media and government are all institutions which ought to prevent or mitigate the occurrence of ethno-religious conflicts. Yet Nigeria is being plagued by ethno-religious conflicts that keep recurring with unprecedented frequency raising questions about the role of these institutions. This work shall examine these institutions.

The Nigerian constitution as the legal basis for the existence of the Nigerian state ought also to prevent or at least mitigate ethno-religious conflicts in the country. That ethno-religious conflicts occur the way they do in Nigeria calls for an assessment of the performance of the Nigerian constitution as an instrument for unity, and the prevention and mitigation of ethno-religious conflicts in the country; likewise the operators of the Constitution. This work shall examine the provisions of the Constitution[1] of the Federal Republic of Nigeria that relate to, or have bearing on ethno-religious conflict, as well as their implementation to ascertain why the constitution is not serving as a wall of defense against ethno-religious conflicts in the country.

[1] CFRN 1999

1.2 Conceptual Definitions of Relevant Key Terms

1.2.1 Conflict

The word conflict is a common everyday used word, generally understood to mean disagreement, difference of opinion or struggle.[2] Conflict also connotes violence, armed fighting and war.[3] Conflict can be violent or non-violent. A non-violent conflict is described as competition, and in common language, violence, or the lack of violence, differentiates conflict from competition. A conflict may move through different stages; from a non-violent conflict in its initial stage, into a violent conflict.

Conflict occurs at all levels of life, including personal, group, organizational, and international conflicts (between nations). For the purpose of this research, the term "conflict" wherever used means "group conflict" in which the aim of the parties to the conflict is to gain certain objectives and to simultaneously neutralize, injure or eliminate rivals.

1.2.2 Ethnic Conflict

An **ethnic conflict** is a conflict between ethnic groups, mostly as a result of ethnic nationalism.[4] An ethnic group is a group of people that share a common blood, language and cultural tradition.[5] An ethnic conflict may be an "inter-ethnic conflict" where it is between people from different ethnic groups, or an "intra-ethnic conflict" where it is between people from common ethnic background. Ethnic conflict is an international problem giving rise to the term

[2] See Oxford Advanced Learner's Dictionary, 5th Edition, Oxford University Press (1995)

[3] See Webster's Encyclopedic Dictionary of the English Language, Lexicon Publications Inc (1997)

[4] See Wikipedia, The Free Encyclopedia, en.wikipedia.org/wiki/Ethnic_conflict (accessed 24/06/2011)

[5] See Oxford Advanced Learner's Dictionary, Oxford University Press (2006)

Ethnic Cleansing, a phrase for attempt to purge an area of an unwanted ethnic group, by deportation, intimidation, and acts of genocide or mass murder etc.[6]

1.2.3 Religious Conflict

A ***religious conflict*** is a conflict between religious groups, mostly as a result of religious chauvinism. Religion has been one of the most powerful sources of conflict in human history. In ancient times, holy wars (Crusade, Jihad etc) have been waged to convert non-believers. A religious conflict may be an "inter-religious conflict" where it is between people of different religious groups, or an "intra-religious conflict" where it is between people of common religious background.

1.2.4 Ethno-Religious Conflict

The term ***ethno-religious conflict*** is used to describe a conflict that has both ingredients of ethnicity and religion. In many conflicts the two warring parties are divided along both ethnic and religious lines which brought about the phrase "ethno-religious".

1.2.5 Prevention

"Prevention is better than cure" is a popular adage. The word ***prevention***, derived from the root word ***prevent,*** is to keep something from happening or occurring altogether, especially by taking precautionary actions.[7] The ordinary meaning of the word suits the context it is used in this research. The primary objective of government is to prevent violent conflicts from occurring, and if they do occur, to mitigate the conflicts.

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[6] See Microsoft Encarta, Microsoft Corporation (2009)
[7] Op. Cit.

1.2.6 Mitigation

Conflict is considered as part of human nature that we are all likely to live with throughout our lifetime, as individuals and as groups. The great Indian sage, Mahatma Ghandi, in the heat of the Indian independence struggle that dovetailed into communal crisis of 1947, lectured the warring Hindus and Muslims on the inevitability of conflict and non-violent struggle.[8]

The word ***mitigation*** is derived from the verb ***mitigate***. The ordinary dictionary[9] meaning of the word ***mitigate*** means to moderate (a quality or condition) in force or intensity. In the context it is used in this research, the term "mitigation" means to make less harmful or serious. In line with the position of Ghandi, and other advocates of non-violent struggle, the term is employed to convey the removal of, or reduction of, violence in group conflicts.

1.2.7 Legal Framework

The term ***Legal Framework*** in the context of this research work is used to depict the extant laws of the country, i.e. all the laws in force in the country, mainly the Constitution[10] and legislation. Legislation includes both federal and state legislation.

1.2.8 Institutional Framework

The term ***Institutional Framework*** in the context of this research work depict structures in place such as social, traditional and governmental institutions that bulwark against violent conflict. These include the family unit, the traditional council and religious organizations etc that may not necessarily be supported by legislation but are recognized. Others are institutions supported by law such as the police, judiciary and commissions of inquiry.

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[8] Crozier, B., A Theory of Conflict, Hamish Hamilton Ltd (1974), p.5
[9] Op.Cit.
[10] Constitution of the Federal Republic of Nigeria 1999, as amended (2011)

1.2.9 Citizen

The term ***citizen***, in the context of this research work, is a person who has the legal right to a particular country. This is in accordance with the meaning ascribed to the word in the Oxford Dictionary.[11]

1.2.10 Indigene

The term ***indigene***, in the context of this research work, is used to depict a person who has the legal right to a particular state in the country. It also doubles to depict a person who has a legal right of a particular local government of a state. The word derives from the root word "indigenous" that is defined as "belonging to a particular place rather than coming to it from somewhere else".[12]

1.2.11 Settler

According to the Oxford Dictionary, a settler is "a person who goes to live in a new country or region."[13] In the context of this research work, the term depicts a person who is not recognized by the host community, and host government, of the state as a bona fide member of that state. This in turn leads to him (the settler) being denied certain legal rights in the state..

[11] See Oxford Advanced Learner's Dictionary, Oxford University Press (2006)
[12] Ibid.
[13] Ibid.

1.3 Statement of the Problem

For over twenty years, Nigeria has been bogged down by periodic ethno-religious violence in one part of the country or the other that has refused to go away. Though there are several notorious flashpoints, sectarian crisis has become widespread with no part of the country untouched by ethnic, religious or indigene-settler squabbles.

The Constitution of the Federal Republic of Nigeria has provisions enumerating basic rights for citizens of Nigeria, as well as fundamental human rights for all human beings found in Nigeria. Yet, these constitutional rights are openly being violated with impunity during sectarian conflicts. Murder, arson and looting by mobs, as well as extra-judicial killings by law enforcement agencies have become the hallmark of the conflicts. Meanwhile, there appears to be an established tendency of treating criminal offences as normal fallouts of sectarian disturbances, and perpetuators as political offenders when in fact they are offenders of criminal law.

The conflicts have caused a deep division in the public service; between various arms of government, between federal and state governments, and between states among themselves.

The need for this research, therefore, grew out of the necessity for contributing towards strengthening the legal and institutional framework for the prevention and mitigation of ethno-religious conflicts in Nigeria.

1.4 Objectives of the Research

The Constitution, legislation and government policies are frameworks which ought to prevent, or at least reduce the occurrence of ethno-religious conflicts; yet new conflicts are occurring and old conflicts re-occurring with unprecedented frequency raising questions about

the role of these institutions. The objective of this research is to find answers to these seeming intractable problems as captured in sub-heading 1.2 of this chapter.

1.5 Justification

This dissertation is justified by the importance of the area of study to the survival and prosperity of the Nigerian state. For this reason, the work will be useful to lawmakers, civil societies, the Police, Bureau for State Security Services (SSS), judicial tribunals looking into future ethno-religious conflicts, lawyers, lecturers and students, researchers in this area, traditional rulers and religious leaders.

1.6 Scope of the Research

The scope of this work is the Federal Republic of Nigeria. It was found necessary to widen the geographical area covered by this project to cover the whole country because ethno-religious conflicts are rampant throughout the country. While ethnic conflict is a national phenomenon, religious conflicts are confined mostly to the north. Accordingly, conflicts like The Maitatsine Religious Riots of Kano (North West), The Tafawa Balewa Ethno-Religious Conflicts (North East), The Jos Conflicts (North Central), The Ife-Modakeke Conflicts (South West), The Aguleri-Umuleri Conflicts (South East) and the Ijaw-Itsekiri Conflicts (South South) and six other conflicts were selected for detailed study out of over two hundred recorded conflicts that took place in the period under study. The cases cited, each exposed a certain element or dimension to the ethno-religious crisis. For example, the Maitatsine conflict of 1981 in Kano was an intra-religious conflict which had Muslims fighting Muslims, while the Jos conflict of 2008 was an inter-religious between Christians and Muslims.

Since it was not possible to go round the whole country, Plateau State was sampled out for data collection from 500 people across the state, many of whom were affected by various conflicts. These included members of Berom, Anaguta, Afizere, Hausa, Yoruba, Urhobo and other communities.

The scope of the research is also determined by the objectives of the research as determined by the statement of the problem. Accordingly, institutions like traditional institutions, religious institutions, the police, the judiciary, government, rights and duties of citizens, rights and duties of indigenes and other issues that assist in the attainment of the objectives of the research were given prime of place in the prosecution of the research. Any matter that does not assist the attainment of the stated objectives and the Statement of the Problem of this research (1.2) was not countenanced, and if countenanced, was incidental.

1.7 Literature Review

A lot of literature exists on the subject matter of this research. However, much of the literature that exists on the subject matter is historical, sociological or political; and not legal, whereas this work was essentially a legal research work. Accordingly, the subject of the research deals with the history, politics, religious and the social dimensions of ethno-religious conflicts in Nigeria. In fact such literature is the basis upon which the law on the subject is or should be applied. Therefore, both legal literature as well as literature from other disciplines on the subject matter have been accessed for the overall benefit of the research.

Prof. Ayua I.A's[14] work articulated the need for a vibrant constitutional framework crafted to take consideration of the heterogeneous nature of Nigerian society for the purpose of

[14] Prof. Ayua, I.A. Nationalism, Ethnic Identity and Conflict Management A Collection of NIALS Journal (2002)

fostering unity and integration. This work is useful to the researcher as it provides legal bases for the assessment of the need for constitutional reform.

Dr. M. A. Osini's[15] work looks at the constitution in relation to the rights of minorities both in their states and in states outside their own. Also, it further brought out endemic nature of conflict on Nigerian soil due to indigene/settler consciousness. His work is important to this research as it provides a framework for the analysis of citizenship, which is one of the key area of interest of this research.

Prof. Aringe Epiphany's[16] work examines the need for proper legal prosecution of principal actors in ethnic conflict. This work stylishly articulated the bases for prosecution of criminal of ethnic conflicts which is very valuable to this research.

The book of Alubo O.[17] provided this research with invaluable literature on the Tiv-Jukun ethnic conflict. But being essentially a sociological and historical book, the legal dimension of this conflict which is the concern of this work is not dealt with by Alubo's book.

Dr. Gidado Maxwells[18] in his work, espouse the ways through which government can harness the political will to enforce the provisions of the constitution on fundamental human right to victims of ethnic conflicts. This work provides this dissertation with valuable legal framework for the assessment of fundamental human right.

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[15] Muzan, A. O., The Nigerian Constitution and Minority Rights Guarantees. NIALS, Lagos Legal Journal, (2004)
[16] Prof. Epiphany, A. Ethnic Conflict and Internally Displaced Persons, Remedial Measures: A Collection of the NIALS Journal, Lagos, (2005)
[17] Alubo O., Ethnic Conflicts and Citizenship Crises in the Central Region of Nigeria, PEFS, University of Ibadan (2006)
[18] Maxwell, G. Ethnic Conflict and Human Rights Ativism in Nigeria. Being a Lecture Delivered to Graduating Student, NAILS Lagos, Sept. (2003)

Dr. Popoola Ademola's[19] work deals extensively on the various categories and identity of conflict and the factors responsible for ethnic conflicts in Nigeria. This legal work opens a window to possible causes of conflicts which is of much use to this dissertation.

Reverend Father Kukah's book[20] dealt with three conflicts, namely the Maitatsine religious conflict, the 1982 Kano ethno-religious conflict and the 1987 Kafanchan ethno-religious conflicts. But like Alubo's book, Kukah's book being a political and historical book fails to address the legal issues that prompted this research.

Lubeck, P.,[21] x-rayed the religious, economic and political causes of the Maitatsine conflicts leaving untouched the critical legal issues raised by this work in its statement of the problem.

Jibo, O.,[22] provided this dissertation with useful materials on the history and political undertones of the Tiv-Jukun conflict. However, this book also fails to address legal issues raised by the conflicts.

Mustapha, R.,[23] in his book, dealt with challenges posed to democracy by ethnic conflicts like the Tiv-Jukun conflict. The work provided this dissertation with critical literature on ethnic obstacles the nation faces in its march to nationhood. But, like Jibo's book, it does not address the legal angles to the conflict.

Usman Yusuf's paper[24] presented at a National Conference provided this dissertation with anthropological root causes of ethno-religious conflicts in the Middle Belt Region of

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[19] Popoola, A., Ethnic Conflict and National Security, NAILS Lagos Lecture Series (2003)
[20] Kukah M., Religion, Politics and Power in Northern Nigeria, Spectrum Ibadan (1993)
[21] Lubeck P., Islamic Protest Under Semi Industrialized Capitalism: The Yantatsine Explained, Africa Publishers Lagos (1985)
[22] Jibo O., Tiv Politics Since 1959, Ernest Publishers Ibadan (1993)
[23] Mustapha R, Ethnicity and the Democratization Process. Malthouse, Lagos (1990)
[24] Usman Yusuf , Violent Conflicts: Communal Conflicts in Central Nigeria, Upland and Middle Benue Basin in Historical Perspective, A paper presented at the National Conference on Conflict Resolution in the Central States of Nigeria, NIPSS, Kuru, Plateau State

Nigeria which given a firsthand account and arguments of the indigene-settler debacle fanning ethno-religious conflicts in Nigeria.

Imobighe, T.,[25] examined the nature and character of ethnic conflicts in Nigeria and why the phenomenon is on the ascent and blames the Nigerian state for the rise in ethnic conflicts by its failure to deal with the perpetrators of violence during ethnic conflicts. In this regard, this work addresses the concern of this work on why ethno-religious conflicts happen in Nigeria. However, Imobighe's book deals with the problem in a non-legal manner, while this dissertation seeks to deal with it in a legal manner.

Obasi, N.,[26] in his book painted the picture of a nation in a gradual meltdown under the onslaught of ethnic nationalities. The book fingers bad governance as the root cause of the national meltdown. This work provided critical insight to this dissertation on how ethno-religious conflicts may be checked in Nigeria.

Ali Waka [27] provided statistics of the death toll in the Nasarawa ethnic conflicts and therefore helps this research by providing empirical evidence of the devastation of ethnic conflicts.

Tezengwe, A.,[28] in his work also provided this dissertation with historical and theoretical foundations for the Tiv-Jukun conflict.

Trevor, J.,[29] in his work gave chilling details of the Nigerian military revenge attack on Zaki Biam and other Tiv villages, which is helpful to this dissertation by giving insight to allegations of extra-judicial killings carried out by the police and military in the course of their work during ethno-religious conflicts.

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[25] Imobighe, T., Civil Society and Ethnic Conflict Management in Nigeria, Spetrum Ibadan (2006)
[26] Obasi, N., Ethnic Militias, Vigilantes and Separatists Groups in Nigeria, Third Millenieum, Lagos (2007)
[27] Waka A.,, Population Displacement in the Tiv-Azara Conflict, Fourth Dimension, Enugu (1984)
[28] Tezengwe, A., The Fear of Tivs and Ethnic Conflicts in Taraba State,, Oracle Publishing Co. Makurdi (1998)
[29] Trevor, J., Nigerian Soldiers Carry out Massacres, Sweet and Maxwell, London (1971)

Moses, N.,[30] made an objective assessment of the Plateau ethno-religious conflict in his book which is useful to this dissertation in properly appreciating the Indigene-Settler dimension as the immediate and remote causes of ethno-religious conflicts in the Middle Belt region.

Adarawa, M.,[31] offered comprehensive work on the Plateau crises including atrocities committed during the crises. In this regard it furnished this research with the horrendous character of ethno-religious conflicts.

Alex, M., in his book[32], which is an extensive work on the Nigerian Civil War, provided this dissertation with useful material on the immediate and remote causes of the war and how the war impacted on the future of Nigeria.

Roger, B., and Hasau, U.,[33] provided this research with critical materials on the role of traditional rulers in the promotion of peaceful and harmonious co-existence between different ethnic groups and followers of different religions in their domains. But their book, which is not a legal work, is not much helpful to the research on the legal basis of traditional rulers' role as peace promoters.

Kollo, A.,[34] dwelt on the rationale of Federal Character provisions of the Nigerian Constitution and the pros and cons of the principle. His book is helpful to this research by providing it with insight on the delicate balancing that must be brought to bear on provisions on federal character.

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[30] Moses M. Conflicts on the Plateau., Evans Press, Lagos (1996)
[31] Adawara M, Plateau State, Christian Association of Nigeria (CAN), People's Democratic Party (PDP) and Attempt to Cover-up the Jos Ethnic Cleansing,, Challenge Publication, Jos (2005)
[32] Alexander, A. M., The Nigerian Revolution and the Biafran War, Fourth Dimension Publishers, Enugu (1980)
[33] Roger, B. and Hasau, U., The Role of Traditional Rulers in Conflict Prevention and Mediation Evans Press, Lagos (1986)
[34] Kollo A., Minority Interest and the Nigerian Project, Journal of Current Affairs, Faculty of Social Sciences, Bayero University, Kano (2001)

Ishaya, L.,[35] linked the increase in ethnic violence in the Middle Belt region of Nigeria to the rise in ethnic politics. The work drew parallels between what is happening in the Middle Belt region of Nigeria to what led to the balkanization of Yugoslavia. The work is helpful to this research by providing it with materials that enables it draw conclusions on what may become of Nigeria if ethno-religious conflicts in the country are not checked.

Femi Falana's work[36] provided this dissertation with legal authorities on the justiciability of Fundamental Objectives and Principles Directing State Policy. Justiciable fundamental objectives no doubt forces government to implement these objectives thereby helping to prevent or mitigate ethno-religious conflicts that are generated by ignorance and poverty.

The various reports of judicial commissions of inquiries set up by government to investigate ethno-religious conflicts in the country, such as the ***Report of the Committee Appointed to Investigate the 1987 Kafanchan Ethno-Religious Conflicts*** among other reports have also provided this research with a lot of valuable materials.

From the above review, it is notable that a lot of literature has been written on ethno-religious conflict as a subject by lawyers, historians, political scientists and sociologists. However, there is still need for further research, particularly in the legal domain, to enrich the existing literatures on the subject. This work, attempting to fill this gap, clinically examines the legal and institutional framework in place for prevention, or mitigation, of ethno-religious conflicts in Nigeria.

[35] Ishaya L., The Rise in Ethnic Politics and Conflicts in the Middle Belt Region, Journal of Current Affairs, University of Abuja, Vol 1 (7) (2002)
[36] Falana, F., Enforcement of Fundamental Human Rights, Malthous, Lagos, (2002)

1.8 **Research Methodology**

The research methodologies employed in the prosecution of this research are mainly the doctrinal and empirical methodologies. By the doctrinal research methodology, library based research was adopted, i.e. primary materials were sourced from statutes and law reports and secondary materials were sourced from text books, law journals, magazines, newspapers and reports of the previous ethno-religious conflicts.

The researcher adopted the empirical research methodology; that is field interviews with a view to getting real life responses to causes of ethno-religious conflicts in Nigeria and the way out of such conflicts. Questionnaires to target groups were administered.

1.9 O**rganizational Layout**

Chapter one is the introduction chapter dealing with such introductory matters as historical background, literature review, statement of the problem, objective of research, scope, methodology of research, justification and organizational layout.

The focus of Chapter Two is on instances of ethno-religious conflicts in Nigeria. These include the 1966 civil disturbances that led to the Nigerian Civil War, the Kafanchan ethno-religious conflicts, the Tiv-Jukun conflicts, the Nasarawa crisis and the Kano ethno-religious conflicts among other ethno-religious conflicts.

Chapter Three dwells on the institutional framework for the prevention of ethno-religious conflicts in Nigeria. These include the family, the police, traditional rulers, the judiciary, religious organizations, unity schools, national youth service corps, the government, tribal organizations and the media.

Chapter Four deals with citizenship, indigeneship and ethno-religious conflicts in Nigeria. Under this chapter, the rights and duties of citizens and indigenes under the constitution will be examined, as well as the historical and cultural foundations of indigeneship among other salient issues that would be examined wholistically.

The focus of Chapter Five is on fundamental human rights, fundamental objectives directing state policy as well as impacts of ethno-religious crisis on the socio-economic development in Nigeria. This chapter dwells on non-implementation of fundamental objectives such as political, economic, social, educational, cultural and environmental objectives.

Chapter Six was based on the analysis and interpretation of the data from questionnaire administered to respondents in Plateau State on random basis. Five hundred respondents were involved.

Chapter Seven discussed the summary of the Findings; Conclusions; and the Recommendations.

CHAPTER TWO:

AN OVERVIEW OF INSTANCES OF ETHNO-RELIGIOUS CONFLICTS IN NIGERIA

2.1 Introduction

According to available data[37], Nigeria might have experienced over two hundred communal disturbances in its 50 years of history from 1960 to 2010.[38] It must be observed that accurate records of all the communal conflicts that occurred may not be possible because of the increasing frequency of conflicts and the fact that only major violent clashes are normally reported while many minor skirmishes in remote areas go unreported.

Investigators and researchers have variously categorized conflicts into distinct groups such as political, land, chieftaincy, economic, ethnic, religious etc. according to perceived ***immediate causes*** that triggered the conflicts. This work was concerned only with conflicts that have ethnic and religious ingredients which have come to be termed ***ethno-religious conflicts***. However, accurate categorization of communal conflicts is difficult. This is because of overlapping and linkages of causes in most communal conflicts. For example, an ethno-religious conflict emanating from political contests for elections between two contestants who happened to come from two distinct ethno-religious groups, such as a Hausa-Muslim and a Berom-Christian, as was the case in the Jos North Local Government chairmanship election crisis of 2008.

[37]The data was compiled by the Researcher from many reports and books, too many to cite. The Researcher could not find a compendium or chronology of conflicts; nor could he find a register of "Judicial Commissions of Inquiries". Therefore, from the archives of newspaper houses on reports of incidences of conflict the Researcher was able to compile his own, and original chronology of conflicts that took place in Nigeria from 1960 to 2010 (50 years); labeled as Appendix II

[38] Refer to Appendix II

2.2 Overview of Communal Conflicts

A decade by decade chronological overview of communal conflicts that occurred in the fifty year history of Nigeria reveals sharp increase in number of conflicts almost on a decade basis from 1960 to 2010; though the highest number of conflicts, ninety two conflicts, was recorded in the decade 1900 to 1999.[39]

Political crisis in 1961 within the ruling party of Western Region spiraled into the first major communal disturbances in newly independent Nigeria which eventually led to the toppling of constitutional governance in the violent military coup of 1966. Further communal violence against Easterners across the Northern Region led to the civil war of 1967 to 1970 that threatened the very existence of Nigeria as a united country. After the civil war ended, the 1970s were relatively calm with more students' unrests than communal conflicts. The conflicts of 1980s became the turning point for ethno-religious crisis in Nigeria. The decade opened with the notorious Maitatsine Religious Riots of 1980 and closed up with a record of almost 30 major ethno-religious conflicts.[40] The Kafanchan Ethno-Religious Crises of 1987 influenced the splitting of old Kaduna State and set the tone for the ubiquitous ***indigene-settler*** imbroglio that dominated ethno-religious communal conflicts in the 1990s. The Zagon Kataf crisis of 1992 recorded the first convictions of communal conflicts after public outcry and criticisms of government's lack of prosecutions as the bane of the worsening ethno-religious crisis plaguing the country.

[39] See Appendix II (Table of Communal Conflicts)
[40] Ibid

The last decade under review, 2000-2009, though not highest in number[41], was the worst in terms of intensity. Ethno-Religious crisis broke out in Jos in 2001 and sustained, on and off, throughout the decade. In 2004 an estimated 700 people were killed in Jos sectarian violence which led to reprisal attacks in different parts of Plateau State prompting the federal government to declare a state of emergency in the state. The gruesome murder of 19 military personnel in or around Zaki Biam in Benue State brought to the fore the lack of confidence in law enforcement agents, notably the Police and Army, by the warring parties. For a long time, there have been allegations of bias against the Police and the Army, who have been accused of ***siding with one of the warring parties*** as well as ***extra-judicial killings*** during conflicts. For some time, allegations of bias have been leveled against the Federal Government by State Governments and vice versa. However, the height of such sentiments was in the aftermath of the 2008 Jos sectarian crisis when the government of Plateau State and the Federal Government were at loggerheads as to who should probe the disturbances[42].

As Nigeria celebrated its 50th Anniversary as an independent nation (Golden Jubilee) by the end of the decade, it had experienced approximately two hundred and two violent ethno-religious conflicts. Out of these conflicts twelve were carefully selected for intensive study. Each of the 12 selected conflicts brings out some salient characteristics of the sectarian crisis that have been building up gradually up to the ultimate indigene-settler debacle that seized control of the conflicts.

2.2.1 A Selection of Ethno-Religious Disturbances:

[41] The decade 1990-1999 recorded the highest number of conflicts with 94 conflicts, while the decade 2000-2009 recorded the second highest number with 75 conflicts.
[42] Plateau State dragged the Federal Government to court; in Suit No: SC/331/2008, Supreme Court of Nigeria, between Plateau State and Federal Government of Nigeria.

The story of post-independence Nigeria began with politically motivated communal disturbances in one of the regions. Political disputes within the ruling party of Western Region spiraled into communal disturbances that engulfed the regions, and later the whole country. Initially confined to Western Region, communal disturbance blew across the country after the Federal Government was toppled 1966. The sectarian crisis of 1966 set the tone for future communal conflicts. A pattern of targeting certain ethnic and/or religious groups, who are hunted down and killed and their property destroyed evolved. Six conflicts have been selected for study under this sub-head which cut across the six geo-political zones of Nigeria.

2.2.1.1 The 1966 Civil Disturbances and Nigerian Civil War:

The first conflict under study is significantly the first major civil disturbances in Nigeria, which emanated from political squabbles in 1961 that degenerated into a major ethno-religious crisis in 1966 that almost tore the country apart.

The growth of nationalist struggles and subsequent emergence of political parties prior to independence were based on ethnic and regional considerations rather than national interests. Therefore, there was no unifying ground of the people in the new nation on the eve of independence. The Willink Commission[43] was set-up on the eve of independence (September 1957) to look into fears expressed by minority ethnic groups, that the colonially imposed political structure would lead to the domination of minority groups by majority groups in the three regions of the federation, and to recommend means of allaying those fears. A major contribution of the Commission was the inclusion of much of the clauses of the European

[43] Akinyele, R.T., States Creation in Nigeria: The Willink Report in Retrospect, African Studies Review, Vol. 39, No. 2 (Sep., 1996), pp. 71-94.

Human Rights Convention making Nigeria the first African country to have a broad human right clause enshrined in its constitution.[44]

Despite all odds, Nigeria got independence from Britain in 1960 because it was the policy of the colonial powers to de-colonize and give independence to their African colonies. At independence, Nigeria became a federation of 3 regions; and immediately after independence, the battle for control of the central government continued which escalated and eventually led to a coup, a counter-coup and a bloody civil war. The civil war was preceded by the first and most bloody ethno-religious disturbances across the country, mostly in the north.

By December 1969, after almost two years of bloody and destructive war, in which the envisioned quick victory had eluded the Federal side, the declared state of Biafra had been drastically reduced in size. The Biafran Army finally surrendered to the Federal Government on 14th January 1970 bringing an end to the war.

2.2.1.2 The 'Maitatsine' Religious Uprising of 1980:

Maitatsine is the general term given to a reformist cultist Islamic group that surfaced on the Nigerian scene in the late 1970s who were responsible for violent religious disturbances in Kano metropolis in 1980 which left thousands dead. This uprising exposed for the first time the ineffectiveness of official responses to this type of threat.[45] The Maitatsine riots, which resurfaced decades later in Yola, were masterminded by one Muhammadu Marwa, a preacher popularly called "Maitatsine", who first started a crusade against moral decadence in the society. Marwa was able to set up a commune in the ancient city of Kano attracting street urchins and the dispossessed. The State Government ignored their activities, assuming them to be regular

[44] See the Willink's Commission Report, which was presented to the British Parliament by the Secretary of State for the Colonies in July (1958).
[45] Kukah, M., Religion, Politics and Power in Northern Nigeria, Spectrum Ibadan (1993), pp.

preaching of doctrines and practice which is legal under provisions of freedom of religion and freedom of assembly of the constitution. The radical Islamic group was left to develop throughout much of the 1970s until complaints against them started pouring in, accusing them of physically attacking people and invading peoples' homes. Even with the official complaints the authorities' response seem to have been remarkably slow and insufficient initially.[46] First reports were lodged in July 1973 which prompted the first of several intelligence reports by the Police Command of Kano giving details of violent preaching by members of the Maitatsine sect in mosques during Friday prayers. By 1980 over a dozen such intelligence reports had been submitted by the police to government when eleven different violent incidents involving the ***Maitatsine*** and the Nigerian police in Kano between 22nd June to 3rd December 1980 were reported.[47] By the end of 1980, the violent preaching of Maitatsine heightened tension in the city up to the outbreak of all out violence in which several thousands of people were killed before the Maitatsine crisis was eventually quelled by the Nigerian army.

Various explanations have been put up to explain why the Maitatsine crises took place. According to Lubeck,[48] the riots were a fall out of Nigeria's and Kano State's march into semi-industrial urban capitalism. In his view, the Miatatsine crises arose as a response to the collapse of the moral base on which traditional Islamic society had been founded. Another possible cause for the riots taking place at the time it did, was also attributed to the weak relationship between the Peoples' Redemption Party (PRP) led Kano State Government and the National Party of Nigeria (NPN) led Federal Government at the time. The state government was further weakened

[46] See the Report of the Aniagolu Judicial Commission of Inquiry set up to Investigate the 1981Maitatsine Religious Disturbances of Kano, Federal Government Printer, Lagos (1981)
[47] Buba. M., The Maitatsine Uprisings and State Complacency, (An Article published in the) Triumph Newspaper (1983), p.6
[48] Lubeck, P., Islam and Urban Labour in Northern Nigeria; The Making of a Moslem Working class, Cambridge University Press (1986), p.309

by the strained relationship between the State Governor and the Emir. It was doubtful if the Maitatsine crisis would have gone out of hand if the state Governor, the Emir of Kano and the Federal Government were enjoying good working relationships at the time the conflicts erupted. For example, due to the strained relationship between Kano State and the Federal Government, the Federal Government controlled Nigerian Police was not trusted by the State Government. At the height of tension Kano State Government gave Maitatsine two weeks ultimatum to quit his "illegal" quarters, but the Inspector General of Police countered the order from Lagos stating that after the expiration of the deadline given to Maitatsine by the state government to quit his quarters, no force would be used to dislodge the fanatics.[49] This move by the police is behind allegations made by the State Government to the judicial commission of inquiry that the Police Force intentionally frustrated it's effort of containing the crisis before it went out of hand.

The Maitatsine crisis was essentially an intra-religious conflict, pitting Muslims against fellow Muslims. There was no evidence of the religious fanatics targeting non-Muslims, or other ethnic groups. Their leaders anger about perceived rot and moral decadence in society, as well as corruption in government was well publisized in his preaching before he finally declared war on the people, government and the police.

2.2.1.3 The 1982 Kano Ethno-Religious Conflict:

The second and most dramatic eruption of religious disturbances in Nigeria coming on the heels of the Maitatsine uprising was again in Kano metropolis in 1982. Unlike the 1980 uprising which was an "**intra-religious**" conflict, the 1982 Kano religious conflict was an "***inter-religious***" conflict connected to the foundation laying ceremony of Christ Anglican Church in

[49] Barau J., Police Complicity in the Maitatsine Riots Triumph Newspaper 2nd Feb (1981)

Fagge District of Kano by Archbishop Runcie.[50]The church whose foundation was laid by Archbishop was the first church that was attacked by Muslim rioters who claimed that it was too close to their mosque. Sensing catastrophe the organizers of the church foundation stone laying ceremony had alerted the police whose timely arrival prevented a serious clash. In frustration, the rioters went on the rampage and razed other churches mostly in the Sabon Gari, a district dominated by non-indigenous ethnic groups. This further gave the crisis an ethnic coloration in addition to the religious tag it began with.

The Kano State Government set up a special committee to investigate the crisis. The committee had a membership of seven Muslims and two Christians chaired by Alhaji Datti Ahmed, a State permanent secretary, which was criticized as lopsided thus generating protests by Christians that the committee would be biased. In its report, the committee found that the visit of the Pope to Nigeria, followed by the Archbishop, had created anxiety among the Muslim population of Kano when the Archbishop came to Kano for the foundation stone laying ceremony of the new church.

The Committee recommended among other means of averting future conflicts, the removal of Christ Anglican Church in Fagge, Kano, recommending that the Anglican community be paid compensation for any financial loss they might suffer as a result of the removal. There was a division in the committee, however, that prompted the Christian minority members of the committee to submit a minority report in which they objected to the removal of the church. To transfer the church to another location will send the wrong signal that violence pays which will encourage other "fanatics" to resort to violence in future to secure what they want.

[50] See the Report of the Special Committee set up to Investigate the 1982 Kano Religious Riots, Kano State Government Printer (1982)

Christians in Kano state used the opportunity of this crisis and the setting up of the committee to investigate the conflicts to draw attention to discrimination they had been going through in Kano. This ranged from exclusion from the media, denial of Certificate of Occupancy for acquired land, building permission to build churches, church schools taken over by the state government without compensation, denial of scholarship to Kano state indigenes of Christian faith etc.

2.2.1.4 The 1987 Kafanchan Ethno-Religious Disturbances:

On the 6th March 1987, what started as a minor internal misunderstanding among Muslim and Christian students of the college of Education Kafanchan, Kaduna State, degenerated into sectarian disturbances that spread throughout the town and finally sent sparks beyond Kafanchan to other parts of the State, threatening the stability of the entire country. It took nearly two weeks to bring the crises to an end. By the time peace was restored, the carnage left behind by the conflict was so shocking that it prompted Alhaji Isah Kaita, a former minister of the first republic and a resident of Kaduna city of over

40 years, to remark "All my life and I am now seventy, I have never heard or seen or read that a Muslim has attacked a Christian or vice versa."

The genesis of the problem was the hoisting of a banner by members of the Fellowship of Christian Students (FCS) in front of the college which read "Welcome to Jesus Campus". Some members of the Muslim Students Society (MSS) took offence on the banner and protested to the school authorities who order the FCS leaders to remove the banner and they complied. However, it seemed this incidence had sowed the seed of apprehension on both sides of the students' bodies. The next problem was that of guest speaker for the event.

The FCS had invited one Rev. Abubakar Bako, a Muslim convert to Christianity, as the guest speaker for the occasion. As an expert on the two religions, Rev. Bako quoted freely from scriptures of the two religions in the course of his lecture at the gathering. Friction arose when Rev. Bako was alleged to have made quotations from Islamic scriptures said to be inaccurate which attracted reactions from Muslim students present. A hot argument ensued between Muslim and Christian students at the venue that degenerated into physical combat between Muslim and Christian students that eventually engulfed the whole school. While the school authority was attempting to manage the crisis word came that the State Government has ordered the immediate closure of the institution in order to abate the escalation of the conflict.

Despite the closure of the school, violence broke out inside Kafanchan town the next day, Sunday. By Monday when the police restored law and order around Kafanchan, 12 people had been killed, with places of worship as well as business and residential premises burned down. The Governor of Kaduna State, Col. Abubakar Umar addressed the people of the State, appealling for calm, promising that the government was determined to bring those involved to book.[51]

Again, fresh riots broke out in Ahmadu Bello University, College of Advanced Studies (FCE) both in Zaria, as well as inside Zaria town itself and other cities of the State. The police did not respond immediately to suppress the riots, perhaps, partly because of the hostilities of students to police attempt to control their protests. When they finally intervened, they were ill-equipped to deal with the rioters. A Senior Police Officer, Isaac Ajayi, said the police had instructions not to enter any campus unless summoned by the school authorities.[52] The military took over control of the violence, but by the time the riots were contained, the scale of

[51] See Full Text of the Governor's Speech, New Nigerian Newspaper (10/03/1987) p. 15
[52] See West Africa Magazine (27/04/1987), p.842

destruction that trailed the riots was unprecedented in the history of ethno-religious riots in the country.[53] By March 12th, 1987, a state of emergency was imposed in the state with the General Officer Commanding (GOC) of Infantry Division of the Nigerian Army, Major General Peter Ademokhai, instructing soldiers on patrol of Kaduna town and other major cities of the state to shoot on sight anyone found contravening the curfew.[54]

What became very clear after the riots was that the riots were used to express deep seated feelings of resentment, prejudices and all forms of frustration between Christians and Muslims on the one hand, and the people of the area against the traditional leadership on the other hand.[55]

On 9th April 1987, the Kaduna State Governor announced the formation of a body called "**Committee to Investigate the Causes of the Riots and Disturbances in Kaduna State"**. Its Chairman was Mrs. Hansine N. Donli, Kaduna State's Attorney General and Commissioner for Justice. The committee had one month to submit its findings and recommendations, with its main task to "…investigate, ascertain and identify the ***immediate*** and ***remote*** causes of the riots, assess the extent of damages caused, ascertain and identify roles played by individuals and groups in causing the tension and outbreak of the violence and make recommendations on how to avert this type of incident."[56]

From its composition, the committee was saddled with internal and external problems. For example, there was disagreement even among the members as to the legitimacy of the committee. The representative of Jama'atu Nasrl Islam (JNI), Alhaji Yahaya Jinadu, challenged the competence of the chairman on the grounds that "Islam forbade a woman to lead a man."[57]

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[53] See Article title: The final Details Showed 19 Men and 8 Animals Killed; 169 Hotels, 152 Churches, 152 Private Buildings and 5 Mosques Destroyed, New Nigerian Newspapers (12/05/1987) p. 14
[54] See West Africa Magazine report (23/03/1987) p. 12
[55] See Report of The Committee of Investigation into the March 1987 Crisis in Kaduna State, Kaduna State Government Printer, Kaduna (1987), pp.5-40
[56] Ibid, p.1
[57] See West Africa Magazine (20/04/1987), p.780

The atmosphere at the first sitting of the committee was so tense owing to the rowdy behaviour of Muslims and Christians who were reportedly cheering their members by shouting "Praise the Lord" and "Allahu Akbar" as they were introduced. The police had to be called in to help maintain the peace so as to enable the committee to commence its sittings. The very idea of having representatives of various interest groups among the committee members had a built-in mechanism for tension.

The committee, however, was able to establish four broad areas around which it rested its findings and recommendations to government.[58]First of all, the conflict exposed the deep division between so-called "indigenes and settlers" of Kafanchan, and secondly the fact that the traditional leader comes from the minority "settler" community, who is appointed by the emir of Zaria. Other problems listed can be narrowed down to neglect of the area by state authorities resulting in various levels and perceptions of deprivation. Broadly, the report traced social factors of deprivation to lack of water supply, health care delivery, roads, education, agricultural inputs etc. With respect to economic deprivation, there were complaints that there was no single industry in Southern Zaria, neither were local businessmen given the necessary incentives in pursuit of their business ventures in the area.[59]

One undisputed fact that the committee established was that the Kafanchan ethno-religious conflict was beyond the ***immediate cause*** of the conflict, mere students' argument over a religious topic, which ordinarily could be encouraged as healthy debate and intellectual exercise in an academic environment. The conflict and the conduct of the committee themselves exposed the ***remote cause*** of the conflict, the deep division between two clearly defined groups, the majority Hausa-Muslims and minority groups (Atyaps, Katafs etc) who are mainly

[58] See Committee Report…P.4. For details, see, Committee Report…pp.5-40
[59] See Report of the Committee to Investigate the Causes of the Riots and Disturbances in Kaduna State, Kaduna State Government Printer (1987)

Christians. The long history of struggle between the two groups began in the colonial era when the British colonial administration endorsed its famous ***Indirect Rule*** system of governance that recognized Hausa traditional rulers over minority ethnic groups in Southern Zaria.

2.2.1.5 The Tafawa Balewa Ethno-Religious Crisis:

The trigger of the 1991 Tafawa Balewa Ethno-Religious Conflict was the sale of meat in the marketplace. A simple disagreement broke out between a butcher (who was a Sayawa-Christian) and his customer (who was a Hausa-Muslim), in which the customer accused the butcher of selling carrion to him which violated Islamic injunctions. This misunderstanding between a seller and buyer degenerated into a fracas in the market between Sayawa-Christians and Hausa-Muslims that spread into other areas of the town in which the Hausas were outnumbered because the Sayawas are the majority group in Tafawa Balewa. The next day rumours filtered into Bauchi that Hausas have been massacred in Tafawa Balewa which triggered another round of violence between Hausa-Muslims and Sayawa-Christians which engulfed Bauchi for a few days before it was brought under control. A judicial committee was constituted by the Federal Government to look into the ***remote*** and ***immediate*** causes of the crisis.[60]

The ***immediate cause*** of the widespread communal disturbances was clearly the dispute between two individuals over sale of meat. Though the Hausas are the majority ethnic group of Bauchi State, they are a minority in Tafawa Balewa Local Government. The ***remote cause*** of the

[60] See Report of the Judicial Commission of Inquiry to Look into Religious Disturbances in Tafawa Balewa and Bauchi, Federal Government Printer, Lagos (1991)

conflict was traced to a long history of bitter animosity and rivalry between the two contending groups – the Hausas who are predominantly Muslims and the Sayawas, who are predominantly Christians. It was established by the commission that there is deep seated grievances over alleged domination of the Sayawas by the Hausas which generated animosity between the two group which had boiled over many years only to find expression in an argument between a buyer and a seller of meat in a marketplace.

The 1970s and 1980s witnessed relative calm in Bauchi State until the 1991 conflict re-erupted. Among submissions made to the Judicial Commission of Inquiry were demands by the Sayawa for a Chiefdom which was accepted by the Federal Government but never implemented until 1995 after another major ethno-religious conflict had broken out in Tafawa Balewa again.

The Bauchi 1995 riots started as clash between Sayawa Christian women and Muslim youths. The women had mounted a roadblock to stop guests attending a civic reception in honour of a newly appointed "Hausa" Commissioner who was to replace a "Sayawa" man. Hausa youths opposed them, and Christian youths took up arms to support their women which resulted in a slaughter of some Muslim youths in Tafawa Balewa. Some of the dead and wounded were taken to Bauchi, which ignited a reprisal attack by Muslims in Bauchi. For the first time, sophisticated weapons were freely used. The army was invited to quell the violence who had to roll out armoured personnel vehicles on the streets of Bauchi for three days before the crisis was brought under control.[61].

2.2.1.6 Nasarawa Ethnic Crisis:

Sporadic ethnic conflicts occurred in Nasarawa State from 2000 to 2001, largely confined to the Southern Senatorial Districts that comprise Awe, Doma, Lafia, Keana and Obi Local

[61] See New Nigeria July 17th 1995

Government Areas. These senatorial districts share borders with Plateau, Taraba and Benue States where ethnic groups like Kwalla, Alago, Migili, Koro, Eggon, Tiv and Jukun respectively are found."[62] Excepting the Tiv and the Hausa-Fulani, these other groups are mostly Jukuns while the area is said to be part of the old Kwararrafa Kingdom.[63] In this sense, the same claims in the other theatres of ethnic conflicts in Taraba State potentially influenced the course of events in Nasarawa South Senatorial District, especially, when both broke out about the same time. While there was no evidence that the conflicts were jointly planned, coordinated and executed, there was some obvious coincidence. Not only were the Jukuns at war with the Tivs in Taraba State, the eruption of conflict in adjoining Nasarawa State were also between the people of Jukun origin and the Tivs. This fact was central to the trajectory of violence in the Nasarawa South Senatorial District Area and its spillover effects to Plateau State.[64]

The senatorial district is occupied by "agriculturalists" who are mostly Tiv and "pastoralists" who are fulani, with the former in the majority. Over the years, the relationship between the two has been characterized by intermittent conflicts occasioned by the straying of cattle into farms. Tivs generally live in their separate villages which were exclusively Tiv with many of them having Tiv names with overwhelming Tiv population. Therefore, the Tiv claim numerical superiority in the entire senatorial district and Nasarawa State in general.[65] While exact figures are unavailable and therefore making exaggeration a possibility, what appears certain is the population of the Tiv in Nasarawa State is reasonably high.

Relationships between the various ethnic groups in Nasarawa state were generally cordial but with occasional conflicts, mostly over farmlands. A consistent issue was the mutual

[62] See Report of Nasarawa State Juducial Commission of Inquiry into the 2000/2001 Ethnic Conflicts p. 3
[63] Ibid
[64] Imobighe, T., Civil Society and Ethnic Conflict Management in Nigeria, Spectrum, Ibadan (2003), p.129
[65] Adom, K., Tiv Community-Blaming the Victim, The News Magazine (12/08/2000) p.14

allegation between Fulani nomadic pastoralist and Tiv agriculturalists in which the Tivs accuse the Fulani pastoralists of allowing their cattle to encroach on the farmland of Tiv farmers destroying their crops while the Fulani accuse the Tiv of stealing their cattle.[66] One of the earlier conflicts occurred on April 18 1989 when as reprisal for the murder of a Fulani Ardo (leader), for which the Tiv were accused, Tiv people in Akalegwu were attacked. The violence was extended across the border to Guma Local Government in Benue State where the District Head and his three sons were murdered. The Tivs drew a parallel between this incident and the murder of Chief of Azara twelve years later.[67]

Other cases of communal violence include Ankwan Yara where Fulani cattle were accused of vandalizing a Tiv farm which led to all out clashes by the two communities, and a case of allegation of a rape incidence against a Tiv in 1990 which led to further violence between the Alago and the Tiv. In general terms, Nasarawa State has a fair share of ethnic and communal violence that occurred in Nigeria in the period under review. According to a documented study of conflicts in central Nigeria, "Ethnic conflicts have become pervasive in Nasarawa State to the extent that almost every local government has an unresolved ethnic conflict at various stages of escalation."[68]

Before the major communal crisis of 2001, previous flashes of conflict were localized, usually limited to one or two villages, and lasted a few days recording minimal losses of lives and property. It is in this sense that both the scale and duration of the 2001 crisis set it apart from previous ones. In the 2001 crisis, the Alago, Mada and Migili and almost all other groups were united against the Tivs. As the Nasarawa Judicial Committee report put it, "It appears that the

[66] Ibid., p.51
[67] Ibid., pp.22
[68] Aboki, N., And the Innocent Died: The People,Their Land and Politics, Journal of Political and Social Science, Benue State University (Vol 1. July 2002 Issue), pp. 35-42

other ethnic groups were severally and collectively pitched against the Tiv."[69] The Tivs equated the situation to "ethnic cleansing" perpetrated by these groups to exterminate the Tivs from Nasarawa State.[70]

Disputes between Tiv farmers and Fulani herders often attract the Jukuns on the side of the Fulanis. Each succeeding dispute grew in intensity and ferocity than previous ones up to the 2001 conflict that involved hunting down and killing of Tivs and destroying their property. The attacks triggered large-scale migration of both Tivs who fled for safety mostly into neighbouring villages in Benue and Plateau States. While the first and second waves of disturbances were limited to particular districts, the third engulfed the entire state, including Lafia town (the State capital). The orgy of violence in Lafia spanned three days during which administrative and commercial activities were brought to a standstill. The situation appeared worse because of the preponderance of unemployed youths who took the law into their hands. The Nigerian Red Cross estimated that at the cessation of hostility, not less than 200 people had been killed in Lafia and 50 hospitalized.[71] The Tivs alleged that there was under estimation of the people killed and claimed that "more than 1000 lives were lost in the pogrom" while around 250,000 were displaced.[72]

The sequence of events that led to the orgy of bloodletting has remote and immediate causes. The long standing demands of the Tiv in Nasarawa State for a sense of belonging, participation in decision making especially through political representation, and the right not only to vote, which they enjoy, but also to be voted for, which was largely denied them. The denial to stand for election stemmed from fear of other groups of being overwhelmed by the

[69] See the Report of the Commission of Inquiry into the 2000/2001 Nasarawa Conflict p. 57
[70] See Testimonies of Tivs respondents before the Commission of Inquiry into the 2000/2001 Nasarawa Conflict contained in the Commission of Inquiry Report (2001) p. 148
[71] See Alli and Egwu, Ethnic Cleansing, pub. Neman Press Lokoja (2003); See also the Vanguard July 2, 2001
[72] Ibid.

huge Tiv population. As a Tiv spokesperson explained, the "Tiv vote had the capacity to influence significantly the results of elections in Nasarawa State" and hence in "their desire to suppress Tiv votes, the local tribes in Nasarawa were incited to terrorize and drive the Tiv away from the State."[73]

Fundamentally, the ethnic disturbances in Nasarawa in 2001 exposed the complicated problem of identity and citizenship in Nigeria. It also illustrates how access to opportunities, such as political appointment, is tied to ethnic identity and indigene-ship more than the universal Nigerian citizenship. The problem is compounded by the fear of domination by the less populous ethnic groups, who consider themselves the indigenes of their areas. This translated to denial of full citizenship rights for the Tiv, who were regarded by the former as settlers. In contesting this discrimination and demanding full citizenship rights, the Tiv argued that the creeping exclusion is recent as they had previously stood for elections in the areas they are now being denied and had represented the districts and other ethnic groups in the past.

Regrettably, no one was prosecuted for his role in the unfortunate crises. The government of Nasarawa State only expressed regret over the crises and invited the refugees from the conflict to return to their homes in the State from the neighbouring state they sought shelter. Commentators felt that mere regret was not sufficient, and that the government ought to have subjected the perpetrators of the violence to legal process to serve as a deterrence that would forestall future conflicts.

2.2.2 Ethnicity and Claims for "Indigeneship":

[73] Op.Cit., pp. 35-42

Who owns the land? This vexed question is at the root of "indigene-settler" communal conflicts in Nigeria. Six conflicts have been selected for study under this sub-heading, one from each of the six geopolitical zones of Nigeria; South East, South South, South West, North East, North Central, North West. This portrays the indigene-settler controversy as a national phenomenon, though recent conflicts are mostly confined to the north.

2.2.2.1 Aguleri-Umuleri Crisis:

The Aguleri and Umuleri crisis goes back to the colonial era and beyond. It centers around "which community settled in the area first" and therefore "owns the land". The two neighbouring communities are both of Ibo ethnic group extraction and belonging to the same faith (Christianity) making their conflict both intra-ethnic and intra-religious. In more recent times there is tension between the two farming communities from claims over disputed farming lands which have led to several court actions. In 1935 and 1950 their appeals went all the way to the West African Court of Appeal and Privy Council in London. The unending conflict had a brief respite during the civil war (1967-1970), and resumed thereafter. In the landmark judgement of 1984, the Supreme Court ruled that "neither the Aguleri, nor the Umuleri have been able to establish that they are exclusive owners of Otuocha land".

After long and unsolved court disputes mutual distrust and tension between the two neighbours exploded into violent communal conflict in ***September 1995*** in which various properties including schools, banks, offices, town halls and even churches were razed to the ground, while some 200 private houses were destroyed with countless number of people killed. [74]

[74] See www.maplandia.com/nigeria/anambra/aguleri, Posted 22 December 2000, Visited 20 October 2007

Another clash took place in ***April 1999*** following the death of one Mike Edozie, an Aguleri indigene, who was incidentally the chairman of the local government council of the area during the 1995 crisis. During his funeral some young men identified as Umuleri youths swooped on the mourners. There was pandemonium as the Umuleri youths allegedly dispersed mourners, gunning down some of them in the process. Exact casualty figures were disputed, but more than one hundred persons were killed.[75] Such was the intensity of the Aguleri-Umuleri conflict that members of both communities deserted the area except for those actually prosecuting the "war", becoming refugees in neighbouring villages.

The Anambra State Government constituted a Commissions of Enquiry in the aftermath of the conflict to look into the ***immediate*** and ***remote causes*** of the conflicts, to ascertain the roles played by different parties, identify stakeholders and make recommendations following the disturbances and killings of 1995. Although the government released a ***White Paper*** in February 1997 with far reaching recommendations, nothing was done to defuse the situation until the latest conflagration of 1999 when concrete steps were taken in an attempt to achieve a lasting solution to the Aguleri-Umuleri disputes. These steps, included peace initiatives, acquisition of disputed areas and court actions over disputed land.

The Aguleri – Umuleri crisis is rooted in the failure of the state to satisfy aspirations of its people. Thus, the people, having to fend for themselves depend on land that has proven to be a scarce commodity. Land dispute is therefore at the root of the crisis between these two neighboring communities. The judicial system has failed to command the confidence of the Aguleri and Umuleri communities who interpreted the various court pronouncements to suit themselves with distorted interpretations of judgments exacerbating rather than solving the dispute. This case exposes the apparent failure of the state to control communal conflicts which

[75] Ibid

mostly arise from socio-economic reasons rather than strictly ethnic or religious differences, for in this case the warring parties are from the same ethnic and religious stock. The constitutional rights of the citizen, such as freedom of movement and freedom to own property, are curtailed by the communal crisis.

2.2.2.2 Ife-Modakeke Crisis:

The Ife and Modakeke are two neighbouring communities in Osun State with common Yoruba ethnic lineage. Though, they share common socio-economic and cultural makeup, the Ifes and Modakekes have been engaged in protracted conflict for decades rooted in land disputes. Rooted in the colonial era and beyond, the Ife – Modakeke conflict is one of the oldest "intra-ethnic" conflicts in Nigeria.[76]

The Modakeke people are generally considered strangers, tenants, and migrants in Ife. Historical accounts suggest that they migrated and settled in Ife in the aftermath of the collapse of the Old Oyo Empire in the 19th century that caused them to migrate southwards as refugees and to occupy their current location.[77] Thereafter, two distinct categories of people were thus created: the "indigenes", the "Ifes" who see themselves as landlords, and the "settlers", the Modakekes who are regarded as tenants (by the Ifes). These categorizations are at the root of the crisis between the two groups. Indeed, communal clashes are bound to erupt when neighbouring communities perceive their aspirations to be contradictory and their values, needs or interests divergent.

[76] Olayinka Akanle, The International Encyclopedia of Revolution and Protest, ISBN 9781405185649 (2009), www.blackwellreference.com
[77] www.codesria org/links/ife-modakeke/ majowa pdf

The first recorded major conflict between the Ifes and Modakekes in modern history was in 1953, which sustained tension for the remaining period of colonial era.[78] After independence during the volatile period of the early 1960s when the Western Region was labeled the "wild west" in view of the long running political-cum-communal crisis that engulfed the region, the Ifes and the Modakekes were always in different political camps which contributed to their local feud.

Since the Modakekes are in the minority, in times of conflict between the two communities, they are always driven away from their farmlands by the people of Ife who claim that the land belongs to Ife and were only let out to the Modakekes to farm. After many violent communal conflicts, including the 1987 communal disturbances over the location of a new Local Government Headquarters that was first announced to be located in Modakeke but was later relocated to Ife, for more than a decade there was sustained tension and a few minor skirmishes. However, it appears that this is one crisis with a happy ending. In 2009 the Oni of Ife and the Ogunsua of Modakeke finally concluded peace talks and signed a peace pact by which the two communities agreed to live in peace. Concessions were made by both sides which included the return of many seized farmlands back to their Modakeke owners.[79]

2.2.2.3 Warri Crisis:

2.2.2.3.1 Historical Foundations of the Warri Crisis:

Warri town has been under the rivalry of three ethnic groups for decades which is said to define the politics of Delta State. The Itshekiris, Urhobos and the Ijaws each claim "ownership" of the town as the original "indigenes" relegating all other ethnic groups to the status of

[78] Ibid.
[79] Ibid.

"settlers". Each of the warring parties invokes history to buttress its claim, with each ironically accusing others of rewriting history. Unfortunately their squabbles did not stop in war of words, but have resulted in violent communal conflict involving mostly the three communities that have claimed a lot of lives and property. The three-way complicated crisis has Itsekiri versus Urhobo, Urhobo versus Ijaw, and Ijaw versus Itsekiri. These are the main claimants. However, there are other minors parties in the conflict, such as the Effurun community who claimed separate identity from the big three. Effurun, in the outskirts of Warri city, claimed separate settlement status from Warri although the two eventually merged and are now one city.[80]

As a counter to the traditional leader of Warri being an Itshekiri, the Urhobos pointed out that it was the late Chief Obafemi Awolowo who after the elections of 1952 changed the title ***Olu of Itsekiri*** **to** ***Olu of Warri*** in a magnanimous act to reward the Itsekiri for their votes.[81] In the process, according to the same source, an Itsekiri Communal Land Trust over Warri was established with the ***Olu*** as the head. Meanwhile the Urhobos never accepted the change of the Olu status and have contested it, but failed to get a reversion.[82]

The ethnic crisis is propelled by contest for political relevance and the new-found status of Warri after the discovery of oil. Though, there are no oil wells in Warri town itself, with oil exploration carried out in adjourning riverine areas, oil companies such as Shell and Chevron pay royalties to communities through their leaders who are based in Warri. This made the seat of the Olu of Warri an enviable stool to be vied for by those who claimed to be citizens of or indigenes of Warri. Being a three dimensional problem, the Crisis will be dissected portraying the contribution of each of the conflicts to the crisis.

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[80] Manby, B., Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities, Human Rights Watch (1999), pp.111-112

[81] See The Guardian Newspaper report on the Warri crisis; quoting one Mr Akinde Aiyetun who claimed to have lived in Warri for over 40 years, The Guardian Newspaper (02/12/ 2002)

[82] Ibid.

2.2.2.3.2 Urhobo verses Itsekiri Feud:

Warri witnessed in June 1999 its most severe conflict which resulted in loss of lives and destruction of property in less than one month, in office of the new Governor of Delta State, Mr James Ibori. The ***immediate*** cause of the latest round of this ancient conflict was a dispute over the creation of a local government council out of the Warri South Local Government Council. Ownership of Okere-Warri has been a lingering dispute between the Urhobo and the Itsekiri. The Okere-Urhobo have been agitating for the creation and delineation of electoral wards. In addition there was the struggle for leadership of youth organisations by the Urhobo and Itsekiri. The ***remote*** cause can be said to be the refusal of the Urhobo to recognize and pay homage to the Olu of Warri, according to the Itsekiri. The Urhobo, on their part, never accepted the Olu as their monarch and have their own traditional ruler who they revere as their Olu. The wars between the Itsekiris and Urhobos have been fought fiercely many times on the streets of Warri, law courts and judicial commissions of inquiry. The Itsekiri, making their case on the ownership of Okere-Warri in a submission to the Judicial Commission of Inquiry set up to look into the Warri Crises of 1997 argued that Okere is one of the many districts that make up Warri metropolis. It is also the oldest of the districts in the area.

The Urhobo had submitted that the creation of four local government councils in Warri for the Ijaws, Itsekiri, Agbarha-Urhobo and Okere- Urhobo would bring to an end the conflict. When the councils were not created, violent conflict erupted again in May 2001 and four youths were killed at the Warri South Council Secretariat at a time members of the Delta State House of Assembly Committee on the Creation of New Councils were visiting Warri.[83]

[83] The Guardian Newspaper, December 2, 2002; See article by Kodilinye Obiagwu and Chido Okafor

2.2.2.3.3 Itsekiri verses Ijaw Feud:

The Ijaws and Itsekiris live close to one another especially in the riverine areas of the Delta State, sharing a lot in terms of marine lifestyle. However, since 1923, the Ijaws and Itsekiris have been fighting over ownership of land around the present day government reserved area (GRA) of Warri and other areas where they share common borders.[84]

According to an Ijaw lawyer, the early contact of the Itsekiris with the Europeans gave them advantage over the other tribes of the area enabling them to systematically annex domains of other ethnic groups using their influence in the colonial legal structure.[85]

The ***immediate*** cause of what is termed the worst Itsekiri-Ijaw conflict emanated from dispute over relocation of the headquarters of the Warri South West Local Government Council from Ogbe-Ijoh, an Ijaw township, to Ogidigben an Itsekiri township, in 1995 during the military regime of the late General Sani Abacha. The agitation by the Ijaw for the return of the council headquarters to Ogbe-Ijoh had been on for four years, which has led to several skirmishes between the warring parties with high casualty on both sides.

The Government of Delta State in determination to end the crisis proposed a bill to the House of Assembly on the re-relocation of the Warri South West Local Government Council back to Ogbe-Ijoh which was passed unanimously on August 31, 1999. However, the move irked some Itsekiri legislators representing Warri South II and Warri South West who filed a suit to stop it before an Asaba High Court in September 1999. Around the same time, the Government of Delta State also made the bold move towards solving the problem over traditional leadership by creating for the Ijaw their own monarch hitherto not approved by previous administrations, with the palace at Ogbe-Ijoh, known as the Amakosu of Ogbe-Ijoh. Also given the staff office

[84] See Report of General T. Y. Danjuma (Rtd.) Task Force on Warri Crisis in Nigeria's Western Niger Delta
[85] Ibid

was the long awaited Ovie of Agbarha, Warri. By these gestures, all the three ethnic groups, Itsekiri, Ijaw and Urhobo have their kings and domains. Today there is relative peace between the Itsekiri, Urhobo and Ijaw in Delta State. It appears that government has finally found a lasting solution to the lingering Warri crisis.

2.2.2.3.4 Ijaw verses Urhobo Feud:

The "Odi Massacre", as it became known, epitomized the long unending crisis between the Ijaw and Urhobo. In the last week of November of 1999 it dominated headline news of national and international media. Prior to the massacre, 24 members of the Nigerian Police Force were killed in cold blood by marauding gangs near Odi, a predominantly Ijaw township Bayelsa State, in the first week of November 1999. The Federal Government read the riot act to the Government of Bayelsa State, then sent in the army who invaded the township in what was seen as a revenge attack, and proceeded to indiscriminately attack its population and buildings.

Government put the death toll at a total 43, including eight soldiers,[86] which was vehemently disputed by civil society groups. A report concluded that "the soldiers must certainly have killed tens of unarmed civilians and that figures of several hundred dead are entirely plausible,"[87] while another report claims that "nearly 2500 civilians were killed."[88] According to

[86] See article in www.wikipedia.org/odi_massacre
[87] See Human Rights Watch (2003)
[88] Op.Cit., (quoting Nnimmo Bassey, Executive Director of Environmental Rights Action)

a report on destruction of property, "every building in the town except the bank, the Anglican Church and the health center was burnt to the ground."[89]

2.2.2.4 Tiv-Jukun Crises:

2.2.2.4.1 Historical Foundations of the Tiv-Jukun Crises:

Tivs and Jukuns lived side by side with each other as neighbours from time immemorial in contiguous areas around Wukari near the border of Taraba and Benue States. Depending on whose version of history you believe, the Jukuns claimed to be the "indigenes" of Wukari, the capital of their ancestral Kwararrafa Kingdom. The Tivs claimed that they were among the first inhabitants of the Wukari area and that the Jukuns came originally from Kano when the Fulani Jihad drove them away and they migrated and settled in their present location.[90] According to Tiv historians, the famous Kwararrafa Kingdom was a farce, or that if it existed at all, it was built by several ethnic groups and not by the Jukuns alone, or by the Jukuns after they came and displaced the Tivs that were there well before them.[91]

The Jukun pour scorn on this Tiv account of history, pointing out that even among the Tivs, those in Wukari and other parts of Jukun land in general, are variously described as "Mba-shi-tiev", meaning "those down in the farm" and those in Benue State are referred to as "Mba-sha-ya" meaning "those up at home". These Tiv expressions, according to this argument, are evidence that the Tivs regarded themselves as visitors in Wukari where they went to farm.[92]

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[89] Ibid
[90] Alubo O., Ethnic Conflicts and Citizenship Crises in the Central Region of Nigeria, University of Ibadan, (2006), pp.89
[91] Ibid.
[92] Ibid.

It is these claims and counter-claims of ownership of Wukari and its neighbouring villages in Taraba State between Tivs and Jukuns that has led to long running communal crisis between the two ethnic groups. Historically, the colonial powers aligned with the Jukuns' claim of being the indigenes of Wukari, and brought the Tivs and other ethnic groups in the area under the Jukun paramount ruler, the Aku Uka, which tilted the relationship between the two ethnic groups in favour of the Jukuns. The Tivs have since been fighting back continuously to assert their identity and independence from Jukun traditional powers.

In many ways, the intermittent clashes between Tivs and Jukuns in Taraba State are fallout of animosity between the two created from the colonial period. This assertion is based on the fact that before colonialism, there were no accounts of conflicts between the Tivs and Jukuns. Instead, both cooperated in warding off slave raiders and the jihadists. With the coming of colonialism, however, the relationship between the Tivs and Jukuns soured ostensibly due to the British policy of ***Indirect Rule*** which subordinated the Tivs to Jukun traditional leadership and by extension to Jukuns in general.[93]

The uneasy relationship between the Tivs and Jukuns deteriorated with the advent of party politics in the run up to Nigeria's independence. In the 1954 federal elections, Mallam Ibrahim Sangari, a Jukun was elected to the Federal House of Representatives from Wukari constituency. Conscious of their large numbers, the Tivs fielded Charles Gaza for the 1959 federal elections, and he easily defeated Sangari the incumbent Jukun candidate. This defeat was a watershed in the relations between the two ethnic groups as the Tivs thus graduated from mere rural settlers into a significant political factor that threatened the Jukuns within an area previously considered their sphere of influence.[94]

[93] Ibid.
[94] Ibid.

The Jukuns alleged that the Tivs brought in people from Tiv Division, a different political unit in Benue Province, but contiguous to Taraba to vote in their brother. The struggle between the two ethnic groups received fillip from party membership during the first Republic. The Jukuns mostly aligned with the Northern People's Congress (NPC) while the Tivs, under the leadership of Joseph Tarka, pitched their tent with the United Middle Belt Congress (UMBC). Expectedly, political affiliations set the Jukuns and Tivs further apart and on a collision course during elections.

The relationship between Tivs and Jukuns further degenerated in 1983 when after the elections Governor Bamanga Tukur attributed his victory in the southern part of Gongola State (Wukari, Takum, Bali and Sarduna LGAs) to the large Tiv votes. He compensated the electorates with the appointment of a Tiv, Dr. Samuel Tor Agbidye, as a Commissioner.[95] The Jukuns saw this as Tivs more political ascendancy in a region which was not theirs and a mark of Jukuns steady relegation to the background in their land.[96]

The return of military government did not change the situation of things. In 1986 when John Shimare was appointed Councilor of Wukari, the Jukuns complained to the military governor, Col. Yohanna Madaki, of being sidelined.[97] A similar complaint was made by the Jukuns to another military governor Air Commodore Jonah Jang, when Emmanuel Yawe, a Tiv was appointed Chief Press Secretary to the Governor in 1987.[98] These developments built up to the more recent violent conflicts between the Tivs and Jukuns.

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[95] Ibid.
[96] Best, S.G., Idyorough, A.E. and Shehu, Z. B., "Communal Conflicts and the Possibility of Conflicts Resolution in Nigeria: A Case Study of the Tiv-Jukun Conflicts in Wukari Local Government Area, Taraba State" in Otite, O., and Albert, T.O., (eds.) Community Conflicts in Nigeria: Management, Resolution and Transformation, : Spectrum Books, Ibadan (1999), pp.82 – 117.
[97] Ibid.
[98] Ibid.

2.2.2.4.2 1990-1993 Tiv-Jukun Crisis:

The first major conflict between the Tivs and the Jukuns in recent times erupted in 1990 and lingered on and off up to 1993. The ***immediate cause*** of the violent communal conflict of 1990 was a land dispute which in many ways was almost always the cause of all the Tiv-Jukun conflicts. There are two versions of the Tiv-Jukun crisis of 1990 to 1993. According to the Tivs, the Jukuns, who were irked by perceived Tivs challenge to the remains of Kwararrafa Kingdom, went out in the night and destroyed Tiv farms along Ibi-Wukari road.[99]

According to another version by the Assistant Police Commissioner, Jukun workmen had gathered to cultivate a piece of land, which the Tiv people claimed was theirs. There was confrontation and loss of lives on both sides.[100] This second version was corroborated by Tiv sources which recounted that the land in question was in dispute between a Tiv man, who was contesting ownership of the land with the Aku Uka (the Jukun paramount ruler). The problem started on 21st of September 1990 when the Jukuns launched an attack in which two Tivs, said to be brothers, were killed. The Tivs counter attacked and a Jukun was also killed, and the Jukun regrouped in Wukari where they declared war on the Tivs.[101]

It has been argued that the conflict had politics as its underlying cause while land was merely used as a means by the Jukuns to express their political grievances. According to the argument, the Jukuns have learnt from past elections that the large numbers of the Tivs can sway results of any elections in the area and were therefore determined to precipitate a crisis and disperse the Tivs before any elections.[102] Though this allegation of the Tivs has been denied by

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[99] Ubwa, H., Ethnic Conflicts in the Benue Valley: the Tiv and Their Neighbours, Benne Valley Journal of Humanities (2002), pp.40-48
[100] Ibid.
[101] Avav, T., Refugees in Own Country (The Tiv-Jukun Crises) 1990 -93,: Supreme Black Communications, Abuja (2002), pp.23
[102] Op.Cit. Alubo, pp.147

the Jukuns, there seem to be some elements of truth in it, if regard is made to chains of electoral victories the Tivs had recorded against the Jukuns in the Wukari area. Even the Jukuns paramount ruler has lamented how the Tivs are using their large population to achieve political domination:

> They (Tivs) came here to farm. We allowed them and even gave them chieftaincy titles. Now that their population has increased, they believe they are large enough to colonize us…. The Tivs would not allow us give land to our children.[103]

The 1990-1993 Tiv-Jukun crisis was the longest running of their ancient crisis in which many villages were razed with widespread killings. The attackers on both sides went from village to village killing and looting. The violence went on for weeks without police intervention. The events led to mass exodus of the Tiv people from most of southern Taraba into Benue State.[104] As the crisis continued, soldiers were deployed to quell the disturbances and keep the peace. However, the Tivs alleged that the soldiers took sides with the Jukuns, and accused Gen. T.Y. Danjuma, a respected retired Chief of Army Staff and later Minister of Defence, of enlisting the soldiers to fight on the side of his Jukun ethnic group.[105]

Peace was finally brokered in respect of the 1990-1993 conflict after the deployment of the soldiers who were successful in ending the violence. A judicial commission of inquiry was thereafter setup by Federal Government[106] to look into the ***immediate*** and ***remote*** causes of the long running crisis. The Commission successfully concluded their work and duly submitted their Report with recommendations which were never implemented, possibly due to allegations of bias levied against government by one of the warring parties. It has been said that had the issues

[103] Op.Cit. Avav, pp.71
[104] Ibid.
[105] Op.Cit. Alubo, pp.105
[106] Commission of Inquiry into the 1993 crisis

raised by the Commission been addressed, and their recommendations implemented, perhaps the 2001-2002 crisis might have been averted.

2.2.2.4.3 2001-2003 Tiv-Jukun Crisis:

Nineteen soldiers on duty on the boundary of Benue and Taraba States were abducted by Tiv militias at Vaase, a border town between the two states, on the 7th of October, 2001 and driven to Zaki Biam, 40 kilometres inside Benue State territory, where they were executed.[107] This story made headline news in both local and international media after the killings.[108]

A search was mounted after the killings were reported. The following day, the Benue State Government promptly apologized for the act, and the Federal Government issued a week ultimatum to the government of Benue State to identify the culprits and bring them to justice. No arrests were made. Some Tiv villages were subsequently invaded by the Nigerian Army. This was seen as revenge assault for the abduction and killing of the 19 soldiers, which became the watershed of the perennial on-and-off Tiv-Jukun crisis that dated back to the colonial era.

The immediate cause of the 2001-2002 Tiv-Jukun conflict was an encounter between a Fulani herdsman and a Tiv farmer. This encounter could have passed as part of the uneasy relationship between pastoralists and agriculturalists all over the country with ample documentation of occasional violent conflict between the two.[109] The Fulani herdsman and his cattle were alleged to have strayed into the farm of one Mr. Iortimin Umande, a Tiv farmer. When challenged for trespass by the farmer, the Fulani herdsman was alleged to have stabbed the Tiv farmer to death which led to reprisals by the Tivs against the Fulanis. The Jukuns

[107] See the Report of the Judicial Commission of Inquiry on Inter-communal Clashes in Benue, Taraba, Nasarawa and Plateau States.
[108] See Thisday (Newspaper) of May 23rd, 2001, pp.29
[109] Op.Cit. Alubo O., pp.110

subsequently joined the conflict in support of the Fulani and waged an all out bitter war on the Tivs.[110]" The details of unfolding events were in dispute, but one fact which was not in dispute was that of the trespass that led to a confrontation between a herdsman and a farmer near Che Ikyanbe, a village inhabited by Tivs, Fulanis, Etulos and others.

The Jukuns blamed the Tivs for having a penchant for violence, and always taking the law in their own hands, as in this case, thereby precipitating the communal crisis that engulfed the area. According to a Jukun spokesman:

> We submit…if the allegation of the Tivs were correct, are they not obliged to pursue the due process of law in seeking redress? Does the law invest in them the right to employ self-help or violence in redressing a perceived injury or wrong? Does their reaction not engender peaceful co-existence or harmonious living between the Tiv and their Fulani neighbours?"[111]

The Tivs in responding to the Jukuns allegation made counter allegation that the Jukuns have a grand design to expel all Tiv people from what they regard as "Jukun-land" and would exploit any excuse in pursuit of this goal. According to Tiv allegations they have evidence of mass indoctrination of Jukun people against the Tivs in the execution of the "Jukun Project". According to a Tiv spokesman."[112]

> With plans perfected and arms and ammunitions in stock, the Jukuns only waited for an opportunity to execute their plans. The plan was a total elimination of the Tivs from Jukun land. That excuse came with the misunderstanding between the Tiv and Fulanis over the destruction of farmlands by the Fulani cattle. It is however, now obvious that this was engineered by the Jukuns.[113]

Another vexed issue, which also came up during investigation of the 1990-1993 crises, was access to land. The Jukuns allege that the Tivs grab land without following due process of

[110] Ibid
[111] Ibid
[112] Ibid
[113] Mbwase T, The Grand Jukun Strategy Against the Tivs, The Punch (30th August 2002) p.18

permission from traditional authorities and institutions and of not paying respect to the Jukun paramount ruler. There were persistent accusations that "the Tiv had exhausted available fertile land within their domain in Benue and were constrained to migrate enmass to relatively more fertile land in Taraba, Nassarawa, Plateau and Cross River state."[114]

Recognition of the Tivs as indigenes, with all rights and privileges as the Jukuns rather than as settlers with limited rights according to the Jukuns spells doom for them (the Jukuns). The Tiv proclivity for domination of Jukun land and viewing where ever they settle as part of Tiv land would eventually edge out the Jukuns from Taraba, they further claimed. The Jukuns contended that the Tor Tiv regards himself as the leader of the Tivs worldwide and has therefore sought to control Tivs people in Taraba. There was also accusation that Tiv elites from Benue consistently seek to influence and teleguide affairs in Taraba, and elsewhere, in support of a "Great Tivland" and in the process stirring trouble in Taraba State.[115]

2.2.2.5 Zangon Kataf Crisis:

Two major ethno-religious conflicts took place in Zangon Kataf in 1992. The first ethno-religious conflict which took place in February 1992 clearly exposed deep ethnic and religious resentments that had boiled over many years only to find expression in a quarrel over location of the town's market. The second conflict recurred three months later, even while the first conflict was being investigated, over farm produce (yams).

The ***remote causes*** of the Zangon Kataf crisis of 1992 can be traced in a long history of bitter animosity and rivalry between the two contending groups of the area, namely the Katafs and the Hausas since the early 1900s. British colonialists, after invading northern Nigeria,

[114] Ibid
[115] Ibid.

imposed District Heads from the minority Hausa ethnic group over the predominant ethnic groups of the area, the Katafs and the Atyaps, in their famous indirect rule administrative system.[116] With minor clashes here and there the Katafs and Atyaps have over time demonstrated their contempt for Hausa traditional leadership who are appointed by, and under the patronage of, the Emir of Zaria. The atmosphere in Zango Kataf was charged with the Hausas accused of marginalizing the Katafs and other indigenous groups by taking over their lands and dominating the political and economic opportunities of the area under the protection of the Emir of Zaria.[117]

The ***immediate cause*** of the ***February 1992 Zangon Kataf Conflict*** was the relocation of the Zango town market by the Local Government Chairman. As a result of claims from the Katafs of domination of the town market by the Hausas which was located in a Hausa area, the Chairman authorized the relocation of the market to "a neutral place". The relocation was resisted by the Hausas who accused the Chairman of being partisan in favour of his fellow Katafs. The squabbles over whether the town market should be relocated or allowed to remain in its old location degenerated into one of the most bloody communal disturbance ever witnessed at the time in which many people were killed and property destroyed.[118] The official death toll was 300 but unofficial estimates were put at several thousand while over 60,000 people fled their homes.[119]

The ***immediate cause*** of the ***May 1992 Zango Kataf Conflict*** was over allegations of some Hausa people trespassing a farm belonging to Kataf and uprooting yam seedlings. This incidence instigated some Kataf people to retaliate by destroying Hausa farms. The tit-for-tat developed into another ethno-religious conflagration in the heels of the February disturbances.

[116] Maiwa B., Northern Minorities and Hausa Poltical Hegemony, Barka Press Kaduna (1996), pp.49
[117] Boman D., Atyap and the Struggle for Tribal Identity, The Punch (Newspaper) June 19, 1995, pp.12
[118] See New Nigerian (Newspaper) of 21st February, 1992, pp.14
[119] See Report of the 2002 Judicial Commission of Inquiry

For three days, from 14th to 17th of May 1992, war raged in Zango town. By the time the mobile police took control of the "war zone" on the third day, over 400 people had been killed and the whole Zango town reduced to ashes. This conflict was to later spread to Kaduna city and beyond leading to more loss of lives and property.[120]

The initial official response to the second Zangon Kataf conflict of 1992 was the setting up of a judicial commission of inquiry to investigate the conflict by the government of Kaduna State as was the case after the first conflict. In the background of massive public outcry over the carnage, hundreds of people were arrested most of whom were Katafs. Eventually the Federal Government set up a Civil Disturbances Special Tribunal before whom 6 prominent Katafs, including Major-General Zamani Lekwot, a former military governor and ambassador, were charged with complicity in the sectarian disturbances. In September 1992, a total of 14 people were sentenced to death by two different Civil Disturbances Tribunals, including Major-General Lekwot. The Federal Government, however, commuted their death sentences to five years imprisonment each.

2.2.2.6 Jos Crisis:

2.2.2.6.1 Historical Foundations of the Jos Crisis:

The "***Tin City***", as the city of Jos is fondly called, was established in 1915 by the British colonial administration as a camp for its tin mining and transportation workers. Its early history was therefore closely linked to the prosperity of the Nigerian tin mining industry. In the post independence era, with the collapse of the tin mining industry, Jos continued to prosper as a commercial hub. The city is located on the Jos Plateau at an elevation of about 1,238 metres

[120] See The Nigerian Tribune of 24th May, 1992, pp.1

above sea level which is responsible for its mild weather. The mild weather, coupled with its beautiful landscapes, makes Jos attractive to migrants as well as tourists. It was against the background of the beauty and peaceful nature of Plateau State that the state's selected vehicle number plate slogan was coined "***Home of Peace and Tourism***".

The capital of Plateau State, Jos is one of the most cosmopolitan cities in Nigeria with a large population of other Nigerians and foreign nationals on account of mass migration to the area during the tin mining boom at the turn of the 20th century.[121] In 1967, Jos became the capital of the defunct Benue Plateau State. In 1975, it was transformed to the capital of Plateau State after the split of the old Benue Plateau State into two. In 1996, Jos was retained as capital of Plateau State when the state was again split into two states, with the creation of Nasarawa State from it.

Jos enjoyed relative peace, when compared to neighbouring state capitals like Bauchi, Kaduna and Kano, until 1994. However, even before 1994, there were signals of contentious issues between the "indigenous" ethnic groups and the Hausa community. The initial quarrel was over ownership of Jos. Heated street debates centered around who founded the city, and by extension who should exercise control over its institutions of authority, namely traditional leadership and local government councils. Conflicts localized to Jos eventually spread around the state resulting in minor skirmishes over farmland here and there from time to time. The unhealthy struggle over Jos between "indigenous" ethnic groups and the Hausa community succeeded in polarizing the two camps. Eventually the verbal struggles transcended into violent struggle which was triggered by the appointment of a Hausa man as Chairman of the newly created Jos North Local Government Management Committee by the Federal Government.

[121] Human Rights Watch, Testing Democracy in Nigeria, (2003), pp.21

Relative peace again returned to Jos after the 1994 crisis, encouraged by moves by both government and civil society groups. In 2000, ethnic war suddenly erupted in neighboring Nasarawa State which had far reaching repercussions on the Plateau. A local feud between the Kwalla and the Tiv ethnic groups widened into a larger conflagration between the Tivs and the Kwalla, Alago, Migili, Koro, Eggon and Jukun ethnic groups forcing many Tivs to flee into neighbouring Benue, Plateau and Taraba states. Ripple effects of the Nasarawa ethnic crisis were felt in the southern parts of Plateau State sharing border with Nasarawa State with arrival of refugees. Sectarian violence reared its ugly head for the first time in a long while when the Kwallas and Tivs resumed their hostilities again in both Nasarawa and Plateau states, lasting almost three months; from March to May 2001).

A judicial commission of inquiry set up to investigate the crisis concluded that "…the massacre of the Tiv community and consequent destruction of properties owned by them was a revenge attack."[122] However, despite the fact that evidence was laid before the Judicial Commission of Inquiry that the 2001 ethnic conflict involving the Tivs and the Kwallas, among other tribes, was a planned genocide, no one was prosecuted by the government.[123]

The spillover of the 2001 Nasarawa ethnic crisis into southern districts of Plateau State may have precipitated renewed sectarian crisis in Jos that first exploded in 2002 and has refused to abate more than ten years later. The on-and-off flashes of sectarian communal violence has effectively traumatized and balkanized the city, and brought to fore the nationwide "indigene-settler" problem.

[122] Nasarawa State Juducial Commission of Inquiry into the 2000/2001 Ethnic Conflicts, pp.3
[123] Adom K., Tiv Community – Blaming the Victim, The News 12 August 2000, pp.22

Four major sectarian conflicts, out of the many conflicts that occurred in Plateau State in recent times, have been selected for in-depth study because of their significance to the study of citizenship.

Meanwhile, a field survey was conducted by the researcher, in which questionnaires were distributed to a wide section of Plateau State communities. Special interviews were also conducted with two prominent opinion leaders of Plateau State, Chief Samu'ila Danko Makama[124] and Alhaji Ibrahim Nasiru Mantu[125] who gave the researcher first hand information on the crises.

2.2.2.6.2 1994 Jos Sectarian Disturbances:

The trigger of the Jos sectarian violence of April 12, 1994 was the appointment of a Hausa man to chair the newly created Jos North Local Government Management Committee by the Federal Government. The appointment was interpreted by the "indigenous" communities (Afizere, Anaguta and Berom) as confirmation of the Federal Government's bias in favour of the Hausa "settler" community in their ethnic rivalry over "ownership" of Jos.

On April 5, 1994, the aggrieved communities held a peaceful demonstration and made it clear that the new Chairman's appointment was "unacceptable to them". But the next day, he was sworn as committee chairman. Further aggrieved, the elders of the "indigenous" communities "vowed not to allow him to assume office". On April 8, 1994 youth from the "indigenous" communities thronged the local government secretariat to disrupt the handing over

[124] Chief Samu'ila Danko Makama, CON, is the Chairman, National Population Commission
[125] Alhaji Ibrahim Nasiru Mantu was the Deputy Senate President, National Assembly, 2003-2007

ceremony, and were calmed only after a government order directed the local government's director of personnel management to take over the running of the council.

Feeling that government had compromised at their own expense, the Hausa population of Jos reacted on April 11, 1994 with demonstrations on the highway near the Abattoir in protest of the government's action. By April 12, "chaos ensued" leaving in its wake several dead, many displaced, and destroyed property worth millions of Naira.

Ten days after the communal violence, the Military Administrator of Plateau State, Colonel Mohammed Mana, set up a judicial commission of inquiry headed by Justice Fiberesima.[126] The Commission was mandated to investigate the "remote and immediate causes" of the sectarian disturbances, recommend measures of "avoiding a future re-occurrence", and "recommend appropriate action" against those found guilty of causing mayhem. The commission found the ***immediate cause*** of the crisis to be the appointment of the chairman of the Jos North Local Government Caretaker Committee Chairman:

> While his kinsmen nodded approval to his appointment, the Berom, Anaguta, and Afizere tribes gave it an outright rejection. A battle line was drawn between the tribes.[127]

The Commission traced the ***remote cause*** of the crisis to 1991 when Jos Local Government was split in two creating Jos North and Jos South local government areas. This, the Commission established was "totally against the wishes of the Berom, Anaguta, and Afizere

[126] The Judicial Commission of Inquiry into the April 12, 1994 Riots, chaired by retired Justice Abribiton Fiberesima.
[127] Ibid.

communities" as they found themselves in Jos South LGA "while the Hausa-Fulani community was left to enjoy numerical dominion in Jos North LGA where Jos metropolis is located."[128]

> The communities saw this arrangement as a grand plan by the Hausa-Fulani to seize Jos town from them. They also resented the pattern of the newly-created LGAs because it left their paramount ruler, the Gbong Gwom, isolated in an enclave of the Hausa-Fulani in Jos municipality.

The well articulated definition given by the Fiberesima Report in respect of who is an ***indigene*** of Jos is instructive:

> an indigene of Jos is one whose ancestors were natives of Jos, beyond living memory. This does not include any person who may not remember from where his father or grandfather left his native home for Jos as a fixed home, domiciled there as of choice for life; or who is ignorant about from where his family moved to Jos permanently in quest of better living or in the process of his business…. In the light of the above consideration or careful thought, we concede to the claim of the Afizere, Anaguta and Berom tribes, and to declare that they are "indigenes" of Jos. But as to the Hausa-Fulani people's assumption, we make bold, on the evidence at our disposal, to advice them that they can qualify only as "Citizens" of Jos…[129]

2.2.2.6.3 2001 Jos Sectarian Disturbances:

The ***immediate cause*** of the September 2001 Jos ethno-religious conflict was street praying; that is the blockage of a street for the purpose of religious worship. The violence began on the 7th of September 2001 when a Christian woman attempted to cross a barricaded street near a mosque before the weekly congregational prayers. It led to a conflict between her and the group of Muslim worshippers blocking the street that eventually spread to other parts of the city. Sectarian disturbances continued within the city and its environs for 10 days before it finally ended on September 17, 2001 with the intervention of the military after the failure of the police

[128] Ibid.
[129] Ibid

to quell the violence. Over 3,000 people were killed in the clashes, according to reports, that a mass burial had to be arranged.[130]

The Commission traced the ***remote cause*** of the crisis to 1991 when Jos Local Government was split in two creating Jos North and Jos South local government areas. This, the Commission established was "totally against the wishes of the Berom, Anaguta, and Afizere communities" as they found themselves in Jos South LGA "while the Hausa-Fulani community was left to enjoy numerical dominion in Jos North LGA where Jos metropolis is located."

2.2.2.6.4 2004 Yelwa-Shendam Sectarian Disturbances:

On May 2, 2004, armed groups believed to be members of the Tarok ethnic group launched an attacked on the town of Yelwa, in the southern part of Plateau State, where there is a strong Fulani population. The attack on Yelwa town was preceded by a string of earlier skirmishes between the Taroks and Fulanis, who had been engaged in a prolonged conflict over land matters. According to ***Human Rights Watch***, more than six hundred and sixty Muslims were massacred over the course of two days, May 2 and 3, 2004 while twelve mosques and three hundred houses were burnt. The governor of Plateau State, Joshua Dariye, was abroad during the disturbances. When he returned to the country, he did not rush to his state which did not go down well with the President of Nigeria, Olusegun Obasanjo:

> When the crisis broke out in his state, the governor made no effort to return home immediately, he was away for about two weeks. And when he did return to the

[130] See afraf.oxfordjournals.org/content/101/403/243.full.pdf, accessed April 9, 2001

country, his first priority was to attend the Sports Festival in Abuja at a time when his state was burning.[131]

The President of Nigeria was prompted by the massacre and seeming indifference of the Governor to declare a ***State of Emergency*** in Plateau State on the 18th of May, 2004. The democratically elected governor, Chief Joshau Dariye, was suspended and temporarily replaced by Major General M.C. Alli (Rtd) as ***Administrator*** for the State.

Initiating peace and reconciliation process, the Government of Plateau State, under the new Administrator, convened the "***Plateau Peace Conference***"[132] of 2004 designed to:

i) Provide the opportunity for each and every nationality in the state…to bring to light grievances and disagreements…with its neighbours or with the system;
ii) Make it possible for other Nigerian nationalities resident in the State…to contribute to the peace process…;
iii) Create a forum that will bring together the people of Plateau State…to a round table discussion where contending issues will be openly presented and debated;
iv) Attempt to find lasting solutions to the lingering problems that have precipitated the long running crisis in the State; and to
v) Establish by consensus the yardstick for co-existence between the various ethnic and religious groups in the State that will be a point of reference for future generations in the State and the Nation at large.[133]

The Conference considered the Reports of past Judicial Commissions of Inquiry constituted by the government of Plateau State that looked into the seemingly intractable Jos Crisis. It found the ***Fiberesima Report***[134] instructive, and adopted it, and recommended its immediate implementation. The Report of the Peace Conference was submitted to the Administrator of Plateau State on the 28th of September, 2004. The government of Plateau State

[131] See Broadcast of the President of Nigeria on the imposition of a State of Emergency in Plateau State, on Tuesday, May 18, 2004
[132] Report on Plateau Peace Conference 2004 (18th August – 21st September 2004); See Main Report, September 2004, Plateau State of Nigeria Gazette, Government Printer, Jos (2004)
[133] Ibid., p.6
[134] See the Report of the Judicial Commission of Inquiry into the April 12, 1994 Riots, chaired by Justice Fiberesima.

accepted it "in its entirety as representing the will and resolve of the people of Plateau State, and adopted the Report for implementation by the Government of Plateau State."[135] On issue of ***citizenship*** and ***indigene-ship*** the Report stated:

> In treating ***indigeneship, citizenship, settlership syndrome*** as a major cause of the crises in Plateau State, delegates at the Peace Conference looked at indigeneship as exemplified from various perspectives. The general consensus is that the issue of "indigeneship" is a national problem that is clamouring for a solution. ***The 1999 Constitution of the Federal Republic of Nigeria has not clearly defined the concept***. However, the conference believes that if the Federal Government considers the Conference recommendation on the status of an ***indigene*** with defined privileges, it will go a long way in solving some of the lingering problems associated with it throughout the nation…[136]

The Conference, having made the above observations about the ambiguity on the position of ***indigene*** in the Constitution of Nigeria, went on to offer its own logical definition of ***indigene***. Articulating its own findings and position on the controversial issue, the Conference endorsed the definition of the Fiberesima Report[137] on ***indigene*** which it reproduced in the body of its own Report.[138]

> Consequently, the Conference sampled various opinions as to what should constitute an **"indigene"** and the following definitions were harmonized. Indigeneship should be peculiar to a people who are the first to have settled **permanently** in a particular area and who are often considered as **"natives".** Such people have rights to their lands, their traditions and culture. The Conference cited the examples of the Australian **"Aborigenes"** and the American **"Red Indians"** to buttress their arguments. They also endorsed the well articulated definition given by the **Hon. Justice J. Aribiton Fiberesima (rtd)** Commission of Inquiry Report on Jos Riots of April 12th 1994 (**page 25, Item 3.1.4)** in respect of who is an ***indigene*** of Jos to support their definition which states as follows:
> …an indigene of Jos is one whose ancestors were natives of Jos, beyond living memory. This does not include any person who may not remember from where his father or grandfather left his native home for Jos as a fixed home, domiciled there as of choice for life; or who is ignorant about from where his family moved to Jos permanently in quest of better living or in the process of his business…. In

[135] Ibid., pp.ii, paragraph 6
[136] Ibid., p,30
[137] See Fiberesima Report, pp.25 (Item 3.1.4)
[138] Op.Cit., pp.31

> the light of the above consideration or careful thought, we concede to the claim of the Afizere, Anaguta and Berom tribes, and to declare that they are "indigenes" of Jos. But as to the Hausa-Fulani people's assumption, we make bold, on the evidence at our disposal, to advice them that they can qualify only as "Citizens" of Jos…[139]

2.2.2.6.5 2008 Jos Sectarian Disturbances:

The immediate cause of the November 28, 2008 Jos sectarian disturbances was the result of the local government council elections of Jos North Local Government Council in which the candidate of the People's Democratic Party (PDP), a Christian from the Berom community was declared winner. Supporters of the defeated candidate from the All Nigerian Peoples Party (ANPP), a Muslim from the Hausa community protested. Violence between supporters of the two candidates escalated to widespread communal violence between Christians and Muslims that engulfed the whole town. Two days of rioting, on November 28 and 29, left over three hundred and eighty one killed and four hundred injured before the Nigerian army arrived on the 30th and restored order. From police estimates, over five hundred youths, many armed, were arrest from both sides. Several homes, mosques and churches were damaged or burned by mobs. The Nigerian Red Cross Society reported that some 10,000 people fled their homes due and sought refuge in government-provided shelters.

In conclusion, from the analysis of past conflicts which cut across virtually all the six geo-political zones, it is noted that ethno-religious conflicts are a national issue as there is no zone that is crisis free. Nigeria has lost a lot of human and material resources to these conflicts over the years; and will still continue to lose unless there is a positive paradigm shift in crisis management in Nigeria.

[139] Ibid., pp.30-31

CHAPTER THREE:

INSTITUTIONAL AND LEGAL FRAMEWORK FOR THE PREVENTION AND MITIGATION OF ETHNO-RELIGIOUS CONFLICTS IN NIGERIA

3.1 Introduction:

In civilized society, for many years, individual and community rights are protected enabling people to live in peace and harmony with one another in order to go about their normal life. To achieve this, certain structures are promoted, some anchored in our rich cultural heritage such as family values and traditional institutions, which are not supported by legislations though recognized. Others are institutions supported by the constitution and statutes such as the police, and judiciary that can be regarded as "constituted authority". People look up to constituted authority in times of trouble for support and protection. In this Chapter, we shall x-ray the so-called "constituted authority" structures put in place, as well as social institutions such as government, youth programmes, like the unity schools and the NYSC, designed to foster peaceful integration of the diverse youth, from diverse ethnic groups across Nigeria. We shall try to appreciate the individual contributions of each of these institutions in terms of avoiding conflict altogether ab initio, or controlling the conflicts if and when they do occur.

3.2 Government

The primary purpose of the government of Nigeria according to Section 14 (1) (b) of the 1999 Constitution, is the security and welfare of the people. Wide spread genocide committed during ethno-religious disturbances in Nigeria, with the attendant massive destruction of property through arson and looting, which largely go unpunished, undermine the "primary purpose" of the

government of Nigeria. The status quo, not only encourages more frequent conflicts, but also poses serious legal and human rights implications for Nigeria.

Many people have lost their lives in ethno-religious conflicts in Nigeria, from colonial time to present time, too many to mention, since there is no properly kept record of casualties from the conflicts. The 1966 communal riots that swept the north in a reaction to a military coup of the same year, in which several prominent northern leaders lost their lives, precipitated a three year civil war that had ethnic under tones. After the war, relative calm prevailed throughout the 1970s without any major ethno-religious conflict. However, from the mid 1980s to-date, ethno-religious conflicts have taken centre stage in Nigeria, with the frequency of conflicts rising astronomically and assuming a national spread, like a wildfire that has engulfed the whole country.

The modus operandi of rioters in ethno-religious conflicts in Nigeria has become similar over time, which is the killings and destruction of valueable properties of the rival party. The attitude of wholesale killing of people and destruction of property in ethno-religious disturbances undermines the Constitution, which guarantees "right to life"[140] and "right to acquire and own immovable property"[141] anywhere in Nigeria. Other constitutional provisions violated include the free mobility of people and goods, freedom from discrimination on the grounds of place of origin, sex, religion, ethnicity etc.

Government is the primary institution saddled with the responsibility of preventing or mitigating ethno-religious conflict. It does so by meeting its social, educational and economic responsibility to the people as provided under the fundamental objectives directing state policy in the successive Nigerian constitutions. The government breeds peace in the land by observing the

[140] Section 33 of the 1999 Constitution
[141] Section 43 of the 1999 Constitution

fundamental rights of citizens and by bringing to justice those who violate the law by formenting ethnic and religious conflicts. For now, the Nigerian government seems to be failing in its responsibility of preventing or mitigating ethno-religious conflicts. Its failure in this regard appears to fuel more ethno-religious conflicts across the land, for example, in Plateau crisis before now, nobody was tried and punished. Likewise, the Nasarawa Crisis of 2001. Also in the Tiv Crisis where 19 soldiers were killed, the Benue State Government did not prosecute and punished the culprits even when it was directed by the Federal Government.

3:3 Police

The Nigerian Constitution establishes the Nigerian Police Force as a body charged with maintaining law and order. The Police Act[142] provides that:

> The police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of live and property and the due enforcement of all laws and regulations with which they are directly charged.[143]

The above section of the Police Act places the security of the state in the Nigerian Police Force. The police by this provision is the institution responsible for the prevention and detection of ethno-religious conflicts in the country by gathering intelligence on the possibility of the occurrence of such conflicts before they occurred and preventing them from occurring. Where the police failed to prevent ethno-religious conflicts from occurring, the police, relying on the above section and another section of the Police Act, which provide for public safety and public order, are empowered to control and suppress the conflict. In this regard, the Act provides that:

> The President may give to the Inspector General of Police such directions with respect to the maintaining and securing of public safety and public order as he

[142] The Police Act (CAP 359), Laws of the Federation of Nigeria 1990
[143] Ibid., See Section 10(2)

> may consider necessary, and the Inspector General shall comply with these directions or caused them to be complied with.[144]

The implication of the above provision is that, if the President does not give the Inspector General of Police the needed directions, the Inspector General cannot act to suppress an ethno-religious conflict. Where therefore, the President chooses to withhold such direction or delays it, a lot of destruction would be inflicted on the society where such conflict has erupted.

As with the Inspector General of Police, the Police Commissioner in a state acts only on the direction of the Governor of the state.[145] As it is recommended in favour of the Inspector General of Police, it is recommended in favour of the state Commissioner of Police. He needs to have emergency powers to respond to a conflict such as an ethno-religious conflict without waiting for directions from the state governor.

Though the provision of section 10(1) of the Police Act is informed by the need for the President and the Governor as chief security officers of the nation and the state to have control over the Inspector General of Police and the state Commissioner of Police, the countervailing necessity for maintaining peace and order appears to be more critical than the need for executive control over the police force. This submission is made reflecting on Napoleon Bonarpate's statement that "he who saves a nation, breaks no law."[146] If an Inspector General of Police or a Commissioner of Police without direction from the President or Governor of a state acts to suppress an ethno-religious conflict, and succeeded in suppressing it, he has done the nation or state a lot of good, even though the way and manner he suppressed the conflict is not altogether free from blame.

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[144] Ibid., See Section 10(1)
[145] Ibid., See Section 10(2)
[146] See the Napolean Code, Microsoft Encarta ©, Microsoft Corporation (2009) - The designation "Code Napoléon" (Napoleon Code), first drafted in 1793, was officially applied in 1807 to French law and is still in force in France. It was named in honour of Napoleon, emperor of France, who had participated in its formulation.

It is the primary role of the police to prevent and control conflicts widely recognized as threatening to life and property; as well as to guide individuals who are in danger of physical harm such as the victims of violent attack. Resolving conflict whether between individuals or groups or between individuals and groups with government as well as identifying problems that have the potentials for becoming more serious; in addition to maintaining a feeling of security in communities are also the responsibilities of the Police.[147]

Police generally are responsible for the enforcement and maintenance of law and order, which includes suppression of riots in the interest of public safety. A relevant question to pose here is whether the Nigerian police has lived up to its responsibility. Hardly, is the response, with regards to communal conflicts. In most cases, police fail to respond on time until the situation has escalated out of hand, except for a few cases such as the 1982 Kano religious uprising[148] where the police reacted promptly to a complaint from a Christian church group and succeeded in saving the church from being burnt down even though the rioters attacked other churches instead.

3.3.1 Judicial Commissions of Inquiry and the Police

The Nigerian Police Force essentially is the institution charged with the responsibility of investigating crimes pursuant to its law and order. In ethno-religious conflicts however, most investigations are done by ***Judicial Commissions of Inquiry***.

The use of judicial commissions of inquiry to investigate matters of interest to government started from colonial times, and it is one of the inherited colonial traditions that continued after independence. One of the early Judicial Commissions of Inquiry set up in

[147] Cohen L, The Police and the Enforcement of Law and Order, Littlepress, London (2001) p. 189
[148] See Kano Ethno-Religious Conflict of 1982, cir

independent Nigeria, was the Commission appointed by the Government of Northern Nigeria in March 1964, headed by Mallam Ahmadu Coomassie, to look into the long running "Tiv Riots."[149]

Over the years, there were proliferations of Commissions to investigate ethno-religious disturbances. This was tantamount to total lack of confidence in the police, who have a whole detective department manned by trained officers, dedicated to criminal investigations. In most cases, the police are excluded from the membership of Commissions of Inquiry into ethno-religious conflicts and come in only as witnesses, and experts, when invited by the Commissions. One such Commission, midway into its assignment, found the need to co-opt a police officer, who was involved in the investigation of the disturbance from the onset, and who was assisting the Commission as a witness and an expert to become a full member of the Commission.[150]

In some cases, members are appointed from the warring parties,[151] who end up representing the interests of their groups. Government treats ethno-religious disturbances more as political than criminal matters. This sets the tone for commissions work, and government's overall reaction to conflicts. Invariably, attention was paid more to "remote" causes of conflicts, at the expense of "immediate" causes that could form the basis of prosecution and jailing of offenders. Laying more emphasis on remote causes of conflicts results in relatively fewer prosecutions and convictions from ethno-religious clashes, compared to ordinary everyday clashes that become criminal cases, and end up rewarding offenders, through governments efforts at addressing so-called remote causes of the conflict such as the creation of chiefdoms and local governments.

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[149] See White Paper on Government Policy for the Rehabilitation of the Tiv Native Authority, Government Printer Northern Nigeria Kaduna (1965) p.3

[150] See Report of the Committee to Investigate Causes of Riots and Disturbances in Kaduna State, March (1987)

[151] See the Jema'a Emir-ship Staff of Office Riots, Judicial Commission of Inquiry, August 1999, which has a member each for CAN and JNI

A good illustration of the commissions' stereotype concentration on political solutions at the expense of legal solutions is the attitude of a certain commission that was briefed by a Governor to identify the "immediate" and "remote" causes of a certain conflict. When it began sitting, the Commission's first act was to revisit their letter of appointment, and promptly rearranged the order of their terms of reference to bring forward to number one position the word "remote", before the word "immediate." They found it a "more logical and more sequential presentation of events leading to the crisis."[152] This was pure semantics since both causes were to be considered anyway. But, the rearrangement set the tone of the work of the commission, which was to find out the socio-political reasons behind the disturbance, not who committed what in the disturbance where hundreds of people were killed, and properties looted and destroyed, and the need for justice to take its course.

The mandates of commissions, sometimes called "Panels" or "Committees" vary, depending on the whims and caprices of the person creating them. However, on average, four basic mandates are invariably always repeated, which are:

(a) to "investigate" into the "immediate" and "remote" "causes" of the disturbance;
(b) to "ascertain" the "roles" played by "individuals" and "groups" in the disturbance, and "recommend" appropriate actions to be taken against them;
(c) to "determine" the extent of "loss" of "lives" and "property"; and
(d) to "recommend" "measures" to be taken, to "prevent" future reoccurrence of the conflict, capable of providing "lasting solution" to the problem, that will command the support and loyalty of warring parties. [153]

Of the four mandates listed above, it is submitted that the police are in a better position to handle items (a), (b) and (c), which involve criminal investigation that is a daily routine work of

[152] See White Paper of the Report of the Committee to Investigate Causes of Riots and Disturbances in Kaduna state, 6th-12th March 1987 (Government Printer)
[153] Ibid

the police. Meanwhile, a commission of inquiry could best handle item (d), which has political undertones.

After receiving its mandate, a commission commences its work, at the end of which it submits a "Report" to the government that set it up, which consists of its findings and recommendations.

Government studies the said Report, point by point, and accepts or rejects the commission's findings and recommendations on each point. Government then publishes a "White Paper", which is a summary of the Commission's Report and the decisions of government on the Commission's recommendations, which becomes government policy.

The task before government should be consolidation of the normal work of the police with that of the Commission, whose objectives vary. The police investigate into the criminal dimension of disturbances with a plan to prosecute those accused of playing criminal roles in the disturbances such as murder and arson. While the Commissions investigate disturbances with the view of finding a lasting solution, which is invariably a political solution that may not recommend prosecutions in order to resolve the conflict without winners and losers. The paradox in handling disturbances, therefore, should be the striking of middle ground between the two extremes of executing justice and finding lasting (political) solution.

Perhaps due to the political approach to dealing with ethno-religious conflicts in the country, despite the institution of Commissions of inquiries to handle ethno-religious conflicts, violent conflicts are re-occurring in the same places with the same warring parties all over the country. For example, three major violent ethno-religious conflicts took place in Kafanchan within a decade, all investigated by Commissions. It has been claimed that conflicts reoccur

because of governments "non-implementation of recommendations of Judicial Commissions of Inquiry, which encourages people to take the law into their own hands."[154]

Violent conflicts are flaring up in new place where they had not occurred before regularly. Perhaps government's failure to deal decisively with ethno-religious conflicts in one community provides incentive for it flaring up in another community.

All these raise a number of complex questions that need to be addressed when deciding to use commissions of inquiries to investigate ethno-religious conflicts. Are the Commissions actually "discovering" the causes of ethno-religious conflicts? Are they making useful "recommendations" to government? Is government "implementing" the Commissions' recommendation? If the answers to all the above questions are yes, then the big question is: Why are ethno-religious conflicts in Nigeria escalating?

3.4 The Judiciary

The ***Judiciary***, is one of the three arms of government that is essentially empowered by the constitution to make legal decisions in both criminal and civil matters.

The use of ad hoc ***Special Tribunals*** to try offences ordinarily tried by regular courts is tantamount to usurping the functions of the judiciary; in the same manner that Commissions of Inquiry are usurping the functions of the police. Records show that most of the tribunals that have tried suspects in ethno-religious disturbances in Nigeria took place under military regimes, and are very few in number, unlike Commissions of Inquiry that have become synonymous with violent conflicts.

The Constitution, however, does provides for special tribunals, such as Electoral Tribunals etc., for handling special cases with expediency, thus avoiding long delays associated

[154] Opcit Jemaa Emirship Staff of Office Riots p.27

with the regular courts. Records also show that the use of special tribunals, just like commissions of inquiry, have roots in the colonial era, for example, Though few in number, the use of tribunals may not be in the best long-term image and interest of government, for, either way a tribunal's decision goes, government is always accused of manipulation by the other side to the conflict. Sometimes, condemnation of a tribunal's verdict escalates beyond the borders of the country to the international community, such as the case of the Ogoni disturbances where nine accused persons were condemned by a Special Tribunal and promptly executed in 1996. Therefore, government should allow regular courts to try suspects from violent ethno-religious disturbances. Nobody can fault regular courts, which are permanent institutions, as opposed to special tribunals that are seen as contraptions, or "kangaroo courts". A counter argument to the contention of avoiding delays of regular courts as justification for special tribunals is that "accelerated hearing" could always be applied for and granted on the grounds that the cases border on public interest and government has special interest in their speedy trials.

3.5 Federal Government Educational Institutions

(a) Unity School

(b) Universities

(c) Other Tertiary Schools

In an attempt to foster national unity, the Federal Government of Nigeria from time to time has created certain institutions in various sub-sectors designed to bring Nigerians closer together, for example the National Youth Service Corps (NYSC) in the education sector, and the Directorate for Social Mobilization in the political arena.

3.5.1 Educational Institutions:

The National Youth Service Corps (NYSC) was set up in 1973[155] with social objectives of achieving national unity through posting of university graduates from their states of origin to other states across the country for a one year national service.

However, even before graduating and joining the NYSC programme, youths are encouraged to come together, such as in unity schools as a means of fostering unity amongst the youths of the country. Up to 1965, there were only two such schools, Kings and Queens Colleges, both in Lagos. In 1965, three more schools were created in Afikpo in the East, Warri in the West, and Sokoto in the North expanding the total number of federal government colleges to five.

By 1973, Federal Government Colleges, otherwise known as unity schools, were introduced as one of the several experiments for national integration. The idea was that in these schools, youths are drawn from all parts of the country to grow up together under one roof, in order to interact and develop a solid base for themselves and for the nation. The initial policy was that each state was to have at least two unity colleges.[156]

At the primary school level, the Universal Primary Education (UPE) programme was launched in 1976 with the objective of offering mass education at the primary level as basic education for all Nigerian children. In the year 2000, a similar programme was launched called Universal Basic Education. While in the area of tertiary education, by 1975 government saw the need for equilibrium in university education, in order to foster national integration through educational sector. This resulted in the country being divided into educationally advantaged and disadvantaged areas, and the rapid expansion of the number of universities. The target was for

[155]See the New Nigeria 12 April 1973 p.1
[156] See Daily Times Feb 25 1975 p.1

each state to have a university, or at least a university to serve two or three states, as its catchment area. Education means the eradication of ignorance which breeds violence.

3.5.2 Political Institutions:

In the political field, one of the major challenges of government since early times has been making elections devoid of ethnic or sectional considerations, in line with national integration. In the First Republic, political parties were openly formed along ethnic and sectional lines, which contributed to the national crisis and eventual collapse of the government. By the Second Republic, it became law that political parties must be national in outlook.

> Under Section 75(1) of the ***Electoral Act***, "No association by what ever name called shall function as a political party unless…its membership is open to every Nigerian citizen irrespective of his place of origin, ethnic group, sex or religion; and an association which is desirous of being registered as a political party by the Commission shall only be considered as being open to every Nigeria citizen as provided in this paragraph if:-
>
> (i) the Commission is satisfied that it has a properly established branch in each of at least two-thirds of the States in the Federation and that officers have been duly elected or, as the case may be, duly appointed to run the affairs of each such branch office; and

(ii) its organization in the Local Government Areas in those States are such that it will, in the opinion of the Commission, be able to present its programme effectively to the electorate…[157]

Similarly, to be elected President of Nigeria, a candidate must not only win the highest number of votes, but his votes must have a national spread, by winning at least two-thirds of the votes in at least two-thirds of the States of the federation. The case of **Awolowo vs. Shagari**[158] is an interesting case. The debate was the interpretation of "two-thirds of the states of the federation", whether it should be given a literal meaning, i.e. twelve States and two-thirds of the thirteenth, or whether it should be simply rounded up to thirteen States.

Directorate for Social Mobilization:

In 1987, government inaugurated a Directorate for Social Mobilization[159] with the task, among others, of bringing about a "cultural revolution."[160] Among the initiatives of the Directorate was the Local Government Elections Decree of 1987. Section 6(2) made it "an offence punishable under this Decree for any candidate or his agent to base his campaign or address on sectional, ethnic or religious differences."[161]

A few years later, in preparation for the Third Republic, government set up another organization, called the Political Bureau, which had similar objectives with the Directorate, to re-orient the political culture of Nigerians and give Nigeria a focus. The most far-reaching advice that the Bureau gave government was the advice to adopt a two-party system based on the need

[157] Section 75 of the 1978 Electoral Act
[158] (1980) 2 NMLR p.28-97
[159] National Orientation Agency (NOA) has replaced the Directorate
[160] Daily Times 14th July 1987 p.1
[161] See the Local Government Elections Decree 1987

to avoid the "pitfalls of our experience with party politics, and more particularly to annihilate the national monsters of ethnicity, religion and the privatization of the country's party system by ethnic and religious chieftains."[162] The advice was accepted and resulted in the creation of two government sponsored parties in the early 1990s viz: the Social Democratic Party (SDP) and the National Republican Convention (NRC). The two parties were however short-lived, when the transitional programme was scrapped in November 1993.

Today, there are more than fifty registered political parties in Nigeria. The rules for forming new parties remain the same as in 1979, which is that membership must be open to every Nigerian citizen irrespective of his place of origin, ethnic group, sex or religion; and shall have branches in each of at least two-thirds of the States in the Federation.[163]

3.6 Family

The ***family*** is one of the rungs that form the steps of the social ladder in every society. Sociologists agree that the family is the first step of the ladder, the bottom rung, which keeps the ladder steady once a foot is placed on it. From time immemorial, traditional family values (principles and standards) are followed and revered by a people continuously from generation to generation. These values shape their culture, religious beliefs as well as their occupation.

> The African Charter on Human and Peoples Rights, in article 18, provides that the family shall be the natural unit and basis of society. It shall be protected by the state which shall take care that the moral foundations of the family remain

[162] See Political Bureau Report p.76
[163] See Section 221 of the 1999 Constitution

sacrosanct. The state also shall have the duty to assist the family which is the traditional custodian of the values recognized by the community.[164]

Apart from its provision on the right to privacy and family, the Nigerian 1999 Constitution does not provide for the family as an institution that promotes communal peace and harmony. Be that as it may, the family as the first communal unit of socialization and inculcation of values plays a critical role in the maintenance of peace and harmony in the society. The family is where children receive their indoctrination and values of life. If a child is indoctrinated in the family to hate a people, because of differences in beliefs and ideologies, he is likely to grow up hating people who hold beliefs or views other than his. If on the other hand, a child is indoctrinated to cherish all people and respect their views and opinions, he is likely to grow up cherishing people and respecting their views and opinions.

The challenge for government, therefore, is how to control and influence the family; especially the youths in the family who are the potential engine, if moved would move the nation forward. Further down the Chapter, we shall examine some government "youth initiatives" in this regard.

3.7 Traditional Rulers

In normal circumstances, traditional rulers are regarded to be more responsive to the travails of their people and have more investments in the broad harmony of the community than politicians who usually represent narrow factional interests. An instance of traditional rulers as an institution that prevents, or mitigates, ethno-religious conflict are the acknowledged efforts of the Mai Tangale in Gombe state in preventing ethno-religious conflict in his domain. In 2004,

[164] African Charter on Human and Peoples Rights, Paragraph 2 of Art. 18

the Mai Tangale undertook a two week tour throughout the length and breadth of his domain to listen to grievances and complaints of his people and to make representation to government on their behalf. Common issues were: the need for potable water, electricity, health care and protection against armed robbery. He offered solutions to some of the problems on the spot and referred others to the relevant government agencies. A local problem has been the drinking of o*gogoro* gin by unemployed youths. The Mai Tangale consulted with the community leaders and selling of the liquor was banned. Interestingly, compliance seems to be effective, in marked contrast to the failure of a previous attempt by the Local Government to tackle the same problem. Gombe State used to suffer from the activities of locally recruited youths (known as *Kalare*) who fomented trouble during political contests. By the Mai Tangale taking local action, these groups were substantially eliminated from the whole Tangale area.[165]

A recent boundary dispute in Tangale area led to the beating up and murder of a District Head. The Mai went to the area where the conflict took place on foot to plead with his subjects not to take the law into their own hands. Fortunately, this calmed the situation and the dispute ended without further violence. Another source of local friction has been the phenomenon of young Tangale men marrying girls from other ethnic groups due to high bride price demanded by parents of maidens. The Mai Tangale set up a committee to study this and the matter was addressed with recommendations made by the committee for parents to lower the bride price of their daughters.[166]

Keeping the peace no doubt depends on a politically astute and tolerant Mai which may not always be the case. The Mai's role in this regard has been recognised and was aptly rewarded

[165] Roger B and Hasau U, The Role of Traditional Rulers in Conflict Prevention and Mediation, www.rogerblench.info posted Thursday 9th Nov. 2006, visited 1st July 2006
[166] Ibid

through various honourary awards.[167] The Mai Tangale has strong views about the role and functions of traditional rulers in maintaining law and order in their domains. According to the Mai, security is a major preoccupation of traditional rulers and requires more active co-operation with Local and State Governments. However, he observed that local governments show no interest in the documentation of the traditions of the people which contain the values of peace and non-violence. Ward Heads, according to the Mai, should be able to identify strangers coming into their communities and channel information on any suspicious person to the Village Head who would in turn pass it on to the District Head and finally to the Mai.[168] The Mai also stressed that traditional rulers should realise that they are working for their people and not to make money. This being the case, they should concentrate on fostering peace among the people. He has also tried to ensure the setting up of Vocational Training Centres by the state government in every LG of his domain to curb youth unemployment which often exacerbates ethnic and religious conflicts.[169]

According to the Mai, traditional rulers possess accurate local knowledge of ethnic and religious tensions going back many years and may also have good networks of communication with the grassroots through titleholders. The political neutrality of traditional rulers, the Mai argues, helps prevent conflict and is important in mediating conflict. He also maintained that traditional methods of conflict resolution are more cost-effective than modern ones. Official visits between and among traditional rulers of different ethnic or religious persuasions, the Mai argued, is an effective tool for conflict management.

It is submitted that based on the peace that prevails between Christians and Muslims in Gombe State that there is no doubt that this is largely due to the efforts of the Mai Tangale and

[167] Ibid
[168] Ibid
[169] Ibid

the Gombe Emirate Council. This being the case, the Nigerian nation would enjoy more peace and harmony and witness less ethno-religious conflicts, if traditional rulers as an institution for preventing or mitigating ethno-religious conflicts perform their role.

In Kwara State, to neutralize the efforts of Yoruba claimants to overthrow the Fulbe Dynasty and defuse criticism of the northern Emir, the Emirate Council of Ilorin appointed a Second-Class ruler, Osekina III, from the Yoruba ruling house. This reduced the levels of hostility but did not eliminate it completely. Although the Emir passes daily administration to the Osekina III, he is constantly briefed on his activities. In February 2002, a major crisis erupted when the State Governor upgraded the traditional title, *Magaji Ilorin*, to First Class status and thus to a level equal to the Emir. He then appointed his father to the post of *Magaji*. This move was resisted by the Fulbe Dynasty and several lives were lost in the ensuing conflict. The Governor lost the elections in 2003 and the aged ruler passed away. The post is yet to be filled. Following this, in April 2004, the Yoruba organisation, the Ọọdua People's Congress (OPC), marched from Lagos and Ibadan to Ilorin to depose the Emir of Ilorin and install a Yoruba replacement. This was countered by strong local resistance and violence ensued. Despite the religious overtones, the underlying basis of these conflicts is undoubtedly ethnic.

In Kaduna State, ethno-religious tensions due to feelings of domination in the southern part of the state has also led to the creation of more chiefdoms. The Zangon Kataf riot in 1992 was largely due to the resentment of southern communities being under the Zaria Emirate. The State Government defused much of this tension by breaking up Zaria Emirate into very small units and there are now 32 Emirates and Chiefdoms instead of the former two Emirates and 8 chiefdoms that existed before 1999. Muslim or Christian traditional rulers, inevitably learn to be neutral to their subjects.

Despite their role in preventing and mitigating ethno religious conflicts, traditional rulers do not enjoy constitutional backing to discharge this role. However, the various states in the federation have been passing laws on chieftaincy affairs. For instance, Katsina State Emirate and Traditional Council Law 1991 provides for the Council of Chiefs. Kano State has a similar law. These laws only deal with the composition of the traditional council not the role of traditional rulers in fostering peace and harmony in their domains.

Village level mediation by traditional rulers is very effective and takes place on a daily basis at the ward, village and district levels. Family issues are handled by traditional rulers at all levels including Emirs or Chiefs depending on proximity. In theory, an important Emir can never refuse to listen to a subject on the pretext that he is busy. Nonetheless, in reality, emirs play their most important role in mediating and resolving larger-scale civil conflicts. The Northern Traditional Leaders' Forum has been reactivated with the Sultan of Sokoto as Chairman. The committee meets regularly to review the peace and security situation in the North. All First Class Chiefs and Emirs are members, in a structure reminiscent of the Northern House of Chiefs, and indeed, making use of the same building. The Forum has met three times in 2006. On 17th August 2006, it changed its name to a Council to reflect the increasing role it is expected to play in peacemaking.[170]

3.8 Religious Institutions

Nigeria has an estimated population of 140 million people divided into over 250 ethnic groups, and two main religions, Islam and Christianity. There are many religious associations promoting the interests of their members. The two associations that stand out and which are

[170] Op cit Emmanuel T, p. 49

universally recognized as the apex associations of the said two main religions are Jama'atu Nasril Islam (JNI) and Christian Association of Nigeria (CAN).

3.8.1 Jama'atu Nasril Islam (JNI)

The Jama'atul Nasrul Islam (JNI) is an association in support of Islam and the most important body uniting Nigerian Muslims under a single organisation. It is the only Muslim organisation recognized by all Nigerian Muslims, bringing together religious scholars and religious movements of different and opposing tendencies to discuss and make coherent their political and religious aims and presenting them to the Nigerian public and government. The JNI has contributed considerably towards the development of Islam in Nigeria, especially in the northen states of the country.

The formal foundation of the JNI was proclaimed on 9 March, 1964 in Kaduna. The Waziri Sokoto, Junaidu, was elected first Chairman of the JNI, and the Prime Minister acted as its supreme patron. The Sultan of Sokoto succeeded the premier after his death in 1966.Various committees were created to help in the day-to-day running of the organisation. Among these is a General Purposes Committee (GPC) with the responsibility of leading the JNI and managing its everyday affairs. This committee also drafted the revised 1975 and 1988/89 constitutions of JNI.

The aim of the JNI was defined as first, the promotion of Islam; the establishment of schools and hospitals; the organisation of lectures, conferences and seminars; and the dissemination of propaganda relating to the unity of all Muslims.

In principle, the JNI is well-connected and able to lobby for the interests of Islam and to play an important pre-emptive role in preventing brewing crises. The Emirs in northern Nigeria

have a Rapid Response Committee headed by the Emir of Birnin Gwari to keep them current on threats to Islam.

Other smaller associations do exist. However, most of these association with the exception of a few radical ones recognized the supremacy of JNI.

3.8.2 Christian Association of Nigeria (CAN)

The Christian Association of Nigeria (CAN) was formed in August 1976 as a political arm of the Christian Church in Nigeria in the service of all Christian churches. Protestant Christians are members of the Council of Christian Churches of Nigeria (CCCN) which does not include Catholics, so CAN serves an umbrella organisation to harmonise the political response of Christians to national issues. Coming on the heels of JNI, CAN's creation can be seen as a somewhat response to the establishment of the JNI following a series of inter-faith disturbances. As with JNI, other smaller associations do exist most of whom recognize the supremacy of CAN with exception of a few radical ones that do not.

3.8.3 Disaffected Religious Groups and Ethno-Religious Conflicts

Various Islamic sects and associations exist in Nigeria; most of them promote peaceful co-existence with others. However, there are a few that have a fragile relationship with others outside their sects, and some who are directly responsible for ethno-religious conflicts. Availability of global media has acted as a further spur to radicalization, such as the self-styled "Taliban" group that surfaced in Borno State in September 2004, followed by the "Boko Haram" uprising of August 2009 also in Borno State. Though not as pronounced as the renegade Muslim groups, there are a few disgruntled Christian youth militia who are said to be responsible for escalations of the ethno-religious crisis of Jos in 2001.

3.9 The Media

The media, both print and electronic, have a lot to contribute towards the prevention or mitigation of ethno-religious conflicts in the country. Often, the way the media reports an ethno-religious conflict could fan the conflict or put it out. In the Kafanchan ethno-religious conflict, it was alleged that the media reporting of the conflict fanned the embers of ethno-religious hatred in the state.[171]

The media is referred to as the fourth realm after the executive, the legislature and the judiciary. It is therefore an arm of government charged with the responsibilities of educating, informing and entertaining the people. If the media performs its role positively during or even before ethno-religious conflicts, the country would enjoy more peace and harmony than presently.

[171] Opcit Kukah M, p.153

CHAPTER FOUR: STATE, CITIZENSHIP, INDIGENESHIP AND ETHNO-RELIGIOUS CONFLICTS IN NIGERIA

4.1 Introduction

Nigeria is made up of very diversed ethnic groups that were arbitrarily brought together by the British colonial rule. Because the boundaries of the country was not voluntarily by the federating entities, Nigeria lacks the elements of an integrative notion and values for civic responsibilities associated with a federal state formation. Each unit appears to hold strong allegiance to its local community first, and the federal duty second, if at all any. Efforts were therefore made to overcome this single federation by the creation of units along regional and or ethnic affinities. This restructuring of regional, state and local administrative units rather than assuage, aggravated the divisive tendencies that continued to plague the country. The sharing of the country's resources, jobs/employments and appointments became sources of confrontation and chaos among the people to the extent that the unity and peaceful coexistence of the country were greatly threatened. Citizenship and indigeneship status of the people were ambiguosly employed and arbitrarily applied as at and when suitable at the expense of the interest of a united federal state. While one is recognized as a citizen of the country, indigeneship holds sway at the unit levels. Invariably, you are only an indigene of your locality but a stranger in another locality within the same federation. This gave rise to the indigene and settler question or syndrome.

This chapter takes a look at the effect of the arbitrary incorporation of the various federating units into one federal structure; the intense struggle for divisions along regional, and ethnic lines so as to access power and national resouces as well as the indigene-settler question

arising from the inability of the constitution to clarify in explicit term, the citizenship and indigeneship notions.

4.2 Federalism and National Unity

Alfred Stepan, in discussing the origins of federal systems, made the distinction between "aggregative" or "coming together" and "disaggregative", "devolutionary" or "holding together" federations.[172] Aggregative federalism reflects the classical method of federation building in which a federal state is constituted through a compact or bargain to "bring together" previously sovereign entities in a new federation. The federal system of the United State of America and Switzerland evolved in this manner.

The Nigerian federation, on the other hand, was established to "hold together" the diverse ethnicities and nationalities that had been forcibly and arbitrarily incorporated into a unitary colonial state under British imperialism. Devolutionary federations like Nigeria tend to lack the integrative identities and the values of civic reciprocity and mutual respect associated with a voluntary compact or bargain to join a federal union. Rather, they tend to be besieged by the disruptive local loyalties that made the constitutional fragmentation or disaggregation of the state necessary in the first place. What is more, reflecting their unitary constitutional origin as well as the need to contain disruptive centrifugal pressures. Devolutionary federations tend to develop relatively centralized constitutions and political institutions, like Nigeria. In essence, "holding together" federations, like Nigeria, tend to be more formerly centralized, but less politically integrated and structurally coherent, than "coming together" federations,

The disaggregative and disintegrative impulses and pressures inherent in Nigerian federalism have been reinforced and compounded by a number of specific elements and

[172] See Stepan A, The Federal System and Democracy, Sweet and Maxwell, London (2000) p.3

developments associated both with British colonial domination and post-colonial military rule. The British colonial legacy in Nigeria was a paradoxical one of state building and nation-destroying. As Larry Diamond puts it:

> while the British established over Nigeria a common political authority, transportation grid, and monetary system, they did not rule it as a single nation.[173]

Rather, the infamous British colonial project of ***divide-and-rule*** operated to deepen division, suspicion and recrimination among the diverse ethnic nationalities that had been capriciously consolidated into a single, culturally artificial state. Among the more perverse elements of this divide-and-rule policy were such measures as the active construction and consolidation of ethnic loyalty and consciousness, and the separate development and modernization of some sections of the country.

Perhaps the most controversial political legacy of British colonial rule in Nigeria is the decision, under ***the 1954 Lyttelton Constitution***, to establish for Nigeria a three-region federation. It is broadly recognized that this politically flawed and structurally awkward three-region federal structure contributed enormously to the deluge of strains and tensions that culminated in the military's overthrow of the first Nigerian Republic in 1966, and the outbreak of civil war during the following year. Despite its direct role, after the January, 1966 coup, in contributing to the escalation of inter-regional tensions into large-scale inter-ethnic violence and civil war, however, the Nigerian military is often applauded for its historic feat in 1967 in reconstituting the unwieldy regional structure into a more balanced federal system.

There can be little doubt that the replacement of the old regions with twelve states in 1976 engendered numerous positive outcomes and consequences. It enhanced the promotion of administration and financial devolution, and the broad mediation and moderation of the

[173] Ibid at p.4

disruptive, centrifugal tendencies inherent in Nigeria's ethnic fragmentation. Yet, particularly, since the military coup that ended the Second Republic in 1983, the impact of military rule in Nigerian federalism has become progressively obnoxious and ruinous.

More than four decades ago, Nigerians felt the need, irrespective of their ethnic, religious, cultural, geographical and other differences, to support federalism as the most suitable system of government. They believed that the principles of federalism satisfies the urge of the various ethno-religious groups to retain their cherished peculiar culture and tradition while, at the same time, enabling them to live together in one nation.[3] While addressing the National Assembly in 1957, Sir Abubakar Tafawa Balewa, Nigeria's first Prime Minister had remarked, "I am pleased that we all agreed that the federal system is, under the present conditions, the only sure basis on which the country can remain united."[174]

Although there was no official and specific quota system prescribed, indigenes of each of the regions were equitably represented in government, with the military leading the way with a successful quota system for recruitment into its officer corps.

However, derivative federalism resulted in unhealthy competition between the federating units in their economic, social, and political development as to the equitable share of resources they are receiving from the central government. First, it resulted in the fragmentation of the federation into smaller federating units. From three units (regions) at independence, Nigeria today has thirty-six federating units (states). From a handful of local government areas, today Nigeria has 776 local government areas.[175]

Secondly, when the fragmentation of the country did not provide solution to the problems, the ideal of fair representation of all the federating units in federal appointments and

[174] Daily Times 4th January 1961 p.2
[175] See First schedule to the 1999 Constitution

federal largesse became a controversial issue. Quota system first applied for recruitment into the military, was extended to federally owned schools and institutions by the late 1960s and early 1970s. By 1975, the ***Federal Character Principl***e, the new term for "quota system", had become a serious political issue. None other than the Head of State tabled it to the Constitution Drafting Committee in 1975, and eventually ***Federal Character*** was incorporated into the 1979 Constitution. This was done with the objective of fostering national unity. But alas! The forces of disintegration and fragmentation are waxing stronger daily and yearly.

4.2.1 Distributive Federalism: The Major Axes of Conflict

The primary pathology of Nigerian federalism involves a whole complex of motivations, orientations and actions associated with the country's "***cake-sharing***" culture. Essentially, this culture is reflected in the domination of public discourse and praxis by individual and sectional competition for access to federally controlled, oil-based revenues and resources. Although still somewhat under-theorized, the primacy of this cake-sharing syndrome in Nigeria's federal political culture is now broadly recognized by perceptive students or observers of the country's politics. Thus, according to an observer:-

> The first remark about Nigerian federalism is its preoccupation with revenue allocation or the distribution of rewards. Most people who have either written about or formulated policies for Nigeria have placed emphasis on distribution, or what is cynically referred to as the sharing of the national cake. Unfortunately, not much emphasis has been placed on the baking of the cake by every member and component part or segment of the Nigerian political community. Inevitable distribution or sharing has completely overshadowed production and effective growth.[176]

Quite predictably, the issue of revenue allocation has provided a primary source of inter-governmental, or inter-segmental, distributive struggles in the Nigerian federation, as well as

[176] Pang D., The Nigerian Culture of 'Eating', The Nigerian Tribune April 28, 1997, pp.7

inter-ethnic and inter-religious conflicts. The issue has involved at least four major axes of conflict. These are:-

1) The conflict among the federal, states and local governments over what proportion of national revenues should be allocated to each of these three tiers of government;
2) The tensions among the states, and among the localities, over the criteria to be used in sharing or distributing federal financial development to these two sub-national tiers of government;
3) The tensions between the oil-producing states on the one hand, and the federal government and the states which do not produce oil on the other hand, over the proportion of federally collected revenues that should be allocated to the former on the basis of the derivation principle and/or compensation for the ecological risks of oil production and;
4) The conflicts between ethnic groups within the same locality, over indigene-ship status, which determines who should enjoy state and federal appointments, and other benefits, as well as other resources of the land.

Theoretically, these revenue allocation conflicts should generate patterns of inter-governmental alliances that may cross cut and defuse, rather than simply reinforce or intensify, the federation's ethnic and regional fault lines. Furthermore, such purely distributive conflicts over revenue allocation should prove to be more negotiable or calculable, and therefore less intractable, than the symbolic or emotive sectional conflicts over "group-worth" and other intangible socio-psychological benefits.

Because of the total dependence of all governments and regions on a single national source of revenue, revenue allocation conflicts in Nigeria have tended to be extremely intensive, explosive and disruptive in character. Quite logically, any effort to address or redress Nigeria's revenue allocation problems would involve policies that are designed both to reduce the center's current stranglehold on national resources and induce the sub-national governments to become relatively financially viable or develop some autonomous capacity for economic self-governance.

Beyond the issue of revenue allocation, Nigeria's distributive federalism has found expression in the politics of struggles for new states and localities; the politicization of national population counts; and the emergence of the ***federal character principle*** have all tended to generate tension and conflicts across the country.

4.2.2 Creation of Local Governments as Source of Ethno-Religious Conflicts:

The announcement of new local governments in 1997 spontaneously led to sectarian violence in several cities all over the country.[177] Ironically, the objective of the division, and further sub-division of Nigeria into many administrative units, states and local governments, was to diffuse tension, and to bringing government nearer to the people.

Going back into history, in 1900 the British declared the two separate protectorates of Northern and Southern Nigeria. In 1914, the two were amalgamated into the Colony and Protectorate of Nigeria. Despite the ostensible unification of the colony, three distinct regions emerged, North, West, and East, which were administered separately. The 1954 Constitution officially established a federal system of government, with three regions, Northern, Western and

[177] The New Nigeria Sept. 13 1997 p.1

Eastern Regions, greatly extending the functions of the regional governments. A brief attempt was made to reverse the hands of the clock, when Nigeria's new military Head of State, Major Gen. Aguiyi Ironsi, in 1966, passed a decree declaring a "unitary system" of government for Nigeria. In his broadcast, he declared that Nigeria "ceases to be a federation", and accordingly has become a "republic consisting of the whole territory" of "the four regions" of the former federation.[178]

The rejection of the "unification decree" in the north culminated in violent communal riots that led to the death of General Ironsi in a violent coup, and subsequent civil war.

The "first act of the successor government was the restoration of the constitutional order before the unification decree of 24th May, 1966. From his maiden broadcast to the nation on the 1st of August 1966, to his follow up conciliatory addresses, including his address to the Ad Hoc Committee on Constitutional Proposals, Gowon indicated his lack of confidence in both a federation of large regions and a unitary system. He declared, "It is quite clear that our common need in Nigeria is that no one region or tribal group should be in a position to dominate others."[179]

In 1967, General Gowon went on to divide Nigeria into twelve states from the four regions he inherited in 1966.[180] Between 1967 and 1975, when Gowon left, according to an observer, there was intense pressure, which Gowon resisted, for additional states from all over the country, from ethnic groups who feared or experienced discrimination, neglect and oppression, and therefore hoped for greater access to government attention and resources.

[178] See the Unification Decreee of 1966
[179] New Nigeria 4th August 1966 p.1-2
[180] New Nigeria, June 24 1967 p. 1

If Gowon did not see the wisdom of expanding the twelve state structure of the federation, the incoming government in 1975 was quick to grant the demands for more states, within two months of its coming to power.

A government panel reported on the issue in December 1975 and two months later the new military administration of General Murtala Mohammed established seven new states and re-designated all the states according to "historical or geographical landmarks…to avoid the symbolic and emotional attachment to the North-South division of the country.[181]

However, instead of assuaging the demands, additional pressure mounted for a further sub-division of the federation from all corners of the federation, from both minority and majority groups, who have realized the financial advantages of new states. Two new states were created in 1986, nine in 1990, and finally six in 1996, increasing the total number of states in Nigeria to 36, which were incorporated in the 1999 Constitution.

Wondering the rationale behind the creation of so many states, an observer said: 'The matter of a 'balanced' federation was effectively settled by the 1967 re-organization. Therefore, one may "question the rationale" behind the uncontrolled establishment of new states.'[182]

According to the same observer, the clamour for new sub-federal units is often exploited by the national military elite not only to promote the legitimacy of military rule or the political fortunes of the incumbent military dictator, but also to advocate the military's centrist philosophy of a pragmatic approach to Nigerian federalism in which the advantages of centralized military administration are used to strengthen the powers and status of the national government and

[181] New Nigeria sept. 11 1975 p.3
[182] Wole O, States Without End, Nigerian Tribune March 31st 1997 p.7

weaken the prospects of a confederation.[183]In essence, the proliferation of states and localities by executive military fiat may be seen as an important aspect of the military's historic project of creating a unitary state in federal disguise in Nigeria, via the establishment and consolidation of a hegemonic central government. Ironically, far from working to prevent the prospect of confederation or the dangers of disintegration, such centralization is increasingly provoking much inter-ethnic dissatisfaction as well as ominous signs of state implosion and dismemberment.

Local governments as the third tier of government are supposed to bring both power and development to the grassroots. The history of Local Government creation can be traced to 1914 when the Northern and Southern Protectorates and the Colony of Lagos were amalgamated, to become the Colony and Protectorate of Nigeria. The colonial administration then established a system of provincial administration, with twenty-four provinces, twelve each in northern and southern Nigeria.

The system was introduced side by side with the traditional structure, with a traditional leader at the head of every local government, or Native Authority who is supervised by a colonial officer. The Native Authority system continued up to 1950 with some re-organization in some vital areas. From 1950, when Nigerians began to participate in legislative function at the national level, some local leaders and colonial administrators in various legislative houses introduced new laws for government at the local level. The Northern Region introduced Native Authority (NA) law in 1954, while the Eastern and Western Regions established new local government systems.

There was no clear unified system of local government in the country until the 1976 local government reforms, under which the Federal government gave out guidelines on local

[183] Ibid

government. The 1979 Constitution established local government as a dominant third tier arm of government, while establishing 301 local governments spread throughout the federation.

Similar to demands for states, there was mounting pressure for additional local governments before and immediately after the coming into being of the Second Republic, and throughout its tenure from 1979 to 1983. Some state assemblies established new local governments, which were reversed by the incoming military regime in January 1984. The creation of new local governments in 1996 was directly responsible for the Ife-Modakeke and Ijaw-Itsekiri conflicts and a few other communal conflicts across the country.

Today, Nigeria has 776 local governments, and 36 States and 1 Federal Capitial Territory established by the 1999 Constitution.[184] The cry of "marginalization" seems to be the justification for groups demanding for their own new states and local government areas. Real or imagined, it has worked in many places, and has also been largely responsible for the introduction of the Federal Character principle which this dissertation will examine later.

4.3 Definitions of Citizen, Indigene and Settler

The Constitution defines ***citizen***, vividly prescribing how Nigerian citizenship can be acquired,[185] as well as the rights[186] and duties[187] of the citizen. Dedicating a whole chapter on the "citizen" in Chapter III, appropriately titled ***Citizenship***, the Constitution in Section 25 defines a citizen of Nigeria ***by birth*** as:

> every person born in Nigeria…either of whose parents or any of whose grandparents belongs or belonged to a community ***indigenous*** to Nigeria.[188]

[184] See First Schedule, CFRN 1999
[185] Ibid., See Sections 25, 26 and 27
[186] See Chapter IV, CFRN 1999Secti
[187] See Section 24, CFRN 1999
[188] Section 25(1)(a), Citizenship by birth

The Constitution goes on to define other modes of acquiring citizenship of Nigeria, by ***registration***[189] and ***naturalization***,[190] as well as how citizenship can be lost by ***renunciation***[191] or ***deprivation***.[192] Not leaving anything to chance, the Constitution also covers all perceived related matters to citizenship, such as ***dual citizenship*** etc..

The Constitution lays down a solid foundation for ***citizenship***, providing a painstaking catalogue of ***duties of the citizen***. In a total of six "commandments" the Constitution enjoins every citizen to "abide by this Constitution…", "…defend Nigeria and render…national service", "respect…the rights and legitimate interests of others", "make positive and useful contribution to the advancement…of the community where he resides", "render assistance to…lawful agencies in the maintenance of law and order," and "declare his income honestly…and pay his tax promptly."[193]

Having laid down obligations, the Constitution also enumerates the ***rights of the citizen***, such as "***Right to freedom of movement***,"[194] "***Right to freedom from discrimination***"[195] and "***Right to acquire and own immovable property anywhere in Nigeria***"[196] among other fundamental human rights listed under Chapter IV.

The Constitution, on the other hand, fails to define ***indigene***. This is surprising in view of the fact that "indigene-ship" is an offshoot of "citizenship" which is well covered in the Constitution. Moreover, the term ***indigene*** appears twice; first mentioned indirectly under Section 25 where a citizen of Nigeria by "birth" is described as a person whose ancestors belong to a community ***indigenous*** to Nigeria. Secondly, the term ***indigene*** is further mentioned in

[189] Section 26, CFRN 1999
[190] Section 27, CFRN 1999
[191] Section 29, CFRN 1999
[192] Section 30, CFRN 1999
[193] See Section 24, Sub-sections (a), (b), (c), (d), (e) and (f), CFRN 1999
[194] Section 41, CFRN 1999
[195] Section 42, CFRN 1999
[196] Section 43, CFRN 1999

Section 147 where the President of Nigeria is enjoined to appoint at least one Minister from each State "***who shall be an indigene of such State***." Having introduced "indigene" in the equation, the Constitution should have defined the term in the same manner it painstakingly defined **citizen**.

Having failed to find a definition of "indigene" in the Constitution, the researcher made recourse to other legal codes for a clue as to who is an indigene; or more specifically, the official definition of ***indigene***. The **Interpretation Act** provides official interpretations and definitions of terms and instruments used in federal legislations, which includes the Constitution. Surprisingly, the word "indigene" does not appear at all in the Interpretation Act, where many mundane words and terms such as "chief", "financial year", "inland waterways" etc. were found.

The ***Federal Character Commission Act*** is anchored on the "indigene" whose interest it seeks to protect in "national institutions" where it stipulates:

> the best and most competent persons shall be recruited from each State of the Federation to fill positions reserved for the ***indigenes*** of that State or the Federal Capital Territory. [197]

The Federal Character Commissions Act defines "indigene" making it the only legal code of the Federal Government where an official definition of "indigene" can be found. Under Section 1, Part II of the Act, the term "indigene" is defined from the grassroots, Local Government, up to the State level, as follows:

> (1) An indigene of a local government means a person:
> a. either of whose parents or any of whose grandparents was or is an indigene of the local government concerned; or
> b. who is accepted as an indigene by the local government…
> (2) An indigene of a State means a person who is an indigene of one of the local governments in that State…
> (3) An indigene of the Federal Capital Territory:

[197] Section 2, Federal Character Commission (Establishment, Etc) Act

a. is a Nigerian citizen, other than by naturalization, who cannot lay claim to any State of the Federation; or
b. is a person born in the Federal Capital Territory and whose descendants lived in the area presently constituting the Federal Capital Territory before 26 February, 1976 and has continued to reside in the Federal Capital Territory after that date.[198]

Married women are not allowed to adopt the Local Government and State of their husbands, and are tied to their states of origin "for purpose of implementation of the Federal Character formulae at the national level."[199] This provision of the Federal Character Commissioner Act tallies with the moral values of Nigerian local communities that "indigene-ship" cannot be acquired.[200] This position, however, is a marked departure from the constitutional position that allows "citizenship" to be acquired by spouses of Nigerian citizens, as well as other resident aliens that wish to naturalize.

The researcher widened his search for the official definition of **indigene** to **judicial pronouncements**. No decided case could be found defining the "indigene" which is surprising in view of the fact that there are so many indigene-settler disputes begging for the definition of who is a bona fide indigene of a given locality.

With no satisfactory official definition of the term "indigene", the researcher found recourse in the English dictionary for the ordinary meaning of the term. According to Abdullahi Adamu, a former governor of Nasarawa State:

> The word ***indigene*** is not in the dictionary and may indeed be a uniquely Nigerian coinage from the word ***indigenous*** which is defined in the Webster Dictionary as born or living or found naturally in a locality, not imported; of or relating to natives.[201]

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[198] See Part II, Section 1, Federal Character Commission Act
[199] See Section 2, Part II, Federal Character Commission Act
[200] See Appendix I. The majority of answers to fielded question are of the opinion that indigene-ship cannot be acquired
[201] Adamu, Abdullahi, Presentation at the Presidential Retreat on "Peace and Conflict Resolution in Some Central States", National Institute for Policy and Strategic Studies (NIPSS), Kuru, Plateau State, January 24-26, 2002

The former governor may be right, for indeed the Oxford Dictionary, Wesbter Dictionary, and Encarta (Microsoft) computer based Dictionary, three major dictionaries of the English language do not contain the word ***indigene***. Neither do the majority of dictionaries reviewed by the researcher. The word ***indigenous***, more common as the former governor observed, is defined as "***belonging to a particular place rather than coming to it from somewhere else***."[202] The word "indigene" was however found in Chambers Dictionary which defines it as "***someone who is a native, aboriginal to a place***."[203] From the above definitions of the words "indigenous" and "indigene", it appears that ***indigene-ship*** cannot be acquired because of the nativity and aboriginal elements of the term. A person, or thing, is either indigenous to a place or is not; and can never become indigenous to a place if he/it did not originate from there. For example a Kangaroo born and bred in Nigeria will still be tagged as an Australian animal; it is common knowledge that the Kangaroo is indigenous to Australia.

The term ***settler*** was associated with Africa during the era of European adventurism and colonialism in Africa. The term ***White Settlers*** was widely used to describe European settlers in North, East and Southern Africa. In recent times, the term "settler" has become a recurring decimal in widespread ethno-religious disputes across Nigeria, and resulting ***indigene-settler*** crisis. Therefore, let us extend our study of definitions of terms to cover the term **settler**. The Oxford Dictionary defines the root word ***settle*** as "***to make a place ones permanent home***."[204] An extension of the word, the dictionary goes on to define ***settler*** as "***a person who goes to live in a new country or region (i.e. white settlers in Africa).***"[205]

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[202] Oxford Advanced Learner's Dictionary, 7th Edition
[203] See Chambers Dictionary 5th edition
[204] Ibid.
[205] Ibid.

In the course of our dictionary study of definitions, let us further consider the ordinary definition of ***citizen***, even though there is a constitutional definition of the term, which is official. This will afford us a balanced view of all the three terms in contention, viz. indigene, settler and citizen, from the same source. The Chambers Dictionary defines ***citizen*** as "***an inhabitant of a city; a member of a state; or a townsman.***"[206] The dictionary goes further to define "citizenship" as "***the state of being; or of having rights and duties of a citizen.***"[207] From the above ordinary definition of the word, it appears that citizenship can be acquired since the qualification of being a citizen is ***habitation***, and anybody can decide to become an inhabitant of a place by simply residing there.

In Nigerian parlance, the term "citizen" connotes membership of the country, while the term "indigene" connotes membership of a particular area of the country, such as state, local government area, district, town or village. A study of the widespread ***indigene-settler*** crisis[208], indicates that the ordinary dictionary meaning of the term "indigene" is the widely accepted position among ordinary Nigerians. As a result of this attitude, the term ***son of the soil*** has crept into the Nigerian vocabulary which is embedded in the psyche of ordinary Nigerians. The term has vernacular versions in almost all Nigerian languages such as "***dan kasa***"[209] in the Hausa language. Under the present status quo, therefore, every Nigerian citizen is categorized as a ***settler***, a ***non-indigene***, outside his so-called place of origin, where his ancestors belonged to an indigenous community. Furthermore, as a "non-indigene", he is not allowed to become an "indigene" in the same manner a foreigner is allowed to become a Nigerian citizen. The majority

[206] Op.Cit.
[207] Ibid.
[208] See Appendix II
[209] Dan kasa (Plural - Yan kaya) literarily means 'son of the land'. Yan kasa is the term used for indigenes.

of the answers received from the questionnaires distributed by the researcher in a field survey[210] confirm this position. Even if a "settler" was born in the locality, grew up there, works and pays tax there all his life, he cannot become an "indigene", and certain restrictions are imposed on him as a **settler**. A good example is the Jos North Local Government crisis where two conflicts, in 1994 and 2001 have root in chairmanship of the Local Government by a "settler" which was not acceptable to the "indigenes". Thus, an Ibo man is considered a perpetual indigene of the East, while a Hausa man is considered a perpetual indigene of the North and a Yoruba man considered a perpetual indigene of the West. This explains attacks on Ibos in Kano, and Hausas in Shagamu in ***inter-ethnic*** communal disturbances. Similarly, attacks on perceived non-indigenes also take place in ***intra-ethnic*** conflicts such as in Ife-Modakeke (Yorubas against Yorubas) and Agulere-Umulere (Igbos against Igbos) all founded on claims of indigene-ship.

4.4 Historical and Cultural Foundations of Indigene-ship

In order to allay the fears exhibited by minority ethnic groups on the eve of independence, the 1960 constitution retained both the concept of "indigene-ship" and "federal character" to protect minority rights.[211] The concepts aimed at redistributing opportunities to all segments of the country. There were fears that the Nigerian federation was the exclusive balance of interests of the three major ethnic groups; Hausa, Yoruba and Ibo. The imperative of achieving national unity and social justice therefore dictated that all constituents of the federation be involved in the affairs of the nation, especially the sharing of power. The need for this became

[210] See Survey Analysis (Chapter Six)
[211] The West African Post Magazine July 16-23 1992, pp.23

keen when it was clear that minority tribes pooled together are more than the majority tribes in total population.[212]

It is for this reason that the authors of the 1979 Constitution entrenched the concept of ***Federal Character*** in the ***1979 Constitution***, which was also repeated in the ***1999 Constitution***. This idea was borrowed from the ***American Constitution***, which is based on the principle of ***Affirmative Action***, meant to deliberately provide opportunities to disadvantaged groups and act as an instrument of engineering social equity.[213] The Federal Character principle of Nigeria refers to distinctive desire of the peoples of Nigeria to promote national unity, foster national loyalty and give every citizen of Nigeria a sense of belonging to the nation. Section 14(3) of the Constitution[214] provides 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 Character of Nigeria and the need to promote national unity and also to command national loyalty and thereby ensuring that there shall be no predominance of persons from a few ethnic or other sectional groups in that government or any of its agencies.

The Constitution, in Section 14(4), lays down similar conditions for the states and the local governments, recognizing the multi-ethnic and multi-religious nature of Nigeria, enjoining decision makers to "recognize the diversity of the people within its area of authority" to ensure proportionate equitable representation of all persons in government. At the Federal level, therefore, factors to be considered in making an appointment are usually a person's state of origin, ethnic group and religious affiliation. At the Local Government level, the factors include

[212] Sule M., Ethnicity, Religion and 1991 Census, (A paper delivered at a Training workshop for Local government Staff A.B.U Zaria, (2000)
[213] Udo R.K, Population and Politics in Nigeria, Longman, Lagos (2001), pp.41
[214] CFRN 1999

political constituency, ethnicity and religion. This is how the term "indigene" is supported by the constitution in respect of the appointment of Ministers as reflected above.

It is in pursuant of these objectives that Decree 34 of 1996[215] put a ***Federal Character Commission*** in place which further elaborated on the scope of the Federal Character principle, expanding beyond what it meant under the 1979 constitution. Section 4 of the Decree[216] empowers the Commission:

> to work out an equitable formula…for the distribution of all cadres of posts in the civil and the public service of the Federation and of the States, the armed forces, the Nigeria Police Force and other security agencies, bodies corporate owned by the Federal or a State Government and Extra-Ministerial Departments and parastatals of the Federation and States.[217]

The principle of representation extends to bureaucratic, economic, media and political posts at all levels of government and the private sector. The Decree also includes distribution of socio-economic services, amenities and infrastructural facilities. Section 4 also directs the Commission is to work out:

> modalities and schemes…for redressing the problems of imbalances and reducing the fear of relative deprivation and marginalization in the Nigerian system of federalism as it obtains in the public and private sectors."[218]

On account of the importance of the significance of the mandate of the Federal Character Commission, ***Schedule 3, Part 1, Paragraph C of the 1999 Constitution*** reproduces these provisions.

Northerners, who are left far behind in the area of Western education, have benefited from this national policy of the Federal Government, which can count on the positive side of the

[215] Federal Character Commission (Establishment, Etc.) Decree, 1996 (Decree No. 34)
[216] As amended (replaced) by the Federal Character Commission (Establishment, Etc.) Act, 1999
[217] Ibid., Section 4(1)(a)
[218] Ibid., Section 4(1)(d)(ii)

Federal Character principle. The negative side, however, is that the country after fifty years of independence appears to have made no progress in forging a nation with citizens ready to defend it. The country is still largely where it was before independence. Shortly, after independence, the first Prime Minister of Nigeria, Sir Abubakar Tafawa Balewa lamented that:

> Since 1914 the British Government has been trying to make Nigeria into one country, but the Nigerian people themselves are historically different in their backgrounds, in their religious beliefs and customs and do not show any signs of willingness to unite..."[219]

Chief Obafemi Awolowo on his part was of the view that:

> Nigeria is not a nation. It is a mere geographical expression. There are no 'Nigerians' in the same sense as there are 'English', 'Welsh' or 'French'. The word 'Nigerian' is merely a distinctive appellation to distinguish those who live within the boundaries of Nigeria and those who do not.[220]

Partly, due to legal stipulation of indigene-ship and federal character, the country does not seem to have moved far away from where it was in the days of Tafawa Balewa and Awolowo. Against the legal stipulation of indigene-ship and federal character, however, national integration has been a cornerstone policy of the Nigerian government since independence. This national objective is well presented in the preamble of the Independence Constitution of 1960 that has been retained as preamble to all the succeeding constitutions, including the current 1999 Constitution, which opens with the affirmation:

> We the People of the Federal Republic of Nigeria, having firmly and solemnly resolved to live in unity and harmony as one indivisible and indissoluble Sovereign Nation…[221]

[219] Stone B., Nigeria: Forging a Nation of Disparate Ethnic Groups, Sweet and Maxwell, London (2003), pp.59
[220] Awolowo, O., Path to Nigerian Freedom, Faber and Faber, London (1947) pp.47-48
[221] See the Preamble, CFRN 1999

National integration is indeed a policy of many governments around the world, for very few countries are blessed with one people, one language, one culture, and one religion etc.[222] The vast majority of countries of the world have \a diversified citizenry, and the challenge before governments worldwide, invariably, is how to balance the diverse interests of its citizens.

Citizenship is a very topical issue in Nigeria today. At the heart of the matter is the pertinent question whether Nigeria has ***single*** *or* ***multiple*** citizenship. In other words, whether a citizen of Nigeria is a citizen of the whole country with all the accompanying constitutional rights and privileges, or a citizen of only a particular state in Nigeria? As a politico-legal concept, citizenship "denotes a legal relationship between a state and an individual consisting of a sum total of rights and obligations."[223] Citizenship disputes centre on ***rights*** of the citizen, more particularly outside his so-called ***state of origin***, which have led to many ***indigene-settler*** conflicts across the country.

In Nigeria, whenever a citizen moves out of his immediate place of origin, the so-called land of his ancestors, he is told that he is not an indigene of the new area, even if he was born there and lives there. He is denied rights and privileges enjoyed by so-called indigenes of the host area, against the spirit of the Constitution, which spells out unambiguously certain rights under Chapter IV, titled ***Fundamental Rights***. These rights include the rights to freedom of movement and freedom from discrimination, and other rights that shall be examined in Chapter Five of this dissertation.[224]

The denial of the rights of Nigerian citizens by their fellow Nigerian citizens has led to numerous ethno-religious conflicts. The ubiquitous ***indigene-settler*** feud is the most common

[222] Op.Cit
[223] Cohen K., The Rights and Duties of the Citizen, Bridge Press, Bloomington (2001), p.37
[224] See Chapter IV, CFRN

"remote cause" of sectarian disturbances in Nigeria since independence, underlying the "immediate causes" such as dispute over elections.[225] This brings to fore the issue of citizenship and the rights of citizens in Nigerian's federal arrangement.

While the Nigerian Constitution treats citizenship as an exclusive matter, and recognizes single citizenship,[226] in practice, aggressive, narrow-minded, ethno-religious chauvinism of Nigerian communities, supported by State and Local governments, undercuts this constitutional provision. This attitude of the Nigerian people constitutes an impediment to national integration and encourages attachment to home communities or ethnic groups.

After 50 years of independence, Nigeria is today further from national integration than at independence in 1960, despite constitutional provisions, though contradictory, promoting national integration, as well as Federal Government policies in that regard.

4.5 Rights and Duties of Citizens and Indigenes

A bundle of rights are enshrined in the Constitution in favour of the Nigerian citizen as well as obligations expected of him as his duties to the state. A right always implies a corresponding obligation. The rights are contained mostly as "Fundamental Rights" stipulated in Chapter IV, while the obligations are mostly found in Chapter III dealing with "Citizenship".

Providing more specifically for the rights of "indigenes", Section 147 of the Constitution introduces another dimension to citizens rights when it directed the President of Nigeria to appoint a Minister from each state "who shall be an ***indigene*** of such a state."[227] Thus, it can be said that the Constitution of Nigeria recognizes that there are indigenes and settlers living side by

[225] See Appendix II (Table of Communal Conflicts)
[226] See Chapter IV, CFRN
[227] Section 147, CFRN 1999

side within the states of the country. This appears to conflict with the Constitution's notion of ***single*** citizenship that promotes mobility for Nigerian citizens that gives them certain inalienable constitutional ***rights***, viz. ***freedom of movement***,[228] ***freedom from discrimination***[229] and ***right to acquire and own immovable property anywhere in Nigeria***[230], that allows a Nigerian citizen to re-settle anywhere in Nigeria that he chooses.

Against the ***indigene-ship*** implication of Section 147, the Constitution no doubt introduces a split between being a citizen and being an indigene. Citizenship, by the Constitution, can be understood to be a relationship between an individual and the nation while indigene-ship is a relationship between an individual and a state in the nation. Therefore, one may be a citizen of Nigeria, but may not be an indigene of a particular state of Nigeria. This position negates the ***single*** citizenship notion, and promotes ***multiple*** citizenship, for every Nigerian citizen is restricted to a particular locality of a State of Nigeria. In all other localities, and States, he is a ***settler*** and by a provision such as Section 147 is recognized to be entitled to lesser rights than those of ***indigenes*** of the locality and State. Such recognition of "indigene-ship" helps native sentiments of ***indigene-ship*** and ***settler-ship*** as evidenced in the Plateau crisis.[231] This does help the prevention or mitigation of ethno-religious conflicts in the country. If anything, it exacerbates the crisis.

The ***Federal Character Commission Act***, like the Constitution, entrenches the notion of ***indigene-ship*** by providing that positions "in all national institutions and in public enterprises and organizations"[232] must be reserved for ***indigenes*** of all the 36 states and Federal Capital Territory on equal basis. It goes on to provide that where there are only six positions, they will be

[228] Section 41
[229] Section 42
[230] Section 43
[231] See Plateau Crisis, Chapter Two, Paragraph 2.2.2, of this dissertation
[232] See Section 1, Part I, of the Federal Character Commission Act

shared out among the six geo-political zones, while if there are only two positions, they should be shared between north and south.[233] The Federal Character Commission Act, coming earlier in time than the 1999 Constitution, no doubt influenced Section 147 of the Constitution on entitlements of indigenes.

4.6 Indigene-ship and the Settler's Question in Nigeria

The ***indigene-settler*** problem is a national problem. It is a widespread problem not peculiar or unique to any state in Nigeria. As we have seen in the conflicts studied in this thesis,[234] it has caused communal violence in Kano State (Hausa verses Ibo), Delta State (Itsekiri verses Urhobo), Taraba State (Tiv veres Jukun), Anambra State (Aguleris verses Umuleris), Plateau State (Birom verses Hausa) and Osun State (Ife verses Modakeke).

It is a settled notion in Nigeria that "indigene-ship" can only be acquired by birth from "indigenous" parents.[235] Therefore, indigene-ship is inherited and cannot be acquired such as citizenship by naturalization, which can come after long stay in an area or marriage to an indigene. Here, there appears to be consensus between law and morality; i.e. between the official position of government and popular position of the people. The widespread indigene-settler conflicts across the country are testament to the fact that ***settlers*** are not recognized as "indigenes" no matter how long they stay in a locality. This position is further supported by the by field survey conducted by the researcher.[236] Section 147 of the Constitution, as well as provisions of the Federal Character Commission Act, seems to support this position.

[233] See Section 13 of the Federal Character Commission Act
[234] See Chapter 2
[235] See Federal Character Commission Act, and Field Survey (Chapter Six)
[236] See Appendix III

However, against the settled notion that indigene-ship can only be acquired by birth, it seems it can also be acquired under customary law. In a decided case, a Nigerian citizen sought to change his ethnic group and become a member of another ethnic group with all the rights and obligations of the new group in the case of **Olowu Vs. Olowu**[237] which established this possibility.

In this case,[238] a Yoruba man settled in Benin and married Binin women. Later, he decided to become a Bini by "naturalization" and applied to the Oba of Benin to be conferred with the status of an indigene of Benin under Benin native law and custom, which the Oba consented to. On his death, there was a legal tussle as to whether the deceased was a Yoruba or a Bini man. The trial judge decided that the deceased had voluntarily relinquished his cultural heritage as a Yoruba and had become a Bini by "naturalization." The court therefore held that Benin native law and custom was the proper personal law of the deceased at the time of his death and accordingly that the Benin native law and custom was the proper law for the distribution of his estate consequent upon his death intestate.

On appeal, the Court of Appeal confirmed the High Court's decision upon which there was a further appeal to the Supreme Court. The Supreme Court similarly confirmed the decision of the High Court that a Nigerian citizen belonging to one ethnic group can change his personal law by adopting the culture of another.[239] In which case, he is entitled to the rights and privileges of his adopted ethnic group and area.

It is submitted that this is a very salutary legal position that if exploited can go a long way in ameliorating the recurrent indigene-settler conflicts in Nigeria. So-called indigenes always pick up arms against so-called settlers because they are seen as settlers. If over time settlers

[237] (1967) 2 ALL NLR p.23-59
[238] Supra
[239] Supra

become indigenes by naturalizing, there would be no settlers for indigenes to fight. Of course it is possible that even after naturalization for a hitherto settler to still be seen and regarded as such by those who see themselves as the true indigenes of the community. But, if the naturalization process is well publicized and traditional rulers take their time in explaining the implication to their subjects, there is no doubt that this will reduce tendencies to indigene-settler tensions and conflicts. This submission is made, regarding the fact that ethnic frictions in Nigeria has more to do with communities than with individuals. An individual settler can easily be integrated, especially if he inter-marries and speaks the local dialect fluently, as in the case of Olowu who apart from speaking Bini fluently, also took the positive step of applying to the Oba of Benin to "naturalize." If other Yorubas in Benin took similar steps as Olowu it is difficult to see how ethnic conflicts would erupt between Yoruba "settlers" in Benin and Benin people.

Usually conflicts between indigenes and settlers flare up because of the fact that the settlers are not integrated with the native community. Settlers either because they are aware that they are not at home tend to work harder and therefore tend to succeed more than indigenes. Economic prosperity may bring with it increase in numbers. If the settlers do not make efforts to integrate but chose to remain a separate group, talks of arrogance and spite for the native community begin to circulate. These talks are no doubt sparked off by fear and envy by the native community which are exacerbated by the aloofness of the indigene community. Before long there might be an inter-ethnic conflict.

The need for so-called settlers to melt into the native population is felt more when regard is made to the fact that in this country there is no time frame for settler communities to be accepted as indigenes. This means that a man and his offspring can forever be considered settlers unless they integrate in which case the question of their settler status hardly arise because they

have lost their former identity and gotten assimilated into the new identity and culture of their hosts. That customary law may eventually provide the solution to the seemingly intractable indigene-settler problem in Nigeria. Indigene-settler disputes arise essentially from differences in customs and traditions between indigenes-settlers. The moment such differences disappear, the tensions and disputes they bred would disappear with them.

Be it as it may, the position in Nigeria remains one in which citizenship and indigene-ship are not synonymous. While the citizen, like an extrovert, looks outward, viewing the frontiers of Nigeria as his limit, the indigene, like an introvert, looks inwards, very jealous of his surroundings. The indigene sees the citizen, who he regards as indigene of another locality, encroaching on his surroundings. While the citizen has the law behind him, which allows him freedom of movement around his country, though ambiguous, contradictory and confusing, the indigene has no legal backing to exclude the citizen from settling down and enjoying benefits of his chosen abode. Thus the stage is set for conflicts pitching indigenes against settlers, local government councils against state governments, and state governments against the federal government.

The crisis in Plateau State has renewed the debate on the use of the terms ***indigenes*** and ***settlers*** in legal and political discourse. The issue of ***indigene-ship*** and ***settler-ship*** which were more forcefully brought to the fore in the Plateau crisis has led perhaps to a more concerted effort to solve the problem. The result of a field survey conducted by the researcher in and around Jos, Plateau State showed majority of the participants indicating the ***settlers*** should be allowed to assume bureaucratic positions such as government posts, but not allowed traditional titles, such as ward head or paramount ruler etc.[240] Of course there is less problem in preventing

[240] See Appendix II

a ***settler*** from taking a traditional title, for example even in other places such as Kano, a Yoruba man can hardly become ward head. However, he can aspire to be the Chairman of Shanono Local Government Authority. Chairman is a bureaucratic position, while village head is hereditary. Similarly, the position of governor is political not hereditary. Therefore, an Ibo man can aspire to be governor of Kano but not Emir of Kano.

4.7 National Integration and Electoral Regulations

There is ample evidence that Nigeria promotes a ***single*** citizenship policy, with residency as the yardstick for qualifying as a bona fide member of a locality as opposed to biological ties. Citizens enjoy rights and privileges of their chosen domains, such as the right to vote and to be voted for. For example, in the First Republic the qualification to run for election into the Regional House of Assembly was residency of three years in the region. Under Section 4(c) of the Local Government Elections Decree, a person shall not be qualified to be a candidate to contest any Local Government elections unless:

> he is ordinarily resident in the ward or constituency in which he is contesting an election for a period of not less than twelve months prior to the date of the election.[241]

The number of years of residency to qualify to stand for election has consistently been reduced over the years; from three years in the First Republic, it was reduced to one year in the Third Republic, and finally to zero in the last general elections of 1999 where residency was not a requirement to stand for election in local government and state elections under the Electoral Law.[242] The only requirement, under the current law, is to be a Nigerian, of the stipulated age, and sponsored by a political party. The scrapping of minimum residency for standing for

[241] See Section 4(c) of the 1987 Local Government Electoral Decree
[242] Ibid

elections demonstrates government's promotion of mobility and national integration, through electoral laws. It is significant that electoral positions are not reserved for indigenes.

Be the law as it may, Nigerians rarely vote for someone who does not enjoy long residency where he is contesting election or who is not an indigene of the area. Thus, the law is saying one thing while the attitude of the people is saying another. Be this as it may, it is submitted that the current legal position on the right of the citizen to contest election where he is resident is a salutary one and should be lauded. That it is not currently supported by the attitude of the people should not be a reason why it should be reversed. If the law remains as it is, it is submitted that with time the attitude of the people will begin to reflect the legal position. What is more, one of the functions of law is to civilize the people and raise their behavior to universally accepted standards. The law in this area is intended to discharge this function.

However, it is worth noting the contradiction of the law, in one breath allowing a citizen to stand for election wherever he is resident and in another breath not allowing the citizen appointment to governmental positions such as minister that is reserved for "indigenes".

Nigerians voters are similarly directed to register and to vote where they are resident at the time of elections, instead of going back to their states of origin, or their permanent residences. The emphasis is on residency at the time one is voting or standing for election.

How is residency, then, established? Under Section 5(1) of the Local Government Elections Decree "a person shall be deemed to be ordinarily resident in that place where he normally lives, sleeps and has his usual abode, whether or not the said place is in his state of origin."[243] In the case of **Jimoh Bello v. Ayotunde Raji, the National Electoral Commission and others**[244] the petitioner maintained two residences in his place of birth and where he was

[243] section 5(1) of the Local Government Elections Decree
[244] (1989) 2 NWLR (pt. 87) p. 118

earning a living. His decision to run for election for local government caused a problem under the electoral law, which directs aspirants' to be resident in the local government for at least twelve months prior to the elections.[245] The Court held that the petitioner's place of residence was where he was working because he stayed there more than his hometown.

If election is accepted as the most important civic duty of a citizen; and if standing for election into the highest local institutions, the State Assembly and Local Government Council, is regarded as acceptance by the local community, then it can be assumed that under the present position long residency is no more a requirement to become an indigene of a geographical area, and one can easily become an ***indigene*** of an area once he migrates to the area.

It is therefore posited that if the Constitution and Federal Character Commission Act are amended to reflect the electoral laws, that recognize residency to enjoy privileges of a place, it will contribute in reducing ethno-religious tension.

4.8 The Jurisprudence of Citizenship and Flexible Identity in the Middle Belt of Nigeria

The indigene-settler question is best solved if the citizenship of all Nigerians is accepted not only by law, but by affirmative official action that gives voice and force to the cold letters of the law. Citizenship vests a person with full political and civil rights within the context of the modern state.[246] In the history of political wrangling, the question concerning who are ***indigenes*** and who are ***settlers*** exhibits the fact that the whole argument is within the realm of citizenship; and citizenship is a domain of exclusion and permanent claim. Citizenship is often characterized by attempts by those in power to skew and manipulate it, in order to exclude others on the basis of certain construction of political identities, such as gender, class, religion, and/or ethnicity.

[245] Jimoh Bello Vs. Ayotunde (Supra)
[246] Awolabi A, Citizenship and the Rights of Man, Guardian June 17 2002 p.10

"Indigenes" seek the exclusion of those described as "settlers", while those excluded on grounds of being "settlers" seek to resist their exclusion on grounds of long residency and their membership or citizenship of the Nigerian State.[247]

In the Nigerian context, and as exemplified by the findings of Ellsworth[248], ethnic, religious and regional identities appear to be the dominant basis for framing political identity, and therefore in determining right bearers.[249] Thus the system of ethnic citizenship and religious nationalism form the underlying bases for numerous ethno-religious conflicts in Nigeria. The current resurgence of ethnic and religious nationalisms should be sought for in the failure of emergent nation-states to work out defined principles of regulating the distribution of social advantages. In many places, this has allowed ethnic nationalisms to emerge as the major vehicle for initiating change. This has resulted in national integration eluding Nigeria and giving way to growing ethnicity.

When ethnic heterogeneity militates against minority interests, the tendency has been for tiny communities to coalesce in search of some form of group identity and group expression. Consequently, in the welter of contemporary forms of group expression and group conflict, there has been a pronounced and sudden increase in tendencies by people in many countries and in many circumstances to insist on the significance of their group distinctiveness and identity and on the new rights to derive from their group character.[250]

Crucial to the concept of citizenship is the notion of reciprocity of rights, obligations between state and citizens, and some degree of participation, since it is also about membership of

[247] Ibid
[248] Ellsworth, J. Identity Politics in Africa, Sweet and Maxwell, London (1998)
[249] Ibid
[250] Kollo A, Minority Interest and the Nigerian Project, Journal of Current Affairs, Faculty of Arts and Social Science Bayero University Kano, April 19 (2001)

a political community.[251] All these make citizenship the mother of all political rights and a domain of all contestations. In much of Africa, as a result of the history of state formation, the question of group identity and rights have come to be prized above individual rights in the construction of citizenship rights. Thus ethnic, sub-ethnic, religious, communal and regional, forms of identity appear to be dominant in framing discourse of citizenship rights, as has been the case in Nigeria.[252]

With regards to power relations and control, of the major ethnic groups, the Hausa, Yoruba and Igbo have enjoyed advantage and privileges from colonial era to post-independence Nigeria which the Willink Commission in the late 1950s tried to address. Prolonged military rule resulted in over-centralization of power and resources, devoid of any democratic framework. The net result is the emergence of a "multiple" system of citizenship, which has been entrenched negating the central political objective of nation building and sharpening the national question.[253] However, party democracy is countering this through provisions forcing political parties to be national in composition whereby persons from different ethno-religious backgrounds come together and agree on power sharing arrangements hinged on democracy, equity, justice and fair play.

Native-settler distinction negates contemporary patterns of integration and the central political objective of promoting unity and integration in Nigeria.[254] James aptly described the integration question as "delayed integration."[255] What is obtained in Nigeria is a layered system of citizenship, differentiating access of different groups to rights and privileges. Those who belong to the indigenous communities of a state are most privileged. Those citizens who belong

[251] opcit Jos Peace Conference p.122
[252] Ibid
[253] Ibid
[254] Okewo A, The Jos Crises and the Protracted Settler Problem in Nigeria, Nigerian Tribune August 29 2001 p. 12
[255] Ibid

to indigenous communities of other states and thus recognized as indigenes of other states are less favoured. Jobs for the junior cadre, that is, from Grade level 01 to 06 in all LG, state and federal institutions are reserved for indigenes. The least favoured and endangered are those citizens who are unable to prove that they belong to a community indigenous to any state in Nigeria.[256]

Plateau State, with recurring ethno-religious conflicts throughout the first decade of the new millennium (2000-2010), has today become the epitome of violent communal crisis. Plateau State is part of the geographical area historically tagged Middle Belt. These are areas in the central region of the defunct Northern Region of Nigeria which today fall under North Central Zone of the six newly created so-called geopolitical zones, and the southern parts of Kaduna State (that is placed in North West Zone) and parts of Taraba State (that is in North East Zone).

Though the violent communal conflicts are prevalent throughout Nigeria fueled by ethic based contests bordering on citizenship and its attendant rights, the crisis is today associated with the Middle Belt where it has assumed a religious dimension.

The Federal Capital Territory of Abuja in contiguous to the Middle Belt while the growing importance of the Abuja-Kaduna-Sokoto, Abuja-Jos-Maiduguri, and Abuja-Lokoja-Benin cannot be over emphasized as major gateways to the nation's capital. Violence along these routes affect traffic to and from Abuja and indeed poses danger to Nigeria's stability.

The whole of the Middle-Belt is witnessing a massive migration from both northern and southern states of Nigeria, especially areas near Abuja, increasing the potential of the Middle Belt as a conflict zone with the massive migration and attendant demand for land and opportunities.[257] The upsurge of ethnic and religious crisis has been ascribed basically to the

[256] Ibid
[257] Ibid at p.44

failure of government to improve the conditions of lives of the people, fueled by the use of ethnicity and religion for political ends by community leaders of the different groups.[258]

[258] Ishaya L, The Rise in Ethnic Politics and Conflicts in the Middle Belt Region, Journal of Current Affairs, University of Abuja, Vol.1 July (2002) p.19-24

CHAPTER FIVE:

NON-IMPLEMENTATION OF FUNDAMENTAL OBJECTIVES DIRECTING STATE POLICY AND FUNDAMENTAL RIGHTS

5.1 Introduction

This Chapter takes a look at government's inability to wholy implement the fundamental human rights of the citizens as guaranteed by the constitution. While the infringement of any of such Rights can be challenged in the appropriate High Court, the economic, social and environmental objectives under the Fundamental Objectives and Directive Principles of State Policy are not justiciable. Thus, the basic human rights of an individual is wilfully infringed during ethno-religious conflicts and the victim does not get justice at all. In this Chapter, we shall look at cases and instances where courts made such Fundamental Objectives and Directive Principles of State Policy justiciable by courts in other countries and those in Nigeria. The chapter also examines the various aspects of human rights that are been denied Nigerian citizens by state policy and judicial fiat, and how they became factors in the escalation of ethno-religios conflicts as well as the impacts of ethno-religious conflicts on the socio-economic development of Nigeria.

5.2 Economic, Social, Environmental and Cultural Objectives

The fundamental rights guaranteed by the Constitution are limited to political and civil rights. While the infringement of any of such rights can be challenged in the appropriate High Court, the economic, social, environmental and cultural rights which are covered under the

Fundamental Objectives and Directive Principles of State Policy contained in Chapter II of the 1999 Constitution are at least before the enactment of the African Charter on Human and Peoples Rights as part of Nigerian law are not justiciable. Thus in **Archbishop Olubunmi Okogie Vs. The Lagos State**[259] the Court of Appeal, when interpreting a similar provision in the 1979 Constitution held:

> The Fundamental Objectives identify the ultimate objectives of the nation and Directive Principles lay down the policies which are expected to be pursued in the efforts of the nation to realize the national ideals. While section 13 of the Constitution makes it a duty and responsibility of the judiciary among other organs of government, to conform to and apply the provisions of Chapter II, section 6 (6)(c) of the same Constitution makes it clear that no court has jurisdiction to pronounce any decision as to whether any organ of government has acted or is acting in conformity with the Fundamental Objectives and Directive Principles of the State Policy. It is clear therefore that section 13 has not made chapter II of the Constitution justiciable.

However, the re-enactment of the African Charter on Human and Peoples Rights as part of Nigerian law, has now made most of the fundamental objectives directing state policy in Nigeria justiciable. In this regard, section 1 of the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, (Cap 10), Laws of the Federation of Nigeria, provides as follows:

> As from commencement of this Act, the provisions of the African Charter on Human and People's Rights which are out in the schedule to this act shall, subject as hereunder provided, have force of law in Nigeria and shall be given full recognition and effect and be applied by all authorities or judicial powers in Nigeria.

In spite of the above provision of the law however, it was the general belief in judicial circles, for many years, that the African Charter was not justiciable as it was only seen as a yardstick for judging the political behaviour of member states of the defunct Organization of

[259] (1981) 2 NCRL 337 at 350

Africa Unity (now African Union). But, it has been established, in recent time, that international treaties which have been enacted into local laws pursuant to section 12 of the Constitution are enforceable by municipal courts in Nigeria. See **Oshevire Vs. British Caledonia Airways**[260] **Ibidapo Vs. Luthansa Airlines.**[261]

The domestic application of the African Charter by municipal courts in Nigeria has been confirmed in a plethora of cases. **Ogugu Vs. The State**[262] **Nemi Vs. State**[263] **Controller-General, Nigerian Prisons Service Vs. Dr. Femi Adekanye & Others.**[264] **State Security Service Vs. Olisa Agbokoba**[265] and **Orok Anam Local Government Vs. Ikpa & Others.**[266]

It is submitted that the above cases are good authorities for enforcement of fundamental objectives that have been enacted into law under the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act. These remove them from the non-justiciability plight of fundamental objectives that have not been so strengthened.

The law is not yet settled on the ranking of the African Charter on Human and Peoples Rights as part of Nigerian law. While there are judicial authorities affirming that this law ranks over other Nigerian laws, there are judicial authorizes saying it ranks equally with other Nigerian laws.

On the superiority of the African Charter in the hierarchy of superiority of laws in Nigeria, Mustapha J.C.A (as he then was), held in **Chief Fawehinmi vs. General Abacha**[267] that:

> The member countries – parties to the protocol- recognized that the fundamental human rights stem international protection and accordingly, by the promulgation of Cap 10 fulfills its international obligation. It is an international obligation to

[260] (1987) 4 (PT 163) 507
[261] (1997) 4 NWLR (PT 498) 124.
[262] (1996) 9 NWLR (PT 366) p.1
[263] (1994) 1 SCNJ 106
[264] (2002) 15 NWLR (PT 790) 362
[265] (1998) NWLR (PT 595) 425
[266] (2003) 12 NWLR (PT 835) 558.
[267] (1996) 4 NWLR (PT 475) 710

> which the nation voluntarily entered and agreed to be bound. The arrest and detention of the appellant on the facts adducted clearly breached the provisions of the Charter and can be enforced under the provisions of the Charter. The contracting States are bound to establish some machinery for the effective protection of the terms of the Charter and when the local procedure is exhausted or when delay will be occasioned, the matter will be taken to the international commission. All these indicate of the hierarchy of laws in Nigeria in order of superiority as enunciated in **Labiyi Vs. Anretiola**[268]

See also **Equal Opportunity Commission and Anor. Vs. Sec. For State for Employment.**[269] **S**ee also **Ogugu and Oshevire** cases (supra):

> It seems to me that the learned trial Judge acted erroneously when he held that the African Charter contained in Cap 10 of the Laws of the Federation of Nigeria 1990 is inferior to the Decree of the Federal Military Government. It is common place that no state legislation is superior to its international obligations. It is my view, that notwithstanding the fact that Cap 10 was promulgated by the National Assembly in 1983, it is a legislation with international flavour and the ouster clauses contained in Decree No. 107 of 1993 or No12 of 1994 cannot affect its operation in Nigeria.

In identifying himself with the leading judgment of the Court Pats-Acholonu JCA (as he then was) held:

"By not merely adopting the African Charter but enacting it into our organic(sic) law, the tenor and intendment of the preamble and section seem to be vest that Act with a greater vigour and strength than mere Decree for it has been elevated to a higher pedestal".

But in **Abacha Vs. Fawehinmi**[270] the Supreme Court vehemently disagreed with that part of the decision of the Court of Appeal wherein the impression was created that the African Charter was superior to the Constitution. While berating the Court of Appeal for denying the subsistence of the hierarchical order of the superiority of Nigerian laws as adumbrated by the Supreme Court in Labiyi Achike JSC said:

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[268] *(1992) 8 NWLR* (Pt 258) 139.
[269] (1994) 1 All ER 910.
[270] (2001) 51 WRN 29 at 245; (2001) 6 NWLR (PT 660) 228 at 340

> No authority was given in support of this far reaching proposition. On the contrary, the proposition is manifestly at variance with section 12(1) of the 1979 Constitution which stipulates that 'no treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted'. Indeed, in enacting the African Charter as an Act of our municipal law and as a schedule to the only two sections of the Act i.e. Cap 10 laws of the federation Nigeria, 1990, a close study of that Act does not demonstrate, directly or indirectly, that it had been 'elevated to a higher pedestal' in relation to other municipal legislations. The provisions of the only two sections of Cap 10 Laws of the Federation of Nigeria, 1990 incorporating the African Charter into our municipal law are conspicuously silent on a 'higher pedestal' to which the learned Justice of the lower court arrogates to the African Charter vis-à-vis the ordinary laws. The general rule is that a treaty which has been incorporated into the municipal laws ranks at par with the municipal laws. It is rather startling that a law passed to give effect to a treaty should stand on a 'higher pedestal' above all other municipal laws, without more, in the law that incorporated the treaty into the municipal law. See Prof. Ignaz Seidle-Hovenveldern; 'Transformation or Adoption of Internation Law into Municipal Law.[271]

On whether individuals can rely on the Charter to secure the enforcement of their human and peoples Rights Uwaifo JSC stated thus:

> The next question to ask is whether an individual can rely on the Act, first, as to the jurisdiction of the national courts to entertain his cause and second, to sustain that cause on the basis that his Human Rights protection under that Charter has been violated. The Charter contains a number of Rights recognized and guaranteed to every individual. Some have been recited earlier in this judgment as they appear in Articles 2,4,5,6,7(1)(a) and 26. These and other articles of the Charter they can seek to protect from being violated and if violated to seek appropriate remedies. It is in the national courts such protection and remedies can be sought, and if the cause is established, enforced, contrary to the contention of learned counsel for the Appellants. In other words, those individual rights are justiciable in Nigerian Courts.

5.3 Enforcement of Fundamental Objectives in Foreign Jurisdictions

In view of the inexplicable reluctance of the State to comply with the provisions of chapter II of the Constitution, the time has come for Nigerian courts to borrow a leaf from India where an activist judiciary has compelled the government to enforce certain aspects of the

[271] (1963) 12 Inter and Camp. L.Q at p.115 Pp111-112

directive principles of state policy. The cultural rights were acknowledged by a frontline jurist when he said:

> These three categories of human rights depend fundamentally on the rights to life and personal liberty which is a core human right. The right to life is now confirmed merely to physical existence, but it includes also the right to live with basic human dignity – with the basic necessities of life such as food, health, education, shelter etc….. These human rights fall within the category of social and economic rights and they can be realized only by affirmative action on the part of the state and if the state fails to carry out its constitutional or legal obligations in enforcement of these human rights, it may have to be compelled to do so by an activist judiciary. We in India have done so, by compelling affirmative state action in cases where the State was under a constitutional or legal obligation to do so.

Realizing the limitation of employing judicial activism to ensure enforcement of the Directive Principles of State Policy, the Constitution of South Africa has specifically provided for the justiciability of socio- economic rights. This was judicially confirmed in the case of **Government of the Republic of South Africa Vs. Grootboom**[272] where it held:

> Our Constitution entrenches both civil and political rights and social economic rights. All the rights in our Bill of Rights are inter-related and mutually supporting. There can be no doubt that human dignity, freedom and equality, the foundation values of our society, are denied those who have no food, clothing or shelter. Affording them to enjoy the other rights enshrined in chapter 2. The realization of these rights is also the key to the advancement of race and gender equality and the evolution of a society in which men and women are equality able to achieve their full potential. The right of access to adequate housing cannot be seen in isolation. There is a close relationship between it and other socio-economic rights. Socio-economic rights must all be read together in the setting of the Constitution as a whole. The state is obliged to take positive action to meet the needs of those livings in extreme conditions of poverty, homelessness or intolerable housing. Their interconnectedness needs to be taken into account in interpreting the socio-economic rights and, in particular, in determining whether the state has met its obligations in terms of them.

In all cases, where a victim of ethno-religious conflicts has a direct right of claim against an individual violator of his fundamental human right, he enjoys at least an indirect right

[272] (2001) 36 WRN 137 at 162-163

against government for generating conditions that led to the ethno-religious conflicts. While the individual violator may be the immediate cause of his loss, the government often is the remote cause. Most ethno-religious conflicts in Nigeria are caused by poverty and ignorance. If government discharges its responsibilities to the citizens by implementing assiduously the fundamental objectives directing state policy on education and economic matters for example, most of the causes of ethno-religious conflicts will abate. Failure to discharge its responsibilities to Nigerians on education and economic welfare generate feelings of resentment in the populace which often flare up in ethno-religious conflicts.

All said and done, the justiciability of fundamental objectives directing state policy contained in the African Charter of Human and Peoples Rights that has been enacted into law in Nigeria goes a long way in ensuring government gives effect to these fundamental objectives. Often, ethno-religious conflicts in the country are caused by poverty and deprivation. There is no doubt that if government can fulfil its obligations to the citizens by providing them with education, food, decent houses and health care as provided under the fundamental objectives directing state policy, ethno-religious conflicts in the country will abate.

It is very regrettable that despite the justiciability of fundamental objectives in Nigeria, not many cases have gone to court seeking to enforce these objectives against the government. It seems Nigerians are still laboring under the hangover of these objectives being not justiciable. The task is for human rights activist in the country to dispel this hang over.

5.4 Fundamental Rights: Examination of Some Rights

5.4.1 Right to Life

The taking of human life has been strongly condemned by most world religions and philosophies over the centuries.[273] International human rights law has in turn sought to uphold this most sacrosanct of rights in a number of treaties. The life of an individual is clearly protected from being arbitrarily taken by the state.

The right to life is not, however, as inviolable as it might seem at first sight. There are a number of situations where states may deprive individuals of life itself and to which international human rights law does not raise an objection. The use of the death penalty is one such example. Human rights law does not prohibit the use of the death penalty as a punishment for crimes, but does encourage its abolition and seek to limit its use. The use of violence in self-defence lies at the base of other justifications for the taking of human life. Killing is permitted at times of war, save for the murder of civilians and prisoners of war. Human rights law thus tries to respond to the myriad of ethical dilemmas raised by the right to life by establishing a range of prohibitions and exhortations. S.33(1) of the 1999 constitution as ammended 2010, provides for the right to life by providing that:

> Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of a sentence of a court in respect of a criminal offence of which he was been found guilty

In Nigeria, the section goes on to provide that 'a person' shall not be regarded as having been deprived of his life in contravention of this section, if he dies as a result of the use of, to

[273]Robertson D, Dictionary of Human Rights, Europa (1997)

such extent and in such circumstances as are permitted by law, of such force as is reasonably necessary:-

(a) for the defence of any person from unlawful violence or for the defence of property.

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained or

(c) for the purpose of suppressing a riot, insurrection or mutiny.

A conspicuous aspect of the above sub-section is that the "Right to Life" extends to "every person" who happens to be in Nigeria, whether legally or illegally. This is because for the language of the sub-section mentions "every person" instead of "every citizen" that is used in other "rights", which are exclusively reserved for Nigerian citizens; such as the "right to freedom of movement."[274] This demonstrates the sanctity of human life, for the right to life extends to every person, be he an illegal alien or a criminal, who can only be deprived of his right to life through due process; i.e. being arrested, duly charged to court allowed to defend himself, and convicted if found guilty.

The above provision of the 1999 constitution established in clear terms the sanctity of human life which often is a victim in ethno-religious violence. Where therefore a person was killed during ethno-religious conflicts and his killing cannot be accommodated under any of the exceptions provided under S.33(2) of the constitution, the act of killing such a person is a violation of his fundamental human right to life apart from being a criminal offence. It is imperative that the exceptions provided by section 33(2) be examined closely to determine which killing during ethno-religious conflicts are covered by the exceptions and therefore do not

[274] Section 41 of the 1999 Constitution

constitute breach of the fundamental human right to life or an offence and which killings fall outside the exceptions and therefore constitute violation of the fundamental human right to life.

The first exception is of a character which neither a policeman nor some other law enforcement officer can plead. Instead, it is an exception individuals can plead. Such individuals, for example, can plead that someone he killed during ethno-religious conflicts was killed either in defence of himself, his property or some other person. The person he killed in defence need not be his relation or friend. He can be a total stranger. It will be easy for him to avail himself of this exception if he was himself not a participant in the ethno-religious conflict. If he was a participant it would be difficult if not impossible for him to prove that while attacking others, killing and destroying their property, he was also under attack and therefore under the necessity of defending himself his property or other person.

Fundamental human rights are not only enforceable against the state, but against individuals as well.[275] Therefore, an individual that violates the fundamental Human Right to life of another person during an ethno-religious conflict ought not to be proceeded against only for the crime of culpable homicide punishable with death under S.221 of the Penal Code, but under S.33(1) of the 1999 Constitution. However, since the offence if proved, led to the death of the offender, proceeding against him for breach of the fundamental human right to life, may not be of much value to the victim of the offence considering compensation and imprisonment which such a proceeding may lead to cannot be imposed on a dead man. It is for this reason that such offender may be better prosecuted against under the relevant state tort law for causing wrongful death. Wrongful death, if proved, would attract damages computed based on the monetary expectations from the deceased by his survivors that institute the suit.[276] The monetary

[275] Okechukwu Vs. Adikwu (1996) 3 NWLR (pt.497) p. 114
[276] Okehi Vs. Olumba (1964) ALL NLR p.189

expectations of the deceased would depend on his age and earnings at the time of his death. It is submitted that if people who go out to kill and maim during ethno-religious conflicts faced a barrage of civil and criminal litigation after the conflicts, they are likely to be less prone to destructive tendencies during such conflicts. Due to the limit of time and space, it is not possible to study the criminal codes of all the thirty-six states of the Federation, and the Federal Capital Territory. However, generally speaking, the Penal Code of Northern Nigeria, and the Criminal Act of Southern Nigeria can be described to still be in force in the nineteen states of the North and the seventeen states of the South respectively, with some modifications. Under Section 221 of the Penal Code and Section 316 of the Criminal Act, a person is guilty of unlawful homicide who unlawfully kills another with intent to kill or cause grievous harm, and maybe sentenced to death. Any unlawful killing, which does not amount to murder, is manslaughter, and carries up to life imprisonment under Section 222 of the Penal Code and Section 317 of the Criminal Act. In **R Vs.Tonkin and Montgomery**[277] it was held that:

> … if a man, in full knowledge of the danger involved, and without lawful excuse, deliberately does that which exposes a victim to the risk of the probable grievous bodily harm (in the sense explained) or death, and the victim dies, the perpetrator of the crime is guilty of murder and not manslaughter to the same extent as if he had actually intended the consequence to follow, and irrespective of whether he wishes it.[278]

[277] (1955) WACA 249
[278] R Vs. Tonkinn and Montgomery (1955) WACA 249, See also Okonkwo an Naish, Criminal in Nigeria, (Sweet and Maxwell, London, 2nd ed. 1980) p.173

The sanctity of human life is the primary concern of the law. In the case of **Fawehinmi v. Akilu**[279] the victim of an unresolved murder was not biologically related to the plaintiff, who initiated action against certain people he felt were responsible for the crime, and was unsuccessfully challenged on the issue of locus standi. The Supreme Court held that "the peace of the society is the responsibility of all persons in the country and as far as the protection against crime is concerned, every person in the society is each other's keeper. This case demonstrates the importance attached to the right to life.

5:4.2 Loss of Life in Armed Conflict and Wars

Ethno-religious conflicts are often armed conflicts. To the extent that they are armed conflicts they are governed by the international law of war. There is hardly any difference between Nigerian ethno-religious conflicts and what happened in Rwanda and Burundi. Like Nigerian ethno-religious conflicts, the Rwanda Burundi mayhem started as ethnic conflicts and were fought as such. The first and second world wars started as ethnic conflicts and only later on took on the coloration of world wars. From the Nuremberg trials of "Nazi War Criminals" after the Second World War in 1945 to the present International Criminal court, issues of breach of the right to life are viewed seriously. Therefore, from the early 1990s, repeated condemnation of "Crimes Against Humanity" during the Yugoslavian crises resulted in the re-introduction of the first international war crimes tribunals since Nuremberg, which tried individuals accused of human rights abuse in purely domestic conflicts.

The first of such tribunals was the "International Criminal Tribunal for Yugoslavia," constituted to try Yugoslavian military and government officials for their roles in the notorious

[279] (1987) 4 NWLR 797

ethnic cleansing that first shocked the world in the Bosnian crisis. Several Yugoslavian government officials, especially military officers, were put on trial at The Hague. The climax of the trials was the trial of the former President of Yugoslavia, Mr. Slobodon Milosevic, who was handed over to officials of the UN's Tribunal by his own government on making history as the first former Head of State to face an international tribunal to defend his tenure in office.[280] In Africa, the "International Criminal Tribunal for Rwanda (ICTR)" was set up to try suspects of mass murders in the Rwandan conflicts of 1994. The killing of Rwandan President, Jevenal Habyariman on April 6, 1994 in a plane crash triggered a chain of events that led to the massacre of hundreds of thousands of people,[281] which eventually resulted in the tribunal, similar to the Yugoslavian Tribunal, which was constituted in Arusha, Tanzania, in the year 2001.[282] The ICTR has so far convicted eight genocide suspects, both government officials and private citizens, including former Rwandan Prime Minister, Mr. Jean Kambanda.[283] The case that attracted most attention was the case of a father and son accused of conspiracy, and aiding and abetting mass murders.[284] Elizapham Ntakirutimana, an adventist pastor, and his doctor son, Gerard, were accused of encouraging members of the Tutsi ethnic group, running from the conflict, to take refuge in their church and hospital, and then leading Hutu militia to the church and hospital to massacre them. The two gentlemen were convicted on six counts of genocide, conspiracy to commit genocide and crimes against humanity.[285] Here in Nigeria, most of world attention on the human rights abuse from the ethno-religious conflicts is from Non Governmental Organisation (NGO). Recently, the Human Rights Watch, an internationally reputed human

[280] www.nigeriamasterweb.com, Posted 29 July 2003, Visited 14th Feb. 2007
[281] Daily Trust Sept. 28 2001 p.18
[282] Opcit www.nigeriamasterweb.com
[283] Ibid
[284] Ibid
[285] Ibid

rights NGO based in the United States of America, after sending an international team to investigate the Benue massacre of October 2001, published their findings in April 2002, in which they found the Nigerian military guilty of human rights violations.[286] According to the the Human Rights Watch, the Nigeria government was guilty of "extra-judicial" executions, and visiting the crime of a few Tiv people against the Tiv ethnic group as a whole.

From the Rwandan experience, it is clear that Nigerian government officials and the soldiers who perpetrated the acts of genocide in Zaki Biam can be brought before the International Criminal Court. It is illogical and unconstitutional to treat heinous crimes, genocides, with laxity merely because they took place during ethno-religious conflicts, and criminal investigations of the crimes stalled for months while Commissions search for "remote" causes of the conflicts, in which in the end, little or no charges were brought.

The Nigerian Federal Government, at the highest level, has a clear responsibility for these grave human rights violations by the military, especially as the operation was clearly planned in advance with a view to taking revenge on the civilian population of the area. The massacres in Benue constitute a clear violation of Nigeria's international obligations. Nigerian is a state party to the International Covenant on Civil and Political Rights (ICCPR), article 6 of which states: "Every human being has the inherent right to life. This right shall be protected by law. No one will be arbitrarily deprived of his life."

According to the Report, the actions of the Nigerian military and the failure of the government so far to take any action to bring those responsible to justice also disregarded the U.N. Principles of the Effective Prevention and Investigation of Extra-legal, Arbitrary

[286] Human Rights watch Publication Vol.14 No.2(A) April 2002

and Summary Executions, the most authoritative and comprehensive guidelines for governments on the investigation and prevention of extrajudicial executions.[287]

5.4.3 Right to Dignity of the Human Person

Dignity is a term used in moral, ethical, and political discussions to signify that a being has an innate right to respect and ethical treatment. It is an extension of Enlightenment-era beliefs that individuals have inherent, inviolable rights, and thus is closely related to concepts like virtue, respect, self-respect, autonomy, human rights, and enlightened reason. Dignity is generally proscriptive and cautionary: In politics it is usually synonymous to 'human dignity', and is used to critique the treatment of oppressed and vulnerable groups and peoples, though in some cases it has been extended to apply to cultures and sub-cultures, religious beliefs and ideals, animals used for food or research, and even plants. In more colloquial settings it is used to suggest that someone is not receiving a proper degree of respect, or even that they are failing to treat themselves with proper self-respect.

While dignity is a term with a long philosophical history, it is rarely defined outright in political, legal, and scientific discussions. International proclamations have thus far left dignity undefined and scientific commentators, such as those arguing against genetic research and cite dignity as a reason but are ambiguous about its application. S.34(1) of the 1999 constitution provides that "Every individual is entitled to respect for the dignity of his person and accordingly:-

(a) No person shall be subjected to torture or to inhuman or degrading treatment;

[287] Principle 14 of the United Nations Principles Against Acts of Genocide

(b) No person shall be held in slavery or servitude

During ethno-religious conflicts, people are often subjected to inhuman or degrading treatment. Some people are amputated, others are beaten and dragged on the ground, others set ablaze with petrol or kerosene. All these amount to inhuman and degrading treatment that violates S.34(1) of the constitution for which an action can lie both in public and private law. That the matter has a constitutional flavour makes it stronger if brought under the tort of assault or battery.

5.4.4 Right to Freedom of Thought, Conscience and Religion

To deny a person's freedom of thought is to deny what can be considered one's most basic freedom; to think for one's self. Since the whole concept of 'freedom of thought' rests on the freedom of the individual to believe whatever one thinks is best, freedom of belief is implied in freedom of thought. The notion of freedom of religion is closely related and inextricably bound up with the freedom of thought and belief. While in many societies and forms of government, there has been effectively no freedom of religion or belief, this same freedom has been cherished and developed to a great extent in the modern western world, such that it has often been taken for granted.

This development was enshrined in words in the United States Constitution by the Bill of Rights, which contains the famous guarantee in the First Amendment that laws may not be made that interfere with religion "or prohibiting the free exercise thereof.[288] Today, nearly all

[288] See Amendment 1 on Freedom of Religion, Press and Expression Under the U.S Constitution

democratic nations around the world contain similar language within their respective Constitutions. S.38(1) of the 1999 constitution provides:

> that every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and absence.

The above constitutional provision guarantees the right to freedom of thought, conscience and religion the exercise of which leads to differences in religious beliefs. Inter-religious conflicts are always founded on differences in religious beliefs. It is a violation of a person's fundamental human right to freedom of religion to seek to impose a religion on him. If such violation leads to a religious conflict what started as a mere interference with someone's belief becomes compounded into violation of communal interest. Particularly in the northern part of the country where ethno-religious conflicts are more rife, attempt to impose one's religion on another which lead to religious conflicts are often made because of ignorance of the constitutional provision under consideration. It is therefore pertinent that constitutional provisions such as S.38(1) be disseminated more to members of the public to check the excesses of religious fundamentalists. The Maitatsine intra-religious riots of Kano[289] had Muslims attacking Muslims over differences of religious practice and moral decadence. In the Kaduna religious disturbances of 2000, the Christian community resented the implementation of Sharia by the Kaduna State Government which they felt violated their constitutional right of freedom of thought.[290]

[289] See Chapter Two, p.18
[290] See Appendix II, Chronological of Communal Conflicts

5.4.5 Right to Peaceful Assembly and Association

S.40 of the constitution provides that every person shall be entitled to assemble freely and associate with other persons, and in particular, he may form or belong to any political party, trade union or any other association for the protection of his interest.

The above right is closely associated with the right to freedom of thought, conscience and religion. By the right of freedom of association, one is free to belong to any religion of his choice without fear of challenge by another person. Giving effect to right to associate, means less ethnic and religious tension between different tribes and religions which in a loose sense are associations.

5.4.6 Right to Freedom of Movement

S.41(1) of the constitution provides that every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto to or exit there from.

The above provision not only entitles a citizen to the right to move freely to any part of the country, but to right of residence and establishment in any part of the country. It is therefore a violation of the right to movement and residence to prevent anybody from moving from one part of the country to another or to expel him from a part of the country he had settled in during ethno-religious conflicts as often happens. The freedom of movement is not only extended to human beings, but also extended to goods and services. Section 15 (3) provides:

> For the purpose of promoting national integration, it shall be the duty of the State to:
> (a) provide adequate facilities for and encourage free mobility of people, goods and services throughout the Federation;

The above Constitutional provisions, promote the freedom of Nigerian citizens to travel around their country, as well as the freedom to settle down wherever they wish without any permission from any authority. Permission to enter into a territory is internationally known as "visa", which is normally granted to aliens for temporary stay, or "residence permit" for a more permanent stay. Internationally, such permissions are normally required when leaving one's own country and entering another sovereign State.

The ubiquitous ethno-religious conflicts in Nigeria have a common theme, indigenes against settlers, which contradict the above, constitutional fundamental right of the Nigerian citizen, as well as another right: freedom to acquire property.

By the indigene/settler standoff, it seems "settlers" need permission of "indigenes" to settle or conduct any economic activity in their territory. After several years of ethnic and religious strife, a community leader in Kaduna observed that since the religious conflicts of 2000 "people are moving from one part of the city to another, relocating to places with either a high concentration of Christians or Muslims" for their personal safety. He concluded that "Kaduna has become Lebanon. There are Christian quarters and Muslim quarters."[291]

The Judicial Commission of Inquiry that investigated the Kaduna 2000 disturbance made a similar observation, concluding that the "division of residential neighbourhoods in Kaduna along ethnic and religious lines…would not give room for peaceful re-integration, mutual understanding and religious tolerance."[292]

The 1999 Yoruba/Hausa conflict in Shagamu, Ogun State had an immediate impact in far away Kano. Also, the attacks on Ibos in Kaduna during religious disturbances of 2000 had

[291] Tell Weekly Magazine of 26th June 2000 p.15 quoting James Bawa Magaji a former Deputy Governor of Kaduna State and an indigene of Southern Kaduna
[292] Op cit White Paper on Report of Judicial Commission of Inquiry into Kaduna State Religious Disturbances of February (2000) p.22

immediate impact in far away Aba, Abia State, where Ibo gangs attacked Hausa residents of the city in retaliation, with initial support of the Governor of Abia State, who made an outburst:

> The warning I want to give as a core Igbo governor here is that nobody should kill an Igbo man in the name of religion. If they kill an Igbo man, we will retaliate immediately.[293]

The retaliation referred to above is obviously on Hausas living, or visiting "Igbo-land". This unconstitutional attitude of the governor restricted freedom of movement for citizens that would be afraid of being caught in the wrong territory when such conflicts flare up.

During the hey days of Odua Peoples Congress reign of terror in the west between 2000 and 2002, people from the northern part of the country could hardly travel to the western part of the country for fear of falling victim to the Yoruba ethnic militias. This no doubt constituted a breach of the citizen's fundamental human right of freedom of movement. But like in other cases of the breach of citizen's fundamental human rights during ethno-religious conflicts the violators of this right suffered no legal punitive measure.

It is submitted that the more Nigerians are forced by ethno-religious conflicts to remain in their native land the more the country would remain disunited. The understanding and appreciation of the diverse cultures of the ethnic groups that make up the nation which can only be achieved by social intercourse can only be attained by movement of people across cultural divides.

5.4.7 Right to Freedom from Discrimination

The right to **freedom from discrimination** is an internationally recognised human right and enshrine the principle of egalitarianism. The right to freedom from discrimination is recognized in the Universal Declaration of Human Rights and enshrined in international human

[293] Sunday Punch, March 12 2000 p.7

rights law through its inclusion in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The right to freedom from discrimination is particularly relevant for groups that have been historically discriminated against and "vulnerable" groups. In this respect, the right to freedom from discrimination has been elaborated upon in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of Persons with Disabilities.

Equal opportunity for everyone to contribute as anyone else to his family and community is critical to a healthy community. The personal characteristics of an individual should not be used to interfere with that individual's opportunity. Equal opportunity is an important investment in society; promoting the best contributions from everyone is good for everyone. In anti-discrimination laws, legislators have listed personal characteristics that are irrelevant to a person's ability to contribute, but that have been used often to deny opportunities. The lists of characteristics on which discrimination is always based include race, sex, sexual orientation, disability, national origin, and religion.

In the U.S, no taxpayer-funded hospital or landlord can discriminate against black people, Irish or Jewish people, women, the gay, or differently-abled people. In the U.S there had been pressures that there should be different rules for religious groups when it comes to their treatment of married gay couples. Others asked further why for gay married people and not for others, like an unmarried pregnant woman, or heterosexuals who choose to cohabit but not

marrying, or those heterosexuals who intermarry across faiths, like a Christian and a Jewish person?"

In Nigeria, the Constitution provides that:

> 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 or by any law in force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, place of origin, sex, religion or political group are not subject to.
> (b) be accorded either expressly by or by any law in force in Nigeria, or any such executive or administrative action, any privilege or advantage that is not accorded to citizens, groups, place of origin, sex, religion or political groups.[294]

The above provision seeks to establish an egalitarian society of equal citizens- equal in their entitlements from the state and equal in their disentitlements. Often the cause of ethno-religious conflict in Nigeria and indeed elsewhere is the feeling real or false that a particular religion or ethnic group is favoured by government over the other.

In Nigeria, the law against discrimination is more on discrimination on the basis of tribe, religion or sex, not against gay marriage which is seen as a taboo.

In **Uzoukwu v. Ezeonu II**[295] the appellants brought an application before the High Court of Anambra pursuant to Section 42 of the 1979 Constitution seeking to enforce their fundamental rights as guaranteed by Sections 31 and 39 of the 1979 Constitution. They complained that the respondents treated them as inferior persons. The trial judge dismissed the action. The Court of Appeal also dismissed the appeal stating that the discrimination envisaged in Section 39(1) must fall within the provisions of Section 39(1) in respect of the fact that:

1. It is based on a law.

[294] Section 42(1), CFRN 1999
[295] (1991) NWLR (200) p.715

2. It does not apply to other Nigerians.

3. It is an action by government or its agencies.

4. The law must be clearly defined.

In **Adamu v. A.G. Borno State**[296] the appellants/plaintiffs brought an action against the respondants/defendants, Borno State and others, on the grounds that their Christian children were being discriminated against in the primary schools of Gwoza Local Government of Borno State contrary to Section 39 of the 1979 Constitution. The defendants sought an order of the court to dismiss the suit on the grounds that the subject matter was not justiciable, and the trial judge upheld their contention and dismissed the suit. The plaintiffs appealed, and the Court of Appeal allowed their appeal, holding that the action was justiciable as the teaching of religious knowledge, which carries with it, religious practice and worship can give rise to fundamental rights enforceable under Section 39 of the Constitution (Section 42 of the 1999 Constitution).

From the two cases above, the discrimination must be an official act of an authority. Therefore, it appears that a citizen may not find shelter under Section 42 for discrimination against him by another citizen, unless the discrimination was an act of government. The non-justiciable nature of Section 42 encourages flouting of the section, for example in cases of discrimination by an indigenous community against members of a settler community; such as in the Jos North Local Government crisis.[297] Members of the "indigenous" community refusing to allow a Hausa "settler" to resume his appointment as Chairman of the Local Government Caretaker Management Committee sparked off sectarian disturbances.

[296] (1996) 8 NWLR (pt 465) p.215
[297] See Chapter Two of this dissertation, p.57

5.4.8 Right to Acquire and Own Moveable Property

S.43 provides that "Subject to the provisions of this constitution, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria.

This provision creates in Nigerians the right of settlement and establishment in any part of the country. When during ethno-religious conflicts people's property are burned or looted because they are considered "settlers" their right guaranteed by S.43 is being violated and they enjoy a constitutional right to relief.

Land is at the root of most of the twelve conflicts under review in this dissertation.[298]In Kano, we have seen the Christian community, made up mostly of Nigerian citizens from southern extraction, complain of being denied title to land they have legitimately acquired to build Churches[299]. In the Aguleri-Umuleri[300]and Ife-Modakeke[301] disturbances, so-called "settlers" being denied right to their farm lands triggered many intra-ethnic communal disturbances.

5.5 Impacts of Ethno-Religious Conflicts on the Socio-economic Development in Nigeria

5.5.1 Introduction

Violent conflict has devastating effects across a range of areas, many of which have lasting impacts. Nigeria which has been crisis ridden in the last three decades is by no means an exception to these negative impacts that are peculiar to every crises ridden society. On the whole,

[298] See Chapter Two of this dissertation. Twelve selected conflicts were discussed. Pp.16-57
[299] Ibid., See p.20
[300] Ibid., See p.32
[301] Ibid., See p.34

ethno-religious conflicts has impacted negatively on the country in several ways which shall be enumerated below.

5.5.2 Education

The importance of education in the development of any country can not be over emphasized. Nigeria as a country has invested heavily to make sure that educational standard in the country is elevated. But the country's effort is however hampered by incessant closure of schools in areas where ethno-religious crises are taking place. Not only that, many schools are been burnt down during crisis period which could disrupt viable academic calendar, and in turn have very negative effects on the educational growth of the populace of such area.

5.5.3 Children

Children depend on the love, care and empathy of adults who love them. Their attachment are frequently disrupted in times of crises due to loss of parents; and such permanent detachment could affect the child emotional growth as proper socialization is been hampered.

Conditions for the maintenance of children health deteriorates during crisis periods. As such, a lot of children are left vulnerable to deadly diseases, which could lead to deformity and even death.

Again, crises expose children to terror and horror. Such experiences may leave enduring impacts in posttraumatic stress disorder.

Lastly, the experience of indifference from the surrounding world, or, worse still, malevolence may cause children to suffer loss of meaning in their construction of themselves in their world. They may have to change their moral structure and lie, steal, and sell sex to survive.

5.5.4 Women

Women are among the most vulnerable groups during conflict for more reasons than just violence. Conflicts put a lot of women at greater risk, and live them open to a lot of ill treatment.[302] They suffer a lot of sexual assault during crisis, as men often take advantage of their vulnerability. Many of such cases were reported in Bayelsa State where militant groups were said to have raided communities and harassed some of their women sexually. Such dastardly acts often rob women of their sanctity, and the very essence of their womanhood.

Again, a lot of women are force into prostitution during crisis just to make ends meet. This indiscriminate sex act could result to the spread of HIV/AID as well as other deadly sexually transmitted diseases.[303]

Lastly, ethno-religious crisis could bring a lot of women to untimely widowhood, living them to shoulder the responsibility of fending for their families as well as depriving them of the much needed company of their spouse.

5.5.5 Human Rights

Violent conflict results from and produces a breakdown in law and order and the perpetration of human rights abuses on a mass scale – by government agencies and other civilian actors. Addressing this legacy and finding the appropriate methods to come to terms with it is a key

[302] United Nations Women, Peace and Security: Study submitted by the Secretary-General Pursuant to Security Council Resolution 1325 (200) United Nation, New York 2002

[303] United Nations Children and Arm Conflict: Report of the Secretary-General A/58/546 S/2003/1053, United Nations, New York, 10th November, 2003.

challenge in conflict-affected societies. Left unaddressed, there is the risk that grievances will persist and societies will remain locked in conflict dynamics

5.5.6 Socio-economic

Infrastructure and household assets are destroyed during conflict, investment declines, and household and state incomes drop. The loss of livelihoods, due in part to the destruction of infrastructure and natural resources, and lack of employment opportunities coincides with a weakened social safety net and a decline in the capacity of the state to provide services, such as health and education. Socioeconomic indicators demonstrate that impacts of conflict include declining literacy, a drop in life expectancy and increased infant mortality. The collapse of education systems and the loss of educated populations (due to death or displacement) have negative long-term implications for human capital and economic productivity.

5.5.7 Social systems

Ethno-religious conflicts disrupt and destroy families and community life. Family systems are undermined through the deliberate targeting of women, the involvement of children among riot groups, massive displacements, and losses of life and property.

5.5.8 Social-psychological

Experiencing violent conflict can be extremely traumatic. Many conflict-affected persons suffer from post-traumatic stress syndrome, which contributes to poor mental and physical health, reduced quality of life, and in some cases, greater difficulties in work, education and family life - and increased violent behaviour. Women who have endured sexual violence

can suffer rejection in their own families and communities. Youth and children are at particular risk: research has shown that experiencing violence at an early age results in higher risk of perpetuating violence.

CHAPTER SIX:

ANALYSIS AND INTERPRETATION OF DATA

6.1 Introduction

A survey was conducted to assess the "Level of the Legal and Institutional Framework for the Prevention and Mitigation of Ethno-Religious Conflicts in Nigeria". The research Instruments employed were the Interview and Questionnaire. The questionnaire contained closed ended items for the respondents. There were four sections – A, B, C & D. Section A sought demographic data of the respondents. Section B, C & D dealt on issues related to 'Causes of Communal Conflicts, Impact of Constitution, Law and Policy; and Conflict Resolution Mechanism respectively. A total number of 27 sub-items were drawn covering the four Sections. 500 copies of questionnaire were produced and administered to the 500 respondents who constitute the population size. Block tabulation of data was made based on the four sections. The interpretations were made accordingly using the percentages.

6.2: Data Analysis

Table 1: Demographic Data of Respondents.

S/N	ITEM	No of Respondents	Percentage (%)	Majority
1	Sex	Males - 350 Females - 150 Total - 500	70 30 100%	Males
2	Marital Status	Married - 405 Singles - 78 Others - 17 Total - 500	81 16 8 100%	Married
3	Age	18 - 25 - 115 26 - 45 - 302 46 & Above – 83 Total - 500	23 60 17 100%	26 – 45yrs
4	Religion	Muslim - 218 Christians - 218 Others - 64 Total - 500	44 44 12 100%	Muslims Christians
5	Ethnic Background	Berom - 110 Anaguta - 110 Hausa - 110 Afizere - 40 Igbo - 30 Others - 100 Total - 500	22 22 22 8 6 20 100%	Berom Anaguta Hausa
6	Educational Background	Primary - 140 Secondary - 290 Tertiary - 70 Total - 500	28 58 14 100%	Secondary
7	Occupation	Civil Servant - 218 Private - 95 Self-Employed - 100 Unemployed - 87 Total - 500	44 19 20 17 100%	Civil Servant

Table 2: Causes of Communal Conflicts

S/N	Question	Option	No of Respondents	Percentage %
8	Are there frequent Communal (group) Conflicts in your State	Yes No Total	480 20 500	96 4 100%
9	In your Opinion, what is the most frequent Causes of Communal Conflict in your State?	Religion Indigene/Settler Ethnicity Election Land Dispute Poverty Chieftaincy Student Unrest Others Total	226 162 61 20 19 8 0 0 4 500	45 32 12 4 4 2 0 0 1 100%
10	In your Opinion, what is the second most frequent Causes of Communal Conflict in your State?	Religion Indigene/Settler Ethnicity Election Land Dispute Poverty Chieftaincy Student Unrest Others Total	100 180 120 70 10 20 0 0 0 500	20 36 24 14 2 4 0 0 0 100%
11	In your Opinion, what is the third most frequent Causes of Communal Conflict in your State?	Religion Indigene/Settler Ethnicity Election Land Dispute Poverty Chieftaincy Student Unrest Total	80 100 120 80 48 20 22 30 500	16 20 24 16 10 4 4 6 100%
12	In your opinion, is the presence of a religious minority group in an area predominated by another bigger religious group enough to cause religious conflict?	Yes No Total	223 277 500	45 58 100%
13	In your opinion, is the presence of an ethnic minority group in an area predominated by another bigger group enough to cause conflict?	Yes No Total	210 290 500	42 58 100

Table 2 above showed that 480 (96%) of the respondents indicated that there are rampant conflicts in Plateau State. The 20 (4%) might not be bothered about conflict frequency in Plateau State. The item seeking the most frequent cause of communal conflicts, religion polled highest with 226 (45%) of respondents opinion. For the second most frequent cause of conflicts, indigene/settler ranked highest with 180 (36%) of respondents opinion.

On the third cause of conflict in Plateau State, ethnicity ranked highest with 120 (24%) of the respondents concurring. Religious minority group in a predominantly another major religious area would not cause conflicts as indicated by 277 (58%) of respondent. But 223 (45%) of the respondents indicating yes suggested that conflict could still occur due to inferiority complex of fear of the unknown. In like manner, 290 (58%) of respondents indicated that ethnic minority in an ethnic majority dominated area would not cause conflict. But there is a closed gap with 210 (42%) others who see it as likely to cause conflicts due likely to opportunities.

Table 3: Impact of the Constitution, Law and Government Policy

S/N	Question	Options	No of Respondents	Percentage (%)
14	Are you familiar with the Constitution of the Federal Republic of Nigeria?	Yes No Total	400 100 500	80 20 100%
15	If yes, do you support Constitutional Provision for Citizenship in Nigeria?	Yes No Don't know Total	130 303 67 500	26 61 13 100%
16	Do you support Provision of Mobility for Nigerian Citizen ie freedom to move freely and settle anywhere they choose in Nigeria?	Yes No Total	440 60 500	88 12 100%
17	If yes, do you enjoy settlers enjoying full rights of the area they settle similar to the rights enjoyed by indigene?	Yes No Total	113 387 500	23 77 100%
18	If No, what right do you think should be reserved only for indigene?	Elective Office Govt Appointment Trad. Title Civil Service Land Ownership All of the above Total	140 130 50 60 10 110 500	28 26 10 12 2 22 100%
19	In your opinion, who is an indigene of a ward, Local Govt and State?	An inhabitant of a locality A person whose parents are indigenous to a locality Others Total	120 335 45 500	24 67 9 100%
20	Do you support indigeneship by birth (son of the soil) or should it be	Only by birth Can be Acquired	280 220	56 44

	acquired (similar to a foreigner acquiring Nigerian citizenship?	Total	500	100%

Table 3 showed that 400 (80%) of respondents indicated familiarity with the Nigerian Constitution. The 100 (20%) might not be quite familiar with the provision contained therein. Majority of the respondent representing 303 (61%) did not support the Constitutional provision for citizenship in Nigeria.Similarly, 440 (88%) of the respondents support the freedom to move and settle anywhere in Nigeria as provided in the Constitution. 60 (12%) of the respondents might be of conservative minds who do not accept other people to settle among them.

It was also shown by 387 (77%) of the respondents that settlers could enjoy full rights as indigenes. But 113 (23%) who answered 'no' might be those people not ready to integrate other in their mist. On reservation of rights, elective offices and government appointments took the lion share of opinion in favour of indigenes.On indigeneship, 277 (55%) opted for those whose parents are indigenous to the locality. Those for inhabitant or residence polled 178 (36%) of opinion.The Question whether citizenship should be by birth or acquisition as done by foreigners, 280 (56%) accepted birth. Others also accepted acquisition with 220 (44%) approximately.

Table 4: Conflict Resolution Mechanism

S/N	Question	Options	No of Respondents	Percentages (%
21	Who do you blame for recurrent Ethno-religious conflicts?	Government People's attitude Others All of the above Total	280 150 0 70 500	56 30 0 14 100%
22	If you blame government, what aspect do you blame?	Laws and Polices Handling of Conflicts Others Total	170 300 30 500	34 60 6 100%
23	If you blame the laws and Polices of government, do you believe the Constitution and existing laws on citizenship contradicts traditional values of the people?	Yes No Total	450 50 500	90 10 100%
24	If you blame laws and polices of government, would amendment of the Constitution and existing laws help in resolving ethno-religious crises?	Yes No Total	391 109 500	78 22 100%
25	If you blame Government handling, what aspects, what aspect contributes more to conflict?	Lack of prosecution of Suspects Bias in handling All of the Above Others Total	140 240 120 0 500	28 48 24 0 100%
26	If you blame the people, what aspect of the people's attitude do you blame?	Intolerance of other groups Ignorance and contempt for law Others Total	420 80 0 500	84 16 0 100%
27	In your opinion, should people from different ethnic and religious persuasions be segregated and encouraged to live apart as a solution to ethno-	Yes No Total	115 385 500	23 77 100%

	religious crises?			

Table 4 above shows that greater number of the respondents blame the cause of ethno-religious conflicts on government as indicated by 280 (56%) of the respondents to the item. Peoples attitude was also a factor causing conflicts as indicated by 150 (30%) of respondents. Government handling of conflicts is poor as indicated by 300 (60%) respondents. Laws and polices effectiveness followed closely as indicated by 170 (34%) of respondents. On the contradiction of the Constitutional laws and Traditional values of the people, 450 (90%) attested to the fact that there is contradiction.

Conflicts would better be resolved if existing laws on conflict resolution are amended. The respondents supported this claim by having 391 (78%) votes. Bias in Handling Conflicts; and lack of prosecuting offenders were all blamed on government policies, with respondents 240 (48%) and 140 (28%) votes respectively. Intolerance holds sway on people's attitude to causing and management of conflicts. 420 (84%) of respondents affirmed this. Separate living does not bring peace or progress. So, 385 (77%) of respondent disowned this call for separate living. It is better to live and tolerate each other.

6.3 Summary of Survey

The research examined the Legal and Institutional Framework for the Prevention and Mitigation of Ethno-Religion Conflicts in Nigeria with reference to Plateau State. The key issues on which data was analyzed included, Causes of Communal Conflicts, Impact of the Constitution, Laws and Government Polices, and Conflicts Resolution Mechanisms. The findings were based on these three areas.

The analyses on the causes of communal conflicts revealed that there were frequent communal conflicts in Plateau State. The causes found included differences in "religion" and "ethnicity", "indigene-settler" disputes, "election" and "appointment" into public offices, "land" disputes, "poverty", "chieftaincy" rivalry and "student unrest".

On the issue related to the Constitution, Laws and Government Policies, there was indication of familiarity with the Constitution of the Federal Republic of Nigeria. Majority of the respondents supported the Constitutional provision on citizenship. There was indication that people can move and settle where they choose in any part of Nigeria. But, despite choice of settling in areas, granting of full rights to "settlers" similar to those enjoyed by "indigenes" was highly opposed. As such, certain rights should be reserved for "indigenes". These rights include "elective offices", "government appointments", "conferment of traditional titles", "land ownership" among others**.** On who should be an indigene in terms of "habitation" or "biological" affiliation to a locality, respondents supported "biological affiliation" to a locality (by ward, local government and state). Furthermore, it was found out that "indigeneity" should be "by birth only", and not also by acquisition as with the case of foreigners who can to acquire Nigerian citizenship.

Conflicts cannot be resolved unless the causes are identified. The findings revealed that causes of conflicts in Plateau State are tied to government policies, people's attitude and also the ambiguity of the Constitution on the concept of "indigeneity". The blame goes to government in terms of ineffective enforcement of laws and policies, bias in handling conflicts and lack of prosecution of suspects. The Constitution is blamed for causing conflicts as some of the provisions in it contradict the traditional values of the people. The people's attitude was also found to be a cause of conflicts. It was blamed on intolerance of one group by another as well as

ignorance and contempt for law. With the revelation made on the causes of conflicts, it was found that the best way to resolve conflicts is to carry out constitutional amendment to remove the provisions that are prone to communal conflicts. Segregation of people for whatever reason was opposed in the findings. Persuasion of people to live together is to be encouraged to reduce the spate of ethno-religious crises in the country.

CHAPTER SEVEN:

FINDINGS, RECOMMENDATIONS AND CONCLUSIONS

7.1 Findings

7.1.1 Fettering of Powers of the IGP & COPs during Communal Conflicts:

The police is charged by law to ensure law and order, and public security. The Police Act appears deficient in content. Both the Inspector General of Police (IGP) and the Commissioners of Police (COP) of States are under the fetters and strictures of the President and State Governors. Unless they are given directives, the Inspector General and Police Commissioners are hamstrung from suppressing ethno-religious conflicts. This makes ethno religious conflicts to spiral out of control. This was the case with the "Maitatsine" religious riots of Kano of 1980. According to the police, the disturbance spiraled out of control because the State Governor withheld permission for the police act.

7.1.2 Contradictions between Constitutional Provisions on "Indigeneship":

Contradictions were found between Section 147 of the Constitution, which entrenches the discriminatory concept and institution of "indigeneship", and Section 42 that stipulates against "discrimination". By implication Section 147 excludes "non-indigenes" (settlers) from enjoying certain basic rights in localities that they reside, which is at the root of the "indigene-settler" conflicts. It was not for nothing that in Eastern Nigeria, a law was passed against the Osu Caste system, and in India against the Hindu

Caste system, to discourage discrimination and recriminations founded on circumstances of birth. The constitutional provision entrenching "indigeneship" is not radically different from the abolished Igbo Osu Caste system and the Indian Caste system.

7.1.3 Treatment of Perpetrators of Crime during Ethno-Religious Conflicts:

Ethno-religious conflicts in Nigeria have been allowed to go out of hand, and government is confused as to which way to go. As a result, more attention is being paid to political solutions, which are not producing any results, at the expense of legal solutions, and justice. Government's reaction to ethno-religious conflicts, by over blowing "remote causes", which are political in nature, at the expense of "immediate causes", which are legal in nature such as murder and arson, undermines the law that government is supposed to uphold. If homicide, the unlawful killing of just one person, is the most serious capital offense, carrying the maximum death sentence, then genocide, the unlawful killing of a group of people, such as a hundred people and trying to exterminate a whole ethnic or religious group, should be the worst type of homicide with more serious consequence. Unfortunately, suspects of genocide cases go free in ethno-religious disturbances in Nigeria. This attitude, of government, reduces the value, dignity and sanctity of human life that the Constitution, as well as human right conventions seek to promote. The only logic that can be concluded is that the former is political killing while the latter is purely criminal. Therefore, the International Criminal Court (ICC) at The Hague, Netherlands can be used to try people who commit acts of genocide or crimes against humanity during ethno-religious conflicts in Nigeria.

7.1.4 Non-Justiciability of the Fundamental Objectives & Directive Principles of State Policy

a) The Nigerian Constitution provides fundamental objectives and directive principles of state policy. Nigeria has also signed and enacted the African Charter on Human and Peoples Rights into Nigerian legislation. Yet, Nigerian judges still treat these principles as non justiciable even though they have been enacted into law, under the African Enforcement on Human and Peoples Rights (Ratification and Enforcement Act) (Cap 10) Laws of the Federation of Nigeria;

b) Even with the constitutional provisions of fundamental objectives and principles directing state policy, and the enactment of the African Charter on Human and Peoples Rights as part of Nigeria law technically being justiciable in Nigeria, there are few cases of citizens suing governments for failing to give effect to the objectives and principles. This is due to a public hangover that such objectives and policies are not justiciable.

7.1.5 Non Justiciability of Constitutional Provision on Discrimination with regards to Discrimination by Private Individuals:

Section 42 of the Constitution enshrines fundamental rights against discrimination; but makes it a constitutional provision that can only be enforced against government or an agency of government and not against individuals. This has created a situation where “indigenes” can discriminate against “settlers” with impunity. The victims (settlers) cannot sue their tormentors (indigenes) who are neither government nor agents of government. This is at the root of many ethno-religious conflicts.

7.1.6 Poor Implementation of Federal Character principle:

The "federal character principle", which is entrenched in the Constitution and the Federal Character Commission Act, is a laudable provision designed to ensure that "there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in Government or any of its agencies". However, due to poor implementation it is inadvertently exacerbating the indigene-settler crises by the narrow interpretation of "indigenes" and exclusion of the "non-indigenes" (settlers) from enjoying certain basic rights in localities that they reside.

a) The Nigerian Constitution provides fundamental objectives and directive principles of state policy. Nigeria has also signed and enacted the African Charter on Human and Peoples Rights into Nigerian legislation. Yet, Nigerian judges still treat these principles as non justiciable even though they have been enacted into law, under the African Enforcement on Human and Peoples Rights (Ratification and Enforcement) Act (Cap 10) Laws of the Federation of Nigeria;
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7.1.7 Absence of Portfolio for Traditional Rulers under the Constitution:

There is deficiency in the content of the Nigerian Legal System with regards traditional leaders as an institution that prevents eruption of ethno-religious conflicts, and mitigates the violence during conflicts. For example:

a) Traditional rulers are not provided for in the Constitution and therefore they are performing their role of helping in the prevention and mitigation of ethno religious conflicts outside the law.
b) Although different States have chieftaincy laws, such laws do not provide for the role of traditional rulers as an institution that should help to keep law and order. If there is any law at all on the point, it is Customary Law and it is not enough.

7.1.8 Apparent Disconnection between the Position of "The Law" and "Moral Values" of the People on the Issue of "Indigeneship":

A major difference was found between the position of the Constitution, which promotes mobility for Nigerian citizens despite apparent ambiguity, and the position of the people, which entrenches a discriminatory concept and institution of "indigeneship". The questionnaire administered revealed that the majority of respondents while accepting "settlers" in their midst, rejected granting of full rights to them (settlers). This is a knotty issue, with "settlers" demanding full rights, which is at the root of the ethno-religious crises.

7.1.9 'Judicial Commission of Inquiry': The most prominent "Legal Institution" relied upon in times of Ethno-Religious Conflicts.

It was found that "Judicial Commission of Inquiry" as an institution is commonly used by the Federal and State Governments as a "legal and institutional framework for the prevention and mitigation of ethno-religious conflicts". Among other things, it has been found that the main task given to Commissions are tasked to "investigate" the "immediate" and "remote" causes of a conflict, and to "recommend measures" to be taken to prevent future reoccurrence of the conflict. Furthermore, it was found that "Judicial Commission of Inquiry" as an institution has failed in its main task of preventing future recurrence of conflicts. Conflicts have occurred and re-occurred in the same place, between the same parties, over the same dispute and "investigated" by several "Judicial Commissions of Inquiry" all over Nigeria, such as in Kano, Kaduna, Bauchi, Warri, Ife and Aguleri. A good example is Plateau State, selected for special study. Between 1994 and 2008 (fourteen years), a dozen occurrences of sectarian violence have taken place in Jos and environs between "indigenous" communities and the Hausas. Sixteen Special Reports have been submitted to the government of Plateau State, including one from the Plateau Peace Conference and other initiatives. (See Appendix IV).

7.2 Recommendations

7.2.1 Lifting of Requirement for Permission for the IGP & COP before taking Action in times of Crises:

It is recommended that, Section 10 (1) of the Police Act which requires permission of the President, or State Governor, before an ***Inspector General of Police (IGP)*** or State ***Commissioner of Police (COP)*** can move against mobs during ethno religious conflicts be repealed paving way for swift action by the Police. If the discretion to act to forestall or suppress conflicts, hereby given the police, is abused such an abuse of discretion is no doubt subject to the ordinary processess of the law.

7.2.2 Amendments on Constitutional Provisions with regard "Indigeneship":

It is recommended, with all the weighty considerations that informed Section 147, for the constitutional provision to be tinkered with in the form of constitutional amendment. This amendment should either abolish the requirement of "indigeneship" from the section. Alternatively, an additional section should be provided in the Constitution enabling an "indigene" as a Nigerian citizen that lives for a specified number of years in a locality to become an indigene of that locality.

7.2.3 Ethno-Religious Conflicts in Nigeria & the International Criminal Court (ICC):

It is recommended that suspects accused of criminal offenses during ethno-religious conflicts should be subjected to the criminal processes under provisions of the

criminal law, instead of treating them with kid-gloves as political offenders. This will no doubt serve as a deterrent during future ethno-religious conflicts.

7.2.4 Justiciability of Fundamental objectives & Directive Principles of State Policy:

It is recommended that constitutional provisions of fundamental objectives and directive principles of state policy (Schedule I, Part II, CFRN 1999) are justiciable. The enactment of the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act into Nigeria law by the National Assembly means that the objectives and principles of the Charter as captured by the Act have become rights that the courts ought to enforce. Therefore, Nigeria courts should enforce.

7.2.5 Justiciability of Constitutional Provision on Freedom from Discrimination by Private Individuals:

It is recommended that this right be made enforceable against individuals, as it already is against governments and government agencies, in order to curb ethno-religious conflicts due to discrimination against “settlers” by “indigenes”.

7.2.6 Amendments of the Constitution and the Federal Character Commission Act on the Federal Character Principle:

It is recommended provisions of the Constitution and the Federal Character Commission Act be amended, and borrow from international best practice of other equity principles such as the “Affirmative Action” of United States of America. Affirmative Action refers to policies that take factors including "race, color, religion, gender, or national origin" into consideration in order to benefit an underrepresented group in areas

of employment, education, health programs etc. Subsequent amendment of the federal character principle should recognize Nigerian citizens that live for a certain specified number of years in a locality as "indigenes" of that locality.

7.2.7 Role for Traditional Rulers in the Constitution:

It is recommended that the role of traditional rulers as custodians of peace and harmony of their communities be provided for under an amended Constitution. This will give legal backing for their efforts and strengthen their hands in this regard. It is further suggested that traditional rulers should be assisted to develop an early warning system to identify potential sources of conflict. Also, a committee of traditional rulers, paramount chiefs and elected elders can be set up in states with potentials of ethno-religious conflicts to discuss and resolve areas of misunderstanding ahead of the eruption of conflicts. Furthermore, Local Government Area Security Committees should be established comprising the local government council, Chairman and the Councillors, including the entire members of the local government council of traditional rulers to review and advice on proper strategies for maintaining peace and order in the local government. Lastly, Traditional Rulers should be involved in the resolution of boundary disputes within and not outside their domains.

7.2.8 Need for Harmonization of "The Law" and "Moral Values" of the People on the Issue of "Indigeneship", and Launching of "Citizenship Education" Campaign:

The Federal Government is influenced by international best practice, and international human rights law which is being incorporated into the Nigerian Constitution, legislation and policies. However, government effort is being retarded

parochial attitudes of the people, often supported and encouraged by State Governments. Without abandoning international best practice altogether, government should find common ground with the people. Secondly, citizenship education should be promoted.

7.2.9 Ad-hoc Judicial Commission of Inquiry should be Replaced by a Permanent Commission of Inquiry

The continued use of ad-hoc "judicial commissions of inquiry" for investigating communal violence should be stopped. In this regard, the following is recommended:

a) A permanent and independent body should be created, which can be called "***Independent Communal Violence Commission***" ***(ICVC)***, fashioned after the Independent Corrupt Practices Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC).

b) Reliance on regular criminal justice institutions such as the police, ministries of justice and the court system, should be encouraged for investigation and prosecution of incidences of communal violence.

7.3.1 Conclusions

Many findings were made in this dissertation from which recommendations were offered. There is a deep attachment of the people of Nigeria to their states of origin, regardless of whether or not they are residing there, which is hindering national integration and contributing to ethno-religious crises. The federal character principles contained in the extant laws of the land are laudable equity principles which have similarity in laws of other countries. However, the principles are badly or mischievously interpreted; and the Federal Government does not appear to have the political will to tackle the problem. The effect of all these actions or inaction is a

situation that calls for lawlessness. The ambiguity in the position of the law is encouraging people to take the law into their hands. In conclusion, the researcher maintains that the Federal Government must act now.

The Constitution should be reviewed by the Federal Government of Nigeria and make proper legislation regarding the issues of ‘Citizenship’, ‘Indigene-ship’ and ‘Settler’. Awareness campaigns through the mass media, conferences and meetings should be organized to enlighten the people about the amended provisions. Proper prosecution of offenders should be carried out. With these measures enforced, the discrimination that leads to ethno-religious conflicts would be minimized.

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APPENDIX 1

SURVEY QUESTIONNAIRE

Dear Respondent,

I am a PhD Law student researching on the widespread, unending, ethnic and religious crisis plaguing Nigeria, from the legal perspective. You stand no risk by participating in this study as your response would be treated with utmost confidentiality and used for only research purposes. In addition, the names, locations and other identification of respondents will not be recorded.

Questions are asked in multiple choice format, designed to extract your perception of the crisis, as well as test your knowledge and acceptance of the existing positions of the law that impact on ethnic and religious conflicts. Please tick the appropriate answer(s).

SECTION A: DEMOGRAPHIC DATA

1. **Sex:** 1.Male☐ 2.Female☐
2. **Marital Status:** 1.Married☐ 2.Single☐ 3.Others☐
3. **Age:** 1. 18-25 years ☐ 2. 26-45 years ☐ 3. 46 and above years ☐
4. **Religious Background:** 1.Muslim ☐ 2.Christian ☐ 3.Others ☐
5. **Ethnic Background**: (Specify your tribe)……..
6. **Education☐ Background:** ☐1.Primary School☐ 2.Secondary School ☐3.University Graduate ☐4. Others
7. **Occupation:** 1.Civil Servant ☐ 2.Private Company Staff. ☐ 3Self-Employed☐ 4.Unemployed ☐

SECTION B: CAUSES OF COMMUNAL (GROUP) CONFLICTS

8. Are there frequent communal (group) conflicts in your State? Yes ☐ No ☐
9. In your opinion, what is the **most** frequent cause of communal conflicts in your State?
   Religion ☐ Ethnicity ☐ Elections ☐ Indigene/Settler Rights ☐ Land Disputes ☐ Chieftaincy Disputes ☐ Student Unrest ☐ Poverty ☐ Others ☐
10. In your opinion, what is the **second** most frequent cause of communal conflicts in your State?
    Religion ☐ Ethnicity☐ Elections ☐Indigene/Settler Rights ☐Land Disputes ☐ Chieftaincy Disputes ☐ Student Unrest ☐ Poverty ☐ Others ☐
11. In your opinion, what is the **third** most frequent cause of communal conflicts in your State?
    Religion ☐ Ethnicity ☐ Elections ☐ Indigene/Settler Rights ☐Land Disputes ☐ Chieftaincy Disputes ☐ Student Unrest ☐ Poverty ☐ Others ☐
12. In your opinion, is the presence of a religious minority group in an area predominated by another bigger religious group alone enough to cause religious tension and conflict? 1.Yes ☐ 2.No ☐

13. In your opinion, is the presence of an ethnic minority group in an area predominated by another bigger ethnic group alone enough to cause ethnic tension and conflict? 1.Yes 2.No ☐

SECTION C: IMPACT OF THE CONSTITUTION, LAWS AND GOVERNMENT POLICY

14. Are you familiar with the **Constitution** of the Federal Republic of Nigeria? 1.Yes ☐ 2.No ☐
15. If Yes, do you support constitutional provisions for **Citizenship of Nigeria**? 1.Yes ☐ 2.No ☐ 3.Don't Know ☐
16. Do you support provisions of **Mobility for Nigerian Citizens**; i.e. freedom to move freely and **settle** anywhere they choose in Nigeria? 1.Yes ☐ 2.No ☐
17. If Yes, do you support **Settlers enjoying full rights** of the area they settle in, similar to the rights enjoyed by indigenes? 1.Yes ☐ 2.No ☐
18. If No, what right(s) do you think should be **reserved only for Indigenes**?(Tick one or more) 1.Elective Office ☐ 2.Government Appointment(i.e. Commissioner, Minister) 3.Traditional Title 4.Own Landed Property ☐ 5. Civil Service ☐ 6 Public School 7.All of the Above ☐
19. In your opinion, who is an **Indigene** of a Ward, Local Government and a State? 1.An inhabitant of a locality ☐ 2.A Person Whose Parents are indigenous to a locality ☐ 3.Other ☐
20. Do you support **Indigene-ship** only by birth (son of the soil), or can it be acquired (similar to a foreigner acquiring Nigerian citizenship)? 1.Only by Birth ☐2. Can be Acquired ☐

SECTION D: CONFLICT RESOLUTION MECHANISM

21. Who do you blame for recurring ethno-religious conflicts? 1.Government ☐ 2. People's Attitude ☐ 3.Others ☐ 4.All of the above ☐
22. If you blame Government, what aspect of government do you blame? 1.Laws and Policies of Government ☐ 2.Government Handling of Conflicts ☐3.Other ☐
23. If you blame the Laws and Policies of Government, do you believe the Constitution and Existing Laws on citizenship contradict traditional values of the people.1.Yes ☐ 2.No ☐
24. If you blame Laws and Policies of Government, would amendments of the Constitution and Existing Laws help in resolving ethno-religious crisis? 1.Yes ☐ 2.No ☐
25. If you blame Government Handling, what aspect contributes most to conflicts? 1.Lack of Prosecution of Suspects ☐2.Bias in handling ☐ 3.All of the above ☐4.Other ☐
26. If you blame the People, what aspect of the People's attitude do you blame? 1.Intolerence of other groups ☐ 2.Ignorance/Contempt for the Law ☐3.Other ☐
27. In your opinion, should People from different ethnic and religious persuasions be segregated and encouraged to live apart as a solution to ethno-religious crisis? 1.Yes 2.No ☐ ☐

APPENDIX II
CHRONOLOGY OF COMMUNAL CONFLICTS IN NIGERIA:

S/N	YEAR	CONFLICTS/PARTIES	AREA/PARTIES	STATE	CAUSES	REMARK
1	1966	Action Group (Agbekoya) Political Crisis in Ibadan	Ibadan	WR	Dispute over political leadership control	Started as p into comm
2	1966	Nationwide Political & Ethno-Religious Crisis		N/S	Political	
3	1967	Nigeria Civil War	North & South	ER	Political/Ethnic	Started as p culminated
4	1975	Iburave-Tiv and Kusuv Communal Conflicts in Katsina Ala	Iburave-Tiv and Kusuv	BN	Land dispute	
5	1976	Iburave-Tiv and Kusuv Conflicts	Katsina Ala LGA	BN	Land dispute	
6	1976	Agila and Ankpa Communal Conflict	Oturkpo LGA	BN	Land dispute	
7	1978	Hausa Vs Bachama Communal Conflict	Tigau-Wadugu LGA	AD	Land dispute (over farm land and fishing)	
8	1980	Hausa-Kadaras Communal Conflicts	Kajuru LGA	KD	Land Dispute	
9	1980	Zaria-Muslim-Christian Disturbances in Zaria	Chritians & Muslims	KD	Religious dispute	
10	1980	Maitatsine Intra-Muslim Communal Conflict	Kano	KN	Religious disturbances (by Maitatsine sectarian group)	
11	1981	Offa and Erin-Ill Communal Conflicts	Oyun LGA	KW	Land dispute	
12	1982	Karekare, Hausa-Fulani, Etc Communal Conflicts	Fika and Fune	YB	Political Crisis	Started as p turned into
13	1982	Creation of New Emirates Uprising	Kano	KN	Political uprising over the creation of new Emirates	
14	1982	Maitatsine Intra-Muslim Crisis	Bulunkutu, Maiduguri	BO	Sectarian activities of Maitatsine	
15	1982	Kano Muslim youth disturbances	Kano	KN	Reaction to the ongoing Maitatsine crisis in North East	
16	1983	UPN/NPN political crisis	Oyo state	OY	Allegation over election rigging	Started as p metamorph conflict
17	1984	Gure and Kabusu Communal Conflicts	Lere LGA	KD	Ethnic dispute (over Ethnic District)	

18	1984	Zangon Kataf Communal Conflicts	Hausas & Atyaps	KD	Land & ethnicity matters	Triggered b Native/ Set
19	1984	Intra-Muslim communal conflict	Jimeta/Yola	AD	Intra-Muslim religious sectarian disputes	
20	1985	Ebira vs Bassa and Gbagyi Conflicts	Doma & Toro LGA	NS	Dispute over farm land	
21	1985	Matatsine religious sectarian crisis	Gombe.	GM	Intra-Muslim sectarian diferences	
22	1986	Ayere-Fulani conflicts	Ijumu LGA	KG	Controversy over Grazing Land	
23	1986	Muslims-Christians clash	Ilorin	KW	Provocation during Christian Easter procession	
24	1987	Ikpan Communal Conflict	Gboko LGA	BN	Land dispute	
25	1987	Ikpan Communal Conflict	Gboko LGA	BN	Land dispute	
26	1987	Mwanghavul and Pyem Communal Conflicts	Mangu LGA	PL	Chieftancy dispute over selection of Village Headship	
27	1987	Hausa and Berom Communal Conflicts	Jos South	PL	Long existing Indigene/Settler question b/w the Hausas & Beroms	
28	1987	Ife-Modakeke Communal crisis (since 1953)	Ife, Modakeke	OS	Communal conflicts (indigenes/settlers syndrome since 1953)	Native/Sett principal ba group
29	1987	Muslims Vs Chritians Conflicts	Jema'a, Etc	KD	Ethno-Religious Dispute	
30	1987	Religious riots in Katsina, Funtua, etc	Katsina, Etc	KD	Ethno-religious riots (reprisal from the Kafanchan crisis)	
31	1988	Kaduna Polytechnic Students Riot	Muslims students vs Christian	KD	Religious Dispute	Fueled by r among the
32	1989	Vandeikya & Mbaduku/Egol Communal Conflicts	Benue and CR	BN/CR	Land dispute	
33	1989	Ebira Communal Conflicts	Okene & Okehi	KG	Ritual killings and violence during Ikwechi Festivals	
34	1990	Vandeikya & Mbaduku/Egol Communal Conflicts	Benue and C/River	BN/CR	Land dispute	
35	1990	Kabba Communal Conflict	Oyi LGA	KG	Chieftancy dispute over appointment of Obaro	
36	1990	Ayere-Fulani conflicts	Ijumu LGA	KG	Grazing land	
37	1990	Ebira Communal Conflicts	Okene and Okehi	KG	Ritual killings and violence during Ikwechi Festivals	
38	1991	Kabba Communal Conflict	Oyi LGA	KG	Chieftancy dispute over Obaro appointment	
39	1991	Tafawa Balewa	Muslim Hausa-	BAU	Disagreement over sales of roasted	

		communal conflict	Fulani & Sayawa Christian		beef(Tsire) b/w a Christian meat seller and a Muslim	
40	1991	Fulani Cattle herdmen Vs Peasant Farmer	Itas-Gadau	BAU	Ethno-religious (dispute over grazing land)	
41	1991	Muslim-Christian Religious Conflict in Kano	Kano	KN	Religious conflicts (over granting Reinhard Bonkie permission to conduct crusade)	
42	1991	Shi'ite Religious Riots,in Katsina State	Katsina,	KT	Religious riots (dispute over blasphemous publication in FUN TIMES	
43	1992	Tonger-Kusu Inter-communal Conflicts	Buruku LGA	BN	Land dispute	
44	1992	Mumuye, Hausa & Jukum-Kona Conflict	Jalingo	TB	Chieftaincy dispute (with religious and political undertones)	
45	1992	Zangon-Kataf Etc Communal Crisis	Hausas & Atyaps	KD	Dispute over location of Market	Crisis has N occasionall
46	1992	Zangon-Kataf Communal Conflict	Hausa & Atyaps	KD	Accusation over destruction of farm produce	
47	1992	Ebira Communal Conflicts	Okene & Okeh	KG	Ritual killings and violence during Ikwechi Festivals	
48	1992	Gbako vs Wushishi communal clash	Niger State	NG	Land Dispute	
49	1992	Ihima Vs Adavi Eba Communal conflict	Okehi & Adavi LGA	KG	Clan –based differences	
50	1992	Lapai-Agaie Vs Paikoro communal clash	Niger State	NG	Land Dispute	
51	1993	Tonger-Kusu Inter-communal Conflicts	Buruku LGA	BN	Land dispute	
52	1993	Igala Communal Conflict	Ankpa LGA	KG	Dispute over the deposition of the Ejeh	
53	1993	Adogo-Hausa vs Tiv communal conflicts	Awe LGA	NS	Land dispute	
54	1993	Ebira Communal Conflicts	Okene & Okehi	KG	Ritual killings and violence during Ikwechi Festivals	
55	1993	Kalakato Sect Religious Crisis	Funtua,	KT	Religious dispute (protest against Kalakato sect)	
56	1993	Suleija Communal Conflicts	Suleija LGA	NG	Chieftaincy dispute (over appointment of new Emir)	
57	1994	Tonger-Kusu Inter-communal Conflicts	Buruku LGA	BN	Land dispute	
58	1994	Tiv and Idoma	Ushongo LGA	BN	Land dispute	

		Communal conflicts				
59	1994	Igala Communal Conflicts	Ankpa LGA	KG	Chieftaincy (deposition of the Ejeh)	
60	1994	Gideon Akalaka Religious Riot	Kano, Kano	KN	Ethno-religious dispute (desecration of the Quran by a Christian/Ibo man)	
61	1994	Muslims vs Christians conflict,	Nangare, Yobe	YB	Religious dispute	
62	1994	Jos communal conflict	Jos North LG	PL	Dispute over appointment of Chairman of Jos North LG Committee	
63	1994	Suleija Communal Conflicts	Suleija LGA	NG	Chieftaincy dispute (over appointment of new Emir)	
64	1994	Lavun Vs Zugurma Communal Conflict	Niger State	NG	Land Dispute	
65	1994	Kak-Warwar vs Fulani Communal Conflict	Sardauna LGA	TA	Land dispute (over grazing and farm land)	
66	1994	Eket Vs Mobile Oil Co. Crisis	Eket, Akwa-Ibom	RV	Dispute over environment/ development/resource control	
67	1994	Ogoni Crisis	Ogoni land, Rivers.	RV	Dispute over environment/ development/resource control	
68	1995	Agila and Ankpa Communal Conflict	Oturkpo LGA	BN	Land dispute	
69	1995	Tiv and Idoma Communal conflicts	Ushongo LGA	BN	Land dispute	
70	1995	Adogo/Hausa vs Tiv communal conflicts	Awe LGA	NS	Land dispute	
71	1995	Ebira Vs Bassa and Gbagyi conflicts	Toro LGA	NS	Communal / Land dispute	Conflict is c by inter-tri
72	1995	Tafawa Belawa Crisis	Sayawas vs Hausa Fulani	BA	Dissatisfaction over staging a party	
73	1995	Hausa Vs Ibo ethnic disturbances	Kano, Kano	KN	Ethnic dispute (started by Hausa boys against Igbos)	
74	1995	Chadian rebels vs Nigerian Security forces	Mobar, Kukawa etc	BO	Armed banditry	
75	1995	Suleija Communal Conflicts	Suleija LGA	NG	Chietaincy dispute over appointment of new emir	
76	1995	Lavun Vs Zugurma Communal Conflict	Niger State	NG	Land Dispute	
77	1995	Aguleri-Umuleri communal conflict	Aguleri, Umuleri	AN	An attempt by an Umuleri man to build a petrol station in the dispute Agu-akor land.	This conflic is intermitt already exi the two co
78	1995	Eket Vs Mobile Oil	Eket, Rivers state	RV	Dispute over environment/	

		Co crisis			development/resource control	
79	1995	Ogoni Crisis/Trial of Ken Saro Wiwa	Ogoniland, Rivers	RV	Dispute over environment/ development/resource control	
80	1996	Shorile (Mbano) Conflict	Katsina Ala LG	BN	Land dispute/ Chieftancy	
81	1996	Goma Conflict/ Ndzero & Damlor clan	Benue & Nassarawa	BN/NS	Land dispute	
82	1996	Agila and Ankpa Communal Conflict	Oturkpo LGA	BN	Land dispute	
83	1996	Tiv and Idoma Communal conflicts	Ushongo LGA	BN	Land dispute	
84	1996	Berom and Hausa communal conflicts	Jos North LGA	PL	Ethno-Religious disputes over pol. representation, creation of LGA	
85	1996	Laymuk and Sabon Layi communal conflicts	Langtang North LGA	PL	Land dispute	
86	1996	Adogo/Hausa vs Tiv communal conflicts	Awe LGA	NS	Land dispute	
87	1996	Ebira vs Bassa and Gbagyi	Doma and Toro	NS	Communal conflicts	
88	1996	Jukun vs Tiv Communal Conflict	Wukari	TA	Land dispute	
89	1996	Ife-Modakeke communal crisis (since 1953)	Ife, Modakeke	OS	Communal conflicts (indigenes/settlers syndrome since 1953)	
90	1996	Eleme, Ogwu Vs Okrika Communal Conflict	Eleme, Ogwu & Okrika	RV	Land dispute (over land and fish ponds)	
91	1996	Chadian Rebels vs Nigerians and Nigerian Security forces	Mobar, Kukawa & Ngala	BO	Armed banditry	
92	1996	NURTW and RTEAN clashes	Sagamu, Abeokuta Etc	OG	Conflict (b/w road transport workers union over ownership of motor parks)	
93	1996	Ebira Communal Conflicts	Okene & Okehi	KG	Ritual killings and violence during Ikwechi Festivals	
94	1996	Maiduguri religious disturbances	Maiduguri, Borno.	BO	Religious disturbances (over the Moon eclipse)	There is alr b/w memb which is th
95	1996	Kak, Warwar vs Fulani communal conflict	Sardauna LGA	TB	Land dispute (over grazing and farm land)	
96	1997	Vandeikya and Mbaduku/Egol Communal Conflicts	Benue and CR	BN/CR	Land dispute	

97	1997	Idoma Cummunal Conflict	Ihimini LGA,	BN	Siting of Local Gov HQ	
98	1997	Ikpan Communal Conflict	Gboko LGA	BN	Land dispute	
99	1997	Mbakange, Gaken Navev & Usor	Kwande LGA	BN	Land dispute	
100	1997	Berom and Hausa communal conflicts	Jos North LGA	PL	Indigene/Settler differences	
101	1997	Cattle Rearers Vs Peasant Farmers	Kumo LGA Gombe S	GM	Ethnic conflict (dispute over grazing and farm lands)	
102	1997	Jukun vs Tiv communal conflict in Wukari	Wukari,Taraba state	TB	Land dispute	Crises has settle synd and it is mo argument b
103	1997	Kuteb vs Chamba communal conflict	Takum,Taraba state	TB	Chieftaincy/Ethnic Dispute	
104	1997	Eleme, Ogwu Vs Okrika communal conflict	Eleme,Ogwu&Okrik a,	RV	Land dispute (over land and fish ponds)	
105	1997	Warri communal Conflicts	Warri, Delta State	DL	Land/indigene-settler dispute (between Urhobo, Ijaws & Itsekiris	
106	1997	Chadian Rebels Vs Nig. Security Forces	Mobar,Kukawa etc	BO	Armed banditry	
107	1997	Ogoni Crisis	Ogoniland, Rivers	RV	Dispute over environment/development/resourc e control	
108	1998	Ebira vs Bassa & Gbagyi Communal conflicts	Doma and Toro LGAs	NS	Communal conflicts	
109	1998	Fulani Cattle Rearers Vs Peasant Farmers	Damboa, Borno state	BO	Ethnic conflict (dispute over grazing and farm lands)	
110	1998	Ngizim vs Bolewa Communal conflict	Potiskum, Yobe state	YB	Chieftaincy dispute	
111	1998	Warri Communal Conflicts	Warri, Delta state	DL	Land/indigene-settler dispute (between Urhobo, Ijaws and Itsekiris)	
112	1998	Sayawa Vs Hausa/Fulani	Tafawa Balewa LGA	BA	Ethno-Religious (dispute over grazing land)	
113	1998	NURTW and RTEAN clashes	Sagamu, Abeokuta Etc	OG	Conflict (b/w Road Transport Workers Union over ownership of motor parks)	
114	1998	Bakassi Boys and community uprising	Anambra State	AN	Communal conflict (opposition against vigilante group)	
115	1998	Mariga Vs Mashegu	Niger State	NG	Land dispute (Farm land)	

		Communal Conflict				
116	1998	Cattle Rearers vs Peasant Farmers	Jukusko, Yobe s	YB	Dispute over grazing land	
117	1998	Eket Vs Mobile Oil Company crisis	Eket, Rivers state	RV	Dispute over environment /development/resource control	
118	1999	Reprisals Against Yoruba disturbances	Kano, Kano	KN	Ethnic Conflict (Reprisals against the killings of Hausas in Shagamu.)	
119	1999	Yoruba-Igbo Clash (Apapa Port)	Apapa, Lagos state	LS	Ethnic Conflict (over business control of the Port Union)	
120	1999	Yoruba (OPC) Vs Hausa Conflict	Ketu, Kosofo LGA	LS	Ethnic conflict (over Hausa domination of Mile 12 Market)	
121	1999	Eleme, Ogwu Vs Okrika Communal Conflict	Eleme, Ogwu Etc	RV	Land dispute (over land and fish ponds)	
122	1999	Warri communal conflicts	Warri, Delta.	DL	Land/indigene-settler dispute (between Urhobo, Ijaws and Itsekiris)	
123	1999	Choba Community Vs Wilbros Nig. Ltd	3.Rivers state	RV	Dispute over land degradation	
124	1999	Kak, Warwar vs Fulani C/conflict	Sardauna LGA	TB	Land dispute (over grazing and farm land)	
125	1999	Aguleri-Umuleri communal conflict	Aguleri, Umuleri	AN	Threat by Aguleri youths to bury Chief Edozie with the head of an Umuleri man.	
126	2000	Share and Tsonga Communal Conflicts	Ifelodun & Edu	KW	Land dispute	
127	2000	OPC vs Hausa/Fulani clash	Ilorin, Kwara State	KW	Dispute/protest over supremacy of the Emirate system	
128	2000	Agyaragu communal conflict	Agyaragu LGA	NS	Protest against the location of LGA Headquarters	
129	2000	Eleme, Ogwu Vs Okrika communal conflict	Eleme,Ogwu Etc	RV	Land dispute (over land and fish ponds)	
130	2000	Hausas *vs* others conflicts	Kaduna State	KD	Ethno-Religious (Christians revolt against the introduction of Shari 'a Legal system)	
131	2000	Jos mayhem	Jos, Plateau state	PL	Political Turned Ethnic/Religious (PDP Congress Conflict)	
132	2000	Madelia Conflict	Hadejia LGA	JG	Ethno-Religious(Madelia conflict in Hadejia b/w Muslims & Christians	
133	2000	Aba/Umuahia reprisals against Hausa	Aba & Umuahia	AB	Ethno-religious (Reprisals against Hausa following Kaduna conflicts)	
134	2000	Owerri reprisals against Hausa	Owerri, Imo state	IM	Ethno-religious (Reprisals against Hausa following Kaduna conflicts)	

135	2000	NURTW and RTEAN clashes	Sagamu,Abeokuta Etc	OG	Communal Conflict(b/w road union workers over park ownership)	
136	2000	Bakassi Boys and community uprising	Anambra State	AN	Communal conflict (opposition against vigilante group	
137	2000	Minna Religious Crisis	Niger State	NG	Ethnic Reprisal against OPC-Hausa/Fulani crises in Lagos and Ilorin	
138	2000	Kaltungo Religious disturbances	Kaltungo	GM	Religious conflict (against the Shari'a Implemetation Committee)	
139	2000	New Bussa Communal Clash	Borgu LGA	NG	Chieftancy disute (over the Borgu emirate / rulership)	
140	2000	Kak, Warwar vs Fulani communal conflict	Sardauna LGA	TB	Land dispute (over grazing and farm land)	
141	2000	Eket Vs Mobile Oil Co crisis	Eket, Rivers state	RV	Dispute over environment development/resource control	
142	2000	Ogoni Crisis	Ogoniland, Rivers	RV	Dispute over environment /development/resource control	
143	2000	Governor & House members' conflict	Enugu State	EN	Political (Governor Vs State Assembly members)	
144	2001	Hausas *vs* others conflicts	Sanga	KD	Ethno-Religious Dispute	
145	2001	Quan-Pan and Azora Communal conflicts	Quan-Pan LGA	PL	Communal conflict	
146	2001	Jos Ethno-Religious crisis	Jos North LG	PL	Political Turned ER (dispute over appointment)	
147	2001	Gwantu crisis	Gwantu	PL	Political, Turned ER (Relocation of LG Hqtrs)	
148	2001	Ozumi vs Idoji Conflicts	Okene LGA	KG	Clan-based differences	
149	2001	Vwang communal crisis	Plateau State	PL	Protest against the attack on a District Head/ Reprisal of the Jos crisis	
150	2001	Bakassi Boys and community uprising	Anambra State	AN	Opposition against Vigilante Group	
151	2001	Hausa Vs Bachama communal conflict	Tigau-Wadugu	AD	Land dispute (over farm land and fishing)	
152	2001	Kak, Warwar vs Fulani communal conflict	Sardauna LGA	TB	Land dispute (over grazing and farm land)	
153	2001	Yoruba-Igbo clash (Alaba Market)	Alaba market	LS	Ethnic dispute	
154	2001	Eket Vs Mobile Oil Co crisis	Eket, Rivers state	RV	Dispute over environment/development/resource control	
155	2002	Awe etc C/conflicts	Awe LGA	NS	Land dispute	
156	2002	Hausas *vs* others	Kaduna State	KD	Ethno-Religious (Muslim revolt agnst	

		conflicts			hosting of Miss World pageant)	
157	2002	Berom Vs Hausa communal conflicts	Jos N & Jos S	PL	Berom and Hausa dispute	
158	2002	Yelwa-Shendam 'June' C/ conflict	Yelwa-Shendam Etc	PL	Ethno-Religious Dispute	
159	2002	Yelwa-Shendam 'July' spill over crisis	Yelwa-Shendam Etc	PL	Reprisal attack from Yelwa Shendem June Conflict	
160	2002	NURTW and RTEAN clashes	Sagamu, Etc	OG	Communal Conflict (b/w road union workers over park ownership	
161	2002	Ebira Communal Conflicts	Okene & Okehi	KG	Ritual killings and violence during Ikwechi Festivals	
162	2002	Enugu religious disturbances	Enugu State	EN	Religious disturbances (catholics/christian sectarian crisis)	
163	2002	Lapai-Agaie Vs Paikoro C/clash	Niger State	NG	Land Dispute	
164	2002	Yoruba-Igbo clash (Alaba Market)	Alaba market,	LS	Ethnic dispute	
165	2002	Eket Vs Mobile Oil Co crisis	Eket,	RV	Dispute over environment/development/resource control	
166	2002	Yoruba-Hausa (Idi-Araba) conflict	Idi-Araba	OG	Ethnic conflict (Hausa-Yoruba clash over the death of MKO Abiola)	
167	2003	Ekepedo and Ogori dispute	Kogi and Edo	KG/ED	Land dispute (Ownership)	
168	2003	Okere District conflict	Warri	DL	Political turned ethnic b/w Itsekiris & Uhorobos over pri.elections	
169	2003	Ijaw youths militancy	Delta State	DL	Political turned ethnic conflict (b/w Ijaws & others over pol. representation	
170	2003	Ijaw youths militancy	Koko, Delta state	DL	Political turned ethnic conflict	
171	2003	Ijaw, Urhobo&Itsekiri conflicts	Delta State	DL	Political turned ethnic conflict	
172	2003	Bakassi Boys and community uprising	Anambra State	AN	Communal conflict (opposition against vigilante group)	
173	2003	Anambra State Governorship debacle	Anambra State	AN	Political/Governorship dispute	
174	2003	Hausa Vs Bachama communal conflict	Tigau-Wadugu	AD	Land dispute (over farm land and fishing)	
175	2004	Makurdi Communal Conflict	Minda and Kparev	BN	Land dispute (Ownership)	
176	2004	Konshisha-Gwer C/conflict dispute	Konshisha-Gwer	BN	Land dispute (Boundary dispute)	

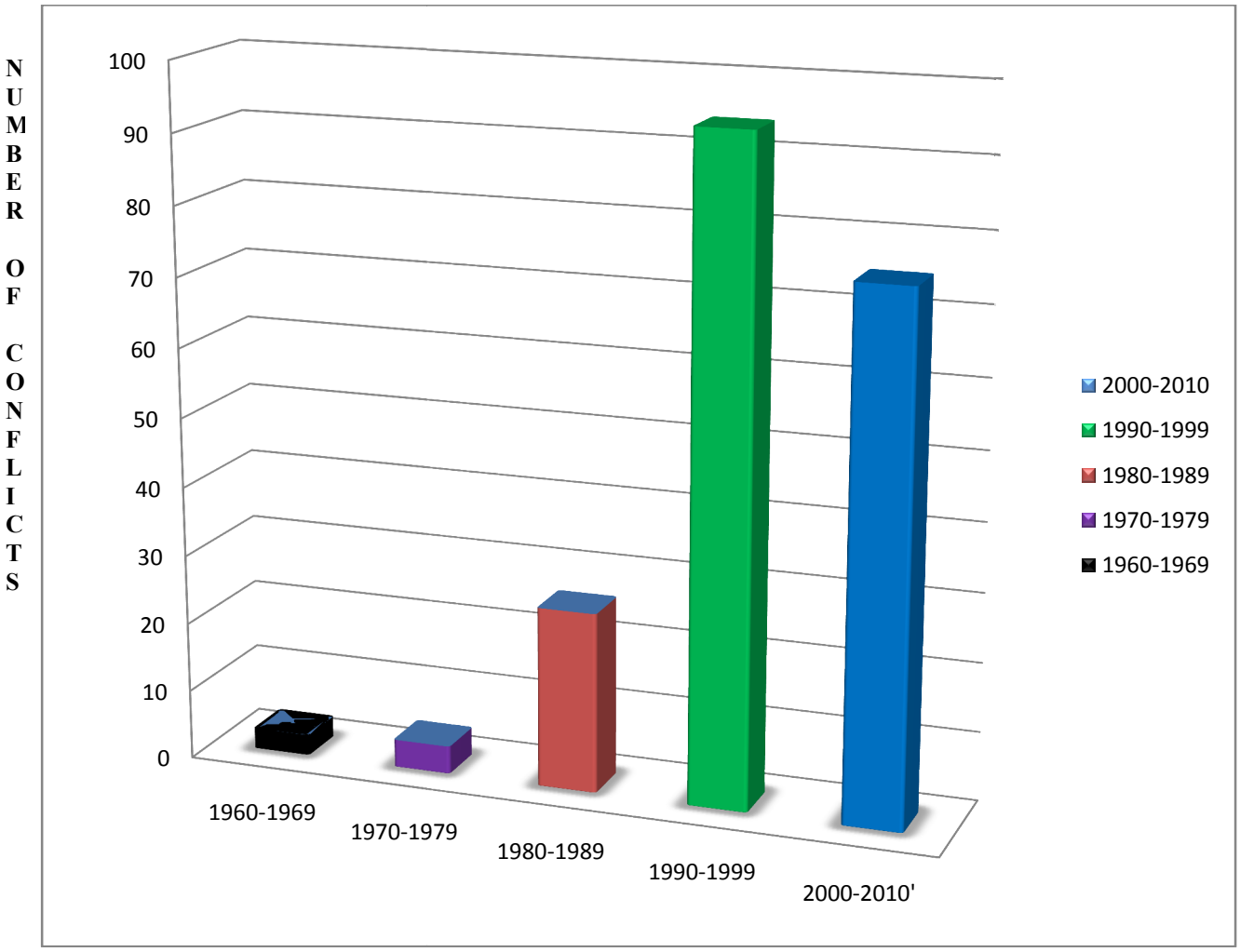
177	2004	Langtang South communal conflict	Langtang South	PL	Dispute over sacking of Taroh villages by Hausa insurgents	
178	2004	Bakin Chiyawa communal conflict	Southern Plateau	PL	Indigene Settler Communal conflict	
179	2004	Quan-Pan communal conflict	Quan-Pan LGA	PL	Violent attack in Lankaka village by militants from neighbouring state	
180	2004	Hausas *vs* others conflicts	Kaduna State	KD	Ethno-Religion dispute (against a provocative cartoon against Islam)	
181	2004	Wase/Kanam Communal Conflict	Wase	PL	Raiding of Mavo villages by Taroh youths resulting in clashes	
182	2004	Yelwa-Shendam 'renewed' conflicts	Yelwa-Shendam	PL	Renewed reprisal attack by Taroh militia youths	
183	2004	Numan community conflict	Numan	AD	Dispute against construction of a mosque minaret over Hamma palace	
184	2004	Reprisals against Cristians disturbances	Kano, Kano	KN	Reprisals against Christians for attacks on Hausas in Plateau state	
185	2004	Ogungwu Okija Shrine debacle	Ihiala	AN	Political/Communal crisis over discovery of ritual killings	
186	2004	Makarfi Religious dispute	Makarfi	KD	Protest against the desecration of the Qur'an by a Christian teenager	
187	2004	Limankara Religious Crisis	Limankara	BO	Attack on security forces by a self-styled Taliban group)	
188	2004	Muhajirun Islamic militant disturbances	Yobe state	YB	Islamic militants attack on security forces	
189	2004	Govevernor and House members' Conflict	Enugu State	EN	Political conflict (Governor Vs State Assembly members)	
190	2005	Bakassi Boys and community uprising	Anambra State	AN	Communal conflict (opposition against vigilante group	
191	2006	Ebira Communal Conflicts	Okene & Okehi	KG	Ritual killings and violence during Ikwechi Festivals	
192	2006	Offa and Erin-Ile communal conflicts	Oyun LGA	KW	Land dispute	
193	2007	Anambra State Governorship debacle	Anambra State	AN	Political/Governorship dispute	
194	2007	Ebira Communal Conflicts	Okene & Okehi	KG	Ritual killings and violence during Ikwechi Festivals	
195	2007	Muslims vs Christians communal conflicts	Gombe	GM	Religious Conflict (dispute over blasphemy against Islam)	
196	2008	Anambra State Governorship	Anambra State	AN	Political/Governorship dispute	

		debacle				
197	2009	The Wawa Communal Conflict	Borgu LGA	NG	Chieftancy disute (over Dodo of Wawa throne)	
198	2009	Anambra State Governorship debacle	Anambra State	AN	Political/Governorship dispute	
199	2009	Boko Haram Religious uprising in Maid.	Maiduguri,	BO	Religious uprising in Maiduguri Borno state	
200	2009	Bauchi Boko Haram Religious Conflict	Bauchi	BA	Clashes between religious militants with police and local community	
201	2009	Wudil Boko Haram Religious Conflict	Wudil, Kano	KN	Religious dispute and clash with security agents	
202	2010	Jos sectarian Crisis/Dogo-Nahauwa Massacre	Jos South LGA	PL	High suspicion among ethnic group, quest over political power and Land ownership	

(**Source: Self-Compiled**)

APPENDIX III

GRAPHICAL REPRESENTATION OF COMMUNAL CONFLICTS



YEARS OF CONFLICTS
(Source: Self-Compiled)

Bar Chart Analysis.

The above chart is showing a decade to decade chronology of ethno-religious crisis in Nigeria and its level of escalation in five decades.

Decade one which represent the years ranging from 1960-1969 recorded a minimal rate of conflicts in the country. The first major conflict in the country which culminated into the civil war was recorded during this decade. Following this decade was the years spanning from 1970-1979 which also recorded low rate of conflicts in the country. As the chart portrays, ethno-religious crises took a different turn in the decade ranging from 1980-1989, and increased drastically in the fourth and the fifth decade.

The reasons behind the increase of ethno-religious crises in the last three decades are tied to a multiplicity of factors ranging from religion, indigene/settler syndrome, poverty, ethnicity, land dispute, struggle for political power, resource control, low per capita income, overall economic decline , unemployment, poor conflict management, bad governance and so on.

According to the December 2010 Report of the International Crisis Group[304], economic declines and absence of employment opportunities, the political manipulation of religion and ethnicity and disputes between supposed local groups and "settlers" over distribution of public resources and the failure of the state to assure public order, to contribute to dispute settlement and to implement post-conflict peace building measure are some of the factors that have fuelled the increase of ethno-religious conflicts in Nigeria in the last three decades.

[304] International Crisis Group, Northen Nigeria: Background to Conflict, African Report No 168-20 December (2010)